

AMENDED

BIRMINGHAM CITY COMMISSION AGENDA

OCTOBER 12, 2020

MUNICIPAL BUILDING, 151 MARTIN

7:30 P.M.

VIRTUAL MEETING

MEETING ID: 655 079 760

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Pierre Boutros, Mayor

II. ROLL CALL

Alexandria Bingham, City Clerk Designee

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

ANNOUNCEMENTS:

- The Clerk's office would like to remind voters to turn in an absentee ballot application if they wish to vote by mail for the November 3, 2020 General Election. Return your absentee ballot to the clerk's office as soon as possible via drop box or mail, return postage for absentee ballots has been covered by the city for this election. To review your specific voting information and preview your ballot visit mi.gov/vote. The online and mail voter registration deadline is October 19th. After October 19th new voters must register in person at the clerk's office.

APPOINTMENTS:

A. Board of Zoning Appeals

1. Kevin Hart
2. Jason Canvasser
3. Richard M. Lilley
4. Jerry Attia
5. Ron Reddy

To appoint _____ as a regular member to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2023.

To appoint _____ as a regular member to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2023.

To appoint _____ as a regular member to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2023.

To appoint _____ as an alternate member to the Board of Zoning Appeals to serve the remainder of a three-year term to expired 2/17/2023.

To appoint _____ as an alternate member to the Board of Zoning Appeals to serve the remainder of a three-year term to expired 2/17/2023.

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

V. CONSENT AGENDA

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

- A. Resolution approving the City Commission meeting minutes of September 21, 2020.
- B. Resolution approving the warrant list, including Automated Clearing House payments, dated September 23, 2020 in the amount of \$2,500,184.98.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated September 30, 2020 in the amount of \$1,179,039.25.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated October 7, 2020 in the amount of \$652,087.32.
- E. Resolution approving the appointment of election inspectors, absentee voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the November 3, 2020 State General Election pursuant to MCL 168.674(1) and to grant the City Clerk authority to make emergency appointments of qualified candidates should circumstances warrant to maintain adequate staffing in the various precincts, counting boards and receiving boards.
- F. Resolution approving \$19,760 in Municipal Credits and \$19,416 in Community Credits from fiscal year 2021 to Next in support of their specialized transportation program; to approve \$11,000 in Community Credits from fiscal year 2021 to purchase and install a bus shelter (location to be determined); and further to direct the Mayor to sign the Municipal Credit and Community Credit contract for fiscal year 2021 on behalf of the City.
- G. Resolution authorizing the City Manager to cast a vote, on the City's behalf, for the four candidates for the Michigan Municipal League Liability and Property Pool Board of Directors for three-year terms, beginning January 1, 2021.
- H. Resolution approving the purchase and planting of one-hundred (100) trees from KLM Landscape for the Fall 2020 Tree Purchase and Planting Project for a total project cost not to exceed \$45,865.00. 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.

- I. Resolution setting a public hearing for November 9th, 2020 to consider the proposed lot combination of 34350 Woodward and 907-911 Haynes, parcel # 19-36-281-022 and parcel # 19-36-281-030.
- J. Resolution setting a public hearing date for November 9, 2020 to consider the Special Land Use Permit and Final Site Plan for 768 N. Old Woodward – The French Lady – to allow the operation of a food and drink establishment in the O2 Zoning District.
- K. Resolution approving a special event permit as requested by the Lutheran Church of the Redeemer to display the Christmas Nativity in Shain Park beginning November 24th-December 31st, 2020 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.
- L. Resolution authorizing the City Manager to sign the agreement with ASTI for the Brownfield Redevelopment Authority.
- M. Resolution approving the purchase of (20) FN15 SRP G2 carbine tactical rifles from Kiesler Police Supply via MiDEAL state contract pricing in the amount of \$19,380.00; further to authorize this budgeted expenditure from account number 101-301.000-734.0000.

VI. UNFINISHED BUSINESS

- A. Resolution accepting the proposal from Nelson Nygaard/Mission North to perform a study of management structures and best practices for managing the City's parking system in the amount of \$17,980.00 and to charge the Automobile Parking Fund Account number 585-538.001-811.0000 for these services, and further, to authorize the Mayor to sign an Addendum to the Agreement with Nelson Nygaard in an acceptable form to the City Attorney for these services.
- B. Resolution to pursue an engagement with _____ to advise the Commission on matters relating to the procurement of legal services as well as the framework and options that should be considered when undertaking an engagement in legal services.

VII. NEW BUSINESS

- A. Public hearing to consider approval of a Revised Final Site Plan and Design and Special Land Use Permit Amendment to allow the expansion of the existing Luxe bistro into the vacant storefront to the south.
 - 1. Resolution to approve the Revised Final Site Plan and Design and Special Land Use Permit Amendment to allow the expansion of the existing Luxe bistro into the vacant storefront to the south.

- B. Resolutions adopting and supporting the grant applications made to the Michigan State Historic Preservation Office for the following:
 - 1. A reimbursement grant application for \$15,000 to develop updated historic design guidelines with an emphasis on new and emerging materials; and
 - 2. A reimbursement grant application for \$8,000 to conduct a reconnaissance level survey of the Little San Francisco neighborhood.
- C. City Manager Recruitment Process
- D. Review of Existing Noise Regulations
- E. Commission Discussion on items from prior meeting
 - I. Commissioner Report Requests
 - II. Zoning
- F. Commission Items for Future Discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.
- G. Resolution to meet in closed session to:
 - 1. Discuss an Attorney/Client communication pursuant to Section 8(h) of the Open Meetings Act.

(A roll call vote is required and the vote must be approved by a 2/3 majority of the commission. The commission will adjourn to closed session after all other business has been addressed in open session and reconvene to open session, after the closed session, for purposes of taking formal action resulting from the closed session and for purposes of adjourning the meeting.)

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

- A. Commissioner Reports - Notice of Intent to appoint to Planning Board, Multi-Modal Transportation Board, Birmingham Shopping District, Parks and Recreation Board
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. Memo from Planning Director Jana Ecker in regards to O2 and B2 Zoning Districts

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).



NOTICE OF INTENTION TO APPOINT TO BOARD OF ZONING APPEALS

At the regular meeting of Monday, October 12, 2020 the Birmingham City Commission intends to appoint three regular members to the Board of Zoning Appeals to serve three-year terms to expire October 10, 2023, and two alternate members to serve the remainder of three-year terms to expired 2/17/2023.

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, October 7, 2020. Applications will appear in the public agenda at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

Duties of Board

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

Applicant Name	Criteria/Qualifications Applicants shall be property owners of record and registered voters.
Kevin Hart	Architect
Jason Canvasser	Attorney
Richard Lilley	Business Owner
Jerry Attia	Architect Alternate
Ron Reddy	Alternate

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

SUGGESTED ACTION:

To appoint _____ as a regular member to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2023.

To appoint _____ as a regular member to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2023.

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To appoint _____ as an alternate member to the Board of Zoning Appeals to serve the remainder of a three-year term to expired 2/17/2023.



BOARD OF ZONING APPEALS

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

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

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Attia 1859 Henrietta	George (Jerry)	202-744-2569 <i>jerry.attia@gmail.com</i>	9/16/2019 Architect Alternate	2/17/2020
Canvasser 369 Kimberly	Jason	(248) 231-9972 <i>jcanvasser@clarkhill.com</i>	7/9/2018 Attorney	10/10/2020
Hart 2051 Villa	Kevin	(248) 4967363 <i>khartassociates@aol.com</i>	2/27/2012 Architect	10/10/2020
Lilley 648 Cherry Ct.	Richard	248-594-6737 <i>dicklilley@icloud.com</i>	9/6/2018 Business owner	10/10/2020
Lillie 496 S. Glenhurst	Charles	(248) 642-6881 <i>lilliecc@sbcglobal.net</i>	1/9/1984 Attorney	10/10/2022
Miller 544 Brookside	John	(248) 703-9384 <i>feymiller@comcast.net</i>	1/23/2012 Architect	10/10/2021

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Morganroth 631 Ann	Erik	(248) 762-9822 <i>emorganroth@comcast.net</i>	10/12/2015 Real Estate/Builder	10/10/2021
Reddy 763 Wallace	Ron	313-820-7491 <i>ron.reddy01@gmail.com</i>	2/11/2019 Alternate	2/17/2020
Rodriguez 333 Pilgrim	Francis	248-631-7933 <i>francis@korolaw.com</i>	12/10/2018 Attorney	10/10/2022

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Board of Zoning Appeals

Year: 2020

Members Required for Quorum: 4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Lillie, Charles	A	A	P	P	P	P	A	P	P						6	3	67%
Miller, John	P	P	P	A	A	P	P	P	P						7	2	78%
Hart, Kevin	A	P	P	P	A	A	A	P	A						4	5	44%
Morganroth, Erik	P	P	P	P	P	P	P	P	P						9	0	100%
Canvasser, Jason	P	P	P	P	P	P	P	P	A						8	1	89%
Rodriguez, Francis	P	P	A	P	P	A	P	A	P						6	3	67%
Lilley, Richard	P	A	A	P	P	P	P	P	P						7	2	78%
Reserved															0	0	#DIV/0!
Reserved															0	0	#DIV/0!
ALTERNATES																	
Reddy, Ron	P	P	P	P	P	P	P	P	P						9	0	100%
Attia, Jerry	P	A	A	A	A	A	A	A	A						1	8	11%
Reserved															0	0	#DIV/0!
Reserved															0	0	#DIV/0!
Present or Available	7	6	6	7	6	6	6	7	6	0	0	0	0	0			

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



Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Board of Zoning Appeals

Year: 2019

Members Required for Quorum: 4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Lillie, Charles	A	A	P	A	P	P	P	P	P	A	P	P	NM	NM	8	4	67%
Judd, Randy	P	P	P	P	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	4	0	100%
Miller, John	P	A	P	P	P	P	P	A	P	P	P	A	NM	NM	9	3	75%
Hart, Kevin	P	P	P	P	P	A	P	P	P	P	P	P	NM	NM	11	1	92%
Morganroth, Eric	P	P	P	P	P	P	P	P	P	P	P	A	NM	NM	11	1	92%
Canvasser, Jason	P	A	P	P	P	P	P	P	A	P	P	P	NM	NM	10	2	83%
Rodriguez, Francis	P	P	P	P	A	P	P	P	P	P	P	P	NM	NA	11	1	92%
Lilley, Richard	NA	NA	NA	NA	NA	P	P	P	P	P	P	P	NM	NM	7	0	100%
Reserved															0	0	#DIV/0!
ALTERNATES																	
Lilley, Richard	P	A	A	P	P	NA	NA	NA	NA	NA	NA	NA	NA	NA	3	2	60%
Reddy, Ron	NA	P	A	A	P	P	P	P	P	P	P	A	NM	NM	8	3	73%
Attia, Jerry	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	P	NA	NA	3	0	100%
Reserved															0	0	#DIV/0!
Present or Available	7	5	7	7	7	7	8	7	7	8	9	6	0	0			

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 Department Head Signature

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **BOARD OF ZONING APPEALS**

Year: **2018**

Members Required for Quorum: **4**

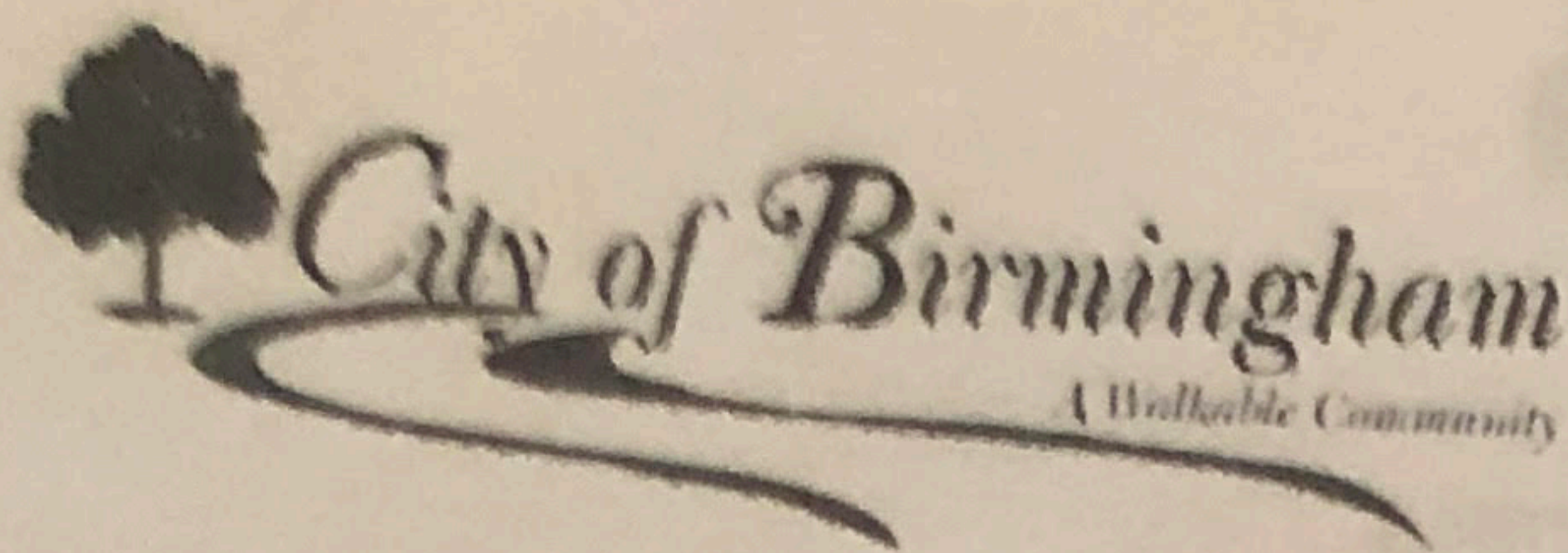
MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
MEMBERS																	
Lilie, Charles	A	A	P	A	P	A	A	P	P	A	P	P	NM	NM	6	6	50%
Judd, Randy	P	P	P	P	P	A	P	P	P	P	P	P	NM	NM	11	1	92%
Lyon, Peter	P	P	P	P	P	NA	NA	NA	NA	NA	NA	NA	NM	NM	5	0	100%
Jones, Jefferey	P	P	P	P	P	P	P	P	A	NA	NA	NA	NM	NM	8	1	89%
Miller, John	P	P	A	A	P	P	A	P	P	P	P	A	NM	NM	8	4	67%
Hart, Kevin	P	P	P	P	P	P	P	P	A	P	P	P	NM	NM	11	1	92%
Morganroth, Erik	P	P	P	P	P	P	P	A	P	P	P	P	NM	NM	11	1	92%
Canvasser, Jason	NA	NA	NA	NA	NA	NA	P	P	P	P	P	P	NM	NM	6	0	100%
Francis N. Rodriguez	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P			1	0	100%
ALTERNATES																	
Canvasser, Jason	P	P	P	P	P	P	NA	NA	NA	NA	NA	NA	NM	NM	6	0	100%
Francis N. Rodriguez	NA	P	P	P	A	P	A	P	P	A	P	NA	NM	NM	7	3	70%
Lilley, Richard	NA	NA	NA	NA	NA	NA	NA	NA	P	P	P	P	NM	NM	4	0	100%
Reserved															0	0	#DIV/0!
Present or Available	7	8	8	7	8	6	5	7	7	6	8	7	0	0			

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Department Head Signature



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

APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest The City of Birmingham Board of Zoning Appeals

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

Name Kevin D. Hart

Phone 248-496-7363

Residential Address 2051 Villa Road

Email * khartassociates@aol.com

Residential City, Zip Birmingham 48009

Length of Residence 28 years

Business Address 700 East Maple, #101

Occupation Architect

Business City, Zip Birmingham, MI 48009

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

I was born and raised in Birmingham. I have raised three children in this city and have operated an Architecture firm in Birmingham since 1992. I want to continue to serve the community.

List your related employment experience I have been in the design and construction industry for over 40 years. I am a licensed architect in 11 states.

List your related community activities I have been a member of the City of Birmingham Board of Zoning Appeals since 2012. I was the Freshman Football Coach at Brother Rice High School for nine years. I am an active member of the American Institute of Architects.

List your related educational experience I have a degree in Architectural Engineering from the University of Notre Dame.

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

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

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

Kevin D. Hart September 23, 2020

Signature of Applicant

Date

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

*By providing your email to the City, you agree to receive news & notifications from the City. If you do not wish to

Updated 12/02/19



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

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(Please print clearly)

Board/Committee of Interest Board of Zoning Appeals

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

Name Jason Canvasser

Phone 248-231-9972

Residential Address 369 Kimberly

Email * jcanvasser@clarkhill.com

Residential City, Zip Birmingham, MI 48009

Length of Residence 9 years

Business Address 500 Woodward Ave., Suite 3500,

Occupation Attorney

Business City, Zip Detroit, MI 48226

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied In my legal practice, I routinely help my clients navigate complex zoning issues.

As a resident of Birmingham, I am interested in continuing to use that knowledge to help regulate land use.

List your related employment experience Clark Hill PLC, 2012-present

List your related community activities Current BZA member (2015-present); Board of Directors for the Birmingham Bloomfield Chamber of Commerce (January 2020-present); Member of the QLNA Association

List your related educational experience 2003 University of Michigan, Ann Arbor graduate with a BA in political science; 2006 Wayne State University Law School graduate.

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

No.

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

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

Jason Canvasser

Digitally signed by: Jason Canvasser
DN: CN = Jason Canvasser, email = jcanvasser@clarkhill.com C =
AD
Date: 2020.10.06 22:17:54 -0400

Signature of Applicant

Date

10/6/2020

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

Updated 12/02/19

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

APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest BZA
Specific Category/Vacancy on Board RENEW APPOINTMENT (see back of this form for information)
Name RICHARD M. LILLEY Phone 248 694 6737
Residential Address 648 CHERRY CT Email DICKLILLEY@ICLOUD.COM
Residential City, Zip B-HAM 48009 Length of Residence 60 YRS
Business Address SAME Occupation SEMI RETIRED
Business City, Zip _____

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied _____
CONTINUE MY CONTRIBUTIONS TO THE BOARD AND ENHANCE
MY KNOWLEDGE OF ZONING ORDINANCES AND APPLICATIONS

List your related employment experience _____

List your related community activities ALLEN HOUSE BOARD (BEFORE HISTORIC SOCIETY)
BSD DREAM CRUISE COMMITTEE (20 YRS)

List your related educational experience _____

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

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

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

Richard M. Lilley
Signature of Applicant

9/23/20
Date



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

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(Please print clearly)

Board/Committee of Interest BZA

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

Name G Jerry Attia Phone 2027442569

Residential Address 1859 Henrietta Email *jerry.attia@gmail.com

Residential City, Zip Birmingham, MI 48009 Length of Residence 4 years

Business Address _____ Occupation Architect

Business City, Zip _____

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

List your related employment experience _____

List your related community activities _____

List your related educational experience _____

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

Do you currently have a relative serving on the board/committee to which you have applied? _____

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

Attia, Jerry

Digitally signed by Attia, Jerry
DN: cn="Attia, Jerry", ou=US, ou=AMER,
ou=ECOMUsers, DC=na, DC=ecocom, DC=com
Reason: I am approving this document
Date: 2020.10.06 10:51:19-04'00'

Signature of Applicant

Date

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to carft@bhamgov.org or by fax to 248.530.1080. Updated 12/02/19

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

APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest BOARD ZONING APPEALS

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

Name RON REDDY Phone 313 820 7491

Residential Address 763 WALLACE Email * RON.REDDY@GMAIL

Residential City, Zip B'ham 48009 Length of Residence 2 1/2 YEARS

Business Address _____ Occupation RETIRED

Business City, Zip _____

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

I'VE BEEN AN ALTERNATE BZA MEMBER SINCE OCTOBER 2018. I WAS ^{RECD} CHAIR OF BLOOMFIELD HILLS BZA FOR THREE YEARS

List your related employment experience RETIRED LAW ENFORCEMENT OFFICER

List your related community activities BOARD OF COMMISSIONERS AT DETROIT CRIME COMMISSION

List your related educational experience BSEE; MPA

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

NO

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

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

Signature of Applicant

Date

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to carft@bhamgov.org or by fax to 248.530.1080. Updated 12/02/19

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

BIRMINGHAM CITY COMMISSION VIRTUAL MEETING
SEPTEMBER 21, 2020
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.
VIRTUAL MEETING
MEETING ID: 655 079 760

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

Alexandria Bingham, City Clerk Designee, called the roll.

PRESENT: Mayor Boutros
Mayor Pro-Tem Longe
Commissioner Baller
Commissioner Hoff
Commissioner Host
Commissioner Nickita
ABSENT: Commissioner Sherman

Administration: City Manager Valentine, Planning Director Ecker, Assistant City Engineer Fletcher, Human Resource Manager Myers, Management Intern Fairbairn, Commander Grewe, CityClerk Designee Birnham.

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

ANNOUNCEMENTS:

- The Clerk's office would like to remind voters to turn in an absentee ballot application if they wish to vote by mail for the November 3, 2020 General Election. The Clerk's office will begin mailing ballots to voters by the end of September. To review your specific voting information and preview your ballot visit mi.gov/vote. A new drop box will be installed soon near the police driveway gate on the Henrietta side of City Hall, stay tuned for more information!
- The Birmingham Museum will be featuring an outdoor pop-up exhibit this Friday the 25th from 1 to 4 PM in the plaza at 556 W. Maple Rd. Historical artifacts of Birmingham women who achieved many local political 'firsts' will be presented with a National Archives display on the nationwide suffrage movement. The exhibit is free to the public; masks and social distancing will be required for close examination of the artifacts and conversation with museum staff.
- The City would like to thank Jane McKee for her 20 years of service to Birmingham on the Martha Baldwin Park Board.

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

V. CONSENT AGENDA

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

09-180-20 CONSENT AGENDA

The following items were pulled from the Consent Agenda:

Mayor Pro-Tem Longe: Item A – City Commission Meeting Minutes September 14, 2020

Commissioner Hoff: Item G – 2020 Sewer Lining Program

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

To approve the Consent Agenda with the exception of Items A and G.

ROLL CALL VOTE: Ayes, Commissioner Hoff
Commissioner Nickita
Mayor Pro-Tem Longe
Commissioner Baller
Commissioner Host
Mayor Boutros
Nays, None
Absent, Commissioner Sherman

- B. Resolution approving the warrant list, including Automated Clearing House payments, dated September 16, 2020 in the amount of \$34,821,587.94.
- C. Resolution authorizing the City's compliance with the provisions of State of Michigan Public Act 152 of 2011, by exercising the City's option to exempt itself from the requirements of the Act; and further, to direct the Assistant City Engineer and Finance Director to sign and submit the required form to MDOT.
- D. Resolution approving the addendum to the Axon Enterprise, Inc. contract dated July 9, 2018 for the purchase of (14) Taser X-2 conducted electrical weapons in the amount of \$24,346.00; further to waive competitive bidding requirements as Axon Enterprises, Inc. is the manufacturer and a sole source vendor for this equipment; further to authorize the Mayor and City Clerk to sign the addendum on behalf of the city; further to authorize this budgeted expenditure from account number 101-301.000-734.0000.
- E. Resolution approving the proposal from Cabinet One Inc. to complete the police department front counter COVID-19/Security upgrade project in an amount of \$23,500.00; further to circumvent normal purchasing procedures and waive competitive bidding requirements due to protect the health and welfare of the public and staff due to the COVID-19 pandemic; further to charge this COVID-19 emergency expenditure to account #101-301.000-977.0000 pending receipt of any grant funding receipts offsetting this expenditure.
- F. Resolution approving the purchase of (17) Motorola APX6000 portable radios and (2) Motorola APX6500 mobile radios with required accessories from Motorola Solutions in the amount of \$120,664.50 from the State of Michigan MiDeal purchasing contract number 190000001544; further to authorize these budgeted expenditures from account numbers

101-301.000.971.0100 in the amount of \$71,638.80 and 585-305.000-971.0100 in the amount of \$49,025.70.

- H. Resolution confirming the City Manager's authorization for the emergency expenditure regarding the replacement of two (2) the lead water services within the Maple Road project area in the amount not to exceed \$17,965.00 to be paid to D'Angelo Brothers Inc. from the Water Fund account #591-537.004-981.0100, pursuant to Sec. 2-286 of the City Code.
- I. Resolution confirming the City Manager's authorization for the emergency expenditure regarding the repair to a twelve (12) inch water main break and associated road repairs at Adams and Maple Road in the amount not to exceed \$15,783.10 to be paid to D'Angelo Brothers Inc. from the Water Fund account #591-537.004-981.0100 and in the amount not to exceed \$40,894.02 to be paid to Asphalt Specialists, Inc., pursuant to Sec. 2-286 of the City Code.

09-181-20 (ITEM A) CITY COMMISSION MEETING MINUTES OF SEPTEMBER 14, 2020

Mayor Pro-Tem Longe pulled this item from consent to make the following corrections:

- Page 11, Legal Services, Second Paragraph, Line 1, should read 1956 Agreement.
- Page 14, Ordinances, Third Paragraph, Line 2, replace "Set Backs and Noise" with "Heights and Setbacks".

MOTION: Motion by Mayor Pro-Tem Longe, seconded by Commissioner Host:
To approve the City Commission meeting minutes of September 14, 2020 as amended.

Public Comment

David Bloom, resident, asked that his suggested corrections from last week's meeting be entered into the record.

ROLL CALL VOTE:	Ayes,	Mayor Pro-Tem Longe Commissioner Host Commissioner Baller Commissioner Hoff Commissioner Nickita Mayor Boutros
	Nays,	None
	Absent	Commissioner Sherman

09-182-20 (ITEM G) SEWER LINING PROGRAM

Commissioner Hoff pulled this item from Consent to ask the following:

- Who did the work in 2017 and 2019 and did they submit a bid on this work?
- Why would the City allocate monies for this project in advance of receiving all of the easements?
- What is the holding up the process of acquiring the easements?

Interim City Engineer Fletcher addressed Commissioner Hoff's questions as follows:

- Lanzo Trenchless Technologies performed the service in 2017, and Bidigare Contractors, Inc. in 2019, neither companies submitted a bid for this contract.
- The City requested the allocation to be in position to proceed when the easements are granted.
- Seven segments are held up due to the lack of response from the property owners.

Commissioner Host commented that it is his understanding that the sewer liners are guaranteed for 50 years, and expressed that it is a great deal for the City, especially Quarton Lake Estates.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Host:
To award the 2020 Sewer Lining Program – Contract #4-20(S) to Granite Inliner, LLC, in the amount of \$764,031.00, to be funded from account number 590-536.001-981.0200 and further; to approve the appropriation and amendment to the fiscal year 2020-2021 Sewer Fund budget as follows:

Sewer Fund

Revenues:

590-000.000-400.0000	Draw from Net Position	<u>\$264,031</u>
Total Revenue		<u>\$264,031</u>

Expenses:

590-536.001-981.0200	Sewer Improvements	<u>\$264,031</u>
Total Expenses		<u>\$264,031</u>

Contingent upon the execution of the agreement and meeting all insurance requirements.

ROLL CALL VOTE:	Ayes,	Commissioner Hoff Commissioner Host Commissioner Nickita Mayor Pro-Tem Longe Commissioner Baller Mayor Boutros
	Nays,	None
	Absent	Commissioner Sherman

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

09-183-20 REQUEST TO MEET IN CLOSED SESSION IN ACCORDANCE WITH SECTION 8(C) OF THE OPEN MEETINGS ACT.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Nickita:
To meet in closed session to discuss labor negotiations in accordance with Section 8(c) of the Open Meetings Act.

ROLL CALL VOTE:	Ayes,	Commissioner Hoff Commissioner Nickita Commissioner Host Mayor Pro-Tem Longe Commissioner Baller Mayor Boutros
	Nays,	None
	Absent	Commissioner Sherman

The City Commission convened to Closed Session at 7:47 p.m.

Mayor Boutros reconvened the meeting at 7:58 p.m.

09-184-20 SETTLEMENT AGREEMENT BETWEEN THE CITY AND BPOA/POAM

Human Resource Manager Myers presented this item.

- Includes a joint statement on Social Injustice, it is the first such statement in a contract for the Police Officers Association of Michigan, and possibly be the first in any Police Contract in the State of Michigan. It reads as follows:

"The parties affirm that racism, bigotry, prejudice, and social intolerance have no place in our society or in the law enforcement profession. To earn and maintain the trust of the entire community, which is a necessary and basic prerequisite for policing, law enforcement must continue to consistently hold itself to the highest standards of ethical conduct and take action when those standards are not met. Police misconduct will not be tolerated and the parties pledge to work together to minimize the potential for misconduct through appropriate training, reviews and communications of policy, adoption of best practices, and the commitment to an ongoing dialogue to insure the principles of social justice, fairness, respect, transparency, dignity, and security for all remain in the forefront of departmental culture and community engagement."

MOTION:

Motion by Commissioner Hoff, seconded by Mayor Pro-Tem Longe:

To approve the settlement agreement of September 4, 2020 between the City and BPOA/POAM for a renewal of the collective bargaining agreement through June 30, 2022. Further, to authorize the transfer of the appropriate funds by the Finance Department for the contract effective July 1, 2019.

Commissioner Hoff complimented City Manager Valentine, Human Resource Manager Myers, and the Police Officers involved in including this statement. She noted the statement is significant.

ROLL CALL VOTE:	Ayes,	Commissioner Hoff Mayor Pro-Tem Longe Commissioner Nickita Commissioner Baller Commissioner Host Mayor Boutros
	Nays,	None
	Absent	Commissioner Sherman

09-185-20 HUMAN RESOURCES DEPARTMENT COMPENSATION RECCOMENDATIONS

Human Resource Manager Myers presented this item.

Public Comment

David Bloom, resident, commented that at Ford the merit and performance increases were postponed for 6 months due to COVID; with the revenue issues in Birmingham, he asked is it necessary to implement this action now.

Motion:

Motion by Commissioner Nickita, seconded by Commissioner Hoff:

To approve the recommendation by the Human Resources Department to implement a 2% salary table adjustment and in-range adjustments based upon performance for full-time and part-time

employees in the Department Head and Administrative/Management classifications effective July 1, 2020.

AND

To approve the recommendation by the Human Resources Department to implement the 2% performance increment through June 30, 2021 with individual eligibility to be determined in accordance with the merit increase guidelines.

AND

To approve the additional employee health care cost sharing measures, effective January 1, 2021, to increase the generic drug employee co-pay to \$25 and to eliminate coverage of proton pump inhibitors that are available over-the-counter, unless the physician deems the medication to be medically necessary.

AND

To approve the transfer of the necessary funds by the Finance Department to the respective departmental personnel accounts.

ROLL CALL VOTE:	Ayes,	Commissioner Nickita Commissioner Hoff Mayor Pro-Tem Longe Commissioner Baller Commissioner Host Mayor Boutros
	Nays,	None
	Absent	Commissioner Sherman

09-186-20 PUBLIC ENGAGEMENT PLATFORMS

Management Intern Fairbairn evaluated and reported on five available platforms used by other Cities for public engagement:

- Bang the Table
- Place Speak
- CitizenLab
- Thought Exchange
- Metro Quest

Planning Director Ecker expressed that she has reviewed the evaluated information and is in support of this initiative.

Commissioner Baller asked have other Cities using the platforms been contacted, who in the City manages the platforms, and how long does it take to implement. Management Intern Fairbairn replied that departments would manage on a project basis; noting that other Cities did not hire would take approximately 6-10 weeks from purchase to implementation.

Commissioner Hoff asked if residents have to register and provide personal information for the system to collect demographics. She further wanted to hear from communities, that use this, what did they learn and how did it enhance communications. Management Intern Fairbairn replied that Mercer Island, WA attracted new people to the engagement process.

Commissioner Nickita asked if there was a time commitment for the program. Management Intern Fairbairn suggested that there are flexible options available. Commissioner Nickita also asked if there are reviews available from the end users, and how would the City know if the users are

residents, visitors, workers or even credible. Management Intern Fairbairn confirmed that the software has geofencing capabilities to manage users and restrict the audience.

Planning Director Ecker tested the idea on a younger, teenage demographic and received a positive response.

Mayor Pro-Tem Longe commented that she sees the potential of using an engagement platform and is excited about the possibilities.

Commissioner Host commented that the system sounds public friendly and supports the concept to expand involvement.

Commissioner Hoff would be interested in knowing how the communities, that were studied, communicated with their residents prior to adapting engagement platforms. She also expressed concern that there are no near-by cities using this technology.

Mayor Boutros expressed concern about costs, duplication, control, back-end, and false profiles, but is interested in more details and is supportive of news ways to engage the community.

Mayor Pro-Tem Longe suggested that the Commission direct staff to further investigate Bang the Table.

Commissioner Hoff would like to have a representative from Bang the Table attend a City Commission meeting to address concerns.

City Manager Valentine asked that Commissioners direct additional questions to him and he will make sure when the items returns the answers will be available.

No action taken.

09-187-20 COMMISISON REPORT REQUEST

Commissioner Sherman requested this item; but is travelling and unable to attend this meeting.

Postponed/tabled for a future agenda.

09-188-20 ORDINANCES

Commissioner Host requested this item and would like to discuss the noise problem, and address the fact that no current residential lighting ordinance is in place.

MOTION: Motion by Commissioner Host, seconded by Commissioner Baller:
To direct staff to provide reports on noise ordinances and the parameters for review on the next City Commission agenda.

Commissioner Nickita asked for specifics of the current problem with noise.

Commissioner Host differentiated between commercial noise and residential noise. He cited the City of Ann Arbor in reference to having a strong ordinance for both.

Commissioner Hoff commented on the traffic noise on Woodward Ave., and pointed out that this Commission has addressed the issue. In the absence of legislation from the State, the City has no

control over in this matter. In terms of residential noise, there are restrictions in place, and would like to know the specific problem.

Commissioner Host wants local ordinances that the City could enforce.

Commissioner Baller clarified that the City needs to know what ordinances are in place and what is enforceable.

Mayor Pro-Tem Longe, in reference to the Woodward Dream Cruise, suggested surveying other communities along Woodward to measure their success in regulating the noise and enforcing ordinances.

City Manager Valentine agreed to provide an analysis but pointed out that it would be helpful if a specific problem were identified.

Commissioner Host withdrew the motion and Commissioner Baller withdrew the second.

MOTION: Motion by Commissioner Host, seconded by Commissioner Baller:
To direct staff to provide a report of current noise ordinances and the parameters for review on the next available City Commission agenda.

ROLL CALL VOTE:	Ayes,	Commissioner Host Commissioner Baller Commissioner Nickita Mayor Pro-Tem Longe Commissioner Hoff Mayor Boutros
	Nays,	None
	Absent	Commissioner Sherman

09-189-20 ZONING

Commissioner Nickita requested this item to address a correspondence from Mr. Kevin Denha; and have a discussion of zoning of O and B properties. Should they be upgraded to Transitional Zoning?

Planning Director Ecker agreed to research the circumstances surrounding the issue.

City Manager Valentine added that if it is the desire of the Commission, it could be brought back to a future meeting.

Commissioner Host, in response to the correspondence agreed that a discussion is valid.

Commissioner Baller is in favor of inviting Mr. Denha and other property owners in the area to a workshop to discuss the issues.

Mayor Boutros commented that it is a good time to review the zoning in the area of Lincoln and Adams; it has not been done in decades.

MOTION: Motion by Commissioner Nickita, seconded by Mayor Pro-Tem Longe:
To add zoning in the area of Lincoln and Adams to a future agenda for discussion.

Public Comment

David Bloom, resident, aware of the letter advised everyone to review the master plan to understand what is going on in the area. He further requested that notice be made to the residents of the area who may be affected by rezoning.

ROLL CALL VOTE:	Ayes,	Commissioner Nickita Commissioner Pro-Tem Longe Commissioner Baller Commissioner Hoff Commissioner Host Mayor Boutros
	Nays,	None
	Absent	Commissioner Sherman

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

A. Communication from Kevin Denha

X. REPORTS

A. Commissioner Reports

B. Commissioner Comments

1. Mayor Pro-Tem Longe noted how pleased she is with City Clerk Designee Bingham diligence in getting the Agenda Packet to the Commissioners consistently on Thursday.
2. Commissioner Host commented that at some point the Commission should have a discussion on how to separate the water charges from the sewer charges. Residents are complaining about the bills.

C. Advisory Boards, Committees, Commissions' Reports and Agendas

D. Legislation

E. City Staff

1. Police Department Traffic Citation Analysis submitted by Chief Clemence
 - Mayor Pro-Tem Longe commended the department on the work put into this report and asked if the data on race as reported collected by the City. She further asked if there was data pertaining to traffic stops not resulting in citations to understand if the traffic stops are disproportionate. Finally, she noted that not all counties in the area were included.
 - Commander Grewe replied that the data was pulled from the ticket program. The officers enter each citation and race information is pulled from the license. There is no record of the stop or race of the driver in the absence of a citation.
 - Commissioner Baller noted that the City has one black officer out of the 33 officers on staff, and is the Command satisfied with that number.
 - City Manager Valentine commented that attracting a diverse workforce in some areas is a challenge. Efforts are in place to broaden the pool of applicants but there are hurdles in recruiting.
2. Terminating Vistas Recommendations Framework and Goal Timeline submitted by Planning Director Ecker.

- Commissioner Hoff suggested trying to generate private contributions for the enhancement of the City with artwork.
- Barb Heller, Public Arts Board, reported that private contributions are generated for the purpose of bring public art to the City.

INFORMATION ONLY

XI. ADJOURN

Mayor Boutros adjourned at 9:52 p.m.

City of Birmingham
Warrant List Dated 09/23/2020

Meeting of 10/12/2020

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
275429	*	000801	POSTMASTER	1,803.78
275430	*	000855	48TH DISTRICT COURT	500.00
275431	*	000855	48TH DISTRICT COURT	500.00
275432	*	000855	48TH DISTRICT COURT	100.00
275433	*	000855	48TH DISTRICT COURT	327,851.79
275434	*	MISC	ABSTRACT TITLE AGENCY	200.74
275435	*	MISC	ADVANCED EQUITIES LTD	1,198.62
275436	*	007266	AETNA BEHAVIORAL HEALTH LLC	454.48
275437	*	MISC	AHERN & KILL PC	182.03
275438		003708	AIRGAS USA, LLC	236.82
275440		008015	ALL PHASE LOCK AND SAFE	479.00
275442	*	007112	AMERICAN PAINTING LLC	6,645.00
275443	*	MISC	AMSON CUSTOM HOMES LLC	200.00
275444	*	MISC	ANDERSON, TERESA	599.02
275445	*	008977	JOBMATCH LLC DBA APPLICANTPRO	1,366.00
275446	*	006759	AT&T	324.08
275447	*	MISC	AUGUST LLC	2,659.68
275448	*	004027	AUTOMATED BENEFIT SVCS INC	8,869.51
275449		MISC	BABI CONSTRUCTION INC	1,400.00
275451		MISC	BARAN BUILDING CO INC	352.77
275452	*	MISC	BARRINGTON PROPERTIES LLC	171.37
275453	*	MISC	BEST HOMES TITLE AGENCY, LLC	35.09
275454		002231	BILLINGS LAWN EQUIPMENT INC.	83.67
275455	*	001086	JACK TODD-PETTY CASH	1,054.15
275456		MISC	BISON PLUMBING INC	270.31
275457	*	002982	BLOOMFIELD TWP FIRE DEPT	297.03
275458		003526	BOUND TREE MEDICAL, LLC	279.96
275459	*	MISC	BPK FAMILY 2019 TRUST	5,562.29
275460	*	MISC	BROWN, ANNA	487.82
275461	*	006177	BULLSEYE TELECOM INC	126.92
275462	*	008334	DAVID BUTTIGIEG	92.56
275463		MISC	C & L WARD BROS CO	300.00
275464		003907	CADILLAC ASPHALT, LLC	803.01
275465	*	008082	CAMFIL USA INC	150.00
275467		000571	CAR TRUCKING INC	2,400.00
275468		005238	CBTS	3,961.50
275469	*	000444	CDW GOVERNMENT INC	595.73
275470		009137	CGS, INC	3,550.00
275471	*	MISC	CHRONOS SOLUTIONS	1,432.22
275472		007710	CINTAS CORP	420.69
275473		000605	CINTAS CORPORATION	23.86
275473	*	000605	CINTAS CORPORATION	72.43

City of Birmingham
Warrant List Dated 09/23/2020

Meeting of 10/12/2020

Check Number	Early Release	Vendor #	Vendor	Amount
275475		009187	CLEARVIEW CAPTIONING LLC	1,000.00
275476		002234	CMP DISTRIBUTORS INC	180.00
275477	*	004026	COFINITY	1,548.00
275478	*	008955	COMCAST	136.77
275479	*	000627	CONSUMERS ENERGY	1,905.33
275480		008512	COOL THREADS EMBROIDERY	1,459.83
275481		MISC	COUNTRYSIDE CONSTRUCTION COMPANY, I	1,900.00
275482	*	006907	DENTEMAX, LLC	152.10
275483	*	006956	R.L. DEPPMANN COMPANY	2,358.00
275485		008559	DETROIT BATTERY COMPANY LLC	44.95
275486		MISC	DINH, TRANG	5,000.00
275487		009220	DOLAN CONSULTING GROUP LLC	95.00
275488		MISC	DOMENICO BRICK PAVING	200.00
275489	*	000190	DOWNRIVER REFRIGERATION	29.12
275490	*	000180	DTE ENERGY	11,021.37
275491	*	007538	EGANIX, INC.	120.00
275493		MISC	ELLEN SCHUSTER	508.59
275494	*	009100	ENZO WATER SERVICE	1,335.00
275495	*	MISC	ETON OFFICE PROPERTIES LLC	318.12
275496	*	MISC	FARRAR, BRIAN J	851.30
275497		001223	FAST SIGNS	294.00
275498	*	000213	FIRE DEFENSE EQUIP CO INC	75.96
275499	*	007366	FIRST ADVANTAGE OCCUPATIONAL	250.00
275500		007172	GARY KNUREK INC	1,189.19
275501	*	MISC	GLASS, JASON	2,485.82
275502		MISC	GOGONIS, NICHOLAS	1,000.00
275504		008481	HART INTERCIVIC, INC	540.00
275505		MISC	HELLER & ASSOCIATES INC	2,500.00
275506		MISC	HM HOMES LLC	817.18
275507	*	003824	THOMAS I. HUGHES	9.49
275508	*	MISC	JOSEPH, MAY	2,118.22
275509		MISC	KATSARELAS, MAXWELL	1,000.00
275510		MISC	KEENER INVESTMENT ENTERPRISES	3,000.00
275511	*	MISC	KEENER, LISA	791.62
275512	*	MISC	KIMBERLY A ZECMAN LVNG TRUST	40.00
275513	*	009219	JACKSON MANUFACTURERS CO INC	13,319.25
275514	*	MISC	KOZAK, TIMOTHY	509.37
275515		MISC	LIBERMAN, KIRILL	456.77
275517		MISC	LIVE WELL CUSTOM HOMES LLC	637.89
275518		MISC	LSB HOMES, INC.	2,500.00
275519	*	MISC	MARCIA FAST	3,438.34
275520		MISC	MARCINELLI	1,000.00
275521	*	MISC	MARKLEY JR, WILLIAM J	1,000.00

City of Birmingham

Warrant List Dated 09/23/2020

Meeting of 10/12/2020

Check Number	Early Release	Vendor #	Vendor	Amount
275522	*	008763	MARYKO HOSPITALITY, LLC	7,500.00
275523		000972	MCKESSON MEDICAL-SURGICAL	986.09
275524		MISC	MERRILLWOOD COLLECTION	200.00
275525		009200	MICHAEL MORRISON	700.00
275526	*	007394	MICHIGAN URBAN SEARCH & RESCUE	1,625.00
275527	*	007659	MICHIGAN.COM #1008	65.00
275529		000230	MIKE SAVOIE CHEVROLET INC	96.04
275530		MISC	MILLCREEK CONSTRUCTION MGMT CO	1,400.00
275531		007163	MOBILE HEALTH RESOURCES	2,295.06
275532	*	MISC	MOISEEV, IGOR	613.36
275533	*	MISC	MUFTARI, MURAT	762.73
275536	*	001194	NELSON BROTHERS SEWER	210.00
275537	*	007755	NETWORK SERVICES COMPANY	30.39
275538	*	000477	OAKLAND COUNTY	352,890.37
275539	*	003461	OBSERVER & ECCENTRIC	854.32
275540	*	004370	OCCUPATIONAL HEALTH CENTERS	527.00
275541	*	000481	OFFICE DEPOT INC	560.03
275542	*	MISC	PAUL DALLAS	61.62
275543		MISC	PERCEFULL, MARSHA	1,000.00
275544	*	000486	PLANTE & MORAN PLLC	17,147.80
275545	*	007336	REVIZE LLC	740.00
275546	*	002806	SAM'S CLUB/SYNCHRONY BANK	32.24
275547	*	MISC	SANDRA A HUMENNY	809.20
275548	*	MISC	SCAVO, GENEVIEVE	546.08
275549	*	MISC	SCHARG, LINDSEY	1,788.09
275550	*	006590	SECURE DOOR, LLC	995.50
275551	*	004202	SHRED-IT USA	925.76
275552	*	009143	MICHAEL SHUKWIT	200.00
275553		MISC	SMOLYANOV CONSTRUCTION CO	100.00
275554		MISC	SMOLYANOV HOME IMPROVMENT	100.00
275555	*	008396	REBEKAH SPRINGER	132.25
275556		002809	STATE OF MICHIGAN	203.61
275557	*	005375	STEPPIN OUT	40.58
275559	*	004355	SYMETRA LIFE INSURANCE COMPANY	28,752.69
275560		MISC	TG HOMES LLC	8.59
275561		MISC	THOMPSON, JOHN R	1,000.00
275562		MISC	THORNTON GROOMS INC.	900.00
275563		MISC	THREE C'S LANDSCAPING	1,750.00
275564		000275	TIRE WHOLESALERS CO INC	355.08
275565		008585	TODD WENZEL BUICK GMC	32,549.00
275566	*	009177	VANDYKE HORN PUBLIC RELATIONS LLC	11,500.00
275567		000931	VARSITY SHOP	52.40
275568	*	000158	VERIZON WIRELESS	78.16

City of Birmingham
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Check Number	Early Release	Vendor #	Vendor	Amount
275569	*	000158	VERIZON WIRELESS	49.23
275570	*	000158	VERIZON WIRELESS	493.27
275571	*	MISC	VILDERS,ELLIOT R	5,110.73
275572	*	MISC	WEBBER, KRISTIN	1,689.49
275574		MISC	WILLIAM PALCZEWSKI	200.00
275575	*	005794	WINDSTREAM	873.21
275576		009128	WITMER PUBLIC SAFETY GROUP INC	49.49
275577	*	MISC	WOHLFIEL, ERIC C	2,025.37
275578	*	003890	LAUREN WOOD	525.00
275579	*	008391	XEROX CORPORATION	284.13
275580	*	MISC	ZACK, MARGARET A	1,188.64
SUBTOTAL PAPER CHECK				\$932,803.11
<u>ACH TRANSACTION</u>				
2856	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	55,543.36
2858	*	000517	BEIER HOWLETT P.C.	41,880.25
2859	*	007345	BEVERLY HILLS ACE	20.20
2860		006683	BIRMINGHAM LAWN MAINTENANCE	22,980.00
2861		008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	539,357.80
2862		009195	CROWN CASTLE FIBER LLC	652.65
2864	*	009181	DELTA TEMP SERVICES INC	4,161.86
2865	*	007359	DETROIT CHEMICAL & PAPER SUPPLY	2,283.75
2866	*	000565	DORNBOS SIGN & SAFETY INC	507.80
2867	*	001230	FIRE SYSTEMS OF MICHIGAN LLC	266.00
2868	*	000592	GAYLORD BROS., INC	25.64
2870		000331	HUBBELL ROTH & CLARK INC	6,575.00
2871	*	002407	J & B MEDICAL SUPPLY	7,205.00
2872		000261	J.H. HART URBAN FORESTRY	7,969.50
2872	*	000261	J.H. HART URBAN FORESTRY	774.00
2873	*	003458	JOE'S AUTO PARTS, INC.	97.23
2874		000155	JOHNSON CONTROLS SECURITY SOLUTIONS	350.76
2876	*	000891	KELLER THOMA	1,613.50
2877	*	007856	NEXT	700.00
2878	*	006359	NYE UNIFORM COMPANY	106.50
2879		008843	OAKLAND COUNTY TREASURER- TAX PYMNT	871,458.11
2880	*	000897	PRINTING SYSTEMS INC	1,759.96
2881	*	001181	ROSE PEST SOLUTIONS	200.00
2882	*	003785	SIGNS-N-DESIGNS INC	168.00
2883	*	004692	TRANSPARENT WINDOW CLEANING	500.00
2884	*	004320	TRI-COUNTY POWER RODDING, INC	225.00
SUBTOTAL ACH TRANSACTION				\$1,567,381.87

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GRAND TOTAL				\$2,500,184.98

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



Mark Gerber
Finance Director/ Treasurer

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

City of Birmingham

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Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
275581	*	006965	7UP DETROIT	141.30
275583		008106	ACUSHNET COMPANY	1,697.50
275584		000394	AERO FILTER INC	1,150.00
275585		003708	AIRGAS USA, LLC	54.56
275586		MISC	ALEX LINKE	137.56
275587		MISC	ASI SIGNAGE INNOVATIONS	200.00
275588	*	006759	AT&T	168.54
275589	*	006759	AT&T	198.54
275590	*	006759	AT&T	105.39
275591	*	006759	AT&T	105.39
275592	*	006759	AT&T	292.32
275593	*	007216	AT&T	96.59
275594	*	003703	AT&T MOBILITY	142.74
275597		MISC	BCM HOME IMPROVEMENT	100.00
275598		003526	BOUND TREE MEDICAL, LLC	852.36
275599	*	006953	JACQUELYN BRITO	213.68
275600		MISC	BRUTTELL ROOFING INC	100.00
275601		003907	CADILLAC ASPHALT, LLC	500.58
275602		MISC	CALCATERRA, JOSEPH A	100.00
275603		009078	CANON SOLUTIONS AMERICA INC	172.44
275604		007732	CAPITAL TIRE, INC.	1,143.45
275606		000605	CINTAS CORPORATION	251.87
275607	*	008006	CLEAR RATE COMMUNICATIONS, INC	1,391.00
275608	*	008955	COMCAST	329.10
275609		MISC	COMET SERVICES, LLC	1,000.00
275610		MISC	CONCRETE SERVICES INC	100.00
275611	*	000627	CONSUMERS ENERGY	57.81
275612		009207	D'ANGELO BROTHERS INC	33,748.10
275613		008005	DE LAGE LANDEN FINANCIAL SVCS INC	86.74
275614		000233	DEAN SELLERS	620.28
275616	*	000179	DTE ENERGY	23.26
275617		002375	DUANY PLATER-ZYBERK & CO.	12,112.50
275618		000493	ED RINKE CHEVROLET BUICK GMC	818.68
275619		004671	ELDER FORD	853.73
275620		001495	ETNA SUPPLY	2,310.00
275621		MISC	FOUNDATION SYSTEMS OF MICHIGAN INC.	200.00
275622		007172	GARY KNUREK INC	604.21
275623		006384	GEOGRAPHIC INFORMATION SERVICES, IN	441.05
275624		MISC	GGA SERVICES LLC	1,000.00
275625	*	004604	GORDON FOOD	1,766.36
275627		000249	GUARDIAN ALARM	246.80
275628		006346	HARRELL'S LLC	1,156.88

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275629	*	001956	HOME DEPOT CREDIT SERVICES	3,825.76
275631		MISC	HOUSE MEND	100.00
275632		000342	IBS OF SE MICHIGAN	142.95
275633		000340	INDUSTRIAL BROOM SERVICE, LLC	625.70
275634	*	MISC	JAMES M RODNEY LIVING TRUST	12,663.81
275635		000347	JOHN R. SPRING & TIRE CENTER INC.	247.59
275636		007423	K/E ELECTRIC SUPPLY	178.20
275637		008553	L.G.K. BUILDING, INC	3,825.00
275638	*	MISC	LADY JANES	26,833.20
275640		MISC	MANZANO, JORGE L	200.00
275641	*	MISC	MARIA J. BAYLIS	74.82
275642		MISC	MCGUIRE ELECTRIC INC	63.75
275643		000972	MCKESSON MEDICAL-SURGICAL	43.81
275644		MISC	MEGAN G. LIROFF	100.00
275645		008207	METAL MART U.S.A.	499.26
275646		MISC	MICHIGAN ASPHALT PAVING	100.00
275647	*	002022	MICHIGAN ASSN. OF FIRE CHIEFS	125.00
275649		MISC	MR. ROOF HOLDING CO., LLC	100.00
275651	*	009008	NEW TECH BENCH OF BIRMINGHAM LLC	150.00
275652		008687	NORTH BREATHING AIR, LLC	53.00
275653	*	MISC	NOSSONAL KLEINFELDT TRUST	3,802.77
275654		004110	OAKLAND COMMUNITY COLLEGE	385.00
275655	*	000481	OFFICE DEPOT INC	315.76
275656		008669	OHM ADVISORS INC	1,197.50
275657		MISC	OLESNAVICH TRUSTEE, MICHAEL ANDREW	100.00
275658		MISC	PERSPECTIVES CUSTOM CABINETRY INC	200.00
275659		001341	PIFER GOLF CARS INC	11,700.00
275660	*	000801	POSTMASTER	1,976.04
275661		MISC	PRM CUSTOM BUILDERS LLC	2,500.00
275662		007170	PRO PUMP CONTROLS INC	771.25
275663	*	008342	RAIN MASTER CONTROL SYSTEMS	29.85
275664	*	005344	RESERVE ACCOUNT	8,000.00
275665		002566	REYNOLDS WATER	211.75
275666		MISC	ROOF ONE LLC	100.00
275667	*	MISC	SAFELITE AUTO GLASS	98.43
275668		007697	SAVE THE MOMENT	82.00
275670	*	007114	SHERWIN WILLIAMS COMPANY	92.90
275671		008815	SHI INTERNATIONAL CORP.	1,644.00
275672	*	002871	SIR SPEEDY PRINTING INC	1,977.29
275673		MISC	SMOLYANOV HOME IMPROVMENT	100.00
275674	*	007907	SP+ CORPORATION	40,049.19
275675	*	007907	SP+ CORPORATION	68,555.20
275676		009216	SPARTAN ARMOR SYSTEMS	5,439.86

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275677		000260	SPARTAN DISTRIBUTORS INC	34.39
275678		MISC	STADLER PLBG HTG INC	30.00
275679		001104	STATE OF MICHIGAN	540,082.23
275680		000256	SUBURBAN BUICK GMC INC	1,672.83
275681		005863	SUCCESS COMMUNICATIONS, INC.	797.00
275682		006749	SUPERIOR SCAPE, INC	1,550.00
275682	*	006749	SUPERIOR SCAPE, INC	5,990.00
275683		000286	TARGET SPECIALTY PRODUCTS	854.16
275685		MISC	THOMAS SEBOLD & ASSOCIATES, IN	500.00
275686		MISC	TIMLIN BUILDING & DEV. LLC	200.00
275687	*	MISC	TITLE ONE, INC	6,679.10
275688		008145	TOWN SQUARE PUBLICATIONS	2,295.00
275690		007226	VALLEY CITY LINEN	154.35
275691	*	000158	VERIZON WIRELESS	982.81
275692	*	000158	VERIZON WIRELESS	127.89
275693		006491	VILLAGE AUTOMOTIVE	221.71
275694		MISC	VULMAN, ANTHONY	2,000.00
275695		MISC	WALLSIDE INC	581.25
275696		004497	WATERFORD REGIONAL FIRE DEPT.	179.80
275697	*	MISC	WILLIAM SHATZMAN	665.48
SUBTOTAL PAPER CHECK				\$831,669.95
<u>ACH TRANSACTION</u>				
2885	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	30,583.40
2886	*	002284	ABEL ELECTRONICS INC	209.94
2888		007382	BEACON ATHLETICS	586.00
2889	*	007345	BEVERLY HILLS ACE	41.57
2890		006683	BIRMINGHAM LAWN MAINTENANCE	78.00
2890	*	006683	BIRMINGHAM LAWN MAINTENANCE	570.00
2891	*	000542	BLUE WATER INDUSTRIAL PRODUCTS INC	78.87
2892		007875	CANFIELD EQUIPMENT SERVICE INC.	795.55
2893		006077	DI PONIO CONTRACTING INC	219,890.32
2894	*	000565	DORNBOS SIGN & SAFETY INC	818.43
2895		001230	FIRE SYSTEMS OF MICHIGAN LLC	227.50
2896	*	007314	FLEIS AND VANDENBRINK ENG. INC	4,725.00
2897		000331	HUBBELL ROTH & CLARK INC	7,165.45
2898	*	002407	J & B MEDICAL SUPPLY	492.48
2899	*	007870	J.C. EHRLICH CO. INC.	37.00
2900	*	002576	JAX KAR WASH	303.25
2901	*	003458	JOE'S AUTO PARTS, INC.	585.93
2902		000155	JOHNSON CONTROLS SECURITY SOLUTIONS	2,887.18
2903	*	005876	KROPF MECHANICAL SERVICE COMPANY	4,595.72
2904	*	005550	LEE & ASSOCIATES CO., INC.	354.44
2906	*	006359	NYE UNIFORM COMPANY	904.00

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Check Number	Early Release	Vendor #	Vendor	Amount
2907	*	002767	OSCAR W. LARSON CO.	744.46
2908	*	003554	RKA PETROLEUM	1,955.61
2909	*	001181	ROSE PEST SOLUTIONS	325.00
2910		000254	SOCRRA	68,287.00
2911		000273	TERMINAL SUPPLY CO.	127.20
SUBTOTAL ACH TRANSACTION				\$347,369.30
GRAND TOTAL				\$1,179,039.25

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.

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Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
275698	*	005123	2400 LINCOLN, LLC	29,493.24
275699	*	009046	M. SHAPIRO MANAGEMENT COMPANY LLC	5,994.47
275701	*	000855	48TH DISTRICT COURT	1,000.00
275702	*	000855	48TH DISTRICT COURT	100.00
275703	*	006965	7UP DETROIT	77.50
275704		MISC	A-BETTER EXTERIOR	100.00
275705	*	009224	ABRIAL HAUFF	2,745.74
275706		008872	ACE DOOR COMPANY	240.00
275707		009034	ASPHALT SPECIALISTS INC	40,894.02
275708	*	006759	AT&T	2,097.30
275709		005590	AXON ENTERPRISE, INC.	24,346.00
275710	*	008165	B5 INVESTMENTS, LLC	1,660.41
275712	*	003012	BATTERIES PLUS BULBS	373.65
275713		003012	BATTERIES PLUS BULBS	31.90
275714		002231	BILLINGS LAWN EQUIPMENT INC.	93.48
275715		004244	BOLYARD LUMBER	86.18
275716		003907	CADILLAC ASPHALT, LLC	1,011.75
275717		MISC	CALCATERRA, JOSEPH A	93.75
275719	*	000444	CDW GOVERNMENT INC	328.32
275720		009137	CGS, INC	2,200.00
275721		000605	CINTAS CORPORATION	114.59
275722		009187	CLEARVIEW CAPTIONING LLC	796.25
275723	*	MISC	COKE, ALEXANDRA VINCENTI	574.21
275724	*	008955	COMCAST	489.73
275725	*	007774	COMCAST BUSINESS	1,256.20
275727		003923	CUMMINS BRIDGEWAY LLC	3,268.52
275728		MISC	DAVID B GENZLINGER	500.00
275729		MISC	DCAM INC	100.00
275730		008005	DE LAGE LANDEN FINANCIAL SVCS INC	347.50
275731		009130	DOG WASTE DEPOT	366.30
275733	*	000180	DTE ENERGY	41,601.37
275735	*	000179	DTE ENERGY	90.03
275736	*	000179	DTE ENERGY	1,454.21
275737	*	000179	DTE ENERGY	201.16
275738	*	000179	DTE ENERGY	1,570.45
275739	*	000179	DTE ENERGY	77.41
275740	*	000179	DTE ENERGY	611.15
275741	*	000179	DTE ENERGY	221.56
275742	*	000179	DTE ENERGY	21.78
275743	*	000179	DTE ENERGY	68.26
275744	*	000179	DTE ENERGY	59.60
275745	*	000179	DTE ENERGY	941.85

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275746	*	000179	DTE ENERGY	284.27
275747	*	000179	DTE ENERGY	680.27
275749		007505	EAGLE LANDSCAPING & SUPPLY	330.00
275750		MISC	EDGE HOMES	200.00
275753		MISC	EMERGENCY EGRESS LLC	100.00
275754	*	MISC	ENGELLAND, TROY	160.73
275755		MISC	ENVIRONMENT BY DESIGN	100.00
275756		009100	ENZO WATER SERVICE	500.00
275757		001495	ETNA SUPPLY	2,400.00
275758		008663	FEDERAL RESOURCES	1,943.80
275760	*	MISC	FIRE MARK ADVANTAGE LLC	120.00
275761		005964	FIRE SUPPRESSION PRODUCTS, INC	115.55
275762		007172	GARY KNUREK INC	22.00
275763		MISC	GBD RESIDENCES	1,400.00
275764	*	004604	GORDON FOOD	290.24
275765		MISC	GRACO GENERAL CONTRACTING CORP	200.00
275766		006845	HAWTHORNE	307.98
275767		000948	HYDROCORP	2,536.00
275768	*	000980	ICE SPORTS INDUSTRY	395.00
275769		MISC	IDEAL BUILDERS AND REMODELING INC	100.00
275770	*	003823	JAY'S SEPTIC TANK SERVICE	830.00
275771		008564	JERRY'S TIRE INC	2,981.00
275772		007379	JOHN R. GLASS	1,798.00
275773	*	008413	KARANA REAL ESTATE, LLC	9,639.05
275774		MISC	KASTLER CONSTRUCTION INC	200.00
275775	*	000362	KROGER COMPANY	63.88
275776	*	008158	LOGICALIS INC	9,700.00
275777	*	MISC	MCGAUGHEY, SEAN	6,679.87
275779		008793	MERGE MOBILE, INC.	73.00
275780	*	004738	MGFOA	120.00
275781	*	009200	MICHAEL MORRISON	700.00
275782	*	000377	MICHIGAN MUNICIPAL LEAGUE	192.72
275783		003099	MICHIGAN POLICE EQUIP.	133.50
275784		001887	STATE OF MICHIGAN	91.00
275786	*	001783	MMTA	150.00
275787		MISC	MOSHER DOLAN	200.00
275789	*	MISC	NASSAR, FADI	3,717.57
275790		001194	NELSON BROTHERS SEWER	2,536.00
275791		007755	NETWORK SERVICES COMPANY	221.48
275791	*	007755	NETWORK SERVICES COMPANY	743.44
275792	*	000477	OAKLAND COUNTY	1,471.09
275794	*	000919	OAKLAND COUNTY TREASURER	2,000.00
275795	*	004370	OCCUPATIONAL HEALTH CENTERS	169.00

City of Birmingham

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Check Number	Early Release	Vendor #	Vendor	Amount
275797	*	000481	OFFICE DEPOT INC	776.46
275798		008669	OHM ADVISORS INC	168,397.25
275799		MISC	ON DUTY GEAR	155.95
275800	*	008785	KEVIN ONG	408.94
275801	*	009151	PARAGON LABORATORIES INC	533.00
275802		MISC	PELLA WINDOWS & DOORS, INC.	100.00
275803	*	000801	POSTMASTER	500.00
275804		008974	PREMIER PET SUPPLY	208.92
275805		006729	QUENCH USA INC	243.60
275806		007252	RAY WIEGAND'S NURSERY INC.	1,351.00
275808	*	009144	RICHARD TRUDO	1,200.00
275809	*	006590	SECURE DOOR, LLC	168.60
275810	*	009143	MICHAEL SHUKWIT	200.00
275811	*	MISC	SLIFCO, MICHAEL	970.47
275812	*	003466	ALAN SOAVE	25.00
275813	*	007907	SP+ CORPORATION	3,130.00
275814		000260	SPARTAN DISTRIBUTORS INC	165.60
275815		009201	STEPHEN SHUKWIT	2,200.00
275816		MISC	STONERIDGE BUILDERS LLC	1,400.00
275817		000256	SUBURBAN BUICK GMC INC	1,848.12
275821		007226	VALLEY CITY LINEN	35.45
275822	*	000293	VAN DYKE GAS CO.	202.90
275823		MISC	VANES, DANIEL S	300.00
275824	*	MISC	VERCELLONE, JOSEPH	112.00
275825	*	000158	VERIZON WIRELESS	868.87
275826	*	000158	VERIZON WIRELESS	733.99
275828	*	000158	VERIZON WIRELESS	147.69
275830		MISC	VRG	189.00
275832	*	000301	PAUL WELLS	12.00
275833	*	004672	WEST MARINE PRO	214.90
275834	*	001536	JEFFREY WHIPPLE	194.17
275835		007620	WJE-WISS, JANNEY, ELSTNER ASSOC.INC	9,062.20
275836		MISC	YALDO, SCOTT	100.00
275837		009185	ZOOM VIDEO COMMUNICATIONS INC	514.83
SUBTOTAL PAPER CHECK				\$420,967.19
<u>EFT TRANSFER</u>				
" "		008732	AMAZON.COM, INC	985.01
" "		MISC	ASCE	495.00
" "		MISC	BLUEBEAM INC	1,245.00
" "	*	000995	DSS/ EQUATURE	297.00
" "		MISC	ESD JOB BANK	495.00
" "		008730	FACEBOOK HEADQUARTERS	124.60
" "		005710	JET'S PIZZA	297.65

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Check Number	Early Release	Vendor #	Vendor	Amount
" "		008360	LINKEDIN CORPORATION	239.88
" "		MISC	MI PERMIT LIC PLAN	150.00
" "		008279	MICHIGAN MUNICIPAL EXECUTIVES	195.00
" "		004457	PAPA JOE'S MARKET	2,254.16
" "		MISC	PENSKE TRUCK	452.64
" "		MISC	SPOTIFY AD STUDIO	201.93
" "		006576	THE GRAND HOTEL	(1,165.92)
" "		MISC	YOURMEMBER	399.00
SUBTOTAL EFT TRANSFER				\$6,665.95

ACH TRANSACTION

2912	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	60,298.15
2914		007013	AHEAD USA LLC	424.03
2916		008667	APOLLO FIRE APPRATUS REPAIR INC	261.25
2917	*	000282	APOLLO FIRE EQUIPMENT	261.25
2919		006683	BIRMINGHAM LAWN MAINTENANCE	176.00
2920		007875	CANFIELD EQUIPMENT SERVICE INC.	5,230.00
2921	*	008044	CLUB PROPHET	540.00
2922	*	007359	DETROIT CHEMICAL & PAPER SUPPLY	125.75
2923	*	001077	DUNCAN PARKING TECH INC	11,202.75
2924	*	000995	EQUATURE	3,600.00
2925	*	000207	EZELL SUPPLY CORPORATION	115.39
2926	*	007807	G2 CONSULTING GROUP LLC	13,706.89
2927	*	007465	IN-HOUSE VALET INC	10,500.00
2928	*	008851	INSIGHT INVESTMENT	4,542.23
2929		000261	J.H. HART URBAN FORESTRY	35,024.00
2930	*	003458	JOE'S AUTO PARTS, INC.	645.77
2931	*	005876	KROPF MECHANICAL SERVICE COMPANY	1,214.00
2932	*	005550	LEE & ASSOCIATES CO., INC.	3,023.80
2934		001864	NOWAK & FRAUS ENGINEERS	69,421.00
2935	*	002767	OSCAR W. LARSON CO.	42.08
2936	*	006027	PENCHURA, LLC	228.20
2937		000897	PRINTING SYSTEMS INC	599.82
2938	*	003554	RKA PETROLEUM	428.78
2939	*	003785	SIGNS-N-DESIGNS INC	486.25
2940	*	000254	SOCRRA	200.00
2941		005787	SOUTHEASTERN EQUIPMENT CO. INC	1,164.55
2942	*	002037	TOTAL ARMORED CAR SERVICE, INC.	758.36
2943	*	004887	TRUCK & TRAILER SPECIALTIES INC	233.88
SUBTOTAL ACH TRANSACTION				\$224,454.18

City of Birmingham
Warrant List Dated 10/07/2020

Meeting of 10/12/2020

Check Number	Early Release	Vendor #	Vendor	Amount
GRAND TOTAL				\$652,087.32

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



Mark Gerber
Finance Director/ Treasurer

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



MEMORANDUM

City Clerk's Office

DATE: October 7, 2020
TO: Joseph A. Valentine, City Manager
FROM: Cheryl Arft, Acting City Clerk
Alexandria Bingham, City Clerk Designee
SUBJECT: Appointment of Election Inspectors

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

The deadline to appoint election inspectors for the November 3, 2020 State General Election is October 13, 2020. Attached is a list of inspectors that have been assigned to serve for the November 3, 2020 State Primary Election. To ensure that a sufficient number of Election Inspectors have been appointed, the Clerk's Office was designated by the City Commission to act in its behalf by resolution dated May 11, 2020 in order to appoint additional Election Inspectors as needed.

SUGGESTED RESOLUTION:

To approve the appointment of election inspectors, absentee voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the November 3, 2020 State General Election pursuant to MCL 168.674(1) and to grant the City Clerk authority to make emergency appointments of qualified candidates should circumstances warrant to maintain adequate staffing in the various precincts, counting boards and receiving boards.

MOTION: Motion by Mayor Pro-Tem Longe, seconded by Commissioner Hoff:
To approve the Consent Agenda with the exception of Items A and J, and noting the recusal for Item I.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Longe
Commissioner Hoff
Commissioner Baller
Commissioner Host
Commissioner Nickita
Commissioner Sherman
Mayor Boutros
Nays, None

- B. Resolution approving the warrant list, including Automated Clearing House payments, dated April 22, 2020 in the amount of \$714,607.65.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated April 29, 2020 in the amount of \$231,390.32.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated May 6, 2020 in the amount of \$197,952.80.
- E. Resolution delegating the Birmingham City Clerk and her authorized assistants, those being the members of her staff, the following duties of the election commission for the August 4, 2020 and November 3, 2020 elections:
 - Preparing meeting materials for the election commission, including ballot proofs for approval and a listing of election inspectors for appointment;
 - Contracting for the preparation, printing and delivery of ballots;
 - Providing candidates and the Secretary of State with proof copies of ballots;
 - Providing election supplies and ballot containers; and
 - Preliminary logic and accuracy testing.
- F. Resolution designating Finance Director Mark Gerber, Assistant Finance Director Kim Wickenheiser, DPS Director Lauren Wood, Building Official Bruce Johnson, Assistant Building Official Mike Morad, Birmingham Museum Director Leslie Pielack, and Police Commander Scott Grewe as representatives for Election Commission members Mayor Pierre Boutros, Mayor Pro Tem Therese Longe, and Commissioners Clinton Baller, Rackeline Hoff, Brad Host, Mark Nickita and Stuart Sherman for the purpose of conducting the Public Accuracy Tests of the electronic tabulating equipment which will be used to count votes cast at the August 4, 2020 and November 3, 2020 elections.
- G. Resolution opting into Oakland County's Urban County Community Development Block Grant (CDBG) programs for the years 2021, 2022 and 2023. Furthermore, resolving to remain in Oakland County's Urban County Community Development programs, which shall be automatically renewed in successive three-year qualification periods of time, or until such time that it is in the best interest of the City to terminate the Cooperative Agreement.



MEMORANDUM

Clerk's Office

DATE: May 11, 2020

TO: Joseph A. Valentine, City Manager

FROM: Cheryl Arft, Acting City Clerk
Alexandria Bingham, Clerk Designee

SUBJECT: Election Commission Delegation of Duties for August 4, 2020 and November 3, 2020 Elections to City Clerk and Authorized Assistants

INTRODUCTION:

The City Commission, per the Birmingham City Charter, functions as the City's Election Commission. Pursuant to State law, the Election Commission is responsible for conducting certain election duties. The law allows the Election Commission to delegate certain of those duties to the City Clerk and her authorized assistants.

BACKGROUND:

The Birmingham City Charter names the City Commission as the Election Commission:

Chapter IV. – Registrations, Nominations and Elections

Section 22. - [Election commission.]

The city commission shall constitute the election commission for the city and shall perform all of the duties required of the city election commissions by the general laws of the state. It shall appoint the inspectors of election and fix their compensation.

The Election Officials' Manual of the Michigan Bureau of Elections (BOE) cites the duties of a city election commission and draws distinctions between those which must be conducted by the election commission and those which may be delegated to the City Clerk and her authorized assistants. The BOE recommends that the election commission document the delegation of its duties.

LEGAL REVIEW:

n/a

FISCAL IMPACT:

n/a

SUMMARY

It is recommended that the Birmingham City Commission, acting as the Election Commission, delegate to the City Clerk and her authorized assistants certain election duties as allowed by the Michigan BOE and State law.

ATTACHMENTS:

Excerpt from the Election Officials' Manual of the Michigan Bureau of Elections listing duties that may be delegated.

SUGGESTED RESOLUTION:

To delegate to the Birmingham City Clerk and her authorized assistants, those being the members of her staff, the following duties of the election commission for the August 4, 2020 and November 3, 2020 elections:

- Preparing meeting materials for the election commission, including ballot proofs for approval and a listing of election inspectors for appointment;
- Contracting for the preparation, printing and delivery of ballots;
- Providing candidates and the Secretary of State with proof copies of ballots;
- Providing election supplies and ballot containers; and
- Preliminary logic and accuracy testing.

CITY AND TOWNSHIP ELECTION COMMISSIONS:

City	Township	Charter Township
<ul style="list-style-type: none">• Clerk• Attorney• Assessor	<ul style="list-style-type: none">• Clerk• Supervisor• Treasurer	<ul style="list-style-type: none">• Clerk• Two Trustees Appointed by the Township Board

Note: The chart above outlines the composition of the local election commissions based on your jurisdiction's form of government. The only exception to the composition of the local election commission must be provided by a city charter.

City and Township Election Commission members are responsible for the following:

- Establishing precincts, including temporary precinct consolidations for non-State/ Federal elections;
- Establishing Absent Voter Counting Boards (AVCBs);
- Assessing voting equipment needs;
- Performing logic and accuracy testing for voting equipment. **NOTE:** Even if the county performs the programming for the local jurisdictions, it is still the responsibility of the local election commission to conduct pre-election logic and accuracy testing for their voting equipment prior to each election. Preliminary testing may be delegated to the local clerk; however, public accuracy testing must be conducted by the election commission or each members' designated representative.
- Authorizing the printing and provision of ballots for use in city, township, village and certain school district elections;
- Providing election supplies (including forms and ballot containers);
- Appointing precinct inspectors prior to each election, including AVCB members, Receiving Board members, precinct chairpersons and alternates; note that certified election inspectors must be appointed at least 21 days prior to the election and no more than 40 days prior to each election;
- Notifying major political parties of the appointment of election inspectors in federal and state elections; and
- Carrying out other election related duties for their respective jurisdictions.

Election Commission Responsibilities that should be handled via an Open Meeting by Election

Commission Members:

- Approving of ballots
- Appointing precinct inspectors
- Public Accuracy Test
- Precinct Changes / Consolidations
- Adoption of resolution outlining delegated duties

Election Commission Duties that may be delegated to the Local Clerk or authorized assistant

(note: Delegated duties should be documented via resolution):

- Preparing meeting materials for the Election Commission (ballots proof for approval, list of election inspectors for appointment, etc.)
- Preparing, printing and delivering ballots
- Providing candidates and the Secretary of State with proof copies of ballots
- Providing notice to voters in the case of precinct changes/consolidations
- Providing election supplies and ballot containers
- Preliminary logic and accuracy testing
- Notifying major political parties of certified precinct Inspector appointments (federal and state elections only)

SCHOOL ELECTION COORDINATING COMMITTEE: Every school district has a School Election Coordinating Committee responsible for determining the details of how special school elections will be administered. The School Election Coordinating Committee is composed of a school election coordinator, the secretary of the school board and the clerks of all jurisdictions covered by the school district. For a school district wholly contained within a single jurisdiction, that clerk is the school election coordinator. In a school district that crosses jurisdiction lines the county clerk is the coordinator.

TYPES OF ELECTIONS

There are several types of elections conducted in Michigan. The following is an overview of the various types.

CHAPTER 9 ELECTION BALLOTS

TABLE CONTENTS

Ballot Proofing and Michigan Ballot Production Standards	1
Candidate Name Rotations	3
Office Order	4
Partisan Ballot	5
Nonpartisan Ballot	6

BALLOT PROOFING AND MICHIGAN BALLOT PRODUCTION STANDARDS: All ballots

must be prepared in conformance with Michigan's Ballots Production Standards. Adherence to the standards is compulsory for all election officials and vendors. A copy of the standards can be found on the Bureau of Elections website at www.michigan.gov/elections; under "Information for Election Administrators".

Election ballots must always be carefully proofed to ensure that 1) they conform to all required legal and technical standards and 2) they are free of errors and omissions. The importance of ballot proofing cannot be over emphasized!

County Election Commission's Responsibilities: Ballots prepared for use at federal, state and countywide elections and certain school district elections are printed by the authority of the County Election Commission.

Local Election Commission's Responsibilities: Ballots prepared for use at city, township, village and certain school district elections are printed by the authority of the City, Township or County Election Commission.

Before the ballots are printed, the printer returns copies of the ballots to the appropriate Election Commission. The Commission is responsible for checking the various proof ballots to make sure that they are free of errors and omissions. A comprehensive check should include a careful review of the following:

- Ensure all office, candidates, and proposals are included
- Verify proper splits within a precinct
- Ballot heading including: 1) OFFICIAL BALLOT 2) election type 3) election date 4) county name, state 5) jurisdiction name and 6) precinct number
- Section headers – e.g.: PARTISAN SECTION, NONPARTISAN SECTION and PROPOSAL SECTION
- Office and proposal divisions – e.g.: STATE, COUNTY, CITY, TOWNSHIP
- Office titles – e.g.: CLERK, TREASURER, TRUSTEE
- Number to be elected – e.g.: Vote for not more than 1
- Placement of candidate names; form and spelling of candidate names; candidate name rotations; placement of special ballot designations
- Presentation and wording of ballot proposals

Proofing ballots is a tedious and time-consuming task – but the problems and embarrassment a complete proofing job can save on Election Day makes the task well worth the effort. If the Commission delegates ballot proofing to members of the clerk's staff, the task should be assigned to those in the office with the best eye for detail.

Responsibilities of Candidates and Department of State: Immediately after the proof ballots are delivered to the Election Commission, they forward the proofs to the Department of State's Bureau of Elections in Lansing for approval. The Commission also sends each candidate a proof ballot which lists the candidate's name.

- After sending proof ballots prepared for a state election, the county clerk must sign an affidavit that attests that proof ballots were mailed as required. The affidavit must list the candidates to whom the ballots were mailed, the addresses to which the ballots were mailed, and the dates on which the ballots were mailed.
- The Department of State's Bureau of Elections inspects the form of the proof ballots received from each Election Commission. (The Bureau of Elections does *not* check candidate name spellings or that all required offices are on the ballot.) If the ballots are in the proper form, the Bureau of Elections grants its approval of the ballots; if the ballots are not in the proper form, the Bureau of Elections

Gretchen	Anderson	Democratic
Thomas	Anderson	Democratic
Rogowski	Anthony	Republican
Jennifer	Bailey	Democratic
Jean	Barnes	Republican
Webb	Barnes	Republican
Amelia	Beer	Student
Catherine	Beer	Democratic
Beth	Bica	Republican
Andrea	Bogart	Democratic
Gabe	Boyce	Student
Rex	Boyce	Student
Loran	Brooks	Democratic
Margaret	Brooks	Democratic
Richard	Carrel	Student
Alicia	Chandler	Democratic
Pamela	Cin	Republican
Barbara	Collins	Democratic
Thomas	Connery	Republican
Michaela	Cooney	Student
Gail	Corcoran	Republican
Martha	Coyne	Democratic
Diane	Currie	Democratic
Annie	Cwikel-Glavin	Republican
Patricia	Demorest	Democratic
Jordyn	Denham	Student
Katherine	DiClaudio	Democratic
Judith	Doyle	Democratic
Charles	Ecker	Democratic
Katherine	Escott	Democratic
Patricia	Fisher	Democratic
Andrea	Flores-Velasco	Democratic
Brendan	Folk	Republican
Kathleen	Franco	Democratic

Lucetta	Franco	Democratic
Allison	Friedman	Democratic
Kathryn	Gaines	Republican
Violana	Gallegos de Anders	Democratic
Stephanie	Gasper	Democratic
Kristin	George	Republican
Katelyn	Gibilterra	Democratic
Diana	Gjonaj	Democratic
Maria	Gonzalez	Democratic
Alison	Goodwin	Democratic
Matthew	Gorge	Democratic
Brian	Hamlin	Republican
Michelle	Hamlin	Republican
Kristi	Hansen	Democratic
Margie	Hargrave	Democratic
Daniel	Haugen	Republican
Carol	Head	Republican
Catherine	Healey	Democratic
Rackeline	Hoff	Democratic
My Nga	Huynh	Green
MyNga	Huynt	Green
Karl	Janka	Democratic
Bailey	Jennifer	Democratic
Vivian	Johnston	Democratic
David	Joswick	Democratic
Theresa	Joswick	Democratic
Judith	Keefer	Democratic
Laura	Keener	Republican
Patricia	Keros	Democratic
Andrew	Killiany	Republican
Laura	Kline	Republican
Kenneth	Konop	Republican
Ryan	Kushnir	Student
Ann	Larson	Republican
Jeffrey	LeDuc	Democratic
Melissa	LeDuc	Democratic
Alexander	Lindstrom	Natural Law

Karen	Linnell	Democratic
Susan	Lundal	Democratic
Danielle	Mallon	Democratic
Constance	Martin	Democratic
Taneka	Martin	Democratic
Pamela	Martis	Republican
Elizabeth	Masek	Democratic
Elizabeth	Masek	Democratic
Melissa	Mateling	Democratic
Alicia	McCasland	Democratic
Maria	McKendrick	Republican
Marie	Meredith	Republican
Jodi	Millman	Republican
Mary	Minnet	Democratic
Leslie	Mio	Democratic
Courtney	Morrison	Democratic
Martha	Moyer	Democratic
Susan	OConnor	Democratic
Thomas	O'connor	Democratic
Charles	Otis	Democratic
Francis	Palllischek	Republican
Janet	Partyka	US Taxpayers
Jacqueline	Patt	Democratic
Kara	Penrod	Republican
Michelle	Perron	Democratic
Stanley	Pieprzyk	Republican
Karen	Pifer	Republican
Janice	Pinson	Republican
Kate	Rafferty	Democratic
Kay	Reese	Democratic
Charlotte	Reno	Student
Susan	Reno	Democratic
Lester	Richey	Republican
Susan	Rieth	Democratic
Karen	Rock	Democratic
Marilyn	Rodzik	Democratic
Tony	Rogowski	Republican
Constance	Romanelli	Democratic
Cynthia	Rose	Democratic
Jennifer	Roush	Republican
Martha	Roush-Logue	Republican
William	Roy	Democratic
Barbara	Sbrocca	Republican
Susan	Scarlet	Republican

Nathan	Schechter	Student
Karin	Schneider	Democratic
Laura	Schreiner	Republican
Arban	Shala	Democratic
Shira	Shapiro	Democratic
Cynthia	Shaw	Democratic
Benjamin	Silverman	Democratic
Lisa	Silverman	Democratic
Elizabeth	Simmons	Republican
Skye	Snyder	Student
Claudia	Sparschu	Democratic
Robert	Stoessel	Republican
Darmody	Suann	Democratic
Ann	Templeton	Democratic
Stephen	Templeton	Democratic
Christie	Tilley	Democratic
Maryanne	Torner	Republican
Curtis	Trimble	Democratic
Joan	Trusty	Democratic
David	Underdown	Republican
Gisela	VonStorch	Republican
Ann	Watts	Democratic
Ronald	Watts	Democratic
Joan	Weddell	Democratic
Christina	Wedge	Democratic
Timothy	Wittlinger	Democratic
Cheryl	Woodworth	Republican
Tracy	Zeman	Democratic
Mary	Zinn	Democratic

OAKLAND COUNTY ABSENT VOTER COUNTING BOARD

William	Johnson jr	Republican
Lori	Stec	Democratic
Laura	Kline	Republican
Andrea	Flores-Velasco	Democratic
Catherine	Healey	Democratic
Constance	Martin	Democratic
Peter	Ruseckas	Democratic
Tracy	Zeman	Democratic
Michele	Baarck	Democratic
Katharine	Bradley	Republican



MEMORANDUM

Finance Department

DATE: October 2, 2020

TO: Joseph A. Valentine, City Manager

FROM: Mark Gerber, Finance Director/Treasurer

SUBJECT: SMART Fiscal Year 2021 Municipal and Community Credit Funds Contract

INTRODUCTION:

Each year the City receives funding from the Suburban Mobility Authority for Regional Transportation (SMART) to provide transportation-related services and improvements for its residents. The City must determine how it would like to spend those funds and sign and return the agreement to SMART.

BACKGROUND:

The City will receive \$19,760 in Municipal Credits and \$30,416 in Community Credits this year for a total of \$50,176 under a program administered by SMART. This is a \$567 increase from the prior year. Municipal Credits are derived from money collected by the state, mainly from gasoline taxes, and distributed by SMART directly to local communities for transit needs. Community Credits are derived from taxes levied to support SMART. A share of these millage dollars collected by SMART is returned to communities to support or expand current transportation programs. Funds received under the Municipal Credits program must be spent within 2 years. Funds received under the Community Credits program must be spent within 3 years.

Last year the City received \$49,609 in Municipal and Community Credits and allocated \$27,677 in support of Next's specialized transportation service. The remaining \$21,932 is earmarked for a purchase of a bus shelter.

This year it is recommended that out of the total allocation of \$50,176, \$39,176 be allocated in support of Next's specialized transportation service, with the remaining \$11,000 allocated for the purchase of a bus shelter. The change in allocation is based on a request from Next for additional funding for their transportation service. The last few years, they have had to draw on other resources to fund the transportation service, which takes funding away from other programs. The \$11,000 per year for bus shelters would provide funding for a new installation every other year, rather than every year.

LEGAL REVIEW:

No legal review needed.

FISCAL IMPACT:

The 20-21 fiscal year budget did not include a budget for a bus shelter installation this fiscal year. Any installations this year would require a budget amendment.

SUMMARY:

On September 17, 2018, the City Commission approved a new priority list for bus shelters. It is recommended that the City Commission allocate \$11,000 (half the current cost of a bus shelter and installation) of Community Credits in support of these bus shelters. It is also recommended that the remaining funding of \$39,176 (\$19,760 in Municipal Credits and \$19,416 in Community Credits) for fiscal year 2021 be allocated to Next in support of their transportation program.

ATTACHMENTS:

1. SMART Municipal Credit and Community Credit Contract for FY 2021

SUGGESTED RESOLUTION: To approve \$19,760 in Municipal Credits and \$19,416 in Community Credits from fiscal year 2021 to Next in support of their specialized transportation program; to approve \$11,000 in Community Credits from fiscal year 2021 to purchase and install a bus shelter (location to be determined); and further to direct the Mayor to sign the Municipal Credit and Community Credit contract for fiscal year 2021 on behalf of the City.

MUNICIPAL CREDIT and COMMUNITY CREDIT CONTRACT FOR FY2021

I, Pierre Boutros, as the Mayor of the City of Birmingham (hereinafter, the "Community") hereby apply to SMART and agree to the terms and conditions herein, for the receipt and expenditure of **Municipal Credits** available for the period **July 1, 2020** through **June 30, 2021** (Section 1 below), and **Community Credits** available for the period **July 1, 2020** to **June 30, 2021** (Section 2 below); and further agree that the **Municipal and Community Credits Master Agreement** between the parties is incorporated herein by reference. A description of the service the Community shall provide hereunder is set forth in **Exhibit A**, and the operating budget for that service is set forth in **Exhibit B**, both of which are attached hereto and incorporated herein.

1. The Community agrees to use **\$19,760.00** in **Municipal Credit** funds as follows:

- | | | |
|-----|--|-------------------------------------|
| (a) | Transfer to _____
<small>TRANSFeree COMMUNITY</small> | Funding of: \$ _____ |
| (b) | Van/Bus Operations
(Including Charter and Taxi services) | At the cost of: \$ _____ |
| (c) | Services Purchased from SMART
(Including Tickets, Shuttle Services/Dial-a-Ride) | At the cost of: \$ _____ |
| (d) | Services Purchased from Subcontractor
<u>BASCC dba NEXT</u>
<small>(NAME OF SUBCONTRACTOR)
(See attached Subcontractor Service Agreement)</small> | At the cost of: \$ <u>19,760.00</u> |

Total \$19,760.00

SMART intends to provide Municipal Credit funds under this contract to the extent funds for the program are made available to it by the Michigan Legislature pursuant to Michigan Public Act 51 of 1951. Municipal Credit funds made available to SMART through legislative appropriation are based on the State's approved budget. In the event that revenue actually received is insufficient to support the Legislature's appropriation, it will result in an equivalent reduction in funding provided to the Community pursuant to this Contract. In such event, SMART reserves the right, without notice, to reduce the payment of Municipal Credit funds by the amount of any reduction by the legislature to SMART. All Municipal Credit funding must be spent by **June 30, 2022**; all funds not spent by that date will revert back to SMART pursuant to Michigan Public Act 51 of 1951, for expenditure consistent with Michigan law and SMART policy.

2. The Community agrees to use **\$30,416.00** in **Community Credit** funds available as follows:

- | | | |
|-----|--|-------------------------------------|
| (a) | Transfer to _____
<small>TRANSFeree COMMUNITY</small> | Funding of: \$ _____ |
| (b) | Van/Bus Operations
(Including Charter and Taxi services) | At the cost of: \$ _____ |
| (c) | Services Purchased from SMART
(Including Tickets, Shuttle Services/Dial-a-Ride) | At the cost of: \$ _____ |
| (d) | Capital Purchases | At the cost of: \$ <u>11,000.00</u> |

(e) Services Purchased from Subcontractor

At the cost of: \$ 19,416.00

BASCC dba NEXT

(NAME OF SUBCONTRACTOR)

(See attached Subcontractor Service Agreement)

Total \$30,416.00

To the extent that this Contract calls for a payment of funds directly from SMART to a subcontractor, Community hereby acknowledges that it is the party entitled to receive such funds and is affirmatively authorizing and directing SMART to pay such funds directly to the subcontractor on its behalf. Capital purchases permitted with Community Credits are subject to applicable state and federal regulations, and SMART policy, including procurement guidelines. When advantageous, SMART may make procurements directly. Reimbursement for purchases made by Community requires submission of proper documentation to support the purchase (i.e. purchase orders, receiving reports, invoices, etc.). Community Credit dollars available in **FY2021**, may be required to serve local employer transportation needs per the coordination requirements set forth in the aforementioned Master Agreement. All Community Credit funds must be spent by **June 30, 2024**; any funds not spent by that date may revert back to SMART for expenditure consistent with SMART policy.

This agreement shall be binding once signed by both parties.

THE CITY OF BIRMINGHAM

By: _____

Date _____

Its: Mayor _____

**SUBURBAN MOBILITY AUTHORITY FOR
REGIONAL TRANSPORTATION**

By: _____

Date _____

Its: _____

EXHIBIT B

PROJECT OPERATING BUDGET

Municipality: **City of Birmingham**

Contract Period: July 1, 2020 through June 30, 2021

Account Number: 48206

OPERATING EXPENSES:

Administrative Fee: *(All employees
other than drivers and dispatchers)*
(10% max. of MC & CC funds)

Driver Wages

Fringe Benefits

Gasoline & Lubricants

Vehicle Insurance

Parts, Maintenance Supplies

Mechanic Wages

Fringe Benefits

Dispatch Wages

Other (Specify)

Sub-Total (Operating Expenses)

PURCHASED SERVICE:

Taxi Service

Charter Service

SMART Bus Tickets

SMART Shuttle Service

SMART Dial-A-Ride

Other (Specify): **NEXT**

\$39,176.00

Sub-Total (Purchased Service)

\$39,176.00

CAPITAL EQUIPMENT:

(Only list purchases to be made with Community Credits)

Computer Equipment

Software

Vehicle

Maintenance Equipment

Other (Specify): **Bus Shelter**

\$11,000.00

Sub-Total (Capital Equipment)

\$11,000.00

TOTAL EXPENSES:

**Operating Expenses, Purchased Service,
and Capital Equipment**

\$50,176.00

BIRMINGHAM EXHIBIT B, continued (Page 2)

REVENUES:

Municipal Credit Funds (FY19)	\$19,760.00
Community Credit Funds (FY19)	\$30,416.00
Specialized Services Funds	
General Funds	
Farebox Revenue	
In-Kind Service	
Special Fares (Contracted Service)	
Other (Specify)	

TOTAL REVENUE:

\$ 50,176.00

(Note: ***TOTAL EXPENSES*** must equal ***TOTAL REVENUE***)



MEMORANDUM

Office of the City Manager

DATE: September 18, 2020

TO: Joseph A. Valentine, City Manager

FROM: Melissa Fairbairn, Management Intern

SUBJECT: Michigan Municipal League Liability and Property Pool Board of Directors Election

The City of Birmingham is a member of the Michigan Municipal League Liability and Property Pool. The Michigan Municipal League is the state's leading provider of municipal workers' compensation and risk management services.

The Michigan Municipal League Liability and Property Pool is holding an election for this year's Board of Directors. Two of the Board's incumbent Directors have agreed to seek re-election and two appointees are seeking election. A brief biographical sketch of each of the candidates is attached for your review. They are:

George Bosanic, City Manager, City of Greenville
Melissa Johnson, Mayor, City of Chelsea
Sue Osborn, Mayor, City of Fenton
David Post, Village Manager, Village of Hillman

A resolution is required to authorize the City of Birmingham's vote to be cast for the above candidates to serve as Directors of the Michigan Municipal League Liability and Property Pool Board. They are the only candidates seeking election to this Board.

SUGGESTED RESOLUTION:

To authorize the City Manager to cast a vote, on the City's behalf, for the four candidates for the Michigan Municipal League Liability and Property Pool Board of Directors for three-year terms, beginning January 1, 2021.

To: Members of the MML Liability & Property Pool
From: Michael J. Forster, Fund Administrator
Date: September 14, 2020
Subject: Pool Director Election

Dear Pool Member:

Enclosed is your ballot for this year's Board of Directors election. Two (2) incumbent Directors have agreed to seek re-election and two (2) appointees are seeking election to their first term. You also may write in one or more candidates if you wish.

A brief biographical sketch of the candidate is provided for your review.

I hope you will affirm the work of the Nominating Committee by returning your completed ballot in the enclosed return envelope, no later than November 5. You may also submit your ballot online by going to www.mml.org. Click on *Insurance*, then *Liability & Property Pool*; the link to the ballot form is in the yellow banner.

The MML Liability & Property Pool is owned and controlled by its members. Your comments and suggestions on how we can serve you better are very much appreciated. Thank you again for your membership in the Pool, and for participating in the election of your governing board.

Sincerely,



Michael J. Forster
Pool Administrator
mforster@mml.org



We love where you live.

THE CANDIDATES

Three-year terms beginning January 1, 2021



George Bosanic, City Manager, City of Greenville

George has more than 25 years' experience as a municipal official. He is a past president of the Greenville Rotary, winner of the Community Spirit Collaboration Award and a founding board member of the Montcalm County Big Brothers/Big Sisters Organization. He is a member of the Michigan Local Government Management Association and International City Management Association. He also served as Trustee for the MML Workers' Compensation Fund program from 2006 – 2018. George is seeking election to his first term.



Melissa Johnson, Mayor, City of Chelsea

Melissa is the Mayor of the City of Chelsea and has more than six years' experience as a municipal official. Prior to becoming mayor, she served as a city council member and planning commissioner. Melissa is an attorney who has practiced in the areas of criminal and civil law. She is active in the Southeast Michigan Council of Governments as well as several other local and regional community and civic organizations. Melissa is seeking election to her first term.



Sue Osborn, Mayor, City of Fenton

Sue has more than twenty-nine years' experience as a municipal official, serving as the mayor in the City of Fenton for the last sixteen. She was appointed to Fenton's city council in 1985 and has been a continuous member since that time. Prior to her council service, she was a member of the Planning Commission from 1978-1985. Sue is a member of the Michigan Association of Mayors and is also active in several local and regional civic organizations. Sue is seeking re-election to her third term.



David Post, Village Manager, Village of Hillman

Dave has more than twenty-one years' experience as a municipal official, serving as the manager in the Village of Hillman. Dave is a past member of the Michigan Municipal League Board of Trustees and several MML committees. He is currently a member of the Northeast Michigan Council of Governments board, Hillman Community Radio board and the North Eastern Michigan Rehabilitation and Opportunity Center (NEMROC) board. Dave is also active in several local and regional civic organizations. Dave is seeking re-election to his third term.



MEMORANDUM

Department of Public Services

DATE: September 30, 2020

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Fall 2020 Tree Purchase and Planting Project

INTRODUCTION:

Twice a year, the City of Birmingham plants trees in residential and major street rights-of-ways and parks as part of our tree replacement program. Sealed bids were opened on September 22, 2020 for the cost to provide and plant one-hundred (100) trees. The request for proposals was entered into the Michigan Inter-Governmental Trade Network (MITN) purchasing system. The trees will be planted along various street rights-of-way and parks during the fall season of 2020.

BACKGROUND:

This purchase will include providing all trees, planting, topsoil and any necessary pruning. Watering is not be required, as the trees are dormant at the time of planting this time of year. The trees also come with a two-year warranty. The bulk of the planting will occur in the right of way on various residential streets, and a few will be planted in City parks.

Four (4) bidders responded to the request for proposals. The result of the sealed bids follows in the table below.

Bidder	Bid Price	Deviations?
Greg Davis Landscape Services	\$42,900.00	No
KLM Landscape	\$45,865.00	No
Davey Tree Experts	\$48,600.00	No
Superior Scape, Inc.	\$62,794.00	No

KLM Landscape has consistently performed well for the City of Birmingham during several planting seasons and has exceeded expectations. The tree stock provided by KLM is healthy and often larger than specified. This company has not failed in providing warranty items, up to 2 years.

Greg Davis Landscape Services has planted for us two seasons. They are lowest bid by \$2,965.00, but have not met our service and material expectations in the past; therefore, we will not be recommending them for this work.

LEGAL REVIEW:

The City Attorney has completed a review of this contract agreement and approved with signature.

FISCAL IMPACT:

This project was included in the 2020-2021 approved budget. Funds are available from the Local Streets Fund-Forestry Service Contract account, the Major Streets Fund-Forestry Service Contract account, the Local Streets Fund-Operating Supplies account, the Major Streets Fund-Operating Supplies account and the Parks Other Contractual Services account for these services.

PUBLIC COMMUNICATIONS:

The Department of Public Services (DPS) mails a postcard to all residential addresses receiving a tree as part of the fall or spring planting program. It provides details of the upcoming planting project and informs the resident they will be receiving a tree. Upon the planting of each tree, a door hanger is provided at the residence with tree care instructions including water requirements.

SUMMARY:

The Department of Public Services recommends awarding the fall 2020 tree purchase and planting project to KLM Landscape, as we deem them the lowest responsible and responsive bidder for the fall 2020 Tree Purchase and Planting Project.

Although the Department of Public Services has experience working with Greg Davis Landscape Services in previous seasons, our recommendation for KLM Landscape stands on the exceptional service, the quality of tree stock and fulfillment of warranty terms. The difference between the low bidder, Greg Davis, and the lowest responsible and responsive bidder, KLM, amounts to less than \$30 per tree. The average cost per tree planted this fall planting season will be \$458.65. Some recent planting costs compare as follows: The spring 2020 Tree Purchase and Planting Project consisted of fifty (50) trees and averaged \$595.00 per tree. The fall 2019 planting project consisted of ninety-six (96) trees and totaled \$399.11. The fall 2018 tree purchase and plant project consisted of 139 trees and averaged \$318.90 per tree. Spring 2018's plant of 102 trees averaged \$462.55 per tree.

ATTACHMENTS:

The Agreement along with the required Insurance Certificate, Bidder's Agreement, Cost Proposal, Completion Date and Iran Sanctions Act Vendor Certification Form are included as part of this report.

SUGGESTED RESOLUTION:

To approve the purchase and planting of one-hundred (100) trees from KLM Landscape for the Fall 2020 Tree Purchase and Planting Project for a total project cost not to exceed \$45,865.00. 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.

ATTACHMENT A - AGREEMENT
Fall 2020 Tree Purchase and Planting Project

This AGREEMENT, made this _____ day of _____, 2020, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and KLM Landscape, Inc., having its principal office at 70570 Powell, Armada, MI 48005 (hereinafter called "Contractor"), provides as follows:

WITNESSETH:

WHEREAS, the City of Birmingham, through its Public Services Department, is desirous of having work completed to supply and install trees in the right of ways, and parks in the City of Birmingham.

WHEREAS, the City has heretofore advertised for bids for the procurement and performance of services required to perform tree supply and planting of one-hundred (100) 3"-3 1/2" caliper B&B trees, and in connection therewith has prepared a request for sealed proposals ("RFP"), which includes certain instructions to bidders, specifications, terms and conditions.

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

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

1. It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to perform tree supply and planting and the Contractor's cost proposal dated September 17, 2020 shall be incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto. If any of the documents are in conflict with one another, this Agreement shall take precedence, then the RFP.
2. The City shall pay the Contractor for the performance of this Agreement in an amount not to exceed \$45,865.00, as set forth in the Contractor's September 17, 2020 cost proposal.
3. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Proposals.

4. The Contractor shall employ personnel of good moral character and fitness in performing all services under this Agreement.
5. The Contractor and the City agree that the Contractor is acting as an independent Contractor with respect to the Contractor's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Contractor nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Contractor shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Contractor shall not be entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.
6. The Contractor acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The Contractor recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Contractor agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Contractor shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The Contractor further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.
7. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. The Contractor agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.
8. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.
9. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by the Contractor without the prior written consent of the City. Any attempt at assignment without prior written consent shall be void and of no effect.

10. The Contractor agrees that neither it nor its subcontractors will discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Contractor shall inform the City of all claims or suits asserted against it by the Contractor's employees who work pursuant to this Agreement. The Contractor shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.
11. The Contractor shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with carriers acceptable to the City of Birmingham.
12. The Contractor shall maintain during the life of this Agreement the applicable types of insurance coverage and minimum limits as set forth below:
 - A. Workers' Compensation Insurance:

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

For Sole Proprietorships: Contractor shall complete and furnish to the City prior to the commencement of work under this Agreement a signed and notarized Sole Proprietor Form, for sole proprietors with no employees or with employees, as the case may be.
 - B. Commercial General Liability Insurance: Contractor shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than **\$1,000,000** per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
 - C. Motor Vehicle Liability: Contractor shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than **\$1,000,000** per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

- D. Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.
- E. Professional Liability: Professional liability insurance with limits of not less than \$1,000,000 per claim if Contractor will provide service that are customarily subject to this type of coverage.
- F. Pollution Liability Insurance: Contractor shall procure and maintain during the life of this Agreement Pollution Liability Insurance, with limits of liability of not less than \$1,000,000, per occurrence preferred, but claims made accepted.
- G. Owners Contractors Protective Liability: The Contractor shall procure and maintain during the life of this contract, an Owners Contractors Protective Liability Policy with limits of liability not less than \$3,000,000 per occurrence, combined single limit, Personal Injury, Bodily Injury and Property Damage. The City of Birmingham shall be "Name Insured" on said coverage.
- H. Cancellation Notice: Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.
- I. Proof of Insurance Coverage: Contractor shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
- 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
 - 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
 - 3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
 - 4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
 - 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
- J. Coverage Expiration: If any of the above coverages expire during the term of this Agreement, Contractor shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.

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

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

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

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

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

City of Birmingham
Attn: Carrie Laird
851 S. Eton St.
Birmingham, MI 48009
claird@bhamgov.org
248-530-1714

CONTRACTOR:
Kirk Knoblock
KLM Landscape
70570 Powell
Armada, MI, 48005

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

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

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

WITNESSES:

CONTRACTOR

By: Kirk Knobloch

Its: Owner- KLM Landscape

CITY OF BIRMINGHAM

By: _____

Pierre Boutros

Its: Mayor

By: _____

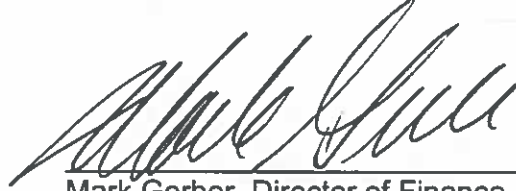
Cheryl Arft

Its: Acting City Clerk

Approved:



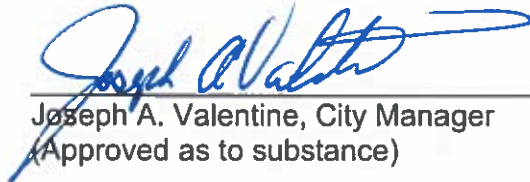
Lauren A. Wood, Director of Public Services
(Approved as to substance)



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



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



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



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
09/28/2020

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

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

PRODUCER The Whims Insurance Agency 322 Main Street Suite 200 Rochester MI 48307		CONTACT NAME: Whims Ins Agency PHONE (A/C, No, Ext): (248) 651-7321 FAX (A/C, No): (248) 651-3992 E-MAIL ADDRESS: whimsins@whimsinsurance.com																						
INSURED KLM LANDSCAPE KLM SCAPE & SNOW LLC 70570 POWELL RD ARMADA MI 48005-4009		<table border="1"><thead><tr><th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr></thead><tbody><tr><td>INSURER A:</td><td>EMCASCO Insurance Company</td><td>21407</td></tr><tr><td>INSURER B:</td><td>Union Insurance Company of Providence</td><td>21423</td></tr><tr><td>INSURER C:</td><td>Employers Mutual Casualty Company</td><td>21415</td></tr><tr><td>INSURER D:</td><td>Accident Fund National</td><td>12305</td></tr><tr><td>INSURER E:</td><td></td><td></td></tr><tr><td>INSURER F:</td><td></td><td></td></tr></tbody></table>		INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	EMCASCO Insurance Company	21407	INSURER B:	Union Insurance Company of Providence	21423	INSURER C:	Employers Mutual Casualty Company	21415	INSURER D:	Accident Fund National	12305	INSURER E:			INSURER F:		
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INSURER E:																								
INSURER F:																								

COVERAGES

CERTIFICATE NUMBER: CL201723758

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY	Y	5D58776	01/11/2020	01/11/2021	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000
	<input checked="" type="checkbox"/> Contractual Liability					MED EXP (Any one person) \$ 10,000
	GENTL AGGREGATE LIMIT APPLIES PER:					
	<input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC					PERSONAL & ADV INJURY \$ 1,000,000
	OTHER:					GENERAL AGGREGATE \$ 2,000,000
B	AUTOMOBILE LIABILITY	Y	5E58776	01/11/2020	01/11/2021	PRODUCTS - COMP/OP AGG \$ 2,000,000
	<input type="checkbox"/> ANY AUTO					EPLI \$ 250,000
	<input type="checkbox"/> OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input checked="" type="checkbox"/> HIRED AUTOS ONLY					BODILY INJURY (Per person) \$
	<input checked="" type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY					PROPERTY DAMAGE (Per accident) \$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB		5J58776	01/11/2020	01/11/2021	Underinsured motorist \$ 1,000,000
	<input type="checkbox"/> EXCESS LIAB					COMBINED SINGLE LIMIT EACH OCCURRENCE \$ 10,000,000
	<input type="checkbox"/> OCCUR					AGGREGATE \$ 10,000,000
	<input type="checkbox"/> CLAIMS-MADE					
	DED <input checked="" type="checkbox"/> RETENTION \$ 0					
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	N/A	WCV6157946	01/11/2020	01/11/2021	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)					E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
						E.L. DISEASE - POLICY LIMIT \$ 1,000,000

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

Coverage as defined in policies. The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof, are added as additional insured in regards to General Liability and Auto Liability including primary non-contributing. 30 day cancellation.

CERTIFICATE HOLDER

CANCELLATION

City of Birmingham
851 S Eton St

Birmingham

MI 48009

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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ATTACHMENT B - BIDDER'S AGREEMENT
Fall 2020 Tree Purchase and Planting Project

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

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

Kirk Knobloch	September 17, 2020
PREPARED BY (Print Name) Owner	DATE
TITLE 	DATE klm@klmlandscape.net
AUTHORIZED SIGNATURE	E-MAIL ADDRESS
KLM Landscape	
COMPANY	
70570 Powell Armada, MI 48005	586.752.5562
ADDRESS	PHONE
KLM Scape & Snow LLC	586.752.5562
NAME OF PARENT COMPANY	PHONE
70570 Powell Armada, MI 48005	
ADDRESS	

ATTACHMENT C - COST PROPOSAL
Fall 2020 Tree Purchase and Planting Project

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

ITEM		BID AMOUNT			
SPECIES	QUANTITY	UNIT PRICE	WITH 2 YEAR WARRANTY	PROPOSED VARIETY (IF APPLICABLE)	NOTES
ARMSTRONG MAPLE	1 @ 3"-3.5"	\$450.00	\$520.00		
D R ELM "ACCOLADE" "FRONTIER" OR "PATRIOT"	81 @ 3"-3.5"	\$390.00	\$450.00	NOTE VARIETY OF ELM HERE <i>We can Supply any one of these varieties.</i>	
IVORY SILK LILAC	6 @ 3"-3.5"	\$450.00	\$520.00		
HONEYLOCUST	1 @ 3"-3.5"	\$450.00	\$520.00		
KATSURA	3 @ 3"-3.5"	\$390.00	\$450.00		
DAWN REDWOOD	1 @ 8'	\$410.00	\$475.00		
NORWAY SPRUCE	3 @ 7'	\$390.00	\$450.00		
SWEETGUM	1 @ 3"-3.5"	\$450.00	\$520.00		
LINDEN	3 @ 3"-3.5"	\$450.00	\$520.00		
TOTAL:	100	\$39,740.00	\$45,865.00		

TOTAL PROJECT COST: \$ 39,740.00

Tree stock, related planting materials and installation (per specifications).

Firm Name KLM Scape & Snow LLC d/b/a KLM Landscape

Authorized signature _____ Date 09/17/20

ATTACHMENT D – COMPLETION DATE
Fall 2020 Tree Purchase and Planting Project

COMPLETION DATE: November 14, 2020

A work schedule shall be provided to the Designated City Representative. The work schedule shall be approved by the Designated City Representative prior to the start of the work. His decision as to acceptability shall be deemed in the City of Birmingham's best interest. The City of Birmingham is the only party to this contract that may authorize amendment of this schedule. The contractor is required to start the project within 10 working days after notified to start work.

It is mandatory that the entire project is completed on or before November 14, 2020.

(X) Our company can meet the completion date.

() Our company cannot meet the completion date but offers:

The reason our company cannot complete the work as required is as follows:

Company Name: KLM Scape & Snow LLC d/b/a KLM Landscape

ATTACHMENT E - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM
Fall 2020 Tree Purchase and Planting Project

Pursuant to Michigan Law and the Iran Economic Sanction Act, 2012 PA 517 ("Act"), prior to the City accepting any bid or proposal, or entering into any contract for goods or services with any prospective Vendor, the Vendor must certify that it is not an "Iran Linked Business", as defined by the Act.

By completing this form, the Vendor certifies that it is not an "Iran Linked Business", as defined by the Act and is in full compliance with all provisions of the Act and is legally eligible to submit a bid for consideration by the City.

Kirk Knobloch	09/17/2020
PREPARED BY	DATE
(Print Name)	
Owner	
TITLE	DATE
	klm@klmlandscape.net
AUTHORIZED SIGNATURE	E-MAIL ADDRESS
KLM Landscape	
COMPANY	
70570 Powell Armada, MI 48005	586.752.5562
ADDRESS	PHONE
KLM Scape & Snow LLC	586.752.5562
NAME OF PARENT COMPANY	PHONE
70570 Powell Armada, MI 48005	586.752.5562
ADDRESS	
38-3304871	
TAXPAYER I.D.#	

DATE: September 28th, 2020

TO: Joseph A. Valentine, City Manager

FROM: Brooks Cowan, City Planner

APPROVED: Jana Ecker, Planning Director

SUBJECT: Set a Public Hearing for a Lot Combination of 34350 Woodward Avenue and 907-911 Haynes Street, Parcel # 19-36-281-022 - T2N, R10E, SEC 36 BOWERS ADD LOT 3 EXC THAT PART TAKEN FOR HWY, ALL OF LOTS 4 & 5, ALSO LOT 6 EXC ELY PART BEG AT NE LOT COR, TH W 1.35 FT ALG N LOT LINE, TH SLY 65.50 FT PARA TO E LOT LINE, TH SELY 52.89 FT TO SE LOT COR, TH NLY ALG LOT LINE TO BEG and Parcel # 19-36-281-030 – T2N, R10E, SEC 36 BOWERS ADD ELY PART OF LOT 6 BEG AT NE LOT COR, TH WLY 1.35 FT ALG N LOT LINE, TH S 01-00-00 W 65.50 FT PARA TO E LOT LINE, TH SELY 52.89 FT TO SE LOT COR, TH NLY 118.42 FT ALG E LOT LINE TO BEG, ALSO ALL OF LOTS 7, 8 & 9, ALSO WLY PART OF LOT 10 MEAS 10.14 FT ALG N LOT LINE & 10.58 FT ALG S LOT LINE

INTRODUCTION:

The owner of 34350 Woodward Avenue and 907-911 Haynes Street is seeking approval for a lot combination of two parcels into one in order to accommodate additional parking for the Fred Lavery Porsche Dealership.

BACKGROUND:

The subject properties are located on the northeast corner of the intersection at Haynes Street, Elm Street, and Woodward Avenue. The Fred Lavery Porsche Dealership is located at 34350 Woodward while a two story commercial building hosting Spa Mariana is located at 907-911 Haynes Street. The applicant is proposing to combine the two parcels, demolish the current building at 907-911 Haynes, and expand the surface parking lot to accommodate more parking and display space for the Fred Lavery Porsche dealership. Auto sales agencies and auto show rooms within the MU-5 and MU-7 Zone require a Special Land Use Permit (SLUP), which the applicant obtained November 8th, 2010.

In 2016, the applicant received a temporary SLUP amendment to use the Haynes property as an office for the Porsche sales and management team for one year while renovations were made to the Porsche dealership at 34350 Woodward. Conditions of approval were that the applicant could not have cars for sale parked on 907-911 Haynes Street and that the applicant provide proof of adequate parking lot landscaping.

The Combination of Land Parcels Ordinance (Chapter 102, Section 102-83) requires that the following standards be met for approval of a lot combination.

- (1) *The Combination will result in lots or parcels of land consistent with the character of the area where the property is located, Chapter 126 of this Code for the zone district in which the property is located, and all applicable master land use plans.*

In regards to character of the area, the property is located within the City's Triangle District. The area is surrounded by a variety of uses and buildings ranging from one story to five stories in height which are mostly surrounded by surface parking.

In regards to zoning, 34350 Woodward is zoned MU-7 in the Triangle Overlay District while 907-911 Haynes Street is zoned MU-5. Both parcels are zoned B-2 in the underlying Zoning District. As previously mentioned, auto sales and auto showrooms are permitted with approval of a Special Land Use Permit in the MU-5 and MU-7 Zones.

The subject property's SLUP application in 2010 was for one parcel only at 34350 Woodward. The applicant is now proposing to expand a use requiring a Special Land Use Permit by combining the two parcels, although no changes or enhancements are proposed for the Fred Lavery Porsche Dealership building. Article 3, Section 3.06(A)(3) states that *"Any expansion to an existing use or building that requires site plan approval from the Planning Board shall be subject to the requirements of the Triangle Overlay District and shall be brought into compliance with the requirements of the Triangle Overlay District."*

In regards to front yard and building frontage requirements for the Triangle Overlay District, the MU-5 and MU-7 Zones require that the building façade be built within 5 feet of the frontage line for a minimum of 75% of the street frontage length. The proposed lot combination does not indicate a building with a front setback within 5 feet for 75% of the street frontage along Elm and Haynes. **Therefore the proposed site that would be created by the lot combination does not satisfy the front yard and building frontage standards and thus is not compliant with the Triangle Overlay District requirements.**

In regards to building height requirements for the Triangle Overlay District, the MU-5 and MU-7 Zones require a minimum of three stories for building height. **The proposed lot combination indicates a one story building with surface parking only, and therefore does not satisfy the minimum building height standards and thus is not in compliance with the Triangle Overlay District requirements.**

In regards to the placement of the building and parking, Article 3.06(G)(1)(b) requires that corner lots have the building located at the corner of the lot adjacent to the intersection, and that no more than 60 feet of the frontage be occupied by parking. The proposed lot combination does not indicate a building at the corner of the lot adjacent to the intersection, nor does the proposed lot combination indicate 60 feet or less of parking along the frontage line. **Therefore the proposed site that would be created by the lot combination does not satisfy the parking and building requirements of the Triangle Overlay District.**

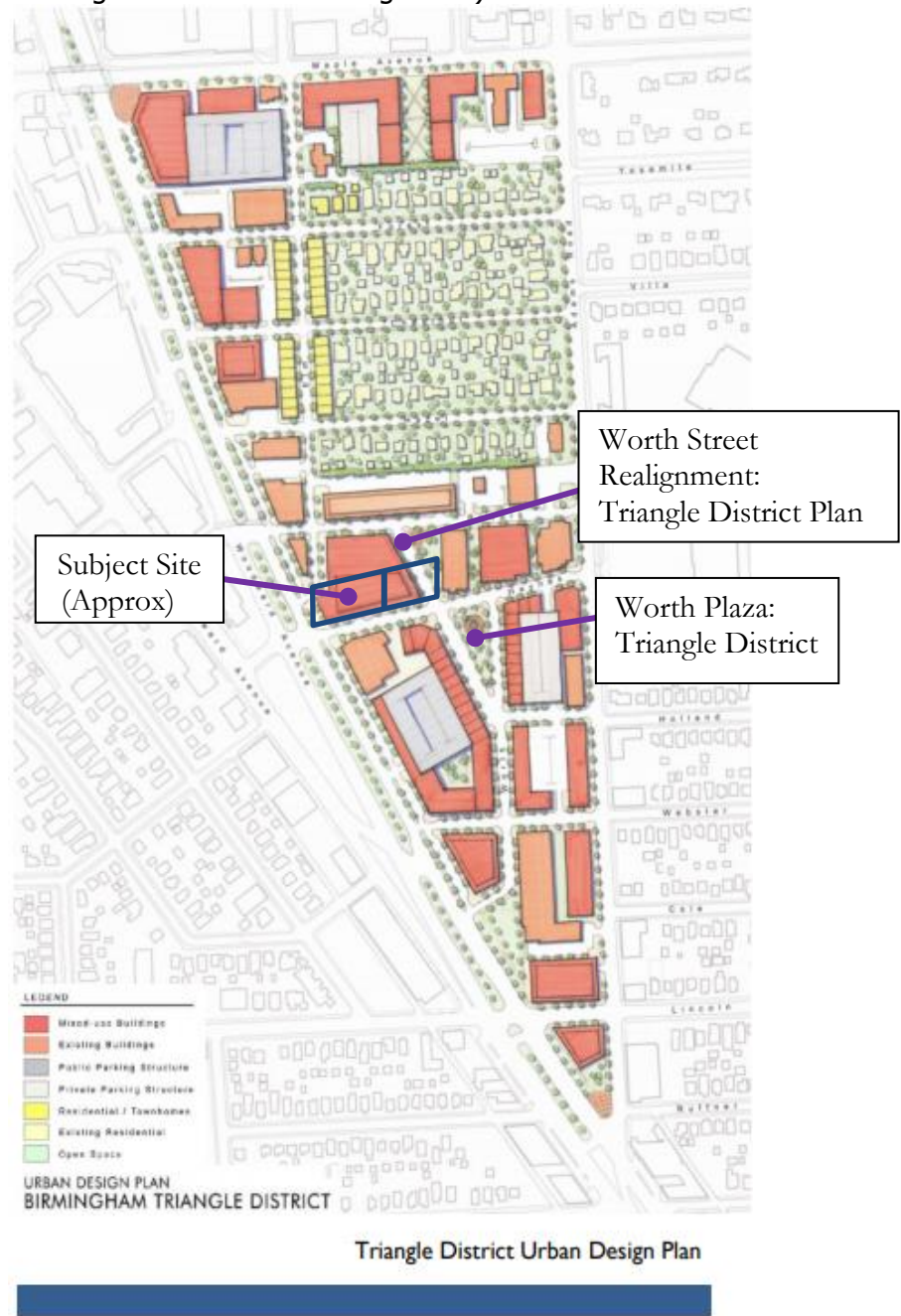
In regards to applicable Master Plans, the Triangle District Plan recommends infill development and redevelopment while advocating for an increase in building density to replace the large surface parking areas that currently exist. **The applicant's lot combination is proposed**

for the purpose of expanding surface parking which does not align with the recommendations of the Triangle District Plan.

It is also of note that the Triangle District Plan recommends that Worth Street be realigned to connect Bowers Street to the proposed Worth Plaza to improve connectivity within the Triangle District as pictured below in Figure 1. The Triangle District Plan recommends the realignment of Worth Street through the rear of the Walgreens parking lot as well through the property located between Bowers and Haynes included in the proposed lot combination.

Accordingly, the lot combination proposal does not meet this requirement.

(Figure 1: Triangle District Urban Design Plan)



- (2) *All residential lots formed as a result of a combination shall be a maximum width of no more than twice the average lot width of all lots in the same zone district within 300 feet on the same street.*

The proposed combination is commercial, not residential, therefore this requirement is not applicable.

- (3) *All residential lots formed as a result of a combination shall be a maximum area of no more than twice the average lot area of all lots in the same zone district within 300 feet on the same street.*

The proposed combination is commercial, not residential, therefore this requirement is not applicable.

- (4) *The combination will result in building envelopes on the combined parcels that will allow for the placement of buildings and structures in a manner consistent with the existing rhythm and pattern of development within 500 feet in all directions in the same zone district.*

The Triangle District has a variety of buildings types ranging in height and size, many of which are surrounded by large surface parking lots. **Based on the attached survey, the proposed lot combination and building envelope appear to meet this requirement.**

- (5) *Any due or unpaid taxes or special assessments upon the property have been paid in full.*

There are no outstanding taxes due on this property. **The proposal meets this requirement.**

- (6) *The combination will not adversely affect the interest of the public or the abutting property owners. In making this determination, the City Commission shall consider, but not be limited to the following:*

a.) The location of proposed buildings or structures, the location and nature of vehicular ingress or egress so that the use or appropriate development of adjacent land or buildings will not be hindered, nor the value thereof impaired.

Based on the attached survey the proposed lot combination and building envelope appear to meet this requirement.

b.) The effect of the proposed combination upon any floodplain areas, wetlands and other natural features and the ability of the applicant to develop a buildable site on the resulting parcel without unreasonable disturbances of such natural features.

The property is not located in a floodplain or wetlands, nor adjacent to a floodplain or wetlands.

c.) The location, size, density and site layout of any proposed structures or buildings as they may impact an adequate supply of light and air to adjacent properties and the

capacity of essential public facilities such as police and fire protection, drainage structures, municipal sanitary sewer and water, and refuse disposal.

The proposed lot combination does not appear to impact the supply of light and air to adjacent properties or the ability of the City to provide essential services.

LEGAL REVIEW:

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

FISCAL IMPACT:

Not applicable.

PUBLIC COMMUNICATIONS:

Prior to the application being considered by the City Commission, the City Clerk's office will send out notices to all property owners and tenants within 300 feet of both 34350 Woodward Avenue and 907-911 Haynes Street seeking public comment on the proposal.

SUMMARY:

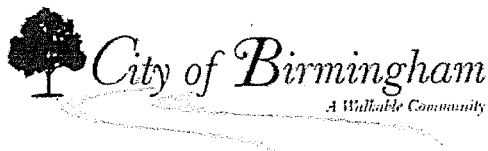
The Planning Division requests that the City Commission set a public hearing for the date of **November 9th, 2020** to consider the proposed combination, pursuant to the procedures set forth in Section 102-83 of the Combination of Land Parcels Ordinance.

ATTACHMENTS:

- Application
- Letter to the City
- Proof of ownership
- Registered Land Surveys

SUGGESTED ACTION:

To set a public hearing for November 9th, 2020 to consider the proposed lot combination of 34350 Woodward and 907-911 Haynes, parcel # 19-36-281-022 and parcel # 19-36-281-030.



Combination of Platted Lots Application

Planning Division

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

1. Applicant

Name: Lavery Michigan Dealership No. 1, LLC
Address: _____
440 Lake Park, Birmingham, MI 48009
Phone Number: _____
Fax Number: _____
Email address: _____

2. Property Owner

Name: Lavery Michigan Dealership No. 1, LLC
Address: 440 Lake Park, Birmingham, MI 48009
Phone Number: _____
Fax Number: _____
Email address: _____

3. Applicant's Attorney/Contact Person

Name: Stuart Schwartz
Address: _____
500 Woodward Ave., Suite 3500, Detroit, MI 48226
Phone Number: 313-965-8335
Fax Number: 313-309-6935
Email address: SSchwartz@clarkhill.com

4. Project Designer/Developer

Name: PEA, Inc.
Address: _____
2430 Rochester Ct., Ste. 100, Troy, MI 48083
Phone Number: 248-689-9090
Fax Number: 248-689-1044
Email address: tshelly@peainc.com

5. Project Information

Address/Location of Property: 34350 Woodward Ave./907-911 Haynes
Sidwell #: 19-36-281-030 and 19-36-281-022
Parcel #: _____
Current Zoning: MU5/MU7 Triangle Overlay B-2

Legal Description: See attached survey

6. Required Attachments

- I. Two (2) copies of a *registered* land survey showing:
 - i. All existing and proposed platted lot lines;
 - ii. Legal descriptions of proposed lots;
 - iii. Locations of existing/surrounding structures for at least 500 ft. in all directions;
 - iv. Footprints of proposed development including proposed building envelope with front, side and rear setbacks clearly marked;

- II. One (1) digital copy of plans;
- III. Proof of ownership;
- IV. Written statement of reasons for request;
- V. A letter of authority or power of attorney in the event the application is made by a person other than the property owner;
- VI. Sketches of proposed development (*optional*);
- VII. Other data having a direct bearing on the request.
- VIII. Any other data requested by the Planning Board, Planning Department, or other City Departments.

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

See attached summary.

(I), (We), the undersigned, do hereby request to combine lots of record in the City of Birmingham, Oakland County, Michigan.
(I), (We), do hereby swear that all of the statements, signatures, and descriptions appearing on and with this request are in all respects true and accurate to the best of (my), (our), knowledge.

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

Signature of Property Owner:  Date: 8/11/20

Print Name: Fred Lavery member

Signature of Applicant:  Date: 8/11/20

Print Name: Fred Lavery member

Office Use Only

Application#: _____ Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Reviewed By: _____

Combination of Platted Lots

Overview of the Process:

Step 1 – Make an appointment with a city planner: A conceptual survey plan must be presented to a city planner prior to acceptance of an application for Combination of Platted Lots. This meeting is intended for information sharing and general guidance.

Step 2 – Combination of Platted Lots Application filed: An application is deemed complete upon submission and acceptance of the completed application form and all required documentation. Once an application is deemed complete, a petitioner will be scheduled for a public hearing before the Birmingham City Commission, which will be at least 15 days after submission of the application.

Step 3 – Departmental Review: Submitted survey plans are sent to appropriate departments for review. Comments are returned to the Planning Division prior to final review by Planning Division personnel.

Step 4 – Notices of Public Hearing: Notices are sent by the City Clerk to all property owners within 300' of the subject property at least 15 days prior to the City Commission Public Hearing meeting at which the application will be considered.

Step 5 – Review Report: The Planning Division reviews the application and prepares a report to the City Commission for consideration at the public hearing.

Step 6 – Public Hearing at the City Commission: Birmingham City Commission meets to consider the application for Combination of Platted Lots. Petitioner appears before City Commission to answer any questions.

Step 7 – Decision: The City Commission approves, denies, or postpones the Combination of Platted Lots application.

Combination of Platted Lots Application Requirements:

1. A complete Combination of Platted Lots application is to be submitted to the Community Development Department.
2. The application must be completed in its entirety and signed by the owners or applicants.
3. The application must be accompanied by the following supporting documentation:
 - a. Proof of ownership
 - b. Written statement of reasons for request
 - c. A letter of authority or power of attorney in the event the application is made by a person other than the property owner
 - d. Two (2) copies of a **registered** land survey showing:
 - i. All existing and proposed platted lot lines
 - ii. Legal descriptions of proposed lots
 - iii. Locations of existing/surrounding structures and setbacks for at least 500 feet in all directions
 - iv. Footprints of proposed development including proposed building envelope with front, side and rear setbacks clearly marked.
 - v. One set of survey plans mounted on display boards
 - vi. Any other data having a direct bearing on the request
4. All taxes and special assessments must be paid at the time of application.
5. All water bills must be paid at the time of application.
6. All building permits must be obtained at the time of application.
7. Signatures from the City of Birmingham Treasurer, Water Department, and Building Department are required.
8. Signatures of the property owner and applicant are required.
9. Fee: \$200.00 per parcel affected in the request, minimum fee: \$400.00

PAGE 1C

INVOICE STOCK NO.	INVOICE DATE	PURCHASE ORDER NO.	COMMENT/V.I.N.	AMOUNT	DISCOUNT/ ACCOUNT NO.	NET AMOUNT
	081120	APPLICATION	FEE			400.00
				67646	110000	-400.00
				CITYOFBIRM	253200	400.00
				TOTAL	110000	400.00

DETACH AT PERFORATION BEFORE DEPOSITING CHECK

REMITTANCE ADVICE

CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM.

WATERMARK ON BACK. HOLD AT ANGLE TO VIEW WHEN CHECKING ENDORSEMENT.

TO REORDER 8900053 CALL 1-800-237-2372.



34602 WOODWARD AVENUE
BIRMINGHAM, MICHIGAN 48009-0924
(248) 645-5930



67646

67646

$$\begin{array}{r} 6-12 \\ \hline 410 \end{array}$$

DATE
11AUG20

PAY THIS AMOUNT			
*****400	DOLLARS	00	CENTS

AMOUNT OF CHECK	
*****	400.00

M7623124-10-19

TO
THE
ORDER
OF

CITY OF BIRMINGHAM

BIRMINGHAM MI 48009

VOID AFTER 90 DAYS

||0000067646|| 10410001241

423156610611

CLARK HILL

Stuart M. Schwartz
T (313) 965-8335
F (313) 309-6935
Email:SSchwartz@ClarkHill.com

Clark Hill PLC
500 Woodward Ave., Suite 3500
Detroit, MI 48226
T (313) 965-8300
F (313) 309-6935

clarkhill.com

August 27, 2020

VIA US MAIL AND E-MAIL

City of Birmingham
Planning Department
Attn: Ms. Jana Ecker
151 Martin St.
Birmingham, MI 48009
jecker@bhamgov.org

RE: 34350 Woodward Ave. (the “Woodward Property”) and 907-911 Haynes, Birmingham, MI 48009 (the “Haynes Property”)

Dear Ms. Ecker:

Clark Hill PLC is legal counsel to Lavery Michigan Dealership Properties No. 1, LLC (“LMDP”), the owner of the Woodward Property and the Haynes Property (collectively, “Lavery Properties”). Enclosed herewith, please find the following documents relative to LMDP’s application to combine the Woodward Property and Haynes Property into one lot:

1. Combination of Platted Lots Application;
2. Two (2) copies of the registered land survey;
3. Proof of ownership;
4. Sketches of the proposed development; and
5. One digital copy of plans.

In addition, this letter shall serve as LMDP’s details of the proposed development.

In 2010, LMDP received a Special Land Use Permit (“2010 SLUP”) for the Woodward Property to operate a Porsche car dealership within the B2 Zone and MU-7 Triangle District Overlay. Auto show rooms and sales agencies are permitted uses in the MU-5 and MU-7 zones of the Triangle Overlay District pursuant to a Special Land Use Permit. It is our understanding that in 2016, the Planning Board and City Commission approved an amendment to the 2010 SLUP to allow for the temporary use of the Haynes Property as an office for the Audi sales and management team, while renovations were being completed at the Lavery Audi dealership located at 34602 Woodward Ave., Birmingham, MI (the “Temporary SLUP Amendment”). Under the Temporary SLUP Amendment, LMDP could use the Haynes Property as offices for the Audi car dealership while Spa Mariana remained on the second floor. LMDP now proposes

to modify the site plan of the Woodward Property in combination with the Haynes Property pursuant to the enclosed site plan in order to accommodate changes in Porsche's dealership requirements. To be clear, at this time, LMDP is not requesting a change to the 2010 SLUP or the Temporary SLUP Amendment. Rather, LMDP is only requesting that the Lavery Properties be combined into one lot. LMDP is also not making any modifications to the Porsche dealership or the existing use associated with the Porsche dealership. Upon approval of that combination, LMDP will then seek an amendment to the 2010 SLUP as described below.

By way of background, newly enacted United States and European Union regulations require that Porsche have an all-electric (full electric and hybrid electric) fleet of vehicles by 2025. This new fleet of vehicles requires dealerships to install a new electric vehicle infrastructure. Four parking spaces at the Woodward Property will be converted for electric vehicle charging stations and will no longer be available for customer and inventory parking. Those spaces will be available to the public's use. In order to accommodate customer and inventory parking, spaces will need to be relocated to the Haynes Property. In furtherance of this plan, LMDP will be adding extensive landscaping and a screening wall along Haynes Street as more particularly depicted on the accompanying site plans and drawings.

It is no secret that parking remains a major concern throughout the City of Birmingham. As set forth in the 2007 Triangle District Urban Design Plan, "[p]arking needs to be provided more efficiently than the current configuration of disjointed surface parking lots. Redevelopment should incorporate multi-level parking structures and maximize the use of on-street parking. More efficient use of shared parking facilities will allow for redevelopment that is more pedestrian oriented and less dominated by parking lots." "A more efficient means of accommodating parking is needed in the Triangle District. In the short term, a shared parking program may reduce parking demand. As the Triangle District redevelops, this plan recommends a managed parking system with a combination of parking on-street, in structures and in limited surface lots to ensure that convenient parking is provided to the uses with the greatest demand and that there is efficient use of land. ***Construction of a parking structure is an imperative element of the plan and should be implemented during the first phase.***" (emphasis added). Unfortunately, to date, the City has not constructed a parking structure. After more than a decade since this plan was created, there is no managed parking system for the Triangle System, no parking garage, and no public plans to implement a managed parking system.

LMPD's proposal is meant as a short-term measure until the City can implement the vision set forth in the Triangle District Urban Design Plan, build a parking garage and implement a managed parking system. The use of the combined lots is an appropriate place-holder that will cause the demolition of a dilapidated building and the beautification of the Haynes Property. It is not possible and would not be prudent to redevelop these lots without adequate parking capacity. By approving this lot combination, the land will remain available for future development in accordance with the Triangle District Plan.

August 27, 2020
Page 3

Please schedule this request for the earliest available hearing. If you need any additional information or if you would like to discuss, do not hesitate to contact me.

Sincerely,

CLARK HILL PLC

/s/Stuart M. Schwartz

Stuart M. Schwartz

SMS:at
Enclosure

cc: Mr. Brooks Cowan, City Planner (via email to bcowan@bhamgov.org)

OAKLAND COUNTY TREASURER'S CERTIFICATE
This is to certify that there are no delinquent property
taxes as of this date owed to our office on this property.
No representation is made as to the status of any taxes,
penalties or fines owed to any other entities.

MAY 15 2015

1.00

ANDREW E. MEISNER, County Treasurer
Sec 135, Act 206, 1993 as amended

LIBER 48188 PAGE 142
\$22.00 DEED - COMBINED
\$4.00 REMONUMENTATION
\$17,200.00 TRANSFER TX COMBINED
05/18/2015 03:32:24 PM RECEIPT# 56415
PAID RECORDED - Oakland County, MI
Lisa Brown, Clerk/Register of Deeds



WARRANTY DEED

THEODORE N. MITCHELL AND KATHY MITCHELL, husband and wife, GREGORY MITCHELL AND ATHINA MITCHELL, husband and wife, AND MARK MITCHELL AND MARTHA MITCHELL, husband and wife (collectively, "Grantor"), whose address is 339 N. Center Street, Northville, Michigan 48167 ("Grantor"), conveys and warrants to Lavery Michigan Dealership Properties, a Michigan limited liability company ("Grantee"), whose address is 33583 Woodward Ave. Birmingham, the premises situated in the City of Birmingham, Oakland County, Michigan, more specifically described as: ****HI 48009**

*No. 1, LLC, a Michigan limited liability company

See Exhibit A hereto

for the sum set forth on the Real Estate Transfer Tax Valuation Affidavit filed herewith, subject only to the exceptions set forth on Exhibit B hereto.

If the land being conveyed is unplatted, the following is deemed to be included:

Grantor grants to Grantee the right to make all division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

Dated: April 30, 2015

OK-LB

SP
A
Cert

[SIGNATURES BEGIN ON NEXT PAGE]

Warranty Deed

1508076

26

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS
2015 MAY 13 AM 10:59

GRANTOR:

Theodore N. Mitchell

Theodore N. Mitchell

Kathy Mitchell

Kathy Mitchell, his wife

Gregory Mitchell

Gregory Mitchell

Athina Mitchell

Athina Mitchell, his wife

Mark Mitchell

Mark Mitchell

Martha Mitchell

Martha Mitchell, his wife

STATE OF MICHIGAN

COUNTY OF OAKLAND

ss.

The foregoing instrument was acknowledged before me in OAKLAND County, Michigan, this 16 day of June, 2010, by Theodore N. Mitchell and Kathy Mitchell, his wife.

Sandra J. Melki

Print name: Sandra J. Melki

Notary Public

State of Michigan, County of _____

My commission expires _____

Acting in the County of _____

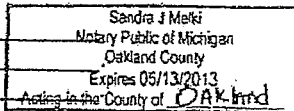
Sandra J Melki
Notary Public of Michigan
Oakland County
Expires 05/13/2013
Acting in the County of <u>OAKLAND</u>

Warranty Deed

STATE OF MICHIGAN)
COUNTY OF Oakland) ss.

The foregoing instrument was acknowledged before me in Oakland County, Michigan, this 6th day of June, 2010, by Gregory Mitchell and Athina Mitchell, his wife.

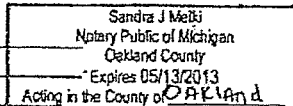
Sandra J. Meeki
Print name: Sandra J. Meeki
Notary Public
State of Michigan, County of _____
My commission expires _____
Acting in the County of _____



STATE OF MICHIGAN)
COUNTY OF Oakland) ss.

The foregoing instrument was acknowledged before me in OAKland County, Michigan, this 10th day of June, 2010, by Mark Mitchell and Martha Mitchell, his wife.

Sandra J. Meeki
Print name: Sandra J. Meeki
Notary Public
State of Michigan, County of _____
My commission expires _____
Acting in the County of _____



Drafted by and when recorded return to:
Howard N. Luckoff, Esq.
Honigman Miller Schwartz and Cohn LLP
2290 First National Building
660 Woodward Avenue
Detroit, MI 48226

Send subsequent tax bills to: Grantee

Recording Fee: \$ _____

Transfer Tax: See Real Estate Transfer Tax Valuation Affidavit

Warranty Deed

EXHIBIT A

LEGAL DESCRIPTION

Land situated in the City of Birmingham, Oakland County, Michigan, more particularly described as:

Lot 3 of "Bowers Addition", according to the plat thereof recorded in Liber 8 of Plats, Page 26, Oakland County Records, except that part taken for highway; also together with:

All of Lots 4 and 5 of "Bowers Addition", according to the plat thereof recorded in Liber 8 of Plats, Page 26, Oakland County Records; also together with

Lot 6 of "Bowers Addition", according to the plat thereof recorded in Liber 8 of Plats, Page 26, Oakland County Records, except the Easterly part, beginning at the Northeast Lot corner; thence West 1.35 feet along the Lot line; thence Southerly 65.50 feet parallel to the East Lot line; thence South 52.89 feet to the Southeast Lot corner; thence Northerly along said Lot line to the beginning.

Sidwell #: 19-36-281-022
Commonly Known As: 835 and 845 Haynes Street

EXHIBIT B

EXCEPTIONS

1. Taxes and assessments for the year 2010 and thereafter which constitute a lien on the Property but are not yet due and payable.
2. Highway Easement recorded in Liber 53, Page 355 of Miscellaneous Records, Oakland County Records, Michigan.

OAKLAND.1841170.1

OAKLAND COUNTY TREASURERS CERTIFICATE
I HEREBY CERTIFY that there are no TAX LIENS or TITLES
held by the state or any individual against the within description
and all TAXES on same are paid for five years previous to the
date of this instrument as appears by the records in the office
except as stated.

JUN 06 2014

ANDREW E. MEISNER, County Treasurer
Sec. 135, Act 206, 1893 as amended

1.00

00-1862

LIBER 47102 PAGE 586
\$19.00 DEED - COMBINED
\$4.00 REMONUMENTATION

06/06/2014 03:17:34 PM RECEIPT# 53438
PAID RECORDED - Oakland County, MI
Lisa Brown, Clerk/Register of Deeds

COVENANT DEED

Agim Bardha and Sheriban Bardha, husband and wife (collectively, "Grantor"), whose address is 550 Bates, Birmingham, Michigan 48009, hereby sells, conveys, grants and bargains to Lavery Michigan Dealership Properties No. 1, LLC, a Michigan limited liability company ("Grantee"), whose address is 440 Lake Park Drive, Birmingham, Michigan 48009, the premises situated in the City of Birmingham, Oakland County, Michigan, more specifically described as:

See Exhibit A hereto

for the sum set forth on the Real Estate Transfer Tax Valuation Affidavit filed herewith.

Grantor, for itself, its successors and assigns, covenants, grants, bargains, and agrees to and with Grantee, its successors and assigns, that, subject to the exceptions set forth on Exhibit B hereto, Grantor has not done, committed or knowingly suffered to be done or committed any act, matter, or thing whatsoever, whereby the premises hereby granted, or any part thereof, is, or shall or may be, charged or encumbered in title, estate or otherwise.

If the land being conveyed is unplatted, the following is deemed to be included:

Grantor grants to Grantee the right to make all division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

[SIGNATURES ON NEXT PAGE]

OK = LG

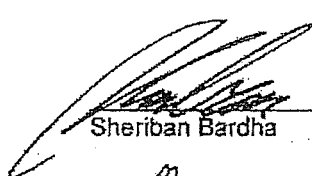
RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS
2014 JUN -6 PM 3:17

REVENUE TO BE AFFIXED
AFTER RECORDING


Covenant Deed
Page 1 of 2

**SIGNATURE PAGE TO COVENANT DEED FROM
SHERIBAN AND AGIM BARDHA TO LAVERY MICHIGAN DEALERSHIP
PROPERTIES NO. 1, LLC**

GRANTOR:



Sheriban Bardha

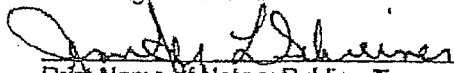


Agim Bardha

Dated as of June 2, 2014

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

This instrument was acknowledged before me in Oakland County, Michigan, on the 2nd of June, 2014, by Sheriban Bardha and Agim Bardha.



Print Name of Notary Public: Jennifer L. Schreiner
Notary Public, State of Michigan, County of Oakland
My commission expires: 4/14/20
Acting in the County of Oakland

Drafted by and when recorded return to:

Sarah Baumgartner, Esq.
Honigman Miller Schwartz and Cohn LLP
660 Woodward Avenue
2290 First National Building
Detroit, MI 48226-3506

When Recorded Return to:

Title Source, Inc. -
Commercial Team
662 Woodward Avenue
Detroit, MI 48226
TSI#: 58767941

Send subsequent tax bills to: Grantee

Recording Fee: \$ _____

Transfer Tax: See Real Estate Transfer Tax Valuation Affidavit

Covenant Deed
Page 2 of 2

EXHIBIT A - LEGAL DESCRIPTION

Tax ID Number(s): 19-36-281-030

Land Situated in the City of Birmingham in the County of Oakland in the State of MI

Town 2 North, Range 10 East, Section 36, BOWERS ADDITION SUBDIVISION, as recorded in Liber 8, Page 26 of Plats, Oakland County Records. Easterly part of Lot 6 beginning at Northeast lot corner, thence Westerly 1.35 feet along North lot line, thence South 01 degrees 00 minutes 00 seconds West 65.50 feet parallel to East lot line, thence Southeasterly 52.89 feet to Southeast lot corner, thence Northerly 118.42 feet along East lot line to beginning, also all of Lots 7, 8 and 9, also Westerly part of Lot 10 measures 10.14 feet along North lot line and 10.58 feet along South lot line.

Client Reference: 907 & 911 Haynes St., Birmingham, MI 48009

EXHIBIT B

EXCEPTIONS

1. Lease dated June 3, 2010 between Sheriban and Agim Bardha and Spa Mariana, LLC, successor in interest to Corpo Chair Massage, LLC.

CERTIFICATE OF SURVEY
ORIGINAL PARCEL CONFIGURATION

LEGAL DESCRIPTION
(Per Survey Oakland)

19-36-281-030
T2N, R10E, SEC 36 BOWERS ADD ELY PART OF LOT 6 BEG AT NE LOT COR, TH WLY 1.35 FT ALG N LOT LINE, TH S 01-00-00 W 65.50 FT PARA TO E LOT LINE, TH SELY 52.89 FT TO SE LOT COR, TH NLY 118.42 FT ALG E LOT LINE TO BEG, ALSO ALL OF LOTS 7, 8 & 9, ALSO WLY PART OF LOT 10 MEAS 10.14 FT ALG N LOT LINE & 10.58 FT ALG S LOT LINE

LEGAL DESCRIPTION
(Per Survey Oakland)

19-36-281-022
T2N, R10E, SEC 36 BOWERS ADD LOT 3 EXC THAT PART TAKEN FOR HWY, ALL OF LOTS 4 & 5, ALSO LOT 6 EXC ELY PART BEG AT NE LOT COR, TH W 1.35 FT ALG N LOT LINE, TH SLY 65.50 FT PARA TO E LOT LINE, TH SELY 52.89 FT TO SE LOT COR, TH NLY ALG LOT LINE TO BEG



PEA, Inc.

2430 Rochester Ct, Ste 100
Troy, MI 48063-1872
t: 248.689.9090
f: 248.689.1044
www.peainc.com

CLIENT:
Lavery Michigan Dealership Properties No. 1, LLC
909 HAYNES STREET
BIRMINGHAM, MICHIGAN 48009

SCALE: —

JOB No: 2019-344

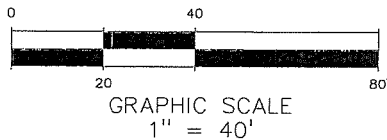
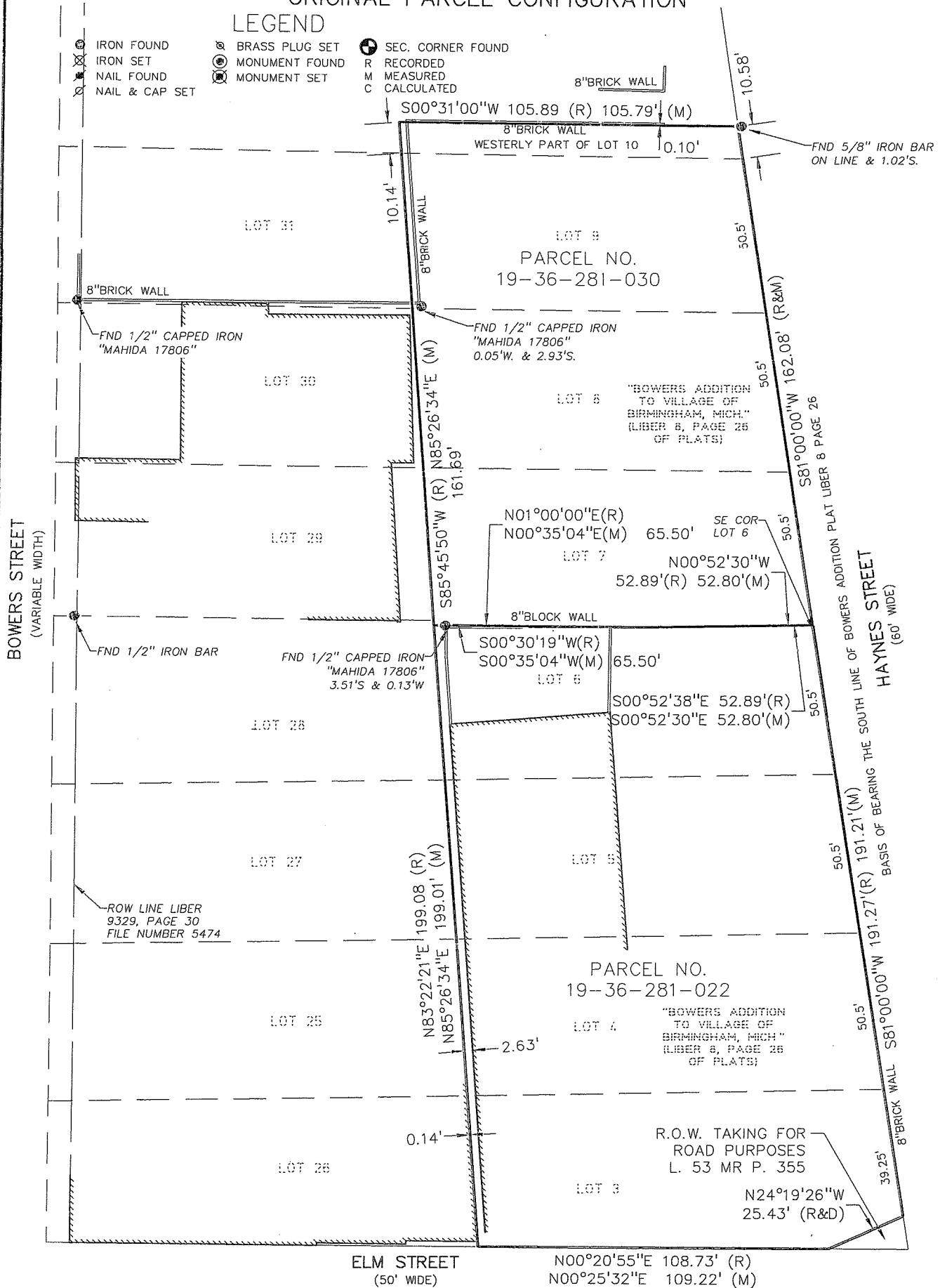
DATE: 9/18/19

DWG. No: 1 of 4

CERTIFICATE OF SURVEY ORIGINAL PARCEL CONFIGURATION

LEGEND

- | | | |
|--|--|---|
| <ul style="list-style-type: none"> ⊗ IRON FOUND ⊗ IRON SET ⊗ NAIL FOUND ⊗ NAIL & CAP SET | <ul style="list-style-type: none"> ⊗ BRASS PLUG SET ⊗ MONUMENT FOUND ⊗ MONUMENT SET | <ul style="list-style-type: none"> ⊙ SEC. CORNER FOUND R RECORDED M MEASURED C CALCULATED |
|--|--|---|



CLIENT:
Lavery Michigan Dealership Properties No. 1, LLC
909 HAYNES STREET
BIRMINGHAM, MICHIGAN 48009

SCALE: 1" = 40'

JOB No: 2019-344

DATE: 9/18/19

DWG. No: 2 of 4

PEA, Inc.

2430 Rochester Ct, Ste 100
Troy, MI 48063-1872
t: 248.689.9090
f: 248.689.1044
www.peainc.com

CERTIFICATE OF SURVEY
PROPOSED PARCEL CONSOLIDATION

LEGAL DESCRIPTION

(Per PEA Inc.)

Combined Parcel

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

A parcel of land lying in "Bowers Addition" being a part of Section 36, Town 2 North, Range 10 East, including all of lots 3, 4, 5, 6, 7, 8, 9, and the westerly 10.14 feet along the northerly line of Lot 10 and the westerly 10.58 feet along the southerly line of Lot 10, excluding a portion taken for Right-of-Way purposes, as described in Liber 53 Miscellanies Records, Page 355,, more particularly described as;

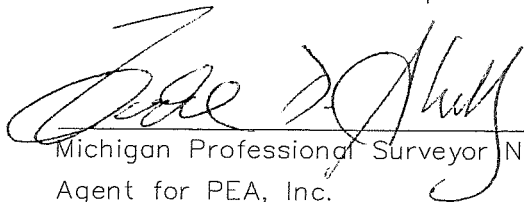
Commencing at the southwest corner of Lot 3, thence N81°00'00"E, 10.79 feet along the south line of said Lot 3 to the Point of Beginning;
thence N24°19'26"W, 25.43 feet;
thence N00°25'32"E, 109.22 feet along the West Line of said Lot 3 and the East Line of Elm Street;
thence N85°26'34"E, 360.70 feet along the North Line of Lots 3-10 of said Bower's Addition;
thence S00°31'00"W, 105.79 feet;
thence S81°00'00"W, 353.29 feet along the South Line of said Lots 3-10 and the North Line of Haynes Street to the Point of Beginning.
Containing 0.99 Acres more or less.

Basis of bearing the south line of Bowers Addition Plat Liber 8 Page 26

CERTIFICATION

I, Todd D. Shelly, being a Licensed Professional Surveyor, hereby certify, that I have surveyed and mapped the parcel(s) heron described and that the relative positional precision of each corner is within the limits accepted by the practice of professional surveying and that all the requirements of P.A. 132 of 1970, as amended, have been complied with.

DATE


Michigan Professional Surveyor No. 41111
Agent for PEA, Inc.

9-19-19



PEA, Inc.

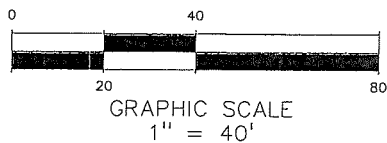
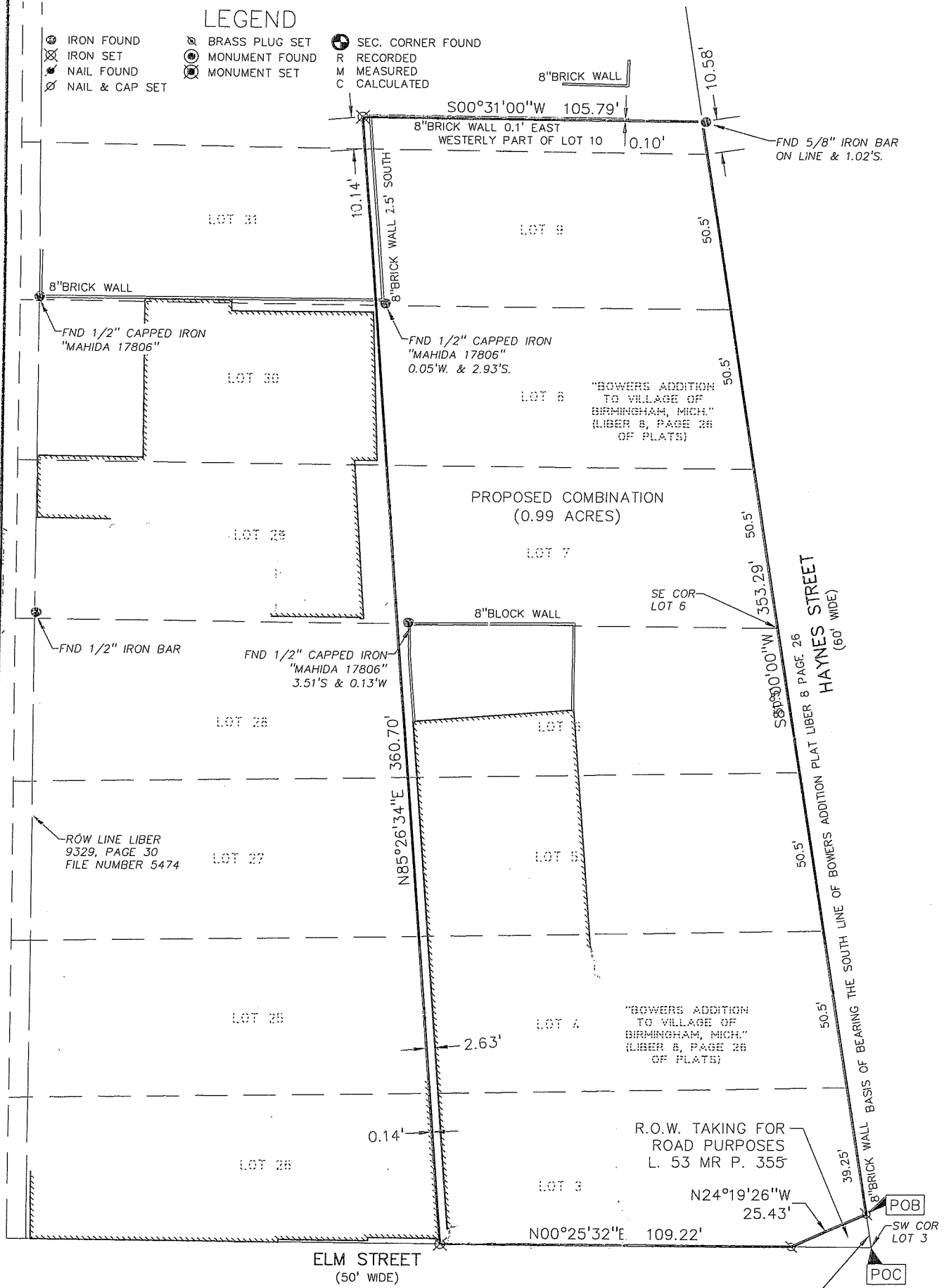
2430 Rochester Ct, Ste 100
Troy, MI 48063-1872
t: 248.689.9090
f: 248.689.1044
www.peainc.com

CLIENT: Lavery Michigan Dealership Properties No. 1, 909 HAYNES STREET BIRMINGHAM, MICHIGAN 48009	SCALE: LC —	JOB No: 2019-344
	DATE: 9/18/19	DWG. No: 3 of 4

CERTIFICATE OF SURVEY
PROPOSED PARCEL CONSOLIDATION

LEGEND

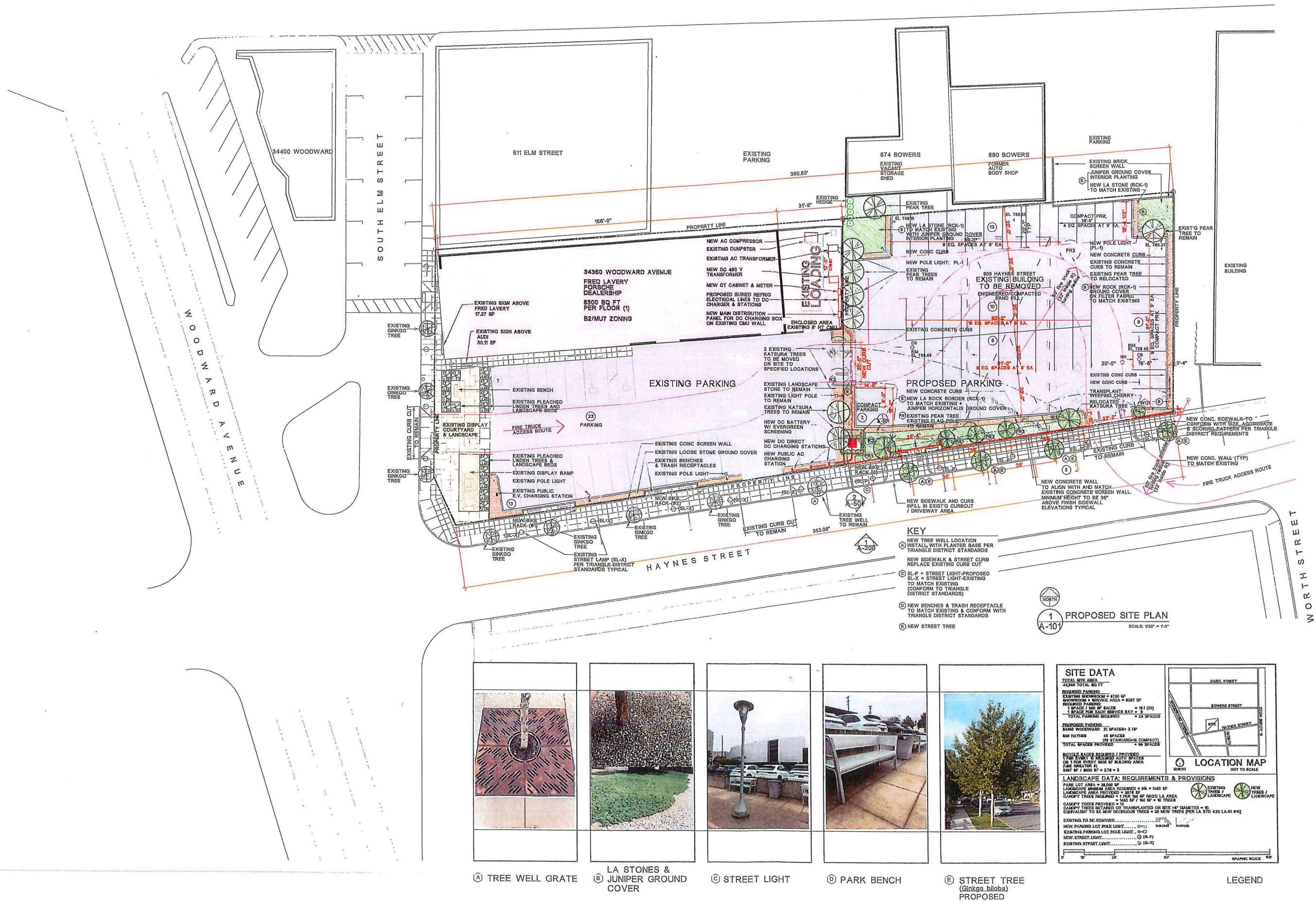
- IRON FOUND
IRON SET
NAIL FOUND
NAIL & CAP SET
BRASS PLUG SET
MONUMENT FOUND
MONUMENT SET
SEC. CORNER FOUND
R RECORDED
M MEASURED
C CALCULATED

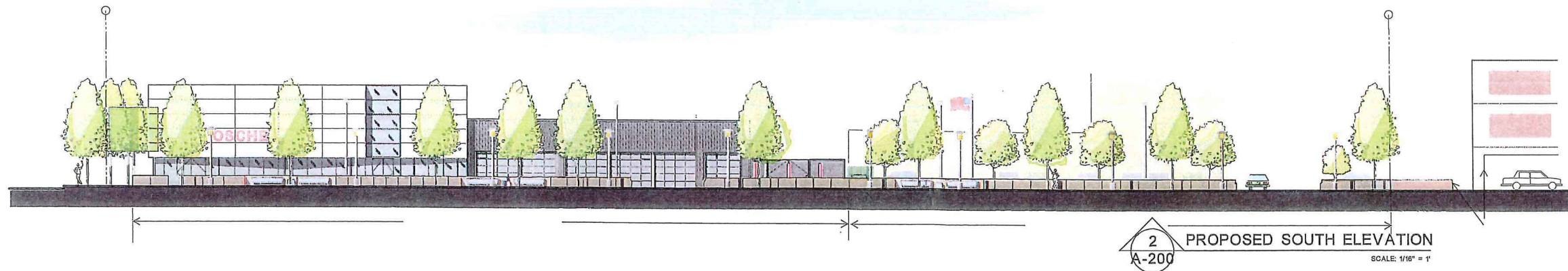


CLIENT: Lavery Michigan Dealership Properties No. 1, LLC 909 HAYNES STREET BIRMINGHAM, MICHIGAN 48009	SCALE: 1"= 40'	JOB No: 2019-344	PEA, Inc. 2430 Rochester Ct, Ste 100 Troy, MI 48063-1872 t: 248.689.9090 f: 248.689.1044 www.peainc.com
	DATE: 9/18/19	DWG. No: 4 of 4	

S:\PROJECTS\2019\2019-344 LAVERY-BARDHA PARCEL CONSOLIDATION\SURVEY-DEPT\19344BND\DWG\19-344 Parcel consolidation.dwg; RAT

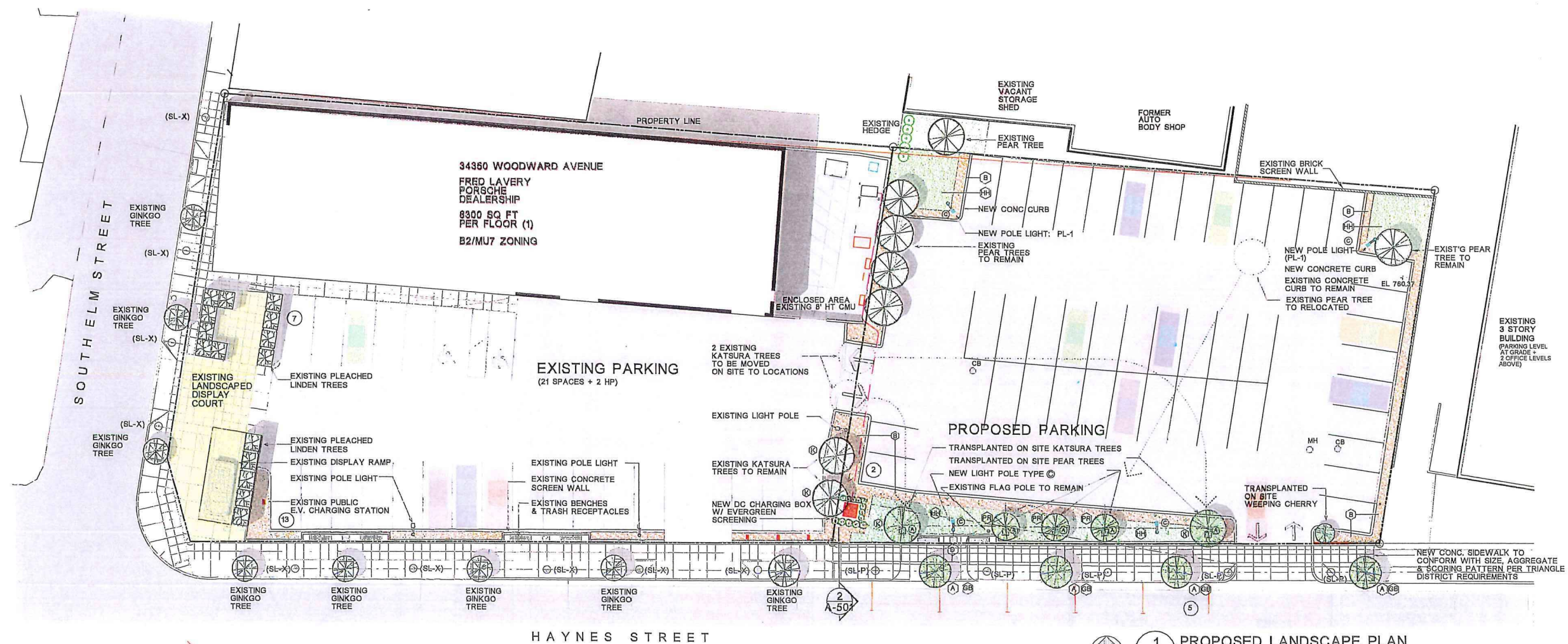
A-101





Luckenbach
Ziegelman
Gardner
Architects
PLLC

555 South Old Woodward Suite 27L
Birmingham, Michigan 48009
248.644.0600



project:
Fred Lavery
PORSCHE
Special Land Use
Permit Review
835 Haynes Street
Birmingham, Michigan

sheet title:
PROPOSED

date issued:

LANDSCAPE KEY

- (A) NEW TREE WELL LOCATION
INSTALL WITH PLANTER BASE PER
TRIANGLE DISTRICT STANDARDS
Ginkgo biloba, "Autumn Gold"
- (B) EXISTING STONE (1" DIA) VOLCANIC STONE
(Washed Decorative Stone: Midnight Granite)
- (D) NEW BENCHES & TRASH RECEPTACLE
- (K) KATURA TREE (Existing - Transplanted on Site)
(Cercidiphyllum japonicum)
- (P) FLOWERING PEAR TREE
(Existing - Transplanted on Site - Pyrus sp)

LIGHTING KEY

- (A) Auraltight 12V LED Micro well Uplight
- (B) Lumen Street Light Model PT90 - 42W
TO MATCH EXISTING
(CONFORM TO TRIANGLE
DISTRICT STANDARDS)
- (C) PARKING LIGHT POLE
Cooper Lighting - Lumark
Model MPTR (match existing)

project number:
LZG 2019.0025

sheet number:

A-200

LEGAL DESCRIPTION

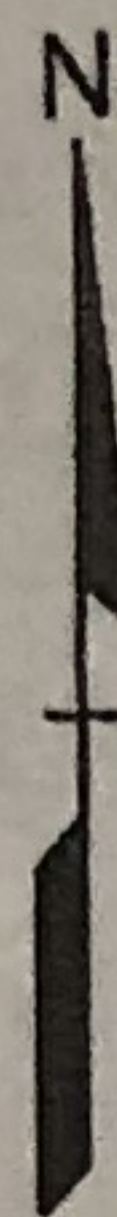
(Per PEA Map)

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

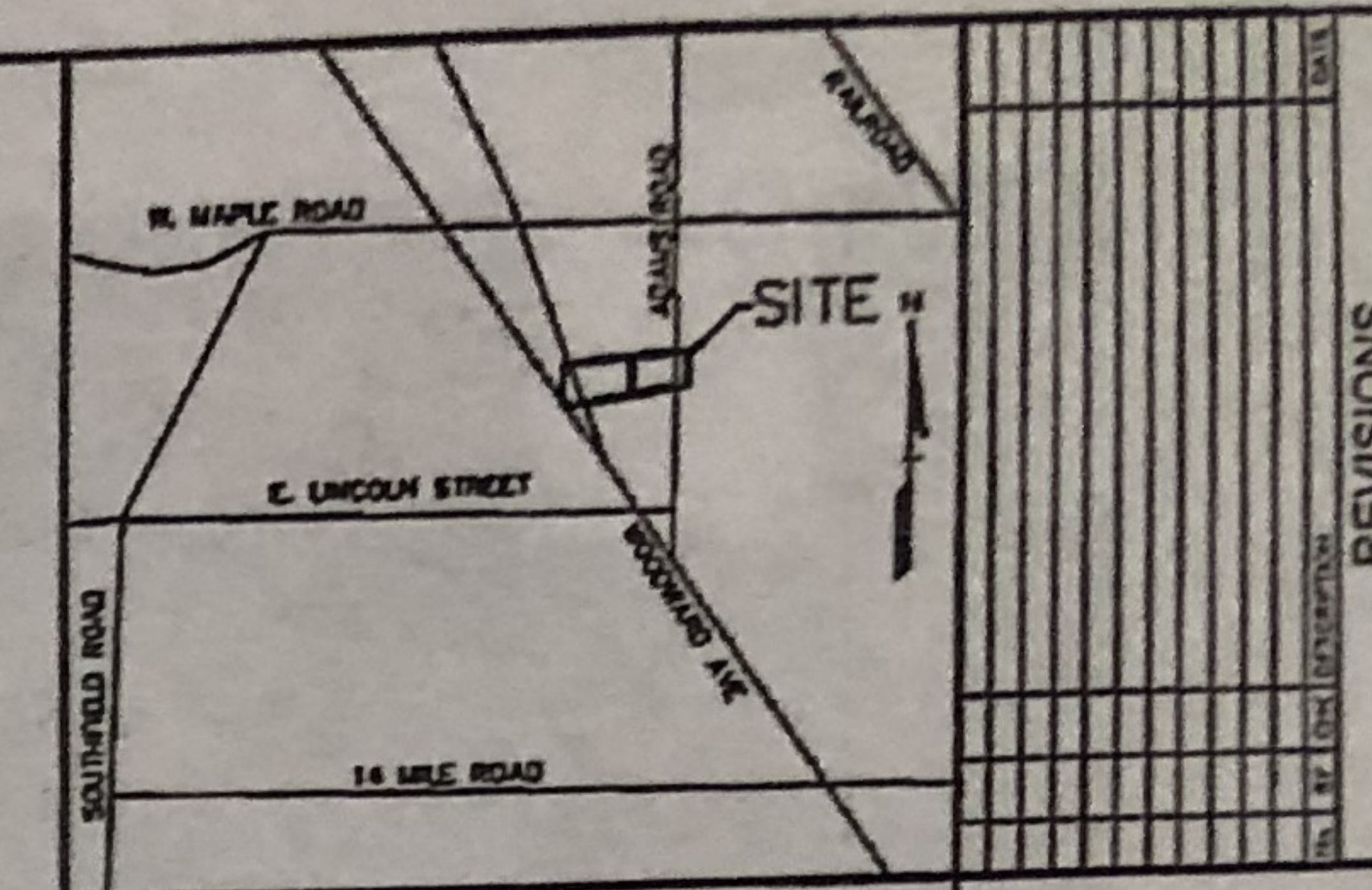
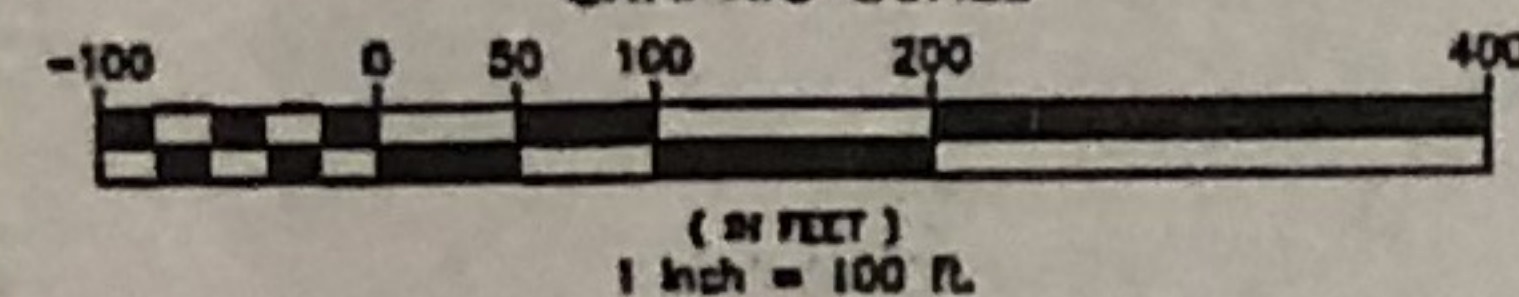
A parcel of land lying in "Bowers Addition" being a part of Section 36, Town 2 North, Range 10 East, including all of lots 3, 4, 5, 6, 7, 8, 9, and the westerly 10.14 feet along the northern line of Lot 10 and the westerly 10.58 feet along the northern line of Lot 11, containing a portion (later for Right-of-Way purposes, as described in Liber 53 Miscellaneous Records, Page 255, more particularly described as:

Commencing at the southeast corner of Lot 3, thence N81°00'00"E, 10.79 feet along the south line of said Lot 3 to the Point of Beginning; thence S24°17'25"W, 15.43 feet; thence S69°23'23"E, 108.22 feet along the West Line of said Lot 3 and the East Line of the Street; thence S82°24'54"E, 100.70 feet along the North Line of Lots 3-10 of said Bowers Addition; thence S00°21'00"W, 105.79 feet; thence S81°00'00"W, 333.29 feet along the South Line of said Lots 3-10 and the North Line of Haynes Street to the Point of Beginning. Containing 0.95 Acres more or less.

Beats of bearing the south line of Bowers Addition Plat Liber 8 Page 26

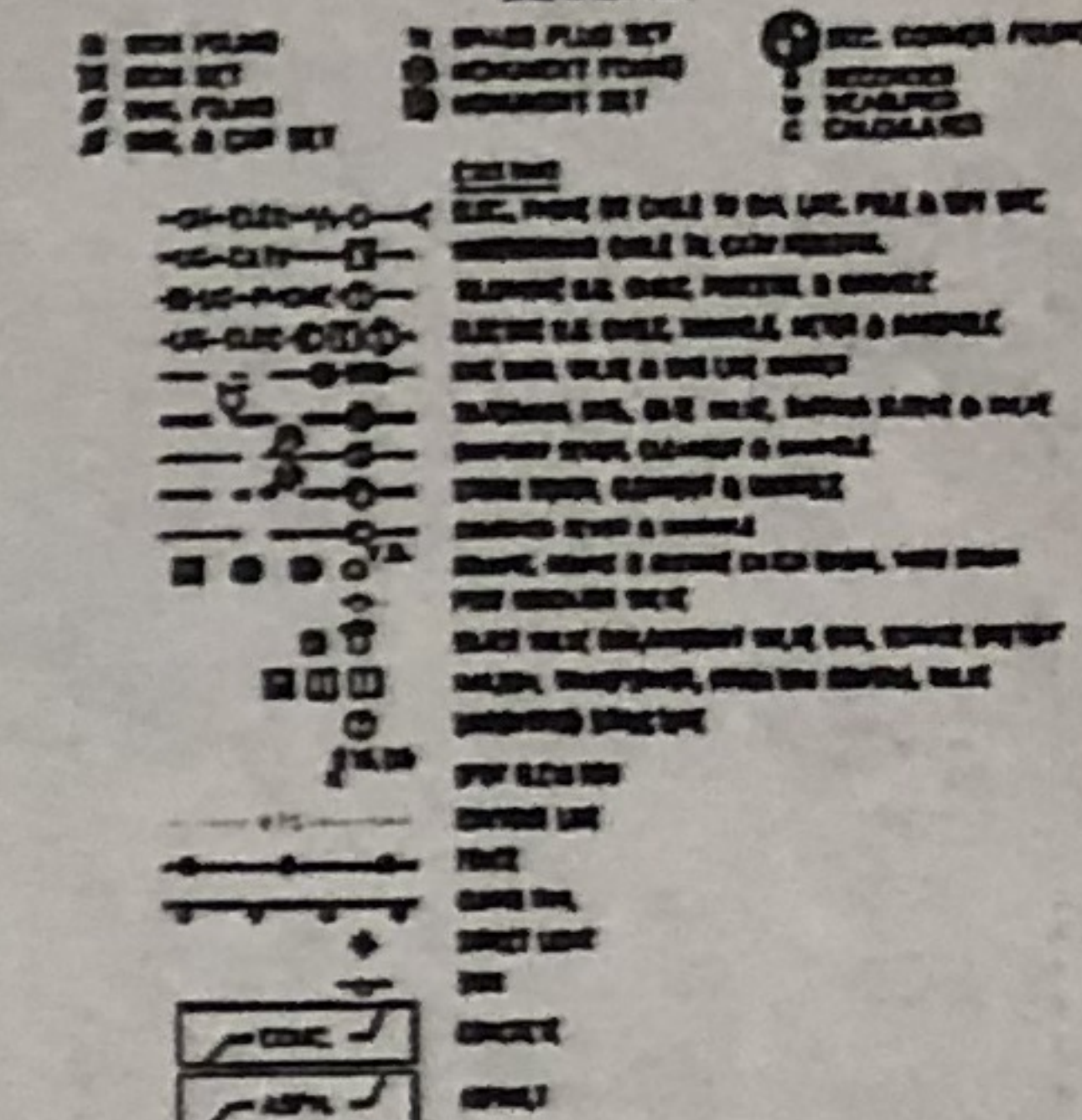


GRAPHIC SCALE



LOCATION MAP - NOT TO SCALE

LEGEND



CAUTION:
This map was prepared by PEA, Inc. for the purpose of showing the location of the proposed easement. It is not a legal description of the property and should not be used for legal purposes. The user of this map is advised to consult the original survey and the applicable laws of the State of Michigan for a complete understanding of the property and the proposed easement.

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F: 248.689.1044
www.peainc.com

Lavery Michigan Dealership Properties No. 1, LLC
600 HAYNES STREET
BIRMINGHAM, MICHIGAN 48009
LAND COMBINATION SURVEY
BOWERS ADDITION
PART OF THE NORTH 1/4 OF SECTION 36, TOWN 2N, RANGE 10E
CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN
DES. DATE PLAN DATE P.M. TDS

ORIGINAL ISSUE DATE:
September 10, 2010
PEA JOB NO. 2010-344
SCALE: 1" = 100'
DRAWING NUMBER:
1



MEMORANDUM

Planning Division

DATE: October 12th, 2020

TO: Joseph A. Valentine, City Manager

FROM: Nicholas Dupuis, City Planner

APPROVED: Jana Ecker, Planning Director

SUBJECT: 768 N. Old Woodward – The French Lady – Special Land Use Permit & Final Site Plan Review

INTRODUCTION:

The applicant has submitted a Special Land Use Permit (SLUP) application for a food or drink establishment in the O2 (Office Commercial) zoning district at the north end of Downtown Birmingham. A Special Land Use Permit is required in the O2 zoning district for a food or drink establishment. There are no liquor sales proposed for on premise or off premise consumption. The restaurant is currently open for carryout ONLY as a specialty food store.

In the recent past, the building was home to LY Sushi, Cucina Medoro, and the Old Woodward Deli. These food or drink establishments maintained a legal non-conforming status in this building since at least 2008. Unfortunately, the building was struck by a vehicle and was vacant for about a year, which discontinued the legal non-conforming status it previously held.

The proposed new restaurant, The French Lady, will serve authentic French cuisine. The proposal includes the kitchen in the rear, a service counter with select baked goods and deserts, and 28 chairs at 6 tables in a dining area at the front of the building for full service dining. There are no outdoor seats proposed at this time, as the building's location adjacent to a public parking facility in front does not contain ample space for outdoor dining. There is currently a deck in the rear with stairs that lead to Parking Lot 6, but the deck is not for public access. Finally, the applicant has stated that their hours of operation, should a Special Land Use Permit be granted, will be 8:00 AM to 10:00 PM daily.

BACKGROUND:

The application for SLUP & Final Site Plan and Design ("FSP") was reviewed at the Planning Board on September 23rd, 2020. The Planning Board voted unanimously to recommend approval to the City Commission for both the SLUP and the FSP with no conditions.

LEGAL REVIEW:

The City Attorney has reviewed the attached application and has no concerns.

FISCAL IMPACT:

There are no fiscal impacts as a result of this application.

PUBLIC COMMUNICATIONS:

As noted above, the application for a SLUP & FSP was reviewed at the public meeting of the Planning Board on September 23rd, 2020. Public notice was provided to all properties within 300 ft. of the property at 768 N. Old Woodward, and a legal notice was published in the Oakland Press as required.

SUMMARY:

The Planning Division requests the City Commission set a public hearing date for **November 9 2020** to consider approval of the Special Land Use Permit and Final Site Plan Review to allow the operation of a food and drink establishment in the O2 Zoning District.

ATTACHMENTS:

- Plans for 768 N. Old Woodward
- Planning Board Report
- Special Land Use Permit & Final Site Plan Review Application
- Planning Board Minutes

SUGGESTED RESOLUTION:

To set a public hearing date for November 9, 2020 to consider the Special Land Use Permit and Final Site Plan for 768 N. Old Woodward – The French Lady – to allow the operation of a food and drink establishment in the O2 Zoning District.

The French Lady
768 N. Old Woodward
Special Land Use Permit
2020

WHEREAS, THE FRENCH LADY filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate food or drink establishment in the O2 Zoning District in accordance with Article 2, Section 2.23(C)(2)(g) of Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the east side of N. Old Woodward south of Oak Ave.,

WHEREAS, The land is zoned O2, and is located within the Downtown Birmingham Overlay District, which permits the operation of a food or drink establishment with a Special Land Use Permit;

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;

WHEREAS, The applicant submitted an application for a Special Land Use Permit and Final Site Plan Review for THE FRENCH LADY to allow a food or drink establishment in the O2 Zoning District;

WHEREAS, The Planning Board on September 23, 2020 reviewed the application for a Special Land Use Permit and Final Site Plan and recommended approval of both to the City Commission;

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

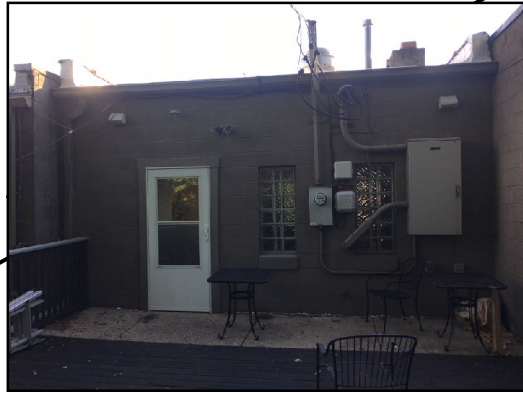
NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met and that THE FRENCH LADY's application for a Special Land Use Permit and Final Site Plan at 768 N. Old Woodward is hereby approved;

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

THE FRENCH LADY to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

I, Alexandria Bingham, Acting City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on November 9, 2020.

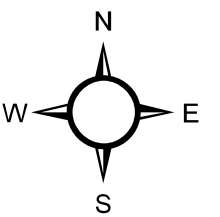
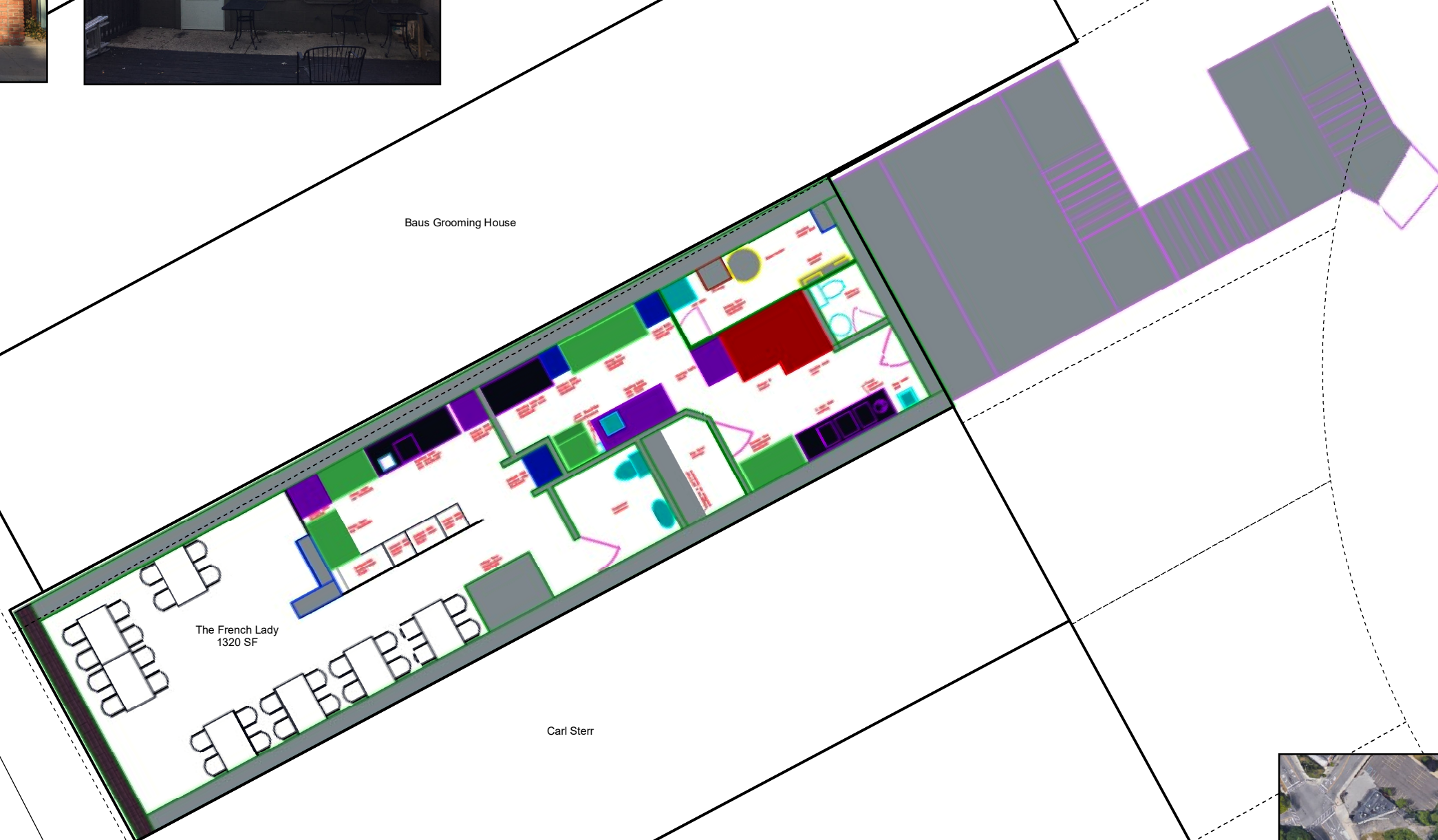
Alexandria Bingham
Acting City Clerk



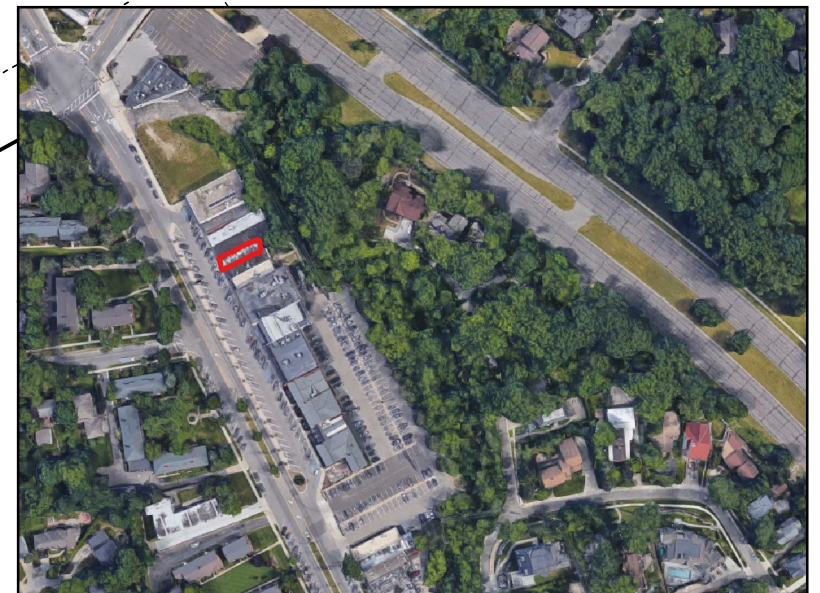
768 N. Old Woodward
The French Lady
*Special Land Use &
Final Site Plan Approval*

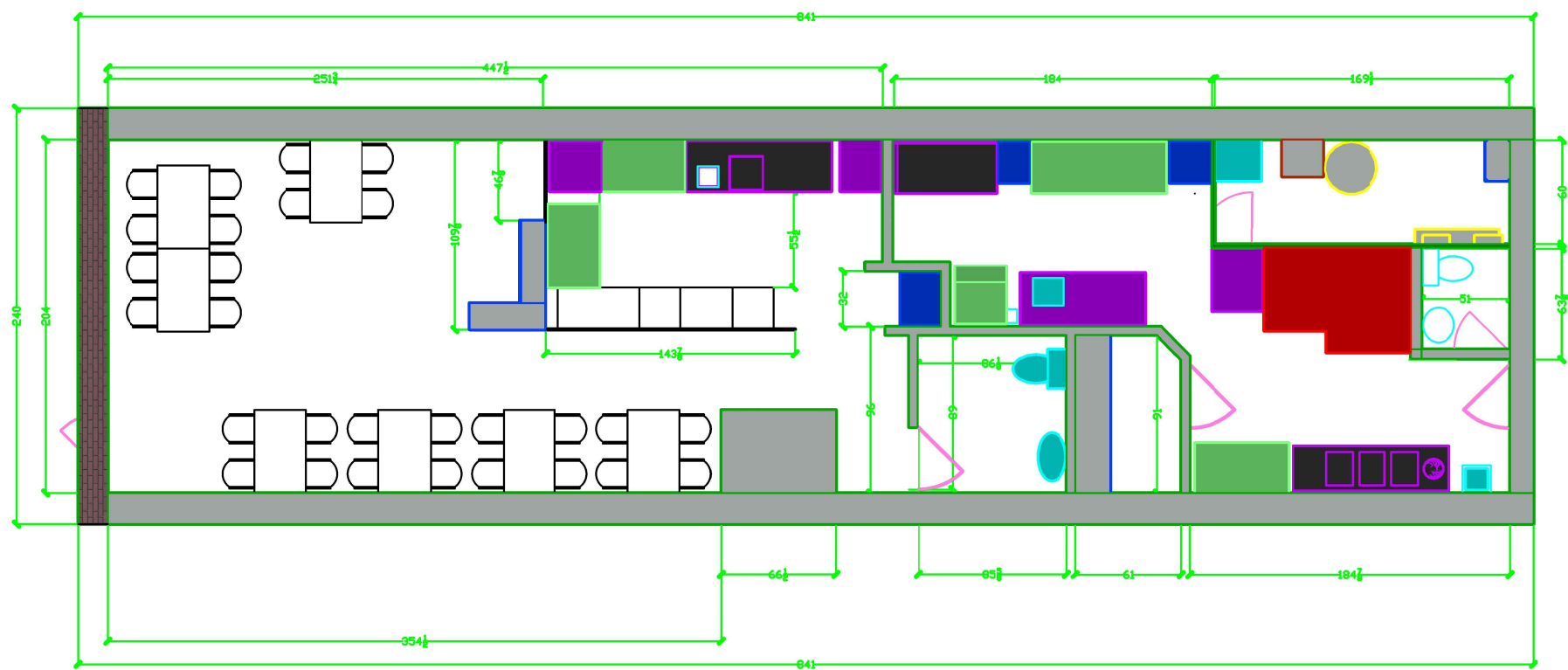


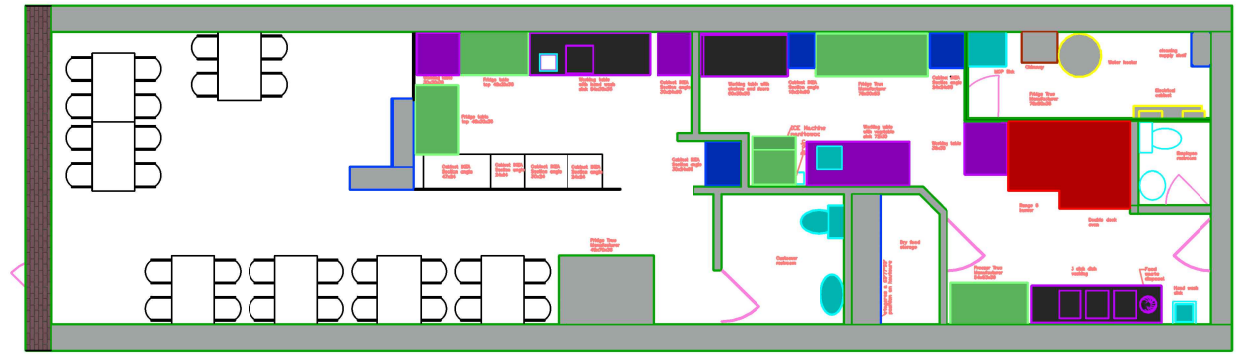
Planning Board 9/23/2020



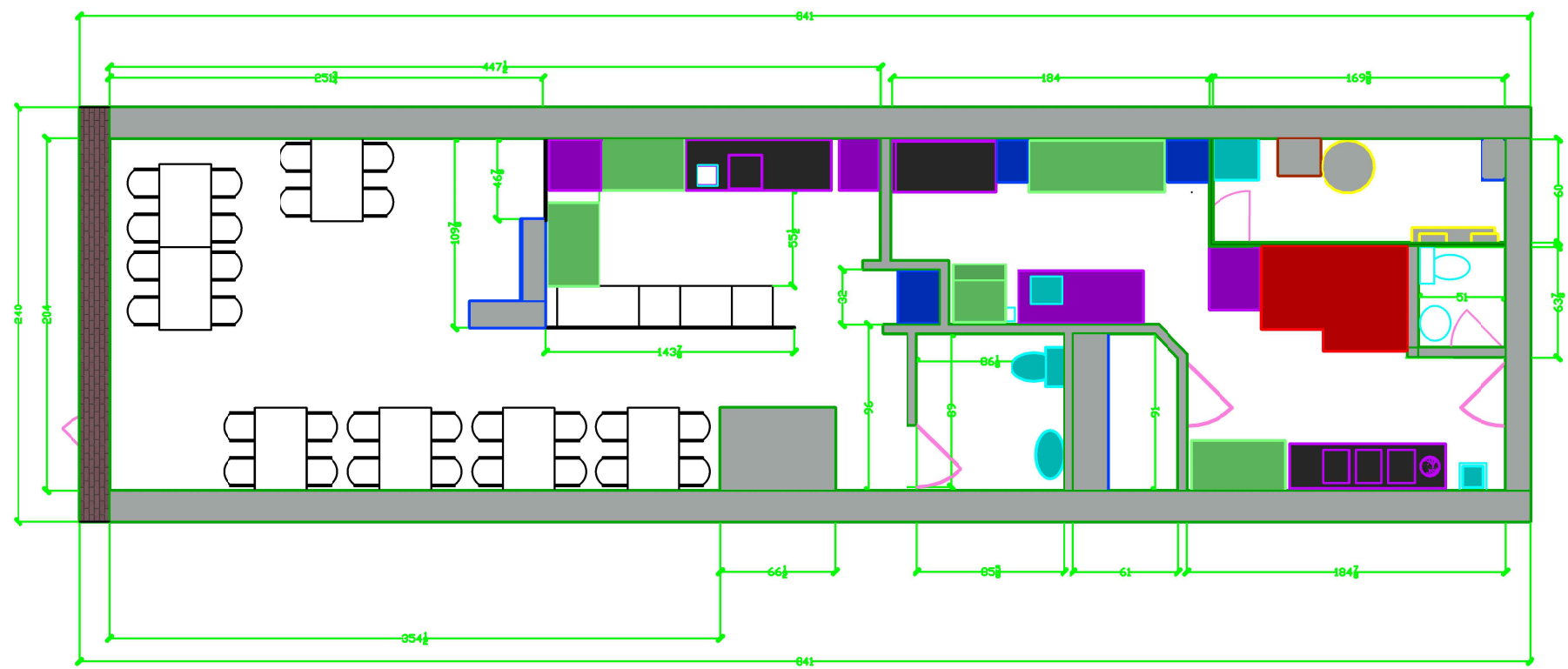
1 inch = 10 feet

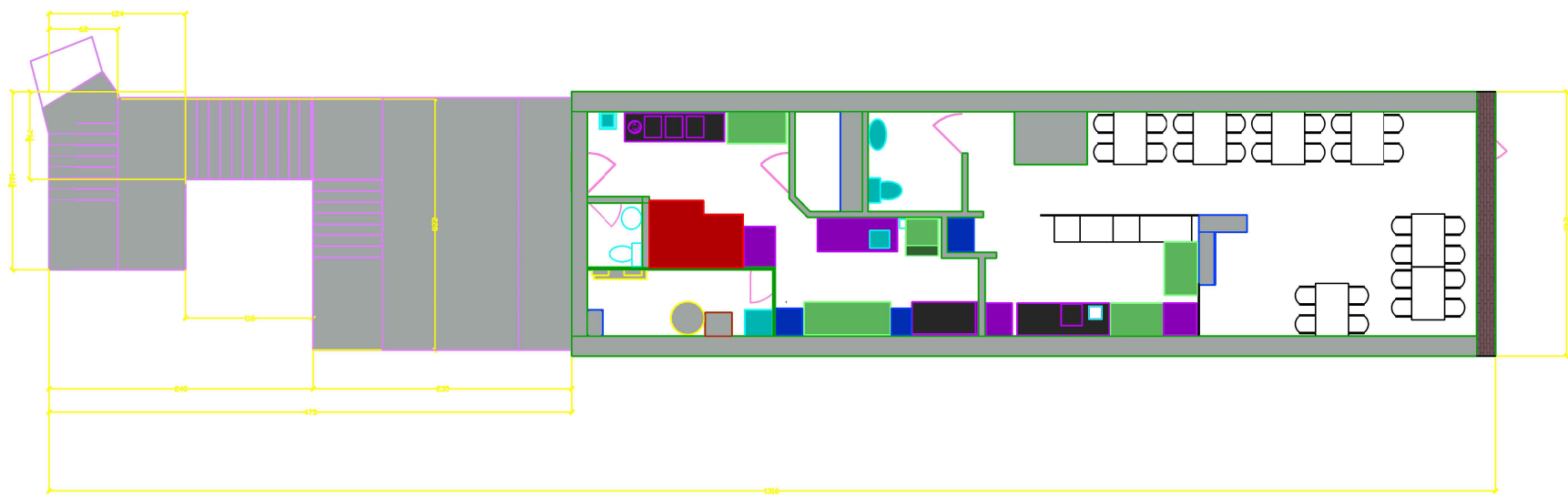


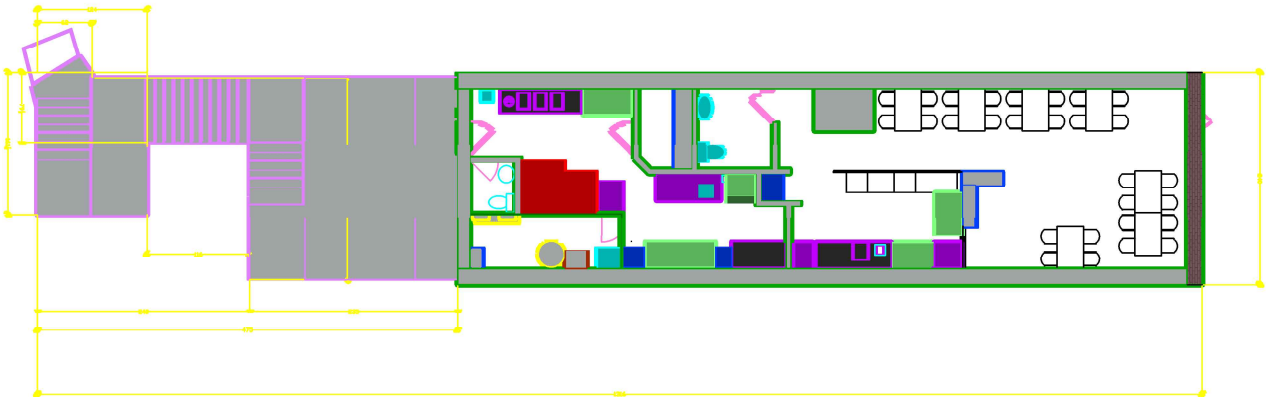
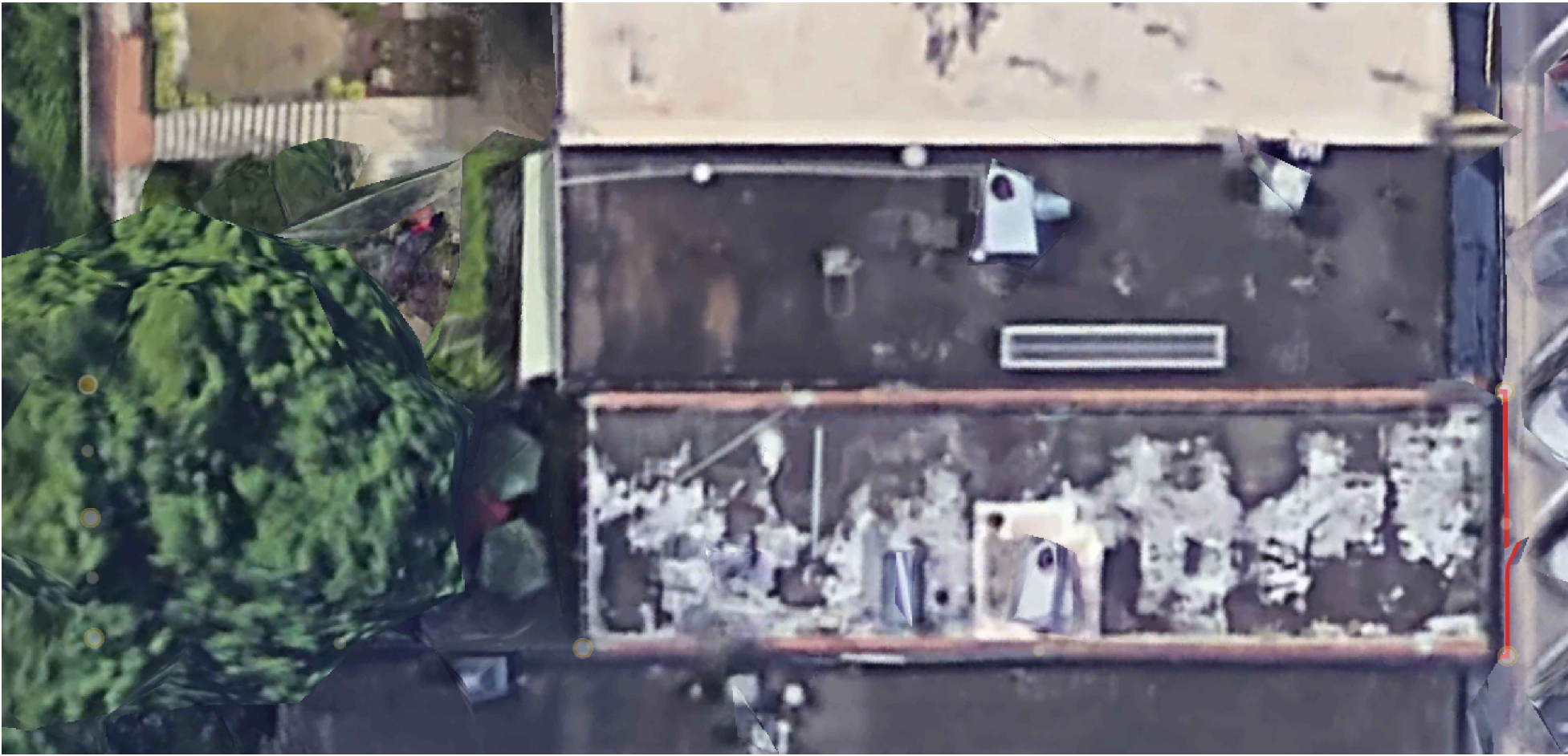


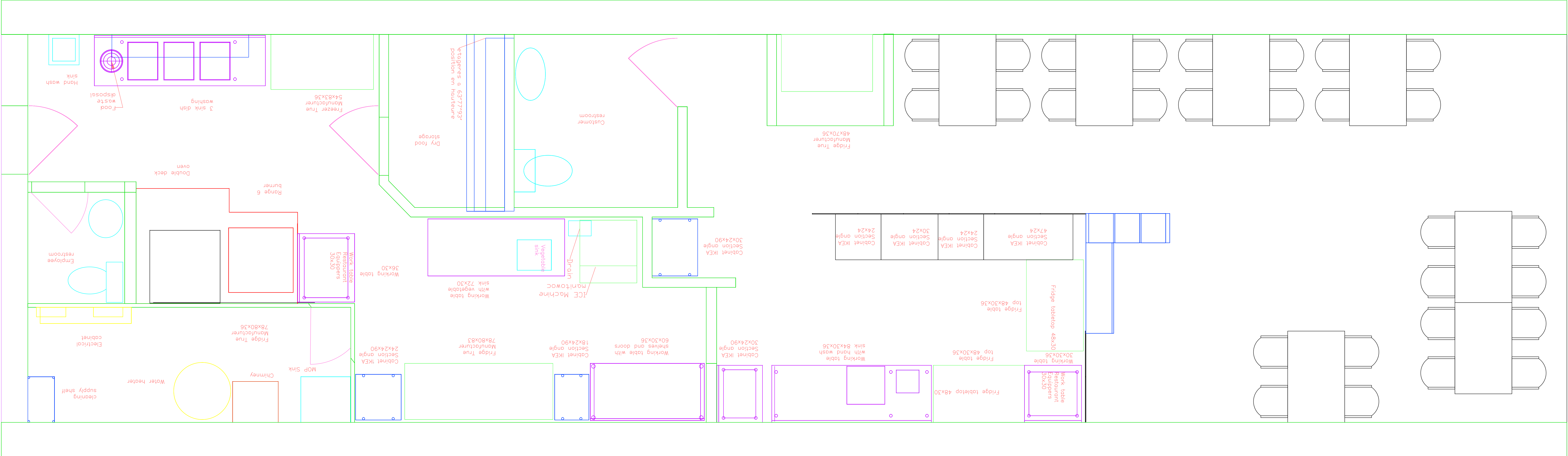


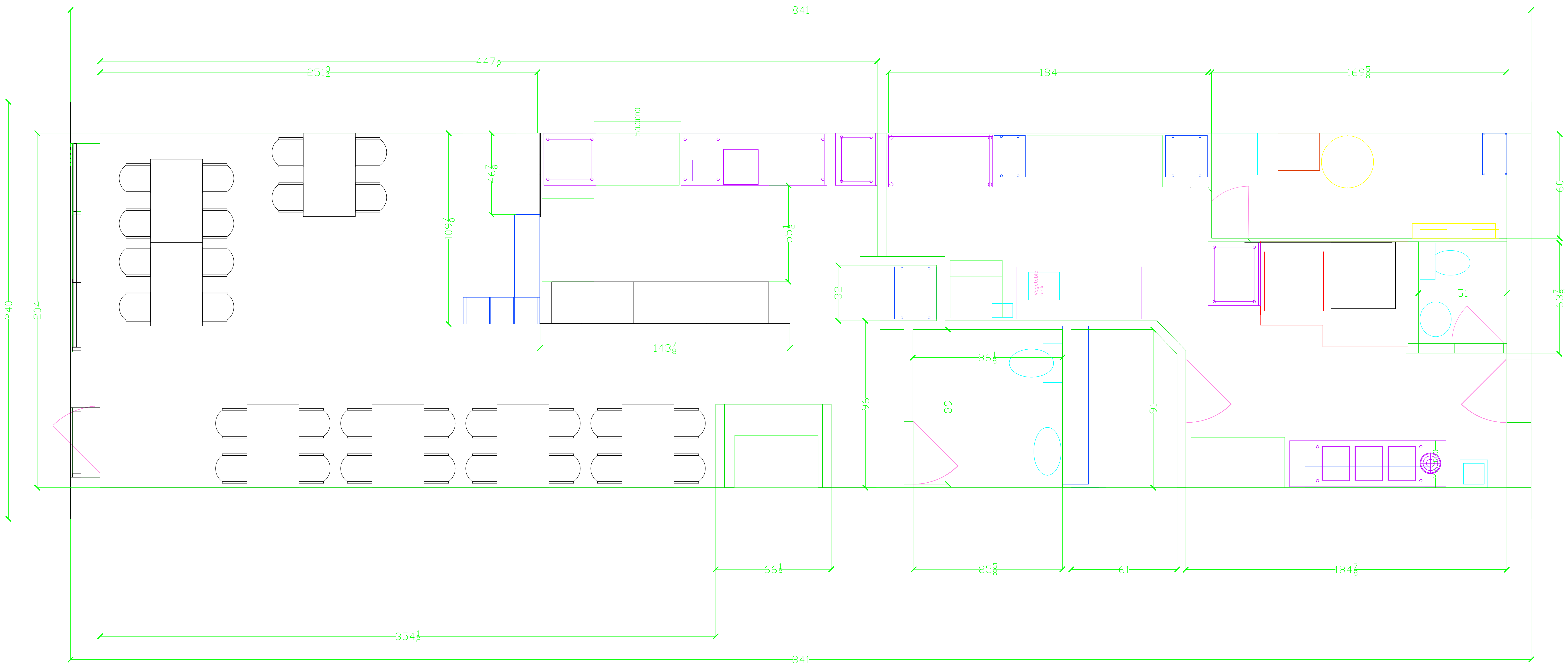


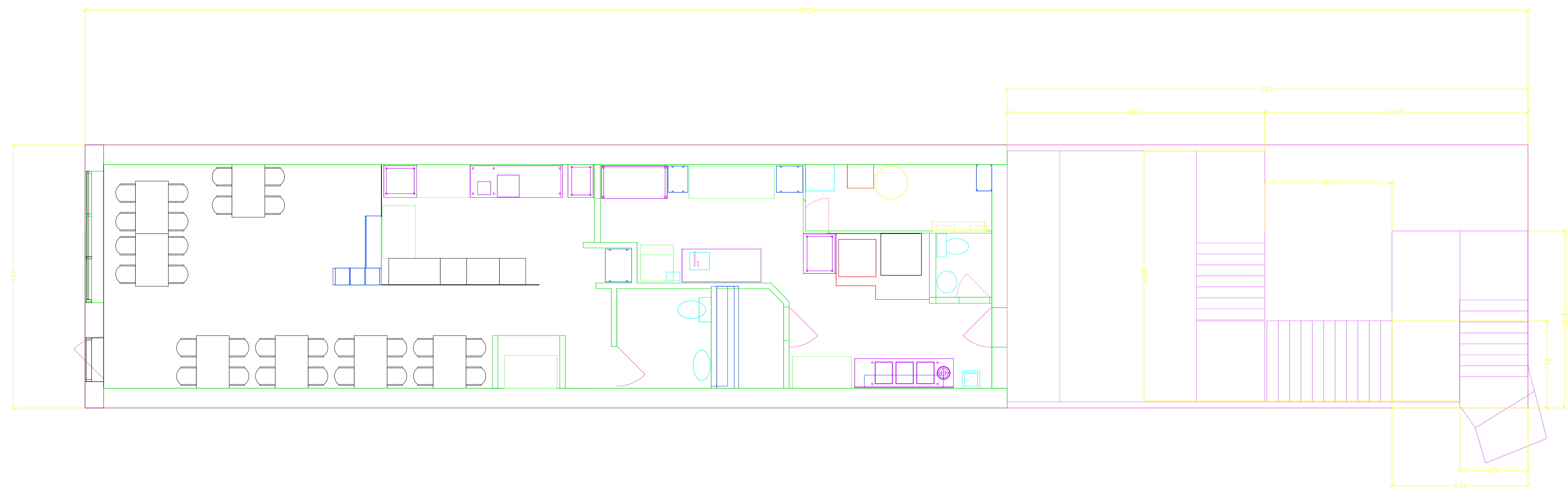






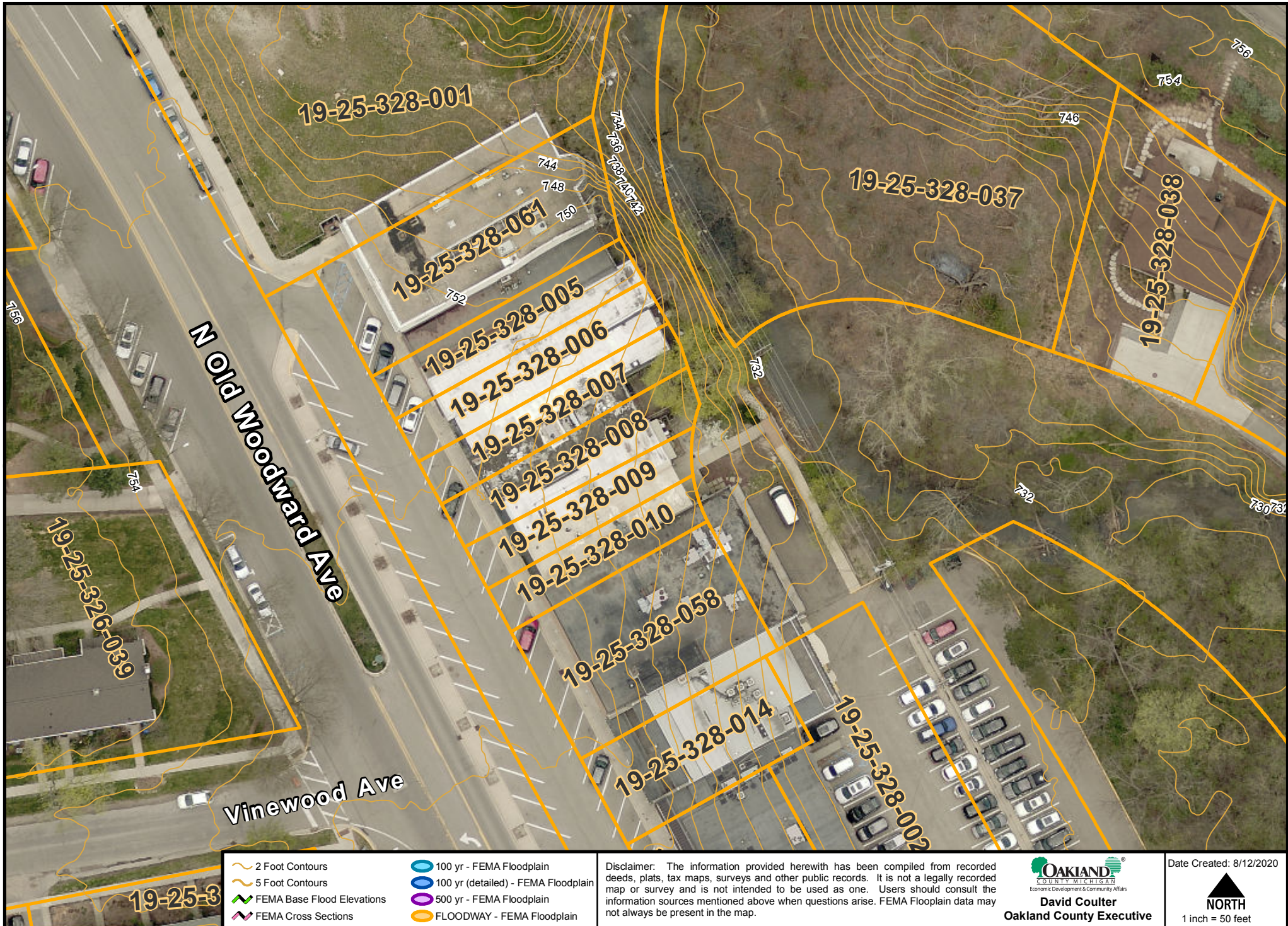








The French Lady





COMING SOON

The French Lady

City of Birmingham
a Waldo Community

PUBLIC NOTICE
SPECIAL LAND USE PERMIT

This property will be the subject of a land development hearing with the City of Birmingham.

768

742



BAUSGROUN

248-385-
WWW.BAUSGROUN





MEMORANDUM

Planning Division

DATE: September 23rd, 2020

TO: Jana Ecker, Planning Director

FROM: Nicholas Dupuis, City Planner

SUBJECT: 768 N. Old Woodward – The French Lady – Special Land Use Permit & Final Site Plan Review

Introduction

The applicant has submitted a Special Land Use Permit application for a food or drink establishment in the O2 (Office Commercial) zoning district at the north end of Downtown Birmingham. The necessity for a Special Land Use Permit is simple in that the O2 zoning district requires as such for a food or drink establishment. There will be no liquor sales for on premise or off premise consumption at this juncture. The restaurant is currently open for carryout ONLY.

In the recent past, the building was home to LY Shushi, Cucina Medoro, and the Old Woodward Deli. These food or drink establishments maintained a legal non-conforming status in this building since at least 2008. Unfortunately, the building was struck by a vehicle and was vacant for about a year, which discontinued the legal non-conforming status it previously held.

The proposed new restaurant, The French Lady, will serve authentic French cuisine. The proposal includes the kitchen in the rear, a service counter with select baked goods and deserts, and 28 chairs at 6 tables in a dining area at the front of the building for full service dining. There are no outdoor seats proposed at this time, as the buildings location adjacent to a public parking facility in front does not contain ample space for such. There is currently a deck in the rear with stairs that lead to Parking Lot 6, but the deck is not for public access. Finally, the applicant has stated that their hours of operation, should a Special Land Use Permit be granted, will be 8:00 AM to 10:00 PM daily.

1.0 Land Use and Zoning

- 1.1 Existing Land Use – The subject site is currently a 1-story commercial building and is currently operating as a carry out only establishment.
- 1.2 Zoning – The subject site exists within the O2 (Office-Commercial) and D2 (Downtown Overlay) zoning districts.
- 1.3 Summary of Adjacent Land Use and Zoning –

	North	South	East	West
Existing Land Use	Commercial	Commercial	Public Property	Multiple Family Residential
Existing Zoning District	O2 – Office Commercial	O2 – Office Commercial	PP – Public Property	R6 – Multiple Family Residential
Overlay Zoning District	D2	D2	N/A	N/A

2.0 Setback and Height Requirements

Please see the attached zoning compliance summary sheet for details on setback and height requirements. There are no bulk, height or placement issues associated with the proposed project.

3.0 Screening and Landscaping

- 3.1 Dumpster Screening – The applicant has stated that although there are no waste receptacles on site, they have secured dumpster privileges with One Source Waste for the common dumpster in the rear public parking lot area. **The Planning Board may wish to require the applicant to screen the shared dumpster.**
- 3.2 Parking Lot Screening – The proposed restaurant does not contain an off-street parking facility, thus the parking lot screening requirements are not applicable.
- 3.3 Mechanical Equipment Screening – There are no changes proposed to the existing rooftop units, nor are any new rooftop or ground mounted mechanical units proposed. **The Planning Board may wish to require the applicant to screen the existing rooftop units.**
- 3.4 Landscaping – There is no existing or proposed landscaping on site.
- 3.5 Streetscape – The subject site's location in the north end of Downtown Birmingham and the public parking facility directly in front of the building create a poor environment for benches, bike racks or waste receptacles. The area across the parking facility and the boulevard on N. Old Woodward contain street trees and streetlights.

4.0 Parking, Loading and Circulation

- 4.1 Parking – The subject site is located within the Parking Assessment District, thus no parking analysis is required for the commercial use proposed.

- 4.2 Loading – Article 4, Section 4.24 does not require commercial uses between 0 and 10,000 sq. ft. to provide any off-street loading facilities. The building is 1,320 sq. ft. and thus does not require an off-street loading space.
- 4.3 Vehicular Circulation and Access – Vehicles access the site via a public parking facility directly adjacent to the site. There are no changes proposed in this regard.
- 4.4 Pedestrian Circulation and Access – Pedestrian access to the building is located through a single door on the N. Old Woodward façade. No changes are proposed to the entrance.

5.0 Lighting

There are no new exterior light fixtures proposed as a part of this project. The building currently contains 4 gooseneck light fixtures and one wall sconce.

6.0 Departmental Reports

- 6.1 Engineering Division – The Engineering Division has not provided any comments at this time. All comments received will be provided to the Planning Board during the Special Land Use Permit Review.
- 6.2 Department of Public Services – The Department of Public Services has not provided any comments at this time. All comments received will be provided to the Planning Board during the Special Land Use Permit Review.
- 6.3 Fire Department – The Fire Department has not provided any comments at this time. All comments received will be provided to the Planning Board during the Special Land Use Permit Review.
- 6.4 Police Department – The Police Department has no concerns at this time.
- 6.5 Building Division – The Building Division has not provided any comments at this time. All comments received will be provided to the Planning Board during the Special Land Use Permit Review.

7.0 Design Review

There are no exterior changes proposed to the building at this time. The Planning Division has discussed with the applicant the potential for a new sign in the future, and has explained the process for receiving approval for such.

8.0 Required Attachments

	Submitted	Not Submitted	Not Required
Existing Conditions Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Detailed and Scaled Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Certified Land Survey	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Interior Floor Plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Landscape Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Photometric Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Colored Elevations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Material Specification Sheets	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Material Samples	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site & Aerial Photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9.0 Approval Criteria

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 nor 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.

Additionally, Article 7, Section 7.36 states that the City Commission shall not approve of any requests for a special land use permit unless it determines that the following standards are met:

1. The use is consistent with and will promote the intent and purpose of this Zoning Ordinance.
2. The use will be compatible with adjacent uses of land, the natural environment, and the capabilities of public services and facilities affected by the land use.
3. The use is consistent with the public health, safety and welfare of the city.
4. The use is in compliance with all other requirements of this Zoning Ordinance.
5. The use will not be injurious to the surrounding neighborhood.
6. The use is in compliance with state and federal statutes.

10.0 Recommendation

Based on a review of the site plan submitted, the Planning Division finds that the proposed Special Land Use Permit and Final Site Plan meets the requirements of Article 7, section 7.27 and 7.36 of the Zoning Ordinance. Thus, the Planning Division recommends that the Planning Board recommend **APPROVAL** to the City Commission the Special Land Use Permit and Final Site Plan for 768 N. Old Woodward – The French Lady.

11.0 Sample Motion Language

Motion to recommend **APPROVAL** to the City Commission the Special Land Use Permit and Final Site Plan for 768 N. Old Woodward – The French Lady.

OR

Motion to **POSTPONE** the Special Land Use Permit and Final Site Plan for 768 N. Old Woodward – The French Lady – pending receipt of the following:

1. _____
2. _____
3. _____

OR

Motion to recommend the **DENIAL** of the Special Land Use Permit and Final Site Plan for 768 N. Old Woodward – The French Lady – for the following reasons:

1. _____
2. _____
3. _____

**Zoning Compliance Summary Sheet
Special Land Use Permit & Final Site Plan
768 N. Old Woodward – The French Lady**

Existing Site: 1-Story Commercial Buildings

Zoning: O2 (Office-Commercial) & D2 (Downtown Overlay)

Land Use: Commercial

Existing Land Use and Zoning of Adjacent Properties:

	North	South	East	West
Existing Land Use	Commercial	Commercial	Public Property	Multiple-Family Residential
Existing Zoning District	B3 (Office-Residential)	B3 (Office-Residential)	B2 (General Business)	B2B (General Business)
Overlay Zoning District	D5	D5	MU5	D2

Land Area:	Existing:	0.056 ac.
	Proposed:	0.056 ac. (no changes proposed)
Dwelling Units:	Existing:	0 units
	Proposed:	0 units
Minimum Lot Area/Unit:	Required:	N/A
	Proposed:	N/A
Min. Floor Area /Unit:	Required:	N/A
	Proposed:	N/A
Max. Total Floor Area:	Required:	In parking assessment district, FAR shall not exceed 100%, except that the maximum FAR may be increased up to 200% by providing 1 parking space for every 300 square feet over the maximum FAR
	Proposed:	54% (no changes proposed)
Min. Open Space:	Required:	N/A
	Proposed:	N/A
Max. Lot Coverage:	Required:	N/A
	Proposed:	N/A

Front Setback:	Required:	0 ft.
	Proposed:	0 ft.
Side Setbacks	Required:	0 ft.
	Proposed:	0 ft.
Rear Setback:	Required:	10 feet when the rear open space abuts a P, B1, B2, B2B, B2C, B3, B4, O1, or O2 Zoning District.
	Proposed:	39.6 ft. (no changes proposed)
Min. Front+Rear Setback	Required:	N/A
	Proposed:	N/A
Min. Bldg. Height:	Permitted:	N/A
	Proposed:	N/A
Max. Bldg. Height:	Permitted:	56 ft., 3 stories
	Proposed:	13 ft., 1 story (no changes proposed)
Min. Eave Height:	Permitted:	20 ft.
	Proposed:	13 ft. (no changes proposed)
Max. Eave Height:	Required:	34 ft.
	Proposed:	13 ft. (no changes proposed)
Parking:	Required:	0 spaces (Parking Assessment District)
	Proposed:	0 spaces (Parking Assessment District)
Min. Parking Space Size:	Required:	180 sq. ft.
	Proposed:	N/A
Loading Area:	Required:	0 off-street loading spaces
	Proposed:	0 off-street loading spaces
Screening:		
	<u>Parking:</u>	Required: 32 in. capped masonry wall or Evergreen
		Proposed: N/A (no parking facility on-site)
	<u>Loading:</u>	Required: Completely enclosed within a building or 6 ft. minimum
		Proposed: N/A (no loading facility on-site)
	<u>Rooftop Mechanical:</u>	Required: Fully screened from public view
		Proposed: N/A (no changes proposed)
		The Planning Board may wish to consider requiring the applicant to screen the existing RTU's.

<u>Elect. Transformer:</u>	Required:	Fully screened from public view
	Proposed:	N/A (no transformer on-site)
<u>Dumpster:</u>	Required:	6 ft. masonry screenwall with wood gates
	Proposed:	N/A (no dumpster on-site; shared dumpster) The Planning Board may wish to require the applicant to screen the shared dumpster.



Special Land Use Permit Application

Planning Division

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

1. Applicant

Name: _____
Address: _____

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

2. Property Owner

Name: _____
Address: _____

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

3. Applicant's Attorney/Contact Person

Name: _____
Address: _____

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

4. Project Designer/Developer

Name: _____
Address: _____

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

5. Required Attachments

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

6. Project Information

Address/Location of the property: _____

Name of development: _____
Sidwell #: _____
Current Use: _____
Proposed Use: _____
Area of Site in Acres: _____
Current zoning: _____
Is the property located in the floodplain? _____
Name of Historic District Site is located in: _____
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: _____
Will proposed project require the division of platted lots? _____

Will proposed project require the combination of platted lots? _____

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

8. Buildings and Structures

Number of Buildings on Site: _____
Height of Buildings & # of Stories: _____

Use of Buildings: _____
Height of Rooftop Mechanical Equipment: _____

9. Floor Use and Area (in Square Feet)

Proposed Commercial Structures:

Total basement floor area: _____
Number of square feet per upper floor: _____
Total floor area: _____
Floor area ratio (total floor area ÷ total land area): _____
Open space: _____
Percent of open space: _____

Office Space: _____
Retail Space: _____
Industrial Space: _____
Assembly Space: _____
Seating Capacity: _____
Maximum Occupancy Load: _____

Proposed Residential Structures:

Total number of units: _____
Number of one bedroom units: _____
Number of two bedroom units: _____
Number of three bedroom units: _____
Open space: _____
Percent of open space: _____

Rental units or condominiums? _____
Size of one bedroom units: _____
Size of two bedroom units: _____
Size of three bedroom units: _____
Seating Capacity: _____
Maximum Occupancy Load: _____

Proposed Additions:

Total basement floor area, if any, of addition: _____
Number of floors to be added: _____
Square footage added per floor: _____
Total building floor area (including addition): _____
Floor area ratio (total floor area ÷ total land area): _____
Open Space: _____
Percent of open space: _____

Use of addition: _____
Height of addition: _____
Office space in addition: _____
Retail space in addition: _____
Industrial space in addition: _____
Assembly space in addition: _____
Maximum building occupancy load (including addition): _____

10. Required and Proposed Setbacks

Required front setback: _____
Required rear setback: _____
Required total side setback: _____
Side setback: _____

Proposed front setback: _____
Proposed rear setback: _____
Proposed total side setback: _____
Second side setback: _____

11. Required and Proposed Parking

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

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

12. Landscaping

Location of landscape areas: _____

Proposed landscape material: _____

13. Streetscape

Sidewalk width: _____
Number of benches: _____
Number of planters: _____
Number of existing street trees: _____
Number of proposed street trees: _____
Streetscape plan submitted? _____

Description of benches or planters: _____
Species of existing trees: _____
Species of proposed trees: _____

14. Loading

Required number of loading spaces: _____
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: _____

15. Exterior Waste Receptacles

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

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

16. Mechanical Equipment

Utilities and Transformers:

Number of ground mounted transformers: _____
Size of transformers (L•W•H): _____
Number of utility easements: _____
Screenwall material: _____

Location of all utilities & easements: _____

Height of screenwall: _____

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:

Number of rooftop units: _____
Type of rooftop units: _____

Screenwall material: _____
Location of screenwall: _____

Location of all rooftop units: _____
Size of rooftop units (L•W•H): _____
Percentage of rooftop covered by mechanical units: _____
Height of screenwall: _____
Distance from rooftop units to all screenwalls: _____

17. Accessory Buildings

Number of accessory buildings: _____
Location of accessory buildings: _____

Size of accessory buildings: _____
Height of accessory buildings: _____

18. Building Lighting

Number of light standards on building: _____

Type of light standards on building: _____

Size of light fixtures (L•W•H): _____
Maximum wattage per fixture: _____
Light level at each property line: _____

Height from grade: _____
Proposed wattage per fixture: _____

19. Site 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: _____

20. Adjacent Properties

Number of properties within 200 ft.: _____

Property #1

Number of buildings on site: _____
Zoning district: _____
Use type: _____
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: _____

North, south, east or west of property? _____

Property #2

Number of buildings on site: _____
Zoning district: _____
Use type: _____
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: _____

North, south, east or west of property? _____

Property #3

Number of buildings on site: _____
Zoning district: _____
Use type: _____
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: _____

North, south, east or west of property? _____

Property #4

Number of buildings on site: _____
Zoning district: _____
Use type: _____
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: _____

North, south, east or west of property? _____

Property #5

Number of buildings on site: _____
Zoning district: _____
Use type: _____
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: _____

North, south, east or west of property? _____

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

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

Signature of Owner: _____ Date: _____

Print Name: _____

Signature of Applicant:  _____ Date: _____

Print Name: _____

Signature of Architect: _____ Date: _____

Print Name: _____

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

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



SPECIAL LAND USE PERMIT APPLICATION CHECKLIST – PLANNING DIVISION

Applicant: _____ Case #: _____ Date: _____

Address: _____ Project: _____

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

Site Plan for Special Land Use Permit

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

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

- ___ 13. Existing and proposed layout of streets, open space and other basic elements of the plan;
- ___ 14. Existing and proposed utilities and easements and their purpose;
- ___ 15. Location of natural streams, regulated drains, 100-year flood plains, floodway, water courses, marshes, wooded areas, isolated preserve-able trees, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants and any other significant feature(s) that may influence the design of the development;
- ___ 16. General description, location, and types of structures on site;
- ___ 17. Location of sidewalks, curb cuts, and parking lots on subject site and all sites within 200 ft. of the property line;
- ___ 18. Details of existing or proposed lighting, signage and other pertinent development features;
- ___ 19. Elevation drawings showing proposed design;
- ___ 20. Screening to be utilized in concealing any exposed mechanical or electrical equipment and all trash receptacle areas;
- ___ 21. Location of all exterior lighting fixtures;
- ___ 22. A Photometric Plan depicting proposed illuminance levels at all property lines;
- ___ 23. A Landscape Plan showing all existing and proposed planting and screening materials, including the number, size, and type of plantings proposed and the method of irrigation; and
- ___ 24. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.

Elevation Drawings

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

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



Notice Signs - Rental Application Community Development

1. Applicant

Name: _____
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: _____

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

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

Signature of Owner: _____

Date: _____

Print Name: _____

Signature of Applicant: _____

Date: _____

Print Name: _____

CLAUDE PELLERIN

Signature of Architect: _____

Date: _____

Print Name: _____

N/A

Office Use Only

Application #: _____

Date Received: _____

Fee: _____

Date of Approval: _____

Date of Denial: _____

Accepted by: _____

To: Mr. Nichoals Dupuis
City Of Birmingham-Planning Division
Birmingham Michigan 48009

Date: July 30, 2020

From : Gill Chung - CHUNG PROPERTIES INC.
16845 Kercheval Avenue Suite 2
Grosse Pointe Michigan 48230

RE: Special Land Use Permit Application
Claude Pellerin DBA The French Lady
768 N. Old Woodward Avenue
Birmingham Michigan 48009

Dear Mr. Dupuis,

The purpose of this writing is to assist Ms. Pellerin in obtaining final approvals to operate and conduct business in The City Of Birmingham.

I am the Property Owner of the building located at 786 N. Old Woodward, Birmingham Mi. Ms. Pellerin has leased the property to conduct business as a French Restaurant. In her obligations to comply with the municipal codes, she was informed that she must apply for a Special Land Use Permit for this location. I was not aware of this requirement since the building has always been an eatery for many years, as far back as the mid 70's.

I could understand if this were a completely new eatery at this address, but this location has always been an eatery and nothing else. With the exception of minor cosmetics an interior lighting, no major changes, structurally or mechanically have occurred.

Is there any way this permit requirement can be waived due to the buildings history?

Some brief history of this location. In the mid seventies, It was called Michaels Delicatessen. In about the mid eighties, The building was sold, and the new owners then renamed it Birmingham Deli. The business thrived however, the owners decided to sell. In 1992, the building was sold to CHUNG PROPERTIES INC. (Current Owners) and continued to operate as Birmingham Deli until 1998. Birmingham Deli closed and the building was vacant until 2001. CHUNG PROPERTIES INC. still maintains ownership of the building .

In 2002, a leased was signed for the building and it was called Old Woodward Deli. The interior of the building was completely remodeled bringing it up to code with all new plumbing, electrical and HVAC installed. The Architectural Firm, Kevin Hart Associates, located in Birmingham Mi., was hired to assist in the renovations, design and implementation. Old Woodward Deli operated from September 2002 until October 2013.

In December of 2013, a new lease and business was established called Cucina Medoro, an Italian eatery. The business operated from December 2013 until May 2016.

In June of 2016, a new lease and business was conducted call LY SUSHI. The business operated from June 2016 until October 2018. Unfortunately, The business owner was allegedly struck by a vehicle as he was walking across the intersection at Oak and N. Old Woodward. He could no longer work and therefore unable to pay rent.

In December 2018, The building was available for rent. A vehicle drove through the front of the building causing severe damage to the exterior and interior. This action rendered the building unavailable for lease until the repairs could be completed. The entire reconstruction took over 6 months to complete with final approvals granted in July 2019.

In October of 2019, a new lease agreement was established with Ms. Pellerin. She had been working to get her business established and then the Pandemic hit. Because of the restrictions, she was unable to conduct any work, or have work performed by contractors due to the shelter in place edict. She has worked very diligently to comply with all requirements.

As the owner of the building, I have allowed Ms. Pellerin rent forgiveness and deferred rent going forward. I want her to succeed and I believe she will be a great addition to the businesses in Birmingham, especially at that location.

Any consideration that can be afforded to her with this matter is greatly appreciated. Please contact me if you have any questions. My phone is 248.318.1612

Respectfully



Gill Chung
CHUNG PROPERTIES INC.



MEMORANDUM

Clerk's Office

DATE: September 29, 2020

TO: Joseph A. Valentine, City Manager

FROM: Cheryl Arft, Acting City Clerk
Alexandria Bingham, Clerk Designee

SUBJECT: Christmas Nativity Display

INTRODUCTION:

Our Shepherd Lutheran church has submitted a Special Event application to display the Christmas Nativity in Shain Park beginning November 24th, 2020 through December 31st, 2020. Set-up for the event is scheduled for November 24th beginning from 8:30 AM-11:30 AM. Tear-down is scheduled for December 31st from 8:30 AM-11:00 AM.

BACKGROUND:

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

Events approved by the City Commission in Shain Park in November and December include the Veterans Day Wreath Laying Ceremony on November 11th, the arrival of Santa on November 28th, and Winter Markt on December 4th-6th.

LEGAL REVIEW:

n/a

FISCAL IMPACT:

n/a

SUMMARY

The City Commission is being asked to approve the 2020 Christmas Nativity Display to be displayed beginning November 24th, 2020 through December 31st, with set-up from 8:30 AM-11:30 AM on November 24th. Tear-down is scheduled for December 31st from 8:30 AM-11:00 AM.

ATTACHMENTS:

1. Special Event application
2. Notification letter with map of event area distributed to residents/businesses within

300 feet of the event area on September 19th, 2020. Notification addresses are on file in the Clerk's Office

3. Hold Harmless Agreement and Certificate of Insurance (city event)
4. Department Approval page with comments and estimated costs

SUGGESTED RESOLUTION:

To approve a special event permit as requested by the Lutheran Church of the Redeemer to display the Christmas Nativity in Shain Park beginning November 24th-December 31st, 2020 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.

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

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

Police Department acknowledgement: _____

I. EVENT DETAILS

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

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

(Please print clearly or type)

Date of Application August 17, 2020

Name of Event 2020 Christmas Nativity Display

Detailed Description of Event (attach additional sheet if necessary) _____
Display of Fiberglass Nativity display/scene
and wooden platform (pictures pg. 6a, 6b)

Location Shain Park

Date(s) of Event 11/24/2020 - 12/31/20 Hours of Event All day

Date(s) of Set-up 11/24/2020 Hours of Set-up 8:30 a.m. - 11:30 a.m.

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

Date(s) of Tear-down 12/31/2020 Hours of Tear-down 8:30 a.m. - 11:30 a.m.

Organization Sponsoring Event Our Shepherd Lutheran Church

Organization Address 2225 E. 14 Mile Rd. Birmingham 48009

Organization Phone 248-646-6100

Contact Person David Priskorn

Contact Phone 248 - 705 - 7874

Contact Email dave @ ourshepherd.net

II. EVENT INFORMATION

1. Organization Type Not for profit - church
(city, non-profit, community group, etc.)
2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.) _____
Lutheran Church of the Redeemer, 1800 W. Maple, Birmingham 48009 ⁽¹⁾
Ascension of Christ Lutheran Church, 16935 W. 14 Mile, Beverly Hills 48025 ⁽²⁾
⁽¹⁾ Gery Priskorn 248-644-4010 ext. 123 ⁽²⁾ Chuck Jackson 248-885-4101
3. Is the event a fundraiser? YES ☐ NO ☒
List beneficiary _____
List expected income _____
Attach information about the beneficiary.
4. First time event in Birmingham? YES ☐ NO ☒
If no, describe This display has been set up in Shain Park every
year since 2006
5. Total number of people expected to attend per day unknown
6. The event will be held on the following City property: (Please list)
☐ Street(s) _____
☐ Sidewalk(s) _____
☒ Park(s) Shain Park
7. Will street closures be required? YES ☐ NO ☒
(Police Department acknowledgement prior to submission of application is required) (initial here) ik
8. What parking arrangements will be necessary to accommodate attendance? None

9. Will staff be provided to assist with safety, security and maintenance? YES ☒ NO ☐
If yes, please provide number of staff to be provided and any specialized training received.

Describe periodic inspections for damage and burned out bulbs

10. Will the event require safety personnel (police, fire, paramedics)? YES ☐ NO ☒
(Police Department acknowledgement prior to submission of application is required.) (initial here) [Signature]

Describe _____

11. Will alcoholic beverages be served? YES ☐ NO ☒
If yes, additional approval by the City Commission is required, as well as the Michigan Liquor Control Commission.

12. Will music be provided? YES ☐ NO ☒
_____ Live _____ Amplification _____ Recorded _____ Loudspeakers
Time music will begin _____
Time music will end _____
Location of live band, DJ, loudspeakers, equipment must be shown on the layout map.

13. Will there be signage in the area of the event? YES ☒ NO ☐
Number of signs/banners 1
Size of signs/banners 18" x 48" on front of platform
Submit a photo/drawing of the sign(s). **A sign permit is required.**
Pages 6a, 6b

14. Will food/beverages/merchandise be sold? YES ☐ NO ☒
 - Peddler/vendor permits must be submitted to the Clerk's Office, **at least two weeks prior to the event.**
 - You must obtain approval from the Oakland County Health Department for all food/beverage sales/donations. Contact ehclerk@oakgov.com or 248-535-9612 to obtain Health Department approval.
 - There is a \$50.00 application fee for all vendors and peddlers, in addition to the \$10.00 daily fee, per location.

N/A

LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

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

III. EVENT LAYOUT

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

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

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

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

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

(A) 1 electric outlet for lighting of display in evening

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME 2020 Christmas Nativity Display

EVENT DATE Nov. 24, 2020 → Dec. 31, 2020

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

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

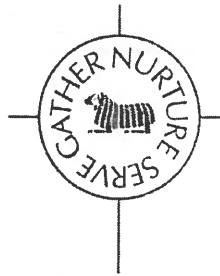
 Aug. 28, 2020
Signature Date

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

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

Our Shepherd Lutheran

CHURCH • SCHOOL • CHILD CARE



2225 East Fourteen Mile Road
Birmingham, Michigan 48009
248-646-6100
www.ourshepherd.net

SPECIAL EVENT REQUEST NOTIFICATION LETTER

Date: 09/18/2020

To: Resident/Property Owner/Business Owner

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

Event Information

NAME OF EVENT: 2020 Christmas Nativity Display
LOCATION: Shain Park, East Side facing Henrietta
DATES OF EVENT: Nov. 25, 2020 – Dec. 29, 2020
HOURS OF EVENT: 24 Hours/day

BRIEF DESCRIPTION OF EVENT: The display includes 6 fiberglass figures (Mary, Joseph, Baby Jesus and 3 Shepherds) with a sign identifying the 3 churches that share this display with the residents and visitors to the City of Birmingham. The same display has been placed since 2005.

DATE AND HOURS OF SETUP: Nov. 25, 2020, 9-12 noon
DATE AND HOURS OF TEAR-DOWN: Dec. 31, 2020, 9-12 noon

DATE OF CITY COMMISSION MEETING: 10/12/2020 **

The City Commission meets virtually at 7:30pm. A complete copy of the application to hold this special event is available for your review at the City Clerk's office. (248-530-1880) Log on to www.bhamgov.org/events for a complete list of special events.

EVENT ORGANIZER: Our Shepherd Lutheran Church
ADDRESS: 2225 E. 14 Mile Road, Birmingham, MI 48009
PHONE: 248-646-6100

FOR QUESTIONS ON DAY OF EVENT, CONTACT: David Priskorn, 248-646-6100

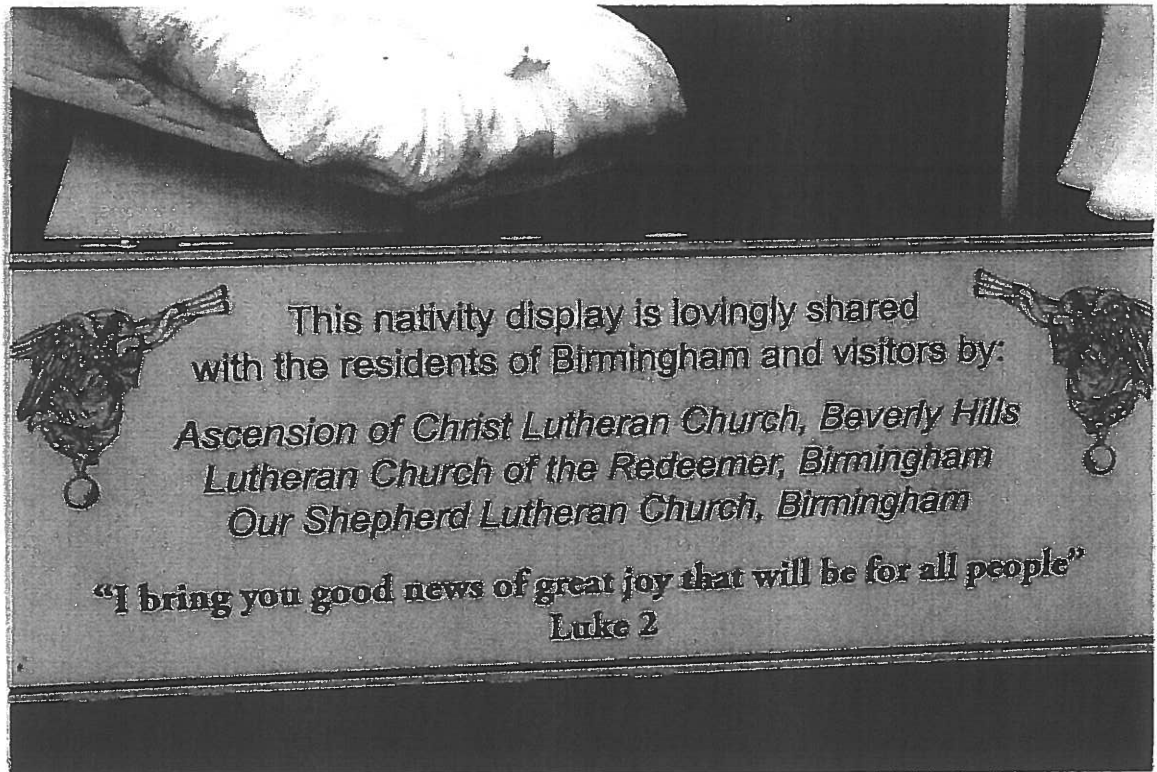
(Jointly sponsored with Lutheran Church of the Redeemer, Birmingham and Ascension of Christ Lutheran Church, Beverly Hills.)

****Join Zoom Meeting <https://zoom.us/j/655079760>**

Meeting ID: 655 079 760

Our Shepherd gathers, nurtures, and serves because Jesus loves





This nativity display is lovingly shared
with the residents of Birmingham and visitors by:

Ascension of Christ Lutheran Church, Beverly Hills
Lutheran Church of the Redeemer, Birmingham
Our Shepherd Lutheran Church, Birmingham

"I bring you good news of great joy that will be for all people"
Luke 2



OURSHEP-01

AKOULCHAR

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

9/9/2020

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

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

PRODUCER CTG Insurance PO Box 8 Grand Blanc, MI 48480	CONTACT NAME: PHONE (A/C, No, Ext): (800) 732-0096 FAX (A/C, No): (810) 695-0945 E-MAIL ADDRESS: support@ctgins.com
INSURER(S) AFFORDING COVERAGE	
INSURER A : Brotherhood Mutual	
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED

Our Shepherd Lutheran Church & School
 2225 E 14 Mile Rd.
 Birmingham, MI 48009

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

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY	X		21M391459	5/15/2020	5/15/2021	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000
							MED EXP (Any one person) \$ 10,000
							PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						GENERAL AGGREGATE \$ 10,000,000
							PRODUCTS - COMP/OP AGG \$ 10,000,000
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS						BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR						EACH OCCURRENCE \$
	EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE						AGGREGATE \$
	<input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y / N						E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

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

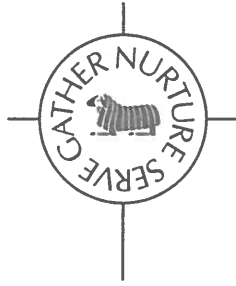
The Certificate of General Liability (ACORD 25) names the City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers as additional insured on the policy 21M391459 for the nativity scene displayed by Our Shepherd Lutheran Church from November 2020 to December 2020.

CERTIFICATE HOLDER**CANCELLATION**

City of Birmingham
 151 Martin St
 Birmingham, MI 48009

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



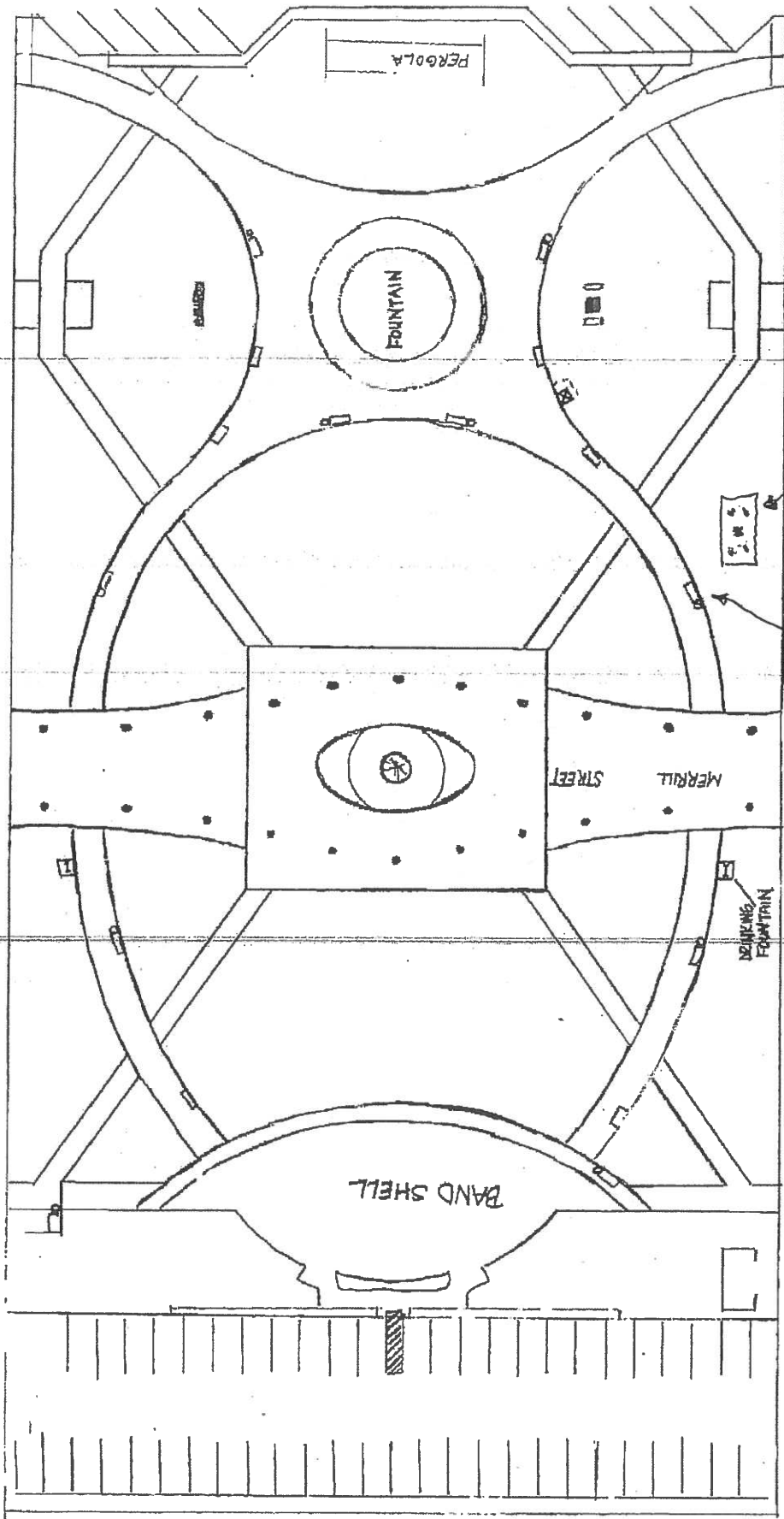
HOLD-HARMLESS AGREEMENT

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

Applicant's Signature

Aug. 28, 2020

Date



MARTIN STREET

6 piece Fiberglass
nativity display

Electrical
outlet

MERRILL STREET

WORKING
FOUNTAIN

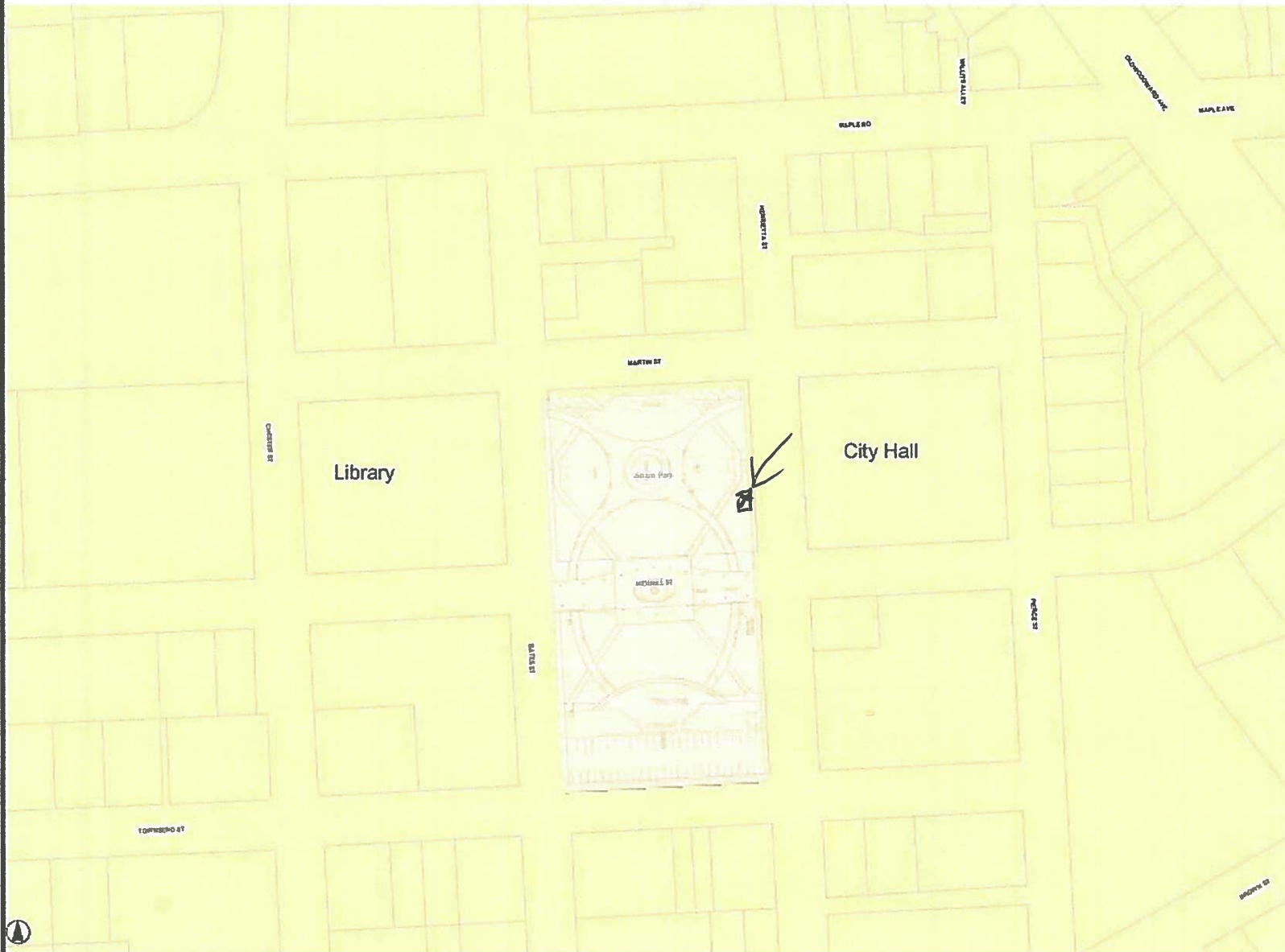
BAND SHELL

HENRIETTA STREET

TOWNSEND STREET

Birmingham Map

- Legend**
- City Boundary
 - Lakes and Rivers
 - Streams
 - Parcels



DISCLAIMER

The information provided on this site is for convenience only and is compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. Much of the data was not compiled or created by the City of Birmingham. In the preparation of this report, extensive efforts have been made to offer the most current, correct, and clearly expressed information possible. However, inadvertent errors, inaccuracies, and omissions can occur. Official versions should be used as a primary information source for verification of the information provided on these pages. Users are advised that their use of any of this information is at their own risk. The City of Birmingham, its consultants and data providers, do not assume, and hereby disclaim, legal responsibility for the information contained herein which is provided "as is" with no warranties of any kind whether such errors, inaccuracies or omissions result from negligence, accident or any other cause.

DEPARTMENT APPROVALS

EVENT NAME: Christmas Nativity Display

LICENSE NUMBER #20-00011877

COMMISSION HEARING DATE: 10/12/2020

NOTE TO STAFF: Please submit approval by **9/25/2020**

DATE OF EVENT: 11/24 – 12/31/2020

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
PLANNING 101-000.000-634.0005 248.530.1855	TBC	No Cost No Comment			
BUILDING 101-000.000.634.0005 248.530.1850	MJM	No department involvement		\$0	
FIRE 101-000.000-634.0004 248.530.1900	JMC			\$0	
POLICE 101-000.000.634.0003 248.530.1870	SG	On duty personnel to provide extra patrol.		\$0	\$0
PUBLIC SERVICES 101-000.000-634.0002 248.530.1642	CL	NO STAKES DRIVEN INTO THE GROUND OF ANY TYPE TO HOLD DOWN NATIVITY SCENE. 2). DEPARTMENT REPRESENTATIVE NEEDS TO MEET WITH ORGANIZATION REPRESENTATIVE ON THE PLACEMENT OF THE NATIVITY SCENE, TO AVOID DAMAGE TO PROPERTY, ELECTRICAL, ETC.		\$0	\$0
ENGINEERING 101-000.000.634.0002 248.530.1839	A.F.	No Comments	None	\$0	\$0

SP + PARKING	SG	No parking demand concerns.		\$0
INSURANCE 248.530.1807	CA	Need to submit Col , Hold Harmless Agreement	None	\$0
CLERK 101-000,000-614.0000 248.530.1803	CA	Notification letters mailed by applicant on 9/18. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than 11/10.	N/A	\$200 pd
				TOTAL DEPOSIT REQUIRED
				ACTUAL COST

FOR CLERK'S OFFICE USE

Deposit paid

Actual Cost

Due/Refund

MEMORANDUM

DATE: October 7, 2020

TO: Joseph A. Valentine

FROM: Jeffrey K. Haynes, Beier Howlett

SUBJECT: Brownfield consulting contract

INTRODUCTION:

- The Board of the City's Brownfield Redevelopment Authority requires a consultant to advise the Board on reimbursement requests for brownfield projects in the City.

BACKGROUND:

- Brownfield projects in the City require developers to submit to the board requests for reimbursement of expenses in remediating environmental conditions at the project. These requests typically require careful comparison of expenses requested to the expenses estimated in the brownfield plans. This comparison is most efficiently done by an outside consultant with experience in brownfield projects.
- The City's prior consultant, AKT Peerless, advised an adverse party (2400 Lincoln, LLC) in litigation with the City concerning 2400 Lincoln's reimbursement request. The City hired ASTI Environmental to advise the Board in that litigation.
- It would be prudent for the City to continue to use ASTI Environmental.

LEGAL REVIEW:

- I have reviewed the proposed contract with ASTI and modified it to remove or amend portions unfavorable to the City.

FISCAL IMPACT:

- Subject to review by Mark Gerber, the fiscal impact is estimated to be about \$3,000 to \$5,000 per project.

SUMMARY:

- I recommend approval of the contract.

ATTACHMENTS:

- Letter agreement dated October 6, 2020.

SUGGESTED RESOLUTION:

- Authorize the City Manager to sign on behalf of the City.

Mailing Address:
P.O. Box 2160
Brighton, MI 48116-2160800 395-ASTI
Fax: 810.225.3800

www.asti-env.com

Sent Via Email Only

October 6, 2020

Mr. Joe Valentine
City of Birmingham
151 Martin Street
Birmingham, MI 48009

*RE: Brownfield Reimbursement Reviews, Birmingham, Michigan (ASTI File
TJW100520-1)*

Dear Mr. Valentine:

Thank you for your interest in the environmental services offered by ASTI Environmental (ASTI). Per my conversation with Mr. Jeffrey Haynes, this letter is a cost quotation to conduct reviews of eligible expenses and eligible reimbursement requests and provide related technical assistance as needed to support your brownfield redevelopment efforts.

Scope of WorkReview of Reimbursement Request

For each request for reimbursement, ASTI will review the approved Brownfield Plan, and if available, the approved 381 Work Plan, as well as the associated reimbursement request from the applicant to determine compliance with the approved plans and agreements. The objectives of this review will be to: 1) determine if proper documentation has been provided for each request, and 2) determine if the requested reimbursements are eligible. The following documents should be provided to complete a review:

- The Phase I ESA
- The Baseline Environmental Assessment report and Due Care Plan, if applicable
- Approved Brownfield Plan, and, if applicable, the approved 381 Work Plan
- Signed Reimbursement Agreement
- Request for Reimbursement and supporting documentation
- Proof of Payment for all Requested Reimbursements (Checks or Waiver of Lien)
- The amount of any previous reimbursement requests that have been

- approved for this project
- The amount of any tax increment payments made to the eligible taxpayer for this project
- The amount of tax capture to date that has not been dispersed to the applicant
- Copies of all BRA meeting minutes for the above project.

Once all documents are received, ASTI will review the reimbursement request and approved Plans and/or Reimbursement Agreement. ASTI will then review the eligibility of each requested reimbursement as authorized by Act 381 and the approved plans and agreements. ASTI may conduct a site visit to provide verification of current site conditions. However, this review assumes that the applicant will provide verification of compliance with the approved plans and agreements for those eligible activities, specifically those that cannot be inspected under current site conditions (such as subsurface installations or construction details).

For those costs not properly documented, ASTI will provide a list of required changes or additions to the request and will subtract that amount from the requested reimbursement. Requests over the approved total amount will be noted and subtracted from the requested reimbursement. Eligible activities that have not been approved, or activities that are not eligible under Act 381, will be noted and subtracted from the requested reimbursement.

Following the review, ASTI will prepare a draft memo summarizing the total amount recommended for approval, and the amount of ineligible expenses along with any tasks or documentation that must be completed by the eligible taxpayer to obtain approval for the ineligible expenses. This memo will include a listing of all ineligible expenses and the reason for the ineligibility. ASTI will discuss these findings with the City staff and the applicant in order to reduce any differences and resolve deficiencies before going to the Brownfield Redevelopment Authority (BRA) or the City Commission.

ASTI will attend BRA and City Commission meetings as necessary to present the findings and recommendations from the review.

Schedule

The Review of Reimbursement Request report will be provided 3 weeks following initiation of the project.

Required Materials

In order to initiate the project, we require authorization in the spaces provided at the end of this proposal. We will schedule this project upon receipt of a signed copy of this proposal or a purchase order referencing this proposal.

Fee

Our fees for conducting the services discussed in this proposal are provided below. The amounts are estimates and this project will be invoiced on a time and materials basis for actual work performed. Any additional work outside the above scope of services will be performed at our standard fees, however, any additional work will not be performed without your prior authorization. This proposal is subject to the terms and conditions contained in Attachment A, which is made part of this agreement.

<u>Service</u>	<u>Estimated Fee</u>
Review of Reimbursement Request	\$ 2,800 to \$ 5,000
<u>Staff</u>	<u>Unit Cost</u>
Thomas Wackerman	\$ 180/hr.
Sara Jo Shipley	\$ 125/hr.

Thank you again for your interest in ASTI. If you have any questions or comments, please do not hesitate to call me at **800.395.ASTI**. We greatly appreciate the opportunity to work with you on this project.

Sincerely yours,

ASTI ENVIRONMENTAL


Thomas Wackerman
President

Cc: Mr. Jeffrey Haynes

Client Authorization
ASTI File TJW100520-1

Signature

Print Name

Print Title

Date

For: **City of Birmingham**

Federal ID Number _____

Phone Number _____

Email _____

Attachment A Terms and Conditions

ASTI Environmental (CONSULTANT) shall perform for City of Birmingham (CLIENT) the services described in the proposal titled *Brownfield Reimbursement Reviews, Birmingham, Michigan*, and dated October 6, 2020 by CONSULTANT (PROPOSAL) which is made a part of this agreement (ASTI File No. TJW100520-1). Such services shall be performed during the period mutually agreed upon by CLIENT and the CONSULTANT, and as described in the PROPOSAL.

The services will be performed on behalf of and solely for CLIENT'S exclusive use and not for others. The services performed by CONSULTANT shall be conducted in a manner consistent with the level of care and skill ordinarily exercised by members of the consulting profession in the same locale and acting under similar circumstances and conditions. Except as set forth herein, CONSULTANT makes no other representation, guarantee, or warranty, expressed or implied, in fact or by law, whether of merchantability, fitness for any particular purpose or otherwise, concerning any of the services which may be furnished by CONSULTANT to CLIENT.

Reports, maps, data, or any pertinent information or documents prepared or assembled by CONSULTANT under this Agreement are confidential, and CONSULTANT agrees that they shall not be made available to any individual or organization without prior written approval of CLIENT. CONSULTANT retains the right to destroy all historic project materials according to the time frames established by CONSULTANT in its document destruction policy.

The CLIENT shall grant or obtain a right of entry for CONSULTANT, its agents, staff, consultants, and contractors or subcontractors, for the purpose of performing and with the right to perform all acts, studies, evaluations, pursuant to the agreed services. CONSULTANT personnel will not access those portions of the subject property or adjacent properties where prearranged access has not been granted, or where personnel health and safety issues preclude entry.

CLIENT will provide CONSULTANT all information regarding the subject property that is known to or reasonably ascertainable by CLIENT, which may be necessary for completion of the services to be performed by CONSULTANT. Such information includes all records of any environmental assessment activities undertaken previously at the subject property. If, during the performance of these services, information within the description of the requested information referenced in the attached PROPOSAL becomes available to the CLIENT, the CLIENT shall provide prompt, full and complete disclosure to CONSULTANT of such new information if it could affect CONSULTANT's performance of its services or could pose potential hazardous conditions or risk to the health or safety of CONSULTANT's employees, agents, and subcontractors.

CONSULTANT COMPENSATION

Unless otherwise indicated the PROPOSAL, billings will be based on actual accrued time, reimbursable, and expenses incurred and will include additional costs for all applicable sales and use taxes. Unless otherwise indicated in the PROPOSAL, progress billings will be provided to the CLIENT at least monthly. For performance of the services described in the PROPOSAL, CLIENT shall pay to CONSULTANT according to the fees provided for in the PROPOSAL, payable upon receipt of invoice. CONSULTANT reserves the right to increase the unit rates included in this Agreement on the anniversary(s) of the effective date of this agreement.

Unless otherwise indicated in the PROPOSAL, the following credit terms will apply to the CLIENT: all invoices are net 30 days. Client will not owe any service charge or interest for delinquent accounts. In the event CONSULTANT is required to pursue collection of any amount due from CLIENT in connection with the scope of services contained in this letter, then CLIENT agrees to payment of all reasonable costs and attorney fees incurred in such collection efforts. CLIENT agrees Oakland County, Michigan will be proper venue for collection action.

Unless otherwise stated in the PROPOSAL, notice of cancellation of these services must be

provided to CONSULTANT within 5 business days, and upon cancellation CLIENT will be charged 10 percent of PROPOSAL amount or at our standard fees for actual time, reimbursables and expenses incurred, whichever is greater. The PROPOSAL will remain in effect for a period of 30 days.

SITE ACTIVITIES

CONSULTANT will take reasonable precautions to minimize damage to the site due to the performance of its operations, but it shall be understood by CLIENT that in the normal course of performing these operations some damage may occur. CLIENT accepts the fact this is inherent to our work and will not hold CONSULTANT liable or responsible for any such effect, damage or alteration. Except as provided in the PROPOSAL, the costs of restoration for any damage resulting from CONSULTANT's operations are not included in the fees for the attached proposal. Upon request, and at CLIENT's sole cost and expense, CONSULTANT will provide additional services to restore the site to conditions reasonably similar to those existing prior to CONSULTANT's operations.

Unless otherwise indicated in the PROPOSAL, all site work is expected to be performed under Level D health and safety conditions. If the work is upgraded to Level C or higher, all pricing will be re-negotiated.

DISCOVERY OF UNANTICIPATED HAZARDOUS MATERIALS OR CONDITIONS

CONSULTANT and the CLIENT agree that the discovery of unanticipated hazardous materials or conditions may make it necessary for CONSULTANT to take immediate measures to protect the health and safety of its employees, agents or subcontractors. CLIENT agrees to pay the reasonable costs of such protective measures as well as any equipment decontamination or other costs incident to the discovery of unanticipated hazardous materials or conditions. CONSULTANT will notify CLIENT of such discovery as soon as practically possible.

LIMITATION OF LIABILITY

Except for circumstances caused by the willful misconduct of CONSULTANT, any and all liability or claim for damages asserted against CONSULTANT by CLIENT, whether based upon contract, tort, breach of warranty, professional negligence, or otherwise, including claims against CONSULTANT's directors, officers, shareholders, employees, and agents, is limited to 50% of CONSULTANT's available insurance coverage, not to exceed \$1,000,000. CONSULTANT is not responsible for any special, incidental, indirect, or consequential damages (including lost profits) incurred by CLIENT as a result of CONSULTANT's performance or nonperformance of services. Any claim shall be deemed waived unless made by CLIENT in writing and received by CONSULTANT within one (1) year after completion of the services with respect to which the claim is made.

COMPLIANCE WITH LAWS

CONSULTANT shall observe and abide by all applicable laws, ordinances, and regulations of federal, state and local governments, and any subdivision thereof, and the rules and regulations of any lawful regulatory body acting thereunder in connection with the service performed hereunder.

CLIENT represents that CLIENT possesses all necessary permits and licenses required for the continuation of CONSULTANT's activities at the site.



MEMORANDUM

Police Department

DATE: October 5, 2020

TO: Joseph A. Valentine, City Manager

FROM: Mark H. Clemence, Chief of Police

SUBJECT: Purchase of (20) FN 15 SRP G2 Carbine Tactical Rifles

INTRODUCTION:

The rifles currently used by the police department were purchased in 2008 and are in need of replacement due to age and condition. The rifles to be replaced are a quantity of (20) semi-automatic Sig Sauer 556 tactical rifles that are securely stored in police vehicles and gun vaults for use by officers responding to critically dangerous incidents. These Sig Sauer 556 rifles were originally purchased with federal drug forfeiture funds and therefore the revenues received from the sale of this equipment must be deposited into the Drug and Law Enforcement Fund in accordance with federal asset forfeiture regulations.

BACKGROUND:

The purchase of (20) carbine tactical rifles was identified and approved in the 2020-21 general fund police ammunition and weapons account. Police firearms instructors and department armorers evaluated several tactical rifles and the FN15 SRP G2 was determined to be the best solution to meet the department's tactical rifle needs. Factors leading to the selection of this rifle included accuracy, dependability and quality of the product. FN America is the manufacturer of this SRP (sight ready platform) G2 (generation 2) rifle.

The FN15 SRP G2 rifle features MIL-SPEC configurations including a compact build and shorter barrel length that enable faster target engagement and maneuverability. This rifle is chambered in a 5.56x45mm configuration which allows for the use of multiple types of ammunition: 5.56 NATO caliber or .223 Remington cartridges. The FN15 carbine rifle features a 16" barrel length, back up iron sights (BUIS), collapsible buttstock, 30 round capacity, semi-automatic (SAFE-FIRE) only fire selector and has a maximum effective point target range of 500 meters. The FN15 rifles will utilize the same ammunition currently used with our existing weapons.

The FN15 SRP G2 carbine rifle is utilized by the Michigan State Police and is available for purchase via state contract pricing via MiDEAL contract #071B5500117. The MiDEAL vendor for state contract weapons pricing is Kiesler Police Supply of Jeffersonville, IN. The MiDEAL contract price for (20) FN15 SRP G2 carbine tactical rifles is \$19,380.00.

LEGAL REVIEW:

The city attorney has reviewed the terms of this equipment purchase and finds no objections to this procurement.

FISCAL IMPACT:

Sufficient funding was approved and is available in the 2020-21 general fund police department weapons and ammunition account number 101-301.000-734.0000 to provide for this expenditure.

SUMMARY:

The purchase of (20) carbine tactical rifles was identified and approved in the 2020-21 police general fund budget to replace aging equipment. The police department recommends the purchase of (20) FN15 SRP G2 carbine tactical rifles in the amount of \$19,380.00 from Kiesler Police Supply via MiDEAL state contract pricing. The sale of the existing Sig Sauer 556 rifles will be processed after receipt, testing and implementation of the new rifles. It is anticipated that the sale of the Sig Sauer 556 rifles will generate approximately \$9,300.00 in revenues for deposit into the Drug and Law Enforcement fund.

ATTACHMENT:

1. Kiesler Police Supply quote

SUGGESTED RESOLUTION:

To approve the purchase of (20) FN15 SRP G2 carbine tactical rifles from Kiesler Police Supply via MiDEAL state contract pricing in the amount of \$19,380.00; further to authorize this budgeted expenditure from account number 101-301.000-734.0000.



Sales Quote

KIESLER POLICE SUPPLY
2802 SABLE MILL RD
JEFFERSONVILLE, IN 47130

Bill-to Customer

CITY OF BIRMINGHAM
151 MARTIN STREET
P.O. BOX 3001
BIRMINGHAM, MI 48012

Ship-to Address

CITY OF BIRMINGHAM
ELLEN DEVIEW
151 MARTIN STREET
P.O. BOX 3001
BIRMINGHAM, MI 48012

Your Reference

Bill-to Customer No.

L74848

Tax Registration No.

Salesperson

BRIAN CALIFF

Email

Home Page

Phone No.

No.

Q115167

Document Date

September 1, 2020

Due Date

October 1, 2020

Payment Terms

Payment Method

Tax Identification Type

Legal Entity

Shipment Method

No.	Description	Quantity	Unit of Measure	Unit Price Excl. Tax	Line Amount Excl. Tax
KIESLER NOTE	MIDEAL PRICING FOR THIS QUOTE	1	EACH	0.00	0
FN36-100558MSP	FN15 SRP G2 W/ MAGPUL MAG556 WINDOW MAG	20	EACH	969.00	19,380
	5.56MM, 16' BBL, SEMI-AUTO				
	BUIS MODIFIED MICHIGAN STATE POLICE CONFIGURATION				
	MCRRC				
KIESLER NOTE	REFERENCE MIDEAL CONTRACT #071B5500117, CONTRACT	1	EACH	0.00	0
	ITEM #58				
SHIPPING	Shipping	1	EACH	0.00	0
FORMAT BRIAN	QUOTED BY BRIAN CALIFF	0	EACH	0.00	0
	KIESLER POLICE SUPPLY				
	2802 SABLE MILL ROAD				
	JEFFERSONVILLE, IN 47130				
	THIS QUOTE IS VALID FOR 30 DAYS				
	BCALIFF@KIESLER.COM				
Amount Subject to Sales Tax				0.00	
Amount Exempt from Sales Tax				19,380.00	
Subtotal					19,380.00
Total Tax					0.00
Total \$ Incl. Tax					19,380.00
Tax Amount					0.00

KIESLER POLICE SUPPLY FFL# 4-35-019-11-1M-08220**RETURNED GOODS POLICY**

No returned goods will be accepted without prior consent. Any packages returned without properly displaying a return authorization number will be refused. Returns subject to up to 25% restocking fee

DEFECTIVE MERCHANDISE POLICY

We are not a warranty repair station for any manufacturer. Returns of defective merchandise must be made directly to the manufacturer for repair or replacement.

DAMAGED GOODS POLICY

Claims of shortages or damaged shipments must be made immediately upon receipt of shipment.



MEMORANDUM

Office of the City Manager

DATE: October 6, 2020
TO: City Commission
FROM: Joseph A. Valentine, City Manager
SUBJECT: Expansion of Parking Study to Include Management Models

INTRODUCTION:

At the City Commission meeting on September 14, 2020, the Commission adopted a resolution directing staff to solicit a proposal from Nelson Nygaard to amend their September 2018 Downtown Parking Plan to study management structures and best practices for managing our parking system and present a report with recommendations to the Commission. A copy of this proposal is attached for your review and consideration.

BACKGROUND:

The City engaged Nelson Nygaard in 2018 to evaluate the City's parking operations and provide a plan with recommendations for improvement. Recently, Commissioners had requested a review of the management models and best practices for managing a parking system, which were not part of the scope of the 2018 study and directed a proposal be obtained to supplement the initial report. Staff contacted Nelson Nygaard and obtained a proposal for consideration. Although Nelson Nygaard is the lead consultant on this effort, the specific task of evaluating management models is performed by their partner Mission North.

LEGAL REVIEW:

Legal Counsel is preparing an acceptable Addendum to their original agreement for these services.

FISCAL IMPACT:

The cost of their proposal is \$17,980 and sufficient funds are available in the Automobile Parking Fund to cover this expense.

SUMMARY:

The requested proposal is attached for the Commission's consideration in follow up to the resolution passed on September 14, 2020.

ATTACHMENTS:

- Proposal from Nelson Nygaard/Mission North

SUGGESTED RESOLUTION:

To accept the proposal from Nelson Nygaard/Mission North to perform a study of management structures and best practices for managing the City's parking system in the amount of \$17,980.00 and to charge the Automobile Parking Fund Account number 585-538.001-811.0000 for these services, and further, to authorize the Mayor to sign an Addendum to the Agreement with Nelson Nygaard in an acceptable form to the City Attorney for these services.



October 6, 2020

Joe Valentine
City Manager
City of Birmingham
151 Martin Street
Birmingham, MI 48012

via email: jvalentine@bhamgov.org

RE: Proposal for Parking Organizational Model Review

Dear Joe:

Attached is a proposal to review the organizational structure of Birmingham's parking system. It follows the outline we discussed and includes a second internal stakeholder meeting where our findings can be further vetted. Hopefully this meets what the City is looking to accomplish.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Bacigalupi".

Rob Bacigalupi, AICP

Proposal

for: Birmingham, Michigan
 Parking Organizational Model Review

date: October 6, 2020

by: Mission North, LLC



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Understanding of the Work

In 2018, the City of Birmingham, Michigan completed a Downtown Parking Plan, prepared by a team led by Nelson Nygaard. This plan focussed on ensuring commuter access to monthly parking, better access for commuters, improving visitor access to short-term parking, taking advantage of excess on-street parking, capitalizing on data collection and analysis opportunities, optimizing management & operations, and preparing for future growth. The City has begun executing recommendations from this Downtown Parking Plan but wishes to take a closer look at how the parking operation is organized.

Digging deeper into parking management and operations will allow the City to look at goals for the parking system and compare those with industry best practices. This process will reveal opportunities to make parking a more effective tool for achieving broader City goals.

Scope of Work

Based on our understanding of the project, Mission North submits the following work and services scope:

1. **Goal Assessment**

Identify goals for Birmingham's parking operation.

Tasks

- a. Summarize goals expressed or implied in existing plans, including the 2018 Downtown Parking Plan, that relate to parking.
- b. Conduct internal stakeholder meeting to establish goals for the management and operation of Birmingham's Parking System. The goals should acknowledge those who use and benefit the parking system, including commuters, visitors, residents, businesses, and developers/property owners.

Deliverable: Memorandum outlining parking management goals.

2. **Existing Conditions**

Building on the findings in Nelson Nygaard's report of existing conditions, detail Birmingham's organizational and operational structures, as well as relevant technology and funding.

Tasks

- a. Analyze Birmingham's parking operations decision-making, including developing an organizational chart.
- b. Analyze operational structure detailing who does what.
- c. Provide a parking technologies overview, including an analysis of where parking data is shared with other City operations and visa versa.
- d. Develop an understanding of parking revenues and expenses.

Deliverable: Existing Conditions Report.

3. **Best Practices**

Identify parking organization best practices from around the country. What are they? What are they designed to accomplish, and how do they relate?

Tasks

- a. Inventory parking organization practices, arranged by decision-making, operations, technologies and innovation, & funding.
- b. Relate Birmingham's operational goals to best practices to identify opportunities for improvement.

Deliverable: Draft Best Practices matrix

4. **Identify Issues and Opportunities**

Conduct a second internal stakeholder meeting to discuss findings.

Tasks

- a. Facilitate internal stakeholder meeting where opportunities are discussed and vetted.
- b. Update the best practices matrix and finalize recommendations.

Deliverable: Final Best Practices matrix

5. **Finalize Report**

Prepare and present the final report.

Tasks

- a. Complete final draft of the report for review by staff
- b. Incorporate any comments in the final report.
- c. Prepare and present slide show summarizing findings.

Deliverables: Final Report and slide show

Project Fee

The fee for the scope of work is **\$17,980.**

A detailed budget is included below.

Project Budget

		Mission North				Nelson Nygaard				TOTAL	
		Principal		MN Total		Principal		NN Total			
0.1	Project Kickoff	4	\$560	4	\$560	2	\$360	2	\$360	6	\$920
1.1	Goal Assessment - Internal Stakeholder Meeting	12	\$1,680	12	\$1,680	8	\$1,440	8	\$1,440	20	\$3,120
2.1	Existing Conditions - Organization	6	\$840	6	\$840	2	\$360	2	\$360	8	\$1,200
2.2	Existing Conditions - Operations	12	\$1,680	12	\$1,680	2	\$360	2	\$360	14	\$2,040
2.3	Existing Conditions - Technologies	8	\$1,120	8	\$1,120	2	\$360	2	\$360	10	\$1,480
2.4	Existing Conditions - Funding	10	\$1,400	10	\$1,400	2	\$360	2	\$360	12	\$1,760
3.1	Best Practices	10	\$1,400	10	\$1,400	10	\$1,800	10	\$1,800	20	\$3,200
4.1	Identify Issues and Opportunities	6	\$840	6	\$840	5	\$900	5	\$900	11	\$1,740
5.1	Finalize Report	8	\$1,120	8	\$1,120	5	\$900	5	\$900	13	\$2,020
	TOTAL LABOR	76	\$10,640	76	\$10,640	38	\$6,840	38	\$6,840	114	\$17,480
	General & Administrative Costs										\$500
	TOTAL FEE										\$17,980

Hourly Rates

Principal	Nelson Nygaard	\$180
Principal	Mission North	\$140

About the Team

About Mission North



Mission North, LLC, began in 2003, offering planning and economic development services to municipalities and downtown organizations. In 2018, we set out to establish Mission North as a premier consultant for downtown organizations, cities, and those who develop in them. With a focus on placemaking, mobility, and sustainable economics, Mission North is driven by a passion for places of quality and value.

Prior to 2018, Principal Rob Bacigalupi served as the Executive Director of the Traverse City Downtown Development Authority, where he oversaw the City of Traverse City's Parking System. During this time, the operation's systems and equipment were modernized with new technology, improving accountability and customer satisfaction.

About Nelson Nygaard



A different kind of Transportation Firm

Nelson\Nygaard Consulting Associates, Inc. is an internationally recognized firm committed to developing transportation systems that promote vibrant, sustainable, and accessible communities. Founded by two women in 1987, Nelson\Nygaard has grown from its roots in transit planning to a 140-person, full-service transportation firm with offices across the United States.

In keeping with the values set by the firm's founders, Nelson\Nygaard puts people first. They recognize that transportation is not an end by itself but a platform for achieving broader community goals of mobility, equity, economic development, and healthy living. The firm's hands-on, national experience informs but doesn't dictate local solutions. Built on consensus and a multimodal approach, their plans are renowned as practical and implementable.

Nelson\Nygaard specializes in transit, streets and cities, emerging mobility, mobility management, parking and demand management, active transportation and safety, engineering design and development, paratransit and community transportation, campus mobility, and transit corridors.

Primary Team Members

Rob Bacigalupi, AICP, of Mission North, will serve as the lead and project manager. Tom Brown, of Nelson Nygaard, will provide support for all work and services scope categories. Profiles of both team members are included on the following pages.

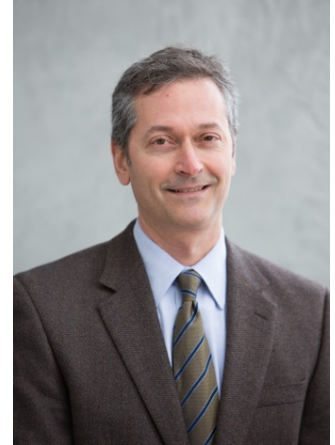


Rob Bacigalupi, AICP

Principal

Education: MS Real Estate & Construction Mgmt. - University of Denver
BS Urban Planning - Michigan State University

Rob has helped build one of the premier downtowns in the Midwest through placemaking, economic development, and marketing - As Executive Director of the Traverse City Downtown Development Authority, Rob led a talented team that supported one of the strongest downtown brands in the Midwest. At Mission North Rob has helped downtowns in Michigan and Ontario with economic development plans, strategic planning, zoning and transportation.



Mission North

- Conducted market studies for two communities as part of an effort to market properties, 2020
- Kalamazoo Downtown Parking & Mobility Study management strategies, 2019
- MEDC Redevelopment Ready Communities (RRC) Pre-Development Services for Battle Creek, Alpena & Petoskey, 2019
- Assisted the Bay Area Transportation Authority identify sites for a new headquarters, 2019
- Updated Filer Township DDA Development Plan, 2019
- Emmet County Master Plan, public engagement, 2019
- Greenwood Township Zoning Ordinance, 2019
- Downtown Charlevoix Parking Study, 2018
- Advised private client on parking options, 2018
- Report to Windsor, Canada City Council on the value of street-level retail in a parking garage, 2015

Traverse City Downtown Development Authority

- Oversaw Traverse City Transportation Demand Management study, 2017
- Managed business retention and attraction efforts for Downtown Traverse City, 2000-2017
- Authored a new development and TIF plan for the Old Town district, Traverse City, 2016
- Developed downtown housing strategy for Traverse City, 2016
- Oversaw downtown market study update, Traverse City, 2016

Certifications and Training

- Member, American Institute of Certified Planners
- Urban Retail: Essential Planning, Design and Management Practices, Harvard University, 2018

Community Service

- Bay Area Transportation Authority, 2000-2017 (served a term as Chair)
- Governor's Complete Streets Advisory Council (Michigan), 2014-2016
- Michigan Downtown Association, 2000-2005 (served a term as Chair)

Thomas Brown

Principal



Urban parking management has been a special focus for Tom as a Principal at Nelson\Nygaard. In his experience, nothing undermines the best of planning and design efforts as quickly or significantly as failing to get the parking right. Getting it right, however, invariably involves negotiating challenging and consequential tradeoffs. Years of engaging diverse, passionate, and thoughtful stakeholders on all aspects of parking, in a wide variety of contexts and opportunity environments, has afforded Tom the capacity to offer his clients a clear assessment of best available options, the essential pros and cons of each, and a viable path forward in serving transportation, growth, and broader community goals and objectives.

EDUCATION

M.S., Urban Planning, Hunter College, New York, NY
B.A., History, Ohio State University

EXPERIENCE

Nelson\Nygaard Consulting Associates, Inc.
Principal, 2004–Present

Urban Parking Studies

- **South End Parking Study, Charlotte Center City Partners (Charlotte, NC) 2019 - .** Completing a comprehensive study of parking supply, demand, and functionality of parking in this fast-growing, light-rail district just south of Charlotte's CBD (Uptown). Updating the findings and recommendations from a 2012 study of the same district, through new peak-hour utilization surveys, field surveys, stakeholder engagement, and coordinated strategy development with Partners and City staff.
- **Equitable Mobility Study, Grand Rapids, MI 2019.** Managed the downtown parking analysis component of this economic-development study focused on equitable growth for the City of Grand Rapids. Analysis of a series of peak-hour utilization surveys led to the development of curbside management strategies to address identified supply/demand imbalances. Economic development analysis led to the development of a parking-investment to model the cost/benefit of specific supply-expansion options for the City's parking program, wait list analysis led to the development of a new oversell-rate policy and calculus.
- **Parking Study, Kalamazoo Downtown Partnership (Kalamazoo, MI) 2018–2019.** Managed a downtown plan to develop a management plan for on- and off-street parking, including demand-management strategies, capacity-optimization opportunities, management organization/structure best practices, technological solutions, and non-driving mobility-improvement opportunities. Parking occupancy analysis led to a new approach for defining curbside parking rates, and varying rates to influence utilization patterns to create more consistent availability in key areas of downtown. Shared parking analysis also led to a pilot that is using pay-by-phone to facilitate evening and weekend access to a large private surface lot in a high-demand location. Financial modeling of all primary recommendations forecast increased revenue despite increasing the number of free on-street spaces and leaving the average meter rate essentially unchanged.
- **Memphis Downtown Parking Study, Downtown Memphis Commission (Memphis, TN) 2018–Ongoing.** Principal in Charge. Comprehensive parking management plan to develop strategies for on- and off-street parking resources to minimize congestion, maximize access, and improve overall mobility in the Downtown area and the Memphis Medical District. Helped the DMC and the City's parking authority define metrics to evaluate and weight in considering supply-expansion opportunities, and in assessing the relative benefit of past supply expansion projects.
- **Peekskill Downtown Parking Study, City of Peekskill (Peekskill, NY) 2017–2018.** Principal in Charge. Led strategy development, plan organization, and implementation planning, for this downtown parking study. Key recommendations included promoting free evening parking in commuter parking lots, demand-based meter rates to reflect clear market preferences for primary commercial blocks, and coordinated signage and wayfinding to guide visitors to best-fit parking options.

DATE: October 6, 2020

TO: City Commission

FROM: Joseph A. Valentine, City Manager

SUBJECT: Legal Services

INTRODUCTION:

At the City Commission meeting on September 14, 2020, the Commission adopted a resolution directing the City Manager to provide the Commission with options for hiring an outside legal counsel that is unconflicted in relation to the City and Beier Howlett currently, to advise the Commission on matters relating to the procurement of legal services as well as the framework and options that should be considered when undertaking an engagement in legal services.

BACKGROUND:

The specialty of municipal law is practiced by a select group of firms in Michigan. There are numerous attorneys that list municipal law as a practice area, but in an attempt to solicit specialized legal counsel with experience in not only the basics of municipal law such as the Open Meetings Act, Freedom of Information Act or municipal bonding, for example, I attempted to focus on attorneys with experience with the Home Rule Cities Act, Charter initiatives, and involvement as a City attorney. In doing so, I had reviewed those that were designated as the best lawyers for municipal law in Michigan by Best Lawyers. This group conducts a peer review designed to capture, as accurately as possible, the consensus opinion of leading lawyers about the professional abilities of their colleagues with the same geographical area and legal practice area. Enclosed is a listing of these individuals. Of those listed, I have focused on those with municipal law being their core area of practice. Two have surfaced as having the experience in serving municipalities as general counsel with their expertise in municipal law, charters and governmental powers. These include Stephen O. Schultz with Fahey Shultz Burzych Rhodes PLC out of Okemos and Ronald Bultje with Dickinson Wright out of Grand Rapids. Their bios are attached for review. I had also contacted the Michigan Municipal League, however, they do not provide legal services for its members, just for the agency.

LEGAL REVIEW:

No legal review has been conducted at this time, but the attorneys being recommended for consideration have acknowledged they have not existing conflict with the City or Beier Howlett.

FISCAL IMPACT:

The costs for each person identified is outlined below.

Stephen O. Schultz with Fahey Shultz Burzych Rhodes PLC bills at \$225/hour.
Ronald Bultje with Dickinson Wright bills at \$425/hour but for municipal work bills at \$250/hour.

SUMMARY:

In review of outside legal counsel that is qualified to provide the requested legal services desired by the Commission, there are two qualified options being presented that can both accommodate the scope identified by the Commission.

ATTACHMENTS:

- Listing of Best Lawyers for Municipal Law in Michigan by Best Lawyers
- Bio of Stephen Schultz
- Bio of Ronald Bultje

SUGGESTED RESOLUTION:

To pursue an engagement with _____ to advise the Commission on matters relating to the procurement of legal services as well as the framework and options that should be considered when undertaking an engagement in legal services.

Best Lawyers for Municipal Law in Michigan, United States

[Find a Lawyer \(/find-a-lawyer\)](#) » [United States \(/united-states\)](#) » [Michigan \(/united-states/michigan\)](#) » [Municipal Law](#)

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Cities

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[Lansing, Michigan \(/united-states/michigan/lansing/municipal-law\)](#)

[Troy, Michigan \(/united-states/michigan/troy/municipal-law\)](#)

[Grand Rapids, Michigan \(/united-states/michigan/grand-rapids/municipal-law\)](#)

[Okemos, Michigan \(/united-states/michigan/okemos/municipal-law\)](#)

21 Visible Results

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Lawyer

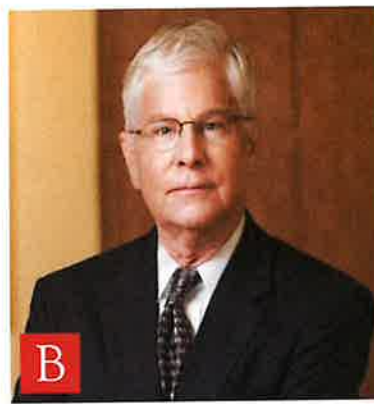
Barbara A. Bowman
(/lawyers/barbara-a-bowman/114768)

Bodman PLC (/firms/bodman-plc/4415/US)

Recognized Since:
2013

Location:
Troy, Michigan

Practice Areas:
Securities / Capital Markets Law |
Banking and Finance Law | Municip...



Lawyer

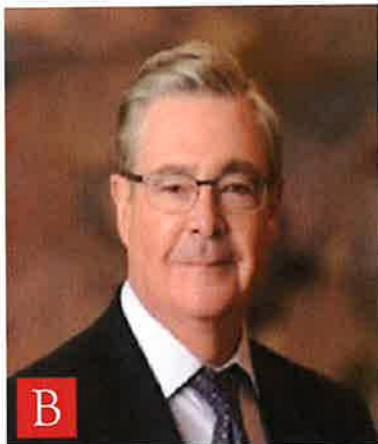
James R. Brown
(/lawyers/james-r-brown/242062)

Mika Meyers, PLC
(/firms/mika-meyers-plc/4320/US)

Recognized Since:
1987

Location:
Grand Rapids, Michigan

Practice Areas:
Real Estate Law | Municipal Law



Lawyer

Robert A. Buchanan
(/lawyers/robert-a-buchanan/151287)

Varnum LLP (/firms/varnum-llp/4299/US)

Recognized Since:
2014



Lawyer

Ronald A. Bultje
(/lawyers/ronald-a-bultje/155921)

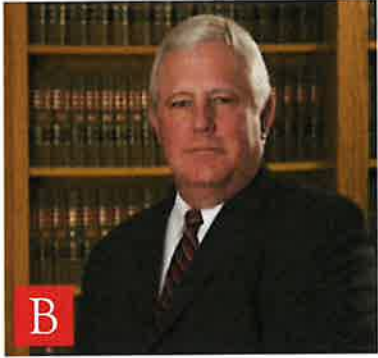
Dickinson Wright PLLC
(/firms/dickinson-wright-pllc/4464/US)

Recognized Since:

Location:
Grand Rapids, Michigan

Practice Areas:

Municipal Law



Lawyer

Timothy J. Currier
(/lawyers/timothy-j-currier/58795)

Beier Howlett, P.C.
(/firms/beier-howlett-p-c/4781/US)

Recognized Since:
2010

Location:
Troy, Michigan

Practice Areas:

*Municipal Law | Litigation -
Municipal*



2014

Location:
Grand Rapids, Michigan

Practice Areas:

Municipal Law



Lawyer

Terence M. Donnelly
(/lawyers/terence-m-donnelly/59015)

Dickinson Wright PLLC
(/firms/dickinson-wright-pllc/4464/US)

Recognized Since:
2007

Location:
Troy, Michigan

Practice Areas:

Public Finance Law | Municipal Law



Lawyer

William K. Fahey

(/lawyers/william-k-fahey/41303)

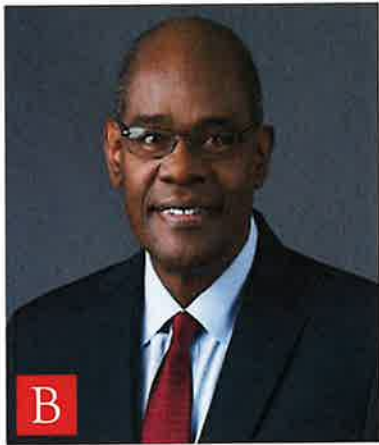
Fahey Schultz Burzych
Rhodes PLC (/firms/fahey-schultz-burzych-rhodes-plc/48247/US)

Recognized Since:
2005

Location:
Okemos, Michigan

Practice Areas:

Land Use and Zoning Law | Municipal Law | Administrative / Regulatory...



Lawyer

W. Anthony Jenkins
(/lawyers/w-anthony-jenkins/127015)

Dickinson Wright PLLC
(/firms/dickinson-wright-pllc/4464/US)

Recognized Since:
2011

Location:
Detroit, Michigan

Practice Areas:

Corporate Law | Municipal Law

Lawyer

Stacy L. Hissong
(/lawyers/stacy-l-hissong/141791)



Fahey Schultz Burzych
Rhodes PLC (/firms/fahey-schultz-burzych-rhodes-plc/48247/US)

Recognized Since:
2017

Location:
Okemos, Michigan

Practice Areas:

Natural Resources Law | Municipal Law



Lawyer

Randall W. Kraker



(/lawyers/randall-w-kraker/41788)

Varnum LLP (/firms/varnum-llp/4299/US)

Recognized Since:
2005

Location:
Grand Rapids, Michigan

Practice Areas:

Litigation - Land Use and Zoning |



Lawyer

Ross A. Leisman
(/lawyers/ross-a-leisman/72319)

Mika Meyers, PLC
(/firms/mika-meyers-plc/4320/US)

Recognized Since:
2013

Location:
Grand Rapids, Michigan

Practice Areas:
*Commercial Litigation | Municipal
Law | Land Use and Zoning Law*



Lawyer

Mark E. Nettleton
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Mika Meyers, PLC
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Recognized Since:
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Location:
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Practice Areas:
Municipal Law



Lawyer

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Lawyer

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Loomis Law Firm
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Recognized Since:
2011

Location:
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Practice Areas:
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Law



Lawyer

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Rhodes PLC (/firms/fahey-schultz-burzych-rhodes-plc/48247/US)

Recognized Since:
2005

Location:
Okemos, Michigan

Practice Areas:
Labor Law - Management | Municipal
Law | Employment Law -...



scales/163321)

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Recognized Since:
2016

Location:
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Practice Areas:
Real Estate Law | Municipal Law



Lawyer

Kester K. So
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Dickinson Wright PLLC
(/firms/dickinson-wright-pllc/4464/US)

Recognized Since:
2012

Location:
Lansing, Michigan

Practice Areas:
Utilities Law | Municipal Law |
Energy Law | Public Finance Law





Lawyer

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Dickinson Wright PLLC
(/firms/dickinson-wright-pllc/4464/US)

Recognized Since:
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Location:
Troy, Michigan

Practice Areas:
Public Finance Law | Municipal Law



Lawyer

Richard A. Wendt
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Dickinson Wright PLLC
(/firms/dickinson-wright-pllc/4464/US)

Recognized Since:
2007

Location:
Grand Rapids, Michigan

Practice Areas:
Public Finance Law | Municipal Law



Lawyer

James K. White
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Mika Meyers, PLC
(/firms/mika-meyers-plc/4320/US)

Recognized Since:
2009

Location:
Grand Rapids, Michigan



Lawyer

Paul M. Wyzgoski
(/lawyers/paul-m-wyzgoski/127007)



Dickinson Wright PLLC
(/firms/dickinson-wright-pllc/4464/US)

Recognized Since:
2013

Location:
Troy, Michigan

Practice Areas:*Municipal Law | Public Finance Law*

Troy, Michigan

Practice Areas:*Public Finance Law | Municipal Law***Lawyer**

Matthew D. Zimmerman
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Varnum LLP (/firms/varnum-llp/4299/US)

Recognized Since:
2010

Location:
Grand Rapids, Michigan

Practice Areas:
*Municipal Law | Environmental Law |
Energy Law | Land Use and Zoning...*

Practice Area Definition

MUNICIPAL LAW DEFINITION

Municipal law is specific to a particular county, city, town, or township, or other district or governmental entity possessing corporate status and usually its own governing body. Generally, governmental subdivisions are referred to as municipalities. Municipalities derive their authority from the supreme power in the state and are typically operated by varying forms of governing bodies comprised of elected and/or appointed officials who are responsible for directing the affairs of the municipality through the promulgation of laws, policies, and regulations.

Attorneys who practice municipal law act as a municipality's attorney for all legal matters or special counsel for specific legal matters. Municipal attorneys also assist in ensuring that the day-to-day operations of the municipality and any matters enacted by its governing body comply with local, state, and federal laws. These laws include those that may affect any potential liability of the municipality and those elected or appointed individuals and employees involved in its operations. The practice of municipal law encompasses a wide range of issues including, but not limited to the scope of the municipality's police power, employment, and labor issues, real estate, zoning and land use matters, economic development, imposition of taxes, public bidding and contracts, tax assessments, environmental regulations, and access to public meetings and public information.

Municipal attorneys can also act as private legal counsel, providing services for individuals, partnerships, corporations, and other entities in their encounters, both adversarial and non-adversarial, with governmental entities.

Finally, a municipal attorney may act as an advocate for municipalities and private entities before various courts, administrative agencies, and the municipality's various boards and commissions.

Stephen L. Korbel, Shareholder

Babst Calland (/firms/babst-calland/18687/US)

Babst | Calland
Attorneys at Law

(/firms/babst-calland/18687/US)

Menu



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Stephen O. Schultz

Practice Areas: Municipalities, Labor & Employment, Of-Counsel, General Municipal

[CONTACT STEPHEN »](#)

Stephen O. Schultz is a founding partner of the firm. For over thirty years, he has dedicated himself to the representation of municipalities across the state of Michigan and to protecting the interests of employers in both the private and public sectors. He has been recognized by the national publication, *The Best Lawyers in America*, as an experienced labor attorney in the representation of employers in labor and employment law since 2005. The Best Lawyers in American publication named Steve the 2012, 2016 and 2018 Lansing Employment Law-Management Lawyer of the Year. He is also listed in the publication *Michigan Super Lawyers* as an experienced lawyer in the field of Labor and Employment Law since 2007. He holds the highest rating available from the Martindale-Hubble Law Directory.



Steve's practice has focused on the representation of municipalities in a wide range of matters including those arising under the Home Rule Cities or township enabling statutes, the Open Meetings Act, the Freedom of Information Act, Michigan's Public Employment Relations Act, the Downtown Development Authority Act and myriad other statutes applicable to municipalities across the state. For many years Steve has served and continues to serve as a City Attorney, Township Attorney, Library Attorney, and counsel to counties, DDAs and other specialized authorities from the Sault to St. Joseph to the Detroit area and throughout Mid Michigan. He is a committed

Stephen O.
Schultz

advocate for the interests of municipalities and a firm believer in the benefits of local control of local concerns.

In representing employers as a labor attorney, Steve is heavily involved in the negotiation of collective bargaining agreements and in the defense of employers in civil rights, unfair labor practice, and contract claims. He is regularly found appearing before the National Labor Relations Board, the Michigan Employment Relations Commission, and numerous arbitrators on behalf of his clients. He has bargained collective bargaining agreements with virtually every labor organization representing employees in Michigan including the UAW, the Teamsters, AFSCME, the OPEIU, and the organizations representing police and firefighters across the state. As to these latter organizations, he is well versed in the unique procedures and vagaries of Act 312 as it relates to the contracts for Police and firefighter bargaining units.

Steve is a frequent speaker and writer on topics of interest to employers and municipalities. Several times each year, you will find him presenting seminar sessions on a wide variety of topics relevant to employers in both the private and public sectors, and to cities, townships, counties, downtown development and other special authorities and public libraries. Over the years, Steve has served as the Chair of the governing council of the Public Corporation Law Section of the State Bar of Michigan and Editor of the "Public Corporation Law Quarterly." He has also served as an instructor of Local Government Administrative Law for the Masters of Public Administration Program at Oakland University in Rochester, Michigan and authored dozens of articles and contributed to publications for many years on a wide range of topics.

Steve was admitted to the Michigan Bar in 1978 after attending Wayne State University Law School. Prior to attending Wayne State, Mr. Schultz received a Bachelor of Arts from Oakland University and a Masters of Arts concentrating in Public Administration from Michigan State University.

Steve, and his charming wife, Jane, love spending their spare time with their three sons. When he finds a moment, though, he also enjoys a round of golf or roaring downhill on a pair of skis.

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Ronald A. Bultje

Member | GRAND RAPIDS

Email: RBultje@dickinsonwright.com Phone: 616-336-1007 Fax: 844-670-6009

Ronald Bultje is a Member in Dickinson Wright's Grand Rapids office. His practice is concentrated in the areas of municipal law and labor relations. He represents numerous municipalities throughout the western half of Michigan's lower peninsula. He has extensive experience in advising legislative bodies, planning commissions, and zoning boards of appeal. In representing municipalities, Mr. Bultje provides a full array of services, including advice on contracts, intergovernmental relations, land transfers, governmental powers and authority, land use and zoning, utilities, millage matters, the Open Meetings Act, and the Freedom of Information Act. He also has participated in collective bargaining negotiations, unfair labor practice hearings, arbitration hearings, and unemployment hearings. Ronald has also provided counsel to municipalities and private sector employers regarding fair employment practices.

Education & Credentials

Education

University of Michigan Law School

J.D., 1978

• *cum laude*

Calvin College

B.A., 1976

Bar Admission

Michigan

Areas Of Practice

Government Affairs Government Contracts Labor & Employment Public Finance

Acknowledgements

- *Best Lawyers in America*®
 - "Lawyer of the Year," Municipal Law, Grand Rapids, 2014
- *Martindale-Hubbell*® AV Rated

Representative Clients

- City of Grand Haven
- Grand Haven Charter Township
- Holland Charter Township
- Fruitport Charter Township
- Zeeland Charter Township
- Pere Marquette Charter Township
- Spring Lake Township
- Robinson Township
- City of Norton Shores
- City of Alma
- Village of Spring Lake

Prominent Assignments

Handled a Michigan Supreme Court case, *Ottawa County v. Jaklinski*, 423 Mich 1 (1985), which established that discharge grievances which arise after the expiration of a collective bargaining agreement are not subject to the grievance process in the expired agreement.

Handled a Michigan Court of Appeals case, *Miller v. Grand Haven Board of Education*, 151 Mich App 412 (1986), which established that in cases of teacher misconduct, a school board does not need to show detrimental effect suffered by students in order to discipline a teacher.

Community Involvement

- Grand Haven Christian School Board of Education, Past President

- TCM Counseling Board of Directors, Past Board Member
- Tri-Cities Family YMCA, Past President
- American Cancer Society, Past Board Member
- Ottawa County Planning Department, Annual planning and zoning presentations

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MEMORANDUM

Planning Division

DATE: October 5, 2020

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Public Hearing for a Special Land Use Permit Amendment and Revised Final Site Plan and Design Review at 525 N. Old Woodward – Luxe Bistro

INTRODUCTION:

On August 5, 2020, the owners of Luxe Bistro submitted an application for a Special Land Use Permit Amendment and Revised Final Site Plan and Design Review for approval to expand the existing Luxe space at 525 N. Old Woodward into the vacant storefront to the south.

BACKGROUND:

The owners of Luxe bistro are requesting approval at this time to expand the existing 31' Luxe storefront into the 28' wide vacant retail space to the south for a total of 59' of frontage. The majority of the current interior at Luxe will remain, and the applicant is proposing to expand the kitchen and cooler area, relocate the host stand, add a new dining counter and several extra tables in the vacant retail space to the south. No additional bar space will be added, nor will the proposed layout exceed the maximum number of 65 seats for a bistro. The applicant has stated that the proposed layout will enhance the functionality of the operation, and will allow for additional spacing between tables. The applicant is required to obtain a recommendation from the Planning Board on the Special Land Use Permit Amendment and Revised Final Site Plan, and then obtain approval from the City Commission.

LEGAL REVIEW:

The City Attorney has reviewed this request and has no concerns.

FISCAL IMPACT:

There are no fiscal impacts for this agenda item.

SUMMARY:

The applicant is requesting approval of a Revised Final Site Plan and Design and Special Land Use Permit Amendment to allow the expansion of the existing Luxe bistro into the vacant storefront to the south.

ATTACHMENTS:

Please find attached the following documents for your review:

- Draft Special Land Use Permit Amendment Resolution
- Plans and photos of proposed changes
- Revised Bistro Contract signed by applicant
- Staff Report to the Planning Board
- Application and additional documents submitted by applicant
- All relevant meeting minutes
- Letter from neighbor

SUGGESTED RESOLUTION:

To approve a Revised Final Site Plan and Design and Special Land Use Permit Amendment to allow the expansion of the existing Luxe bistro into the vacant storefront to the south.

LUXE BAR AND GRILL
525 N. OLD WOODWARD
SPECIAL LAND USE PERMIT AMENDMENT
2020

WHEREAS, LUXE BAR AND GRILL filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a bistro in the Downtown Birmingham Overlay District in accordance Article 3, Section 3.04(C)(10) of Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the west side of N. Old Woodward, north of Harmon Street;

WHEREAS, The land is zoned O-2, and is located within the Downtown Birmingham Overlay District, which permits the operation of bistros with a Special Land Use Permit Amendment;

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit Amendment to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;

WHEREAS, The applicant submitted an application for a Special Land Use Permit Amendment and Revised Final Site Plan and Design for LUXE BAR AND GRILL to allow expansion into the vacant storefront to the south;

WHEREAS, The Planning Board on August 26, 2020 reviewed the application for a Special Land Use Permit Amendment and Revised Final Site Plan and Design Review recommended approval of both to the City Commission with the following conditions:

- (1) The applicant must submit official hours of operation to ensure the outdoor dining area is not open past 12 AM;
- (2) The applicant provide specification sheets for the planters, outdoor furnishings, paint colors and glazing prior to appearing before the City Commission for review;
- (3) The applicant comply with the requests of all city departments; and,
- (4) The applicant be permitted to have six seats at the bar.

WHEREAS, The applicant has provided all requested information and agreed to comply with the requests of all city departments, thus fulfilling the conditions noted by the Planning Board;

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

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that LUXE BAR AND GRILL's application for a Special Land Use Permit Amendment and Revised Final Site Plan at 525 N. OLD WOODWARD is hereby approved;

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

1. LUXE BAR AND GRILL will close outdoor dining areas at midnight each day of the week;
2. LUXE BAR AND GRILL shall abide by all provisions of the Birmingham City Code; and
3. The Special Land Use Permit Amendment may be canceled by the City Commission upon finding that the continued use is not in the public interest.

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

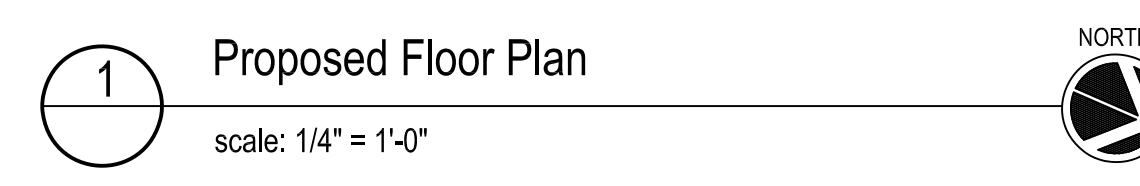
BE IT FURTHER RESOLVED, Except as herein specifically provided, LUXE BAR AND GRILL and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of LUXE BAR AND GRILL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

MAY IT BE FURTHER RESOLVED that LUXE BAR AND GRILL is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises, with a Class C Liquor License, above all others, subject to final inspection.

I, Alexandria Bingham, Acting City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on October 12, 2020.

Alexandria Bingham
Acting City Clerk

R O N A N D R O M A N
architects et al.
275 E. Frank St. Birmingham MI 48009
o) 248.723.5790 f) 248.723.5795



A101



STREET VIEW FROM SOUTH



STREET VIEW FROM NORTH

6 Existing Luxe Exterior Views



EXISTING LUXE PLANTER
PAINTED CAST STONE DECORATIVE URNS



EXISTING LUXE PLANTER
BLACK COMPOSITE VERADEK PLANTERS



EXISTING LUXE FACADE
PAINTED WOOD WINDOWS AND DOORS
SHERWIN WILLIAMS SW 7020 "BLACK FOX"
FABRIC VALANCES
SUNBRELLA "SLATE" AND "PARCHMENT"
BRICK (UNPAINTED)



EXISTING LUXE CAFE TABLE AND CHAIRS
CHAIRS: GAR "BAYHEAD" BLACK POWDERCOATED
WITH WOVEN RESIN SEAT AND BACK
TABLES: GAR "ANTOINETTE" BLACK METAL BASES

5 Existing Luxe Exterior Materials and Furniture to Match



EXISTING LUXE DOOR AND HARDWARE



EXISTING LUXE BAR

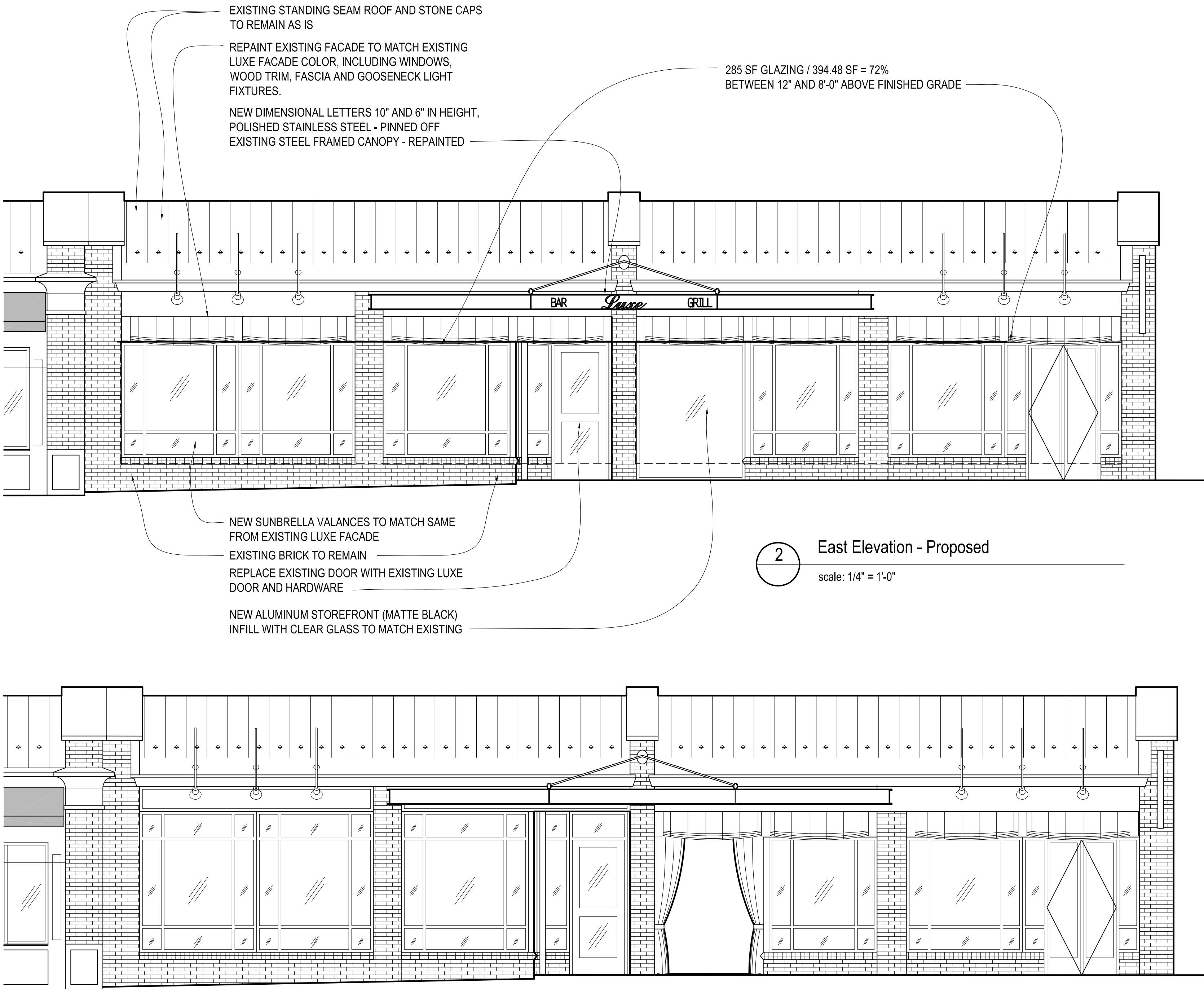


EXISTING LUXE DINING ROOM
SETTEE, TABLES AND CHAIRS



EXISTING LUXE DINING ROOM
BOOTHES

4 Existing Luxe Interiors to Match in Spirit and Feel



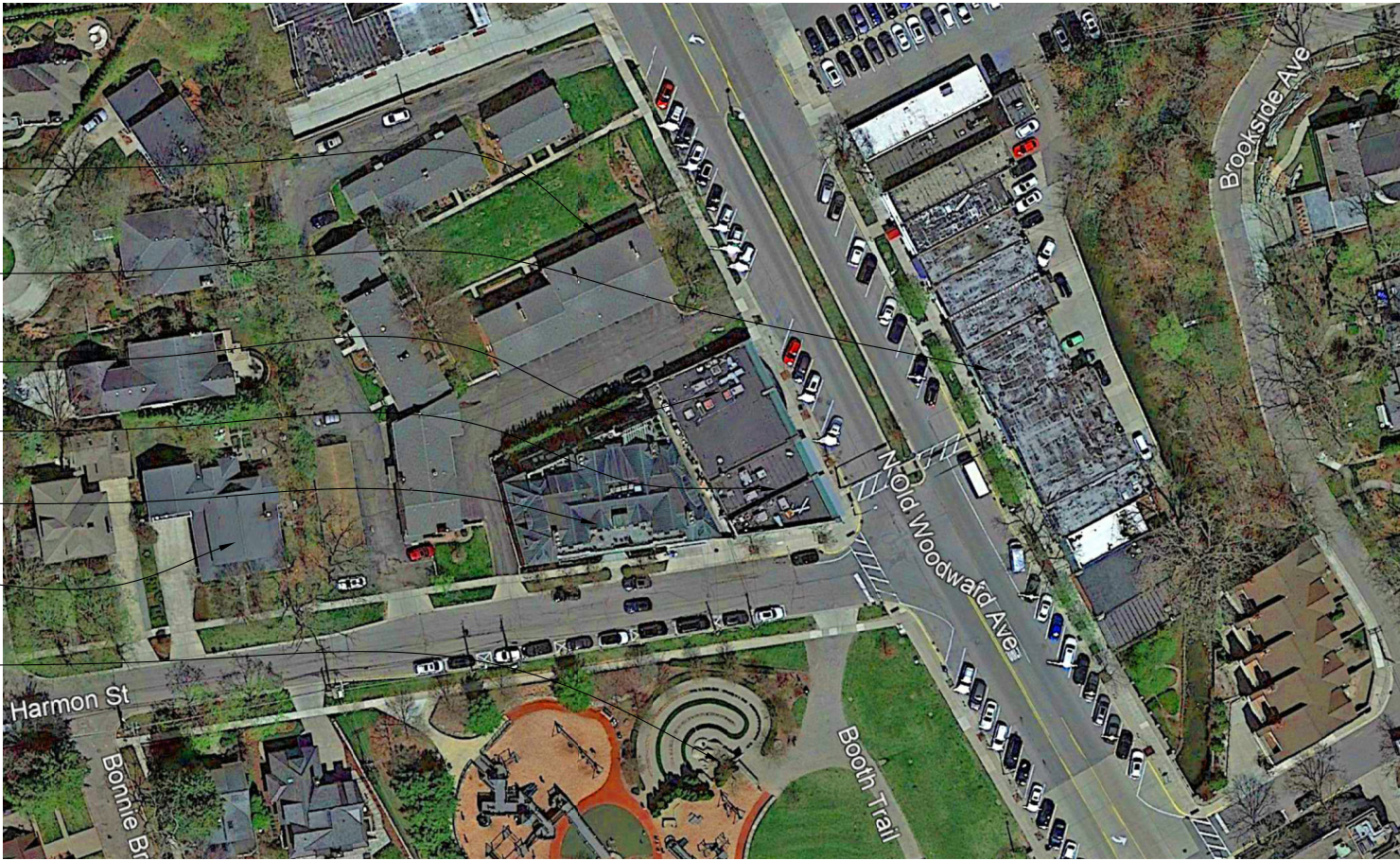
2 East Elevation - Proposed

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

1 East Elevation - Existing

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

- MULTI-FAMILY RESIDENTIAL
- ONE STORY RETAIL
- LUXE BAR AND GRILL
- SALVATORE SCALLOPINI
- MULTI-FAMILY RESIDENTIAL
- SINGLE FAMILY RESIDENTIAL
- PUBLIC PARK



3 Area Map

scale: not to scale

NORTH





Midori Planter

\$109.99



Size

31 INCH

39 INCH

Color

BLACK

CHARCOAL

ESPRESSO

Quantity - | 1 | +

and specifically treated with UV inhibitors to minimize fading. With a Veradek product you can rest assured that you are receiving the perfect balance of design, convenience and durability.

FEATURES

- Frost resistant for colder climates
- Treated with UV inhibitors to avoid fading
- Flexible and impact resistant
- Sturdy yet lightweight - easy to move
- Single wall molded design, made from high-grade polyethylene composite
- Additional drainage holes can be drilled
- Drainage Holes: Yes
- Indoor and Outdoor Use

DIMENSIONS

- Midori 31: 31" W x 9" D x 16" H
- Midori 39: 39.5" W x 13" D x 20" H

Customer Reviews

Based on 3 reviews

[Write a review](#)

CONTRACT FOR TRANSFER OF A LIQUOR LICENSE
(ECONOMIC DEVELOPMENT)

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

R E C I T A L S:

WHEREAS, Licensee wishes to transfer the location of its liquor license from _____ to _____, Birmingham, Michigan (Property); and

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

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

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

NOW, THEREFORE, the parties agree as follows:

1. 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 as Economic Development, 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 Economic Development 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 Economic Development. 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 Economic Development 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.

By: 

Its: ~~WALTON J. JOHNSON~~ OWNER

Date: 8/5/2020

CITY OF BIRMINGHAM

By: _____
_____, Mayor

Date: _____

By: _____
_____, Clerk

Date: _____



MEMORANDUM

Planning Division

DATE: August 14, 2020

TO: Planning Board Members

FROM: Jana Ecker, Planning Director

SUBJECT: 525 N. Old Woodward, Luxe – Special Land Use Permit (Bistro) Amendment and Revised Final Site Plan & Design Review

The subject site is located at 525 N. Old Woodward, between Harmon Avenue and Vinewood Avenue. The parcel is zoned O-2, Office-Commercial and D-2 in the Downtown Overlay District. The owners of Luxe bistro are requesting approval at this time to expand the existing 31' Luxe storefront into the 28' wide vacant retail space to the south for a total of 59' of frontage. The majority of the current interior at Luxe will remain, and the applicant is proposing to expand the kitchen and cooler area, relocate the host stand, add a new dining counter and several extra tables in the vacant retail space to the south. No additional bar space will be added, nor will the proposed layout exceed the maximum number of 65 seats for a bistro. The applicant has stated that the proposed layout will enhance the functionality of the operation, and will allow for additional spacing between tables. The applicant is required to obtain a recommendation from the Planning Board on the Special Land Use Permit Amendment and Revised Final Site Plan, and then obtain approval from the City Commission.

1.0 Land Use and Zoning

- 1.1 Existing Land Use – Luxe is currently in operation at 525 N. Old Woodward. The storefront to the south to be used for the proposed expansion is vacant. Land uses surrounding the site are residential, retail, commercial and public property (Booth Park).
- 1.2 Existing Zoning – The property is currently zoned O-2, Office-Commercial, and D-2 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	Multi-Family Residential	Restaurant, Retail, Booth Park	Commercial / Retail	Multi-Family Residential
Existing Zoning District	R-6, Multi-Family Residential	O-2, Office-Commercial/ PP Public Property	O-2, Office-Commercial	R-6, Multi-Family Residential
Downtown Overlay Zoning District	N/A	D-2	D-2	N/A

2.0 Bistro Requirements

Article 9, section 9.02, Definitions, of the Zoning Ordinance defines a bistro as a restaurant with a full service kitchen with interior seating for no more than 65 people and additional outdoor seating of no more than 65. Under the existing SLUP, Luxe currently has approval for 54 indoor seats, including 10 at the bar, and has an additional 12 outdoor dining seats (permanent approval, not temporary COVID-19 approved plan). Luxe will continue to have a full service kitchen and offer a classic American menu featuring lunch and dinner.

The plans submitted contain a summary of the interior seating, which totals up to 64 seats split between the bar, high tops, booths, settee's, and a dining counter. As noted above, Luxe is currently approved with 44 indoor seats plus the maximum of 10 seats at the bar (54 total existing). The proposed plan removes 5 of those bar stools from the existing bar. It would seem as though the applicant is proposing to move forward with only 5 bar seats in the same area where there were previously 10. Although the ordinance requirements are being met in this scenario, it is imperative to reiterate that all bistros must maintain the seat totals and general layouts as depicted in the approved site plans. As far as outdoor seating, the applicant is proposing an increase from 12 to 48 outdoor seats where a maximum of 65 is allowed.

Article 3, section 3.04(C)(10) 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.

Although some clarification is needed, the proposed expansion will contain only 5 bar seats where 10 are allowed. No direct connect bar permit will be permitted from this license if it is approved. Alcohol may only be served to seated patrons and those standing in the bar area. Luxe does not currently offer nor propose to offer any dancing or entertainment.

Luxe will continue to have tables located in their existing storefront space lining N. Old Woodward, and also propose to add four new tables in the vacant storefront to the south to provide continuous dining tables along the entire expanded storefront space. The existing Luxe has more than 70% storefront glazing as required, and significant glazing also exists in the vacant storefront to the south. The applicant has provided new glazing calculations that show 72% glazing for the proposed combined space, meeting the requirements of Article 4, Section 4.90 of the Zoning Ordinance.

The applicant will be required to provide a signed copy of the contract with the City that must be fully executed upon approval of the SLUP Amendment and the Revised Final Site Plan and Design Review.

As discussed above, the expansion of Luxe to the south will increase the outdoor dining area from 12 seats to 50 seats, to be situated on the sidewalk directly adjacent to the building, and in the street furnishing zone adjacent to the required 5' minimum pedestrian path (5.5' is provided). Luxe is proposing to maintain the existing doors at the north end of storefront to provide access to the outdoor dining area. The current main entry door is proposed to be reused and relocated to the south. The opening of the existing door is proposed to be filled with a new aluminum storefront window in matte black to match the existing windows. The outdoor dining area as proposed provides for safe and efficient pedestrian flow via the required 5' wide pathway between the proposed seating along the building and the seating proposed in the furnishings zone. The 2016 Plan recommends that this pedestrian way be immediately adjacent to the storefront to allow pedestrians to see into the storefront and to have a consistent and unobstructed walkway. However, the Planning Board has discussed where the location of the pathway should be located (next to the building or closer to the street) and have chosen to review each proposal individually to determine the most logical location based on the current flow of pedestrians.

The expanded outdoor dining area is proposed to be enclosed with 14 black composite Veradek planter boxes, some of which are existing. The applicant has not provided any dimensional specifications for the new planters including the dimensions and planting types proposed. **The applicant must provide the dimension specifications for the required planters.**

The applicant has indicated that Luxe is currently serving from 11 AM – 1AM every day and 11AM – 12AM on Sunday. The applicant has not indicated separate hours for the outdoor

dining area. **The applicant must provide the hours of operation for the outdoor dining area.**

3.0 Screening and Landscaping

- 3.1 Screening – There are no exterior changes shown for mechanical units or venting. However, if any additional mechanical units or venting are required, all changes must be submitted to the Planning Division prior to installation or changes.
- 3.2 Landscaping – The applicant is not proposing to change the existing street tree pattern. As mentioned above, new planters will be added to enclose the outdoor dining area.

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 for the proposed commercial use.
- 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 the outdoor café is available directly from the City sidewalk. Under the 2016 Plan, outdoor cafes are encouraged as they create a more pedestrian friendly environment. All outdoor dining areas must maintain a 5 foot minimum width of unobstructed pedestrian access along the storefront in the public right-of-way, however as mentioned above, the Planning Board has determined that each applicant would be reviewed on a case by case basis to determine the existing pedestrian traffic flow. The proposed expanded layout does provide for outdoor seating along the storefront and adjacent to the curb with the required pedestrian path between these areas.
- 4.5 Streetscape – The existing sidewalk is concrete towards the storefront and aggregate between the sidewalk and curb. This sidewalk conforms to the Downtown Birmingham Streetscape Standards. Two street trees and tree wells are located along N. Old Woodward in front of the existing restaurant and the proposed expansion area to the south. The applicant has also proposed a service area that will contain the required trash receptacle and hand sanitizing station just south of the proposed main entrance closer to the street.

5.0 Lighting

The three existing gooseneck light fixtures are proposed to remain in their current locations on the front facade of the existing Luxe space. The three gooseneck fixtures on the vacant storefront to the south are to remain, and the applicant proposes to paint these to match the color of the existing Luxe lighting.

6.0 Departmental Reports

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

6.2 Department of Public Services – The Department of Public Services has no concerns at this time.

6.2 Fire Department – The Fire Department submitted the following comments:

- The Fire Department has no concerns with this proposed restaurant expansion.
- Floor plans that include proposed occupant load, and egress travel distances will need to be submitted for review and approval.
- Plans will need to be submitted for the commercial kitchen hood suppression system for review and approval.

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

6.5 Building Department – The Building Department submitted the following comments:

As requested, the Building Department has examined the plans for the proposed project referenced above. The plans were provided to the Planning Department for site plan review purposes only and present conceptual elevations and floor plans. Although the plans lack sufficient detail to perform a code review, the following comments are offered for Planning Design Review purposes and applicant consideration:

Applicable Building Codes:

- 2015 Michigan Building Code. Applies to all buildings other than those regulated by the Michigan Residential Code.
 - 2015 Michigan Mechanical Code. (Residential requirements for mechanical construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code)
 - 2015 Michigan Plumbing Code. (Residential requirements for plumbing construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code)
 - 2017 National Electrical Code along with the Michigan Part 8 Rules. (Residential requirements for electrical construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code)
-

Review Comments:

- No code concerns at this time.

7.0 Design Review

The applicant is proposing minor exterior design changes to the vacant storefront to match the finishes to the existing Luxe storefront. All brick, windows, roofing and lighting will remain as is, but the window frames, trim, fascia and light fixtures are proposed to be painted to match the colors used on the existing Luxe storefront. The applicant has stated that they will match the existing paint on the Luxe storefront with Sherwin Williams SW 7020 "Black Fox". As discussed above, the existing Luxe door and hardware will be relocated to the north to replace the entrance door to the vacant storefront space. The former Luxe entry opening will be filled with a clear glass and aluminum window system in matte black to match the existing Luxe windows. Article 4, Section 4.90 of the Zoning Ordinance requires only clear glazing (80% VLT) on first floor facades. The applicant has not submitted specifications on the newly proposed large glass area that is replacing the existing entryway.

The applicant must submit specifications on the new glazing proposed.

Outdoor Dining Area

Outdoor cafés must comply with the site plan criteria as required by Article 04, Section 4.42 OD-01, Outdoor Dining Standards. Outdoor cafes are permitted immediately adjacent to the principal use and are subject to site plan review and the following conditions:

1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.
2. All outdoor activity must cease at the close of business, or as noted in Subsection 3 below, whichever is earlier.
3. When an outdoor dining area is immediately adjacent to any single-family or multiple-family residential district, all outdoor activity must cease at the close of business or 12:00 a.m., whichever is earlier.
4. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.
5. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.
6. For outdoor dining located in the public right-of-way:
 - a) All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.
 - b) In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.

-
- c) An elevated, ADA compliant, enclosed platform may be erected on the street adjacent to an eating establishment to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 - d) No such facility shall erect or install permanent fixtures in the public right-of-way.
 - e) Commercial General Liability Insurance must be procured and maintained on an "occurrence basis" with limits of liability not less than \$1,000,000 per occurrence combined single limit, personal injury, bodily injury and property damage. This coverage shall include an endorsement naming the city, including all elected and appointed officials, all employees, all boards, commissions and/or authorities and board members, as an additional insured. This coverage must be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance, and shall include an endorsement providing for a thirty (30) day advance written notice of cancellation or non-renewal to be sent to the city's Director of Finance.

The applicant is proposing to extend the outdoor seating in front of the existing Luxe storefront to the south along the expanded frontage. The outdoor dining area is proposed to be enclosed with 14 planters. As noted in Section 2.0 of this report, the applicant has not provided any specifications for the proposed planters nor details on the plantings at this time. The required 5' pedestrian pathway is provided along the public sidewalk.

The applicant has provided a service station that contains a trash receptacle and hand sanitizing area. The applicant has indicated that Luxe served from 11 AM – 1 AM everyday but Sunday. **The proposed outdoor dining area is immediately adjacent to multi-family zoned property, and therefore must cease operation by 12 midnight or at the close of business, whichever is earlier. The applicant must provide official indoor and outdoor hours of operation for the restaurant.**

The applicant has proposed the new furniture that will match the existing tables and chairs. The chairs are proposed as black powder coated Gar "Bayhead" with woven resin seat and back and the tables as Gar "Antoinette" black metal. Seven new four top rectangular tables are proposed, along with three new round two top tables, as well as an additional 38 chairs.

No umbrellas are proposed at this time for the outdoor dining area.

The applicant will be required to enter into a revised license agreement with the City for use of the public right-of-way, and to provide the required insurance. Liquor liability insurance will also be required for the service of liquor in the right-of-way.

Signage

The applicant is permitted to have a total of 59 square feet of signage, based on the expanded frontage proposed for Luxe. They are proposing to install three name letter signs on an existing canopy with a 12" high valence. The proposed name letter signs total 4.75 sq. ft. in area, with the signage broken down as follows:

- "Bar" 1 ft. in length by 0.5 ft. in height;
- "Luxe" 3.5 ft. in length by 10 in. in height; and
- "Grill" 1.5 ft. in length by 0.5 ft. in height.

In accordance with the new canopy sign regulations in Article 2, Table B of the Sign Ordinance, canopy signs are permitted if the height of the valence is 18" or less, and if no more than 33% of the canopy valence is occupied by the signage. The applicant meets both of these requirements. The dimensional letters are proposed to be constructed of polished stainless steel. No other signage is proposed.

8.0 Downtown Birmingham 2016 Overlay District

The site is located within the D-2 zone of the DB 2016 Regulating Plan, within the Downtown Birmingham Overlay District. Specifically, the 2016 Plan recommends the addition of outdoor dining areas in the public right-of-way as it is in the public's best interest as it enhances street life, thus promoting a pedestrian friendly environment. The 2016 Plan also recommends that the 5' clear pedestrian passage be provided against the storefronts to ensure that merchants can display and sell their products and so as not to distort the flow of pedestrians. The applicant's proposal to provide an outdoor dining area adjacent to the storefront is not consistent with the recommendations contained in the 2016 Plan, but the Planning Board has determined to review each proposal on a case by case basis and to base decisions on how current pedestrian traffic flows.

Salvatore Scaloppini, the bistro located just south of Luxe, also has outdoor dining located directly next to the building and in the street furnishing zone, thus creating a consistent streetscape and pedestrian walking path.

9.0 Approval Criteria for Final Site Plan

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
 - (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
-

- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property not diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

10.0 Approval Criteria for Special Land Use Permits

Article 07, section 7.34 of the Zoning Ordinance specifies the procedures and approval criteria for Special Land Use Permits. Use approval, site plan approval, and design review are the responsibilities of the City Commission. This section reads, in part:

Prior to its consideration of a special land use application (SLUP) for an initial permit or an amendment to a permit, the **City Commission shall refer the site plan and the design to the Planning Board for its review and recommendation. After receiving the recommendation, the City Commission shall review the site plan and design of the buildings and uses proposed** for the site described in the application of amendment.

The City Commission's approval of any special land use application or amendment pursuant to this section shall constitute approval of the site plan and design.

11.0 Suggested Action

Based on a review of the site plans submitted, the Planning Division suggests that the Planning Board recommend **APPROVAL** of the applicant's request for a Revised Final Site Plan and Design Review for Luxe at 525 N. Old Woodward to the City Commission with the following conditions:

- (1) The applicant must submit official hours of operation to ensure the outdoor dining area is not open past 12 AM;
- (2) The applicant provide specification sheets for the planters, outdoor furnishings, paint colors and glazing prior to appearing before the City Commission for review;
- (3) The applicant execute a revised contract with the City of Birmingham; and
- (4) The applicant comply with the requests of all city departments.

12.0 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 Revised Final Site Plan and Design Review to expand Luxe bistro into the storefront space to the south with the following conditions:

- (1) The applicant must submit official hours of operation to ensure the outdoor dining area is not open past 12 AM;
- (2) The applicant provide specification sheets for the planters, outdoor furnishings, paint colors and glazing prior to appearing before the City Commission for review;
- (3) The applicant execute a revised contract with the City of Birmingham; and
- (4) The applicant comply with the requests of all city departments.

OR

Motion to recommend **DENIAL** of the Revised Final Site Plan and Design Review to the City Commission for 525 N. Old Woodward, Luxe, for the following reasons:

1. _____
2. _____
3. _____

OR

Motion to recommend **POSTPONEMENT** of the Revised Final Site Plan and Design Review for 525 N. Old Woodward, Luxe, with the following conditions:

1. _____
2. _____
3. _____

AND

Motion to recommend **APPROVAL** to the City Commission for a SLUP Amendment to allow Luxe bistro at 525 N. Old Woodward to expand into the storefront to the south with the following conditions:

- (1) The applicant must submit official hours of operation to ensure the outdoor dining area is not open past 12 AM;
- (2) The applicant provide specification sheets for the planters, outdoor furnishings, paint colors and glazing prior to appearing before the City Commission for review;
- (3) The applicant execute a revised contract with the City of Birmingham; and
- (4) The applicant comply with the requests of all city departments.

OR

Motion to recommend **DENIAL** of the Revised Final Site Plan and Design Review to the City Commission for 525 N. Old Woodward, Luxe, for the following reasons:

1. _____
2. _____
3. _____

OR

Motion to recommend **POSTPONEMENT** of the Revised Final Site Plan and Design Review for 525 N. Old Woodward, Luxe, with the following conditions:

1. _____
 2. _____
 3. _____
-



**Special Land Use Permit Application – Economic Development License
Planning Division**

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

1. Applicant

Name: KARA LARRY BONGIOUANNI
Address: 525 N. OLD WOODWARD AVE
BIRMINGHAM, AL 35209
Phone Number: 248 867 8305
Fax Number: 248 644 1733
Email address: SALSCAL@SBCGLOBAL.NET

3. Applicant's Attorney/Contact Person

Name: ROMAN BONISLAWSKI
Address: 275 E. FRANK ST.
BIRMINGHAM, AL
Phone Number: 248 723-5790
Fax Number: 248 723-5795
Email address: ROMAN@RONANDROMAN.COM

2. Property Owner

Name: MASTERPIECE INVESTMENTS
Address: 30777 NORTHWESTERN HWY
FARMINGTON HILLS, MI 48334
Phone Number: 248 681-5400
Fax Number: 248 681-8434
Email address: KORI.PERNOFF@PIUMARKET.COM

4. Project Designer/Developer

Name: ROMAN BONISLAWSKI
Address: 275 E. FRANK ST.
BIRMINGHAM, AL
Phone Number: 248 723-5790
Fax Number: 248 723-5795
Email address: ROMAN@RONANDROMAN.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: 523 1/2 525 N. OLD WOODWARD BIRMINGHAM
Name of development: LUXE BART & GRILL
Sidwell #: 1925-327-031
Current Use: RE BISTRO AT 525 1/2 FORMER MERRILL
Proposed Use: BISTRO AT 523
Area of Site in Acres: .35
Current zoning: O2 WITH DOWNTOWN OVERLAY D2
Is the property located in the floodplain? NO
Name of Historic District Site is Located in: NO
Date of Historic District Commission Approval: NO

Date of Application for Preliminary Site Plan: NO
Date of Preliminary Site Plan Approval: NO
Date of Application for Final Site Plan: NO
Date of Final Site Plan Approval: NO
Date of Application for Revised Final Site Plan: NO
Date of Revised Final Site Plan Approval: NO
Date of Design Review Board Approval: NO
Is there a current SLUP in effect for this site? YES
Date of Application for SLUP: NO
Date of SLUP Approval: NO
Date of Last SLUP Amendment: NO

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

EXPAN KITCHEN AREA AND ADDING COOKLINE WITH HOOD INTO ADJACENT SPACE 523 N. OLD WOODWARD. RELOCATING ENTRY FOR LUXE TO THE ADJACENT TENANTS SPACE, AND EXPANDING FRONT HIGH TOP DINING INTO FORMER EXTERIOR ENTRY NICHE. OPEN EXISTING WALL BETWEEN TWO TENANCIES AT FRONT FOR PUBLIC AND REAR FOR KITCHEN SERVICE SMALL DINING AREA EXPANDED INTO THE ADJACENT SPACE FROM LUXE - SEE HEE & COUNTER HEIGHT DINING - WITH SOUP AND SALAD PREPARATION BEHIND COUNTER. NEW HOSTESS AREA EXPANDED CARRY OUT CAPACITY. FAÇADE TO BE EXTENSION OF EXISTING MATERIALS & COLORS OF LUXE. BUILD TO REMAIN ALL WOOD TRIM, FACIAS AND WINDOWS PAINTED TO MATCH WITH FABRIC VALANCES TO MATCH EXISTING AS WELL.

8. Buildings and Structures

Number of Buildings on Site: 2

Height of Buildings & # of Stories: 1 story NO INCREASE 18'-0"

Use of Buildings: BISTRO & MERCANTILE = BOTH BISTRO

Height of Rooftop Mechanical Equipment: 18'-0"

9. Floor Use and Area (in Square Feet)

Structures:

Restaurant Space: 3520

Office Space: 0

Retail Space: 0

Number of Residential Units: 0

Rental or Condominium? 0

Total Floor Area: 3520

10. Proposed Restaurant Operation

Number of Indoor Seats:

Number of Outdoor Seats:

Entertainment Proposed: NO

Previous LCC Complaints? NO

Number of Tables along Street Façade:

Type of Cuisine: AMERICAN

Bar Area? YES

Number of Seats at Bar:

Full Service Kitchen? YES

Percentage of Glazing Proposed:

Years of Experience in Birmingham: 40+

Years of Experience Outside Birmingham: 50+

11. Proposed Setbacks

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: 11AM - 1AM

Width of unobstructed sidewalk between door and café? (5 ft. required):

Platform Proposed:

Trash Receptacles:

Number of Tables/Chairs:

Material of Tables/Chairs:

Tables Umbrellas Height & Material:

Number and Location of Parking Spaces Utilized:

Screenwall Material:

Enclosure Material:

13. Required and Proposed Parking

Required number of parking spaces: DOWNTOWN OVERLAY

Location of parking on site:

Screenwall material:

Shared Parking Agreement?

Location of parking off site:

Height of screenwall:

14. Landscaping

Location of landscape areas:

Proposed landscape material:

15. Streetscape

Sidewalk width: 5'-0" CLEAR
Number of benches: _____
Number of planters: 12
Number of existing street trees: 2
Number of proposed street trees: 2
Streetscape plan submitted? _____

Description of benches or planters: PLANTER SIMILAR TO EXISTING
Species of existing trees: _____

Species of proposed trees: NO NEW TREES

16. Loading

Required number of loading spaces: _____
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: _____
Location of waste receptacles: ALLEY
Screenwall material: _____

Proposed number of waste receptacles: 3
Size of waste receptacles: 3 YARDS
Height of screenwall: _____

18. Mechanical Equipment**Utilities and Transformers:**

Number of ground mounted transformers: _____
Size of transformers (L•W•H): _____
Number of utility easements: _____
Screenwall material: _____

Location of all utilities & easements: _____

Height of screenwall: _____

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:

Number of rooftop units: _____
Type of rooftop units: _____
Screenwall material: _____
Location of screenwall: _____

Location of all rooftop units: _____

Size of rooftop units (L•W•H): _____

Percentage of rooftop covered by mechanical units: _____

Height of screenwall: _____

Distance from rooftop units to all screenwalls: _____

19. Accessory Buildings

Number of accessory buildings: _____
Location of accessory buildings: _____

Size of accessory buildings: _____

Height of accessory buildings: _____

20. Building Lighting

Number of light standards on building: _____
Size of light fixtures (L•W•H): _____
Maximum wattage per fixture: _____
Light level at each property line: _____

Type of light standards on building: _____

Height from grade: _____

Proposed wattage per fixture: _____

21. Site 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.: 1

Property #1

Number of buildings on site: _____
Zoning district: _____
Use type: _____
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: _____

North, south, east or west of property? _____

Property #2

Number of buildings on site: _____
Zoning district: _____
Use type: _____
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: _____

North, south, east or west of property? _____

Property #3

Number of buildings on site: _____
Zoning district: _____
Use type: _____
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: _____

North, south, east or west of property? _____

Property #4

Number of buildings on site: _____
Zoning district: _____
Use type: _____
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: _____

North, south, east or west of property? _____

Property #5

Number of buildings on site: _____
Zoning district: _____
Use type: _____
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: _____

North, south, east or west of property? _____

Property #6

Number of buildings on site: _____
Zoning district: _____
Use type: _____
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: _____

North, south, east or west of property? _____

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

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

DocuSigned by:
Signature of Owner: Matthew Jonna Date: 08.05.2020
Print Name: Matthew Jonna

Signature of Applicant: _____ Date: 08.05.2020
Print Name: Larry Bongiovanni

Signature of Architect: _____ Date: 08.05.2020
Print Name: Roman Bonislowski

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

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



SPECIAL LAND USE PERMIT APPLICATION CHECKLIST – PLANNING DIVISION

Applicant: _____ Case #: _____ Date: _____

Address: _____ Project: _____

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 sites property lines;
- ☐ 11. Interior floor plans;
- ☐ 12. A chart indicating the dates of any previous approvals by the Planning Board, Board of Zoning Appeals, Design Review Board, or the Historic District Commission ("HDC");

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

Elevation Drawings

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

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



Notice Signs - Rental Application Community Development

1. Applicant

Name: LAWRENCE BONGIOUANNI
 Address: 525 N. OLD WOODWARD
BIRMINGHAM, AL 35209
 Phone Number: 248 667 0305
 Fax Number: 248 644 1733
 Email address: SALSCAL@SBCG10341.NET

Property Owner

Name: MASTERPIECE INVESTMENTS
 Address: 30777 NORTH WESTERN HWY
PALMINGTON HILLS, MI 48334
 Phone Number: 248 681 5400
 Fax Number: 248 681 8434
 Email address: KORI.PERNOFF@PIUMARKET.COM

2. Project Information

Address/Location of Property: 525/523 N. OLD WOODWARD
 Name of Development: LUKE PARK GRILL
 Area in Acres: .35

Name of Historic District site is in, if any: _____
 Current Use: PISTO AT 525
 Current Zoning: D2 WITH DOWNTOWN OVERLAY D2

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: 8/5/2020

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Reviewed by: _____

R O N A N D R O M A N
architects et al.
275 E. Frank St. Birmingham MI 48009
o) 248.723.5790 f) 248.723.5795

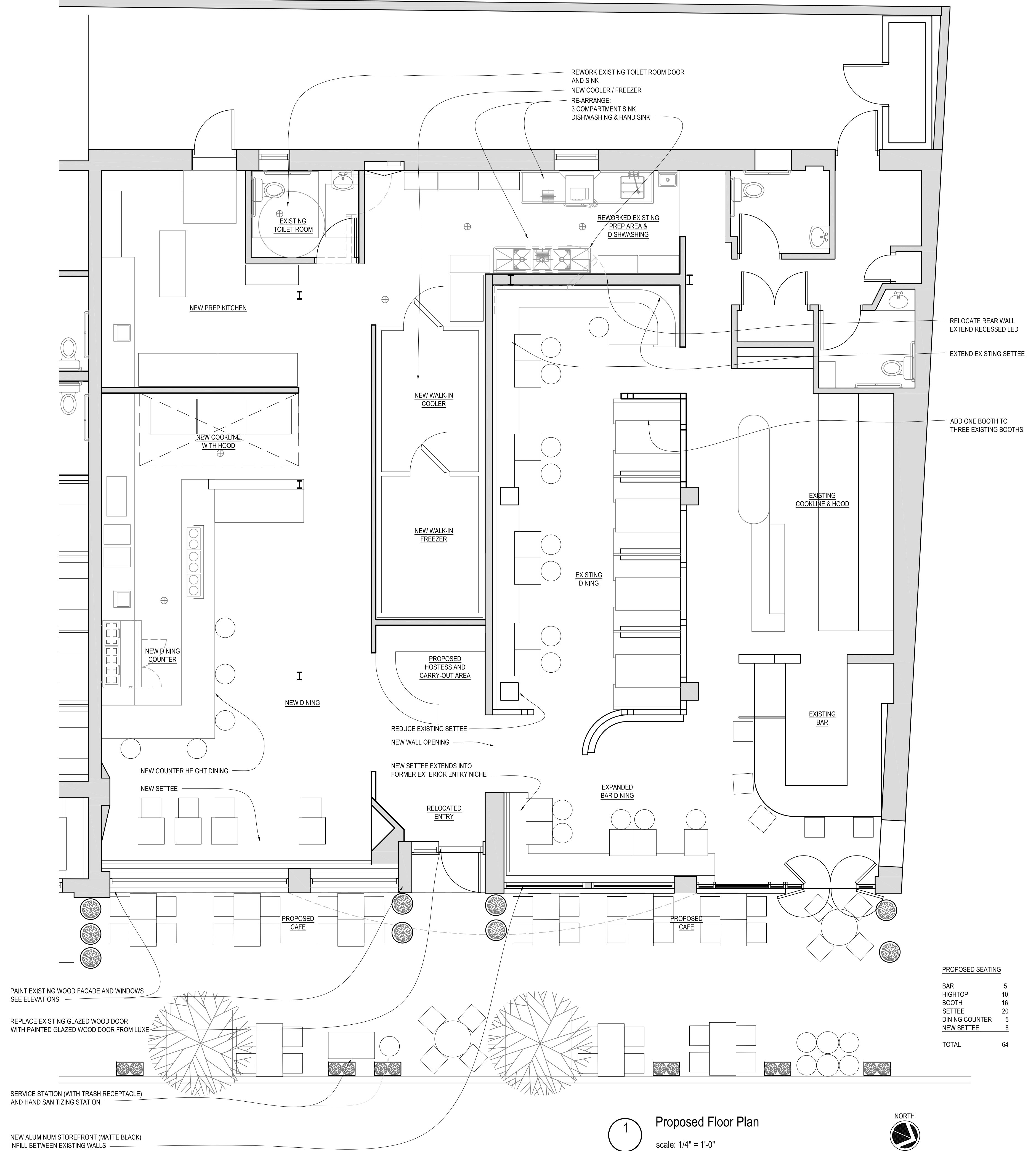
Luxe
Expanding Kitchen and Dining in Existing and Adjacent Tenant Spaces
525 North Old Woodward, Birmingham, MI 48009

Issue Date:

SUBMISSION	08.05.2020

Proposed Site & Building Plan

A101



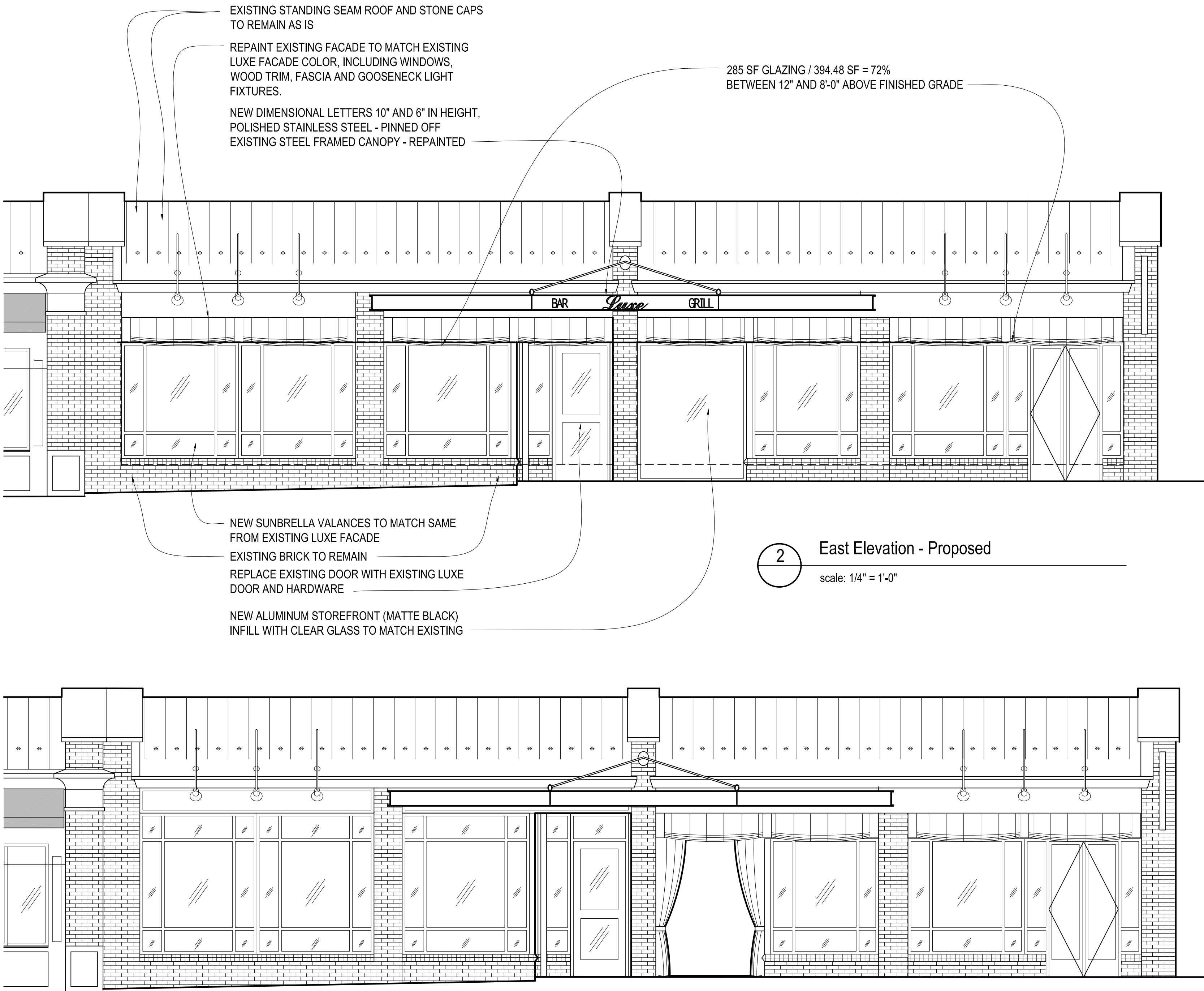


STREET VIEW FROM SOUTH



STREET VIEW FROM NORTH

6 Existing Luxe Exterior Views



EXISTING LUXE PLANTER
PAINTED CAST STONE DECORATIVE URNS



EXISTING LUXE PLANTER
BLACK COMPOSITE VERADEK PLANTERS



EXISTING LUXE FACADE
PAINTED WOOD WINDOWS AND DOORS
SHERWIN WILLIAMS SW 7020 "BLACK FOX"
FABRIC VALANCES
SUNBRELLA "SLATE" AND "PARCHMENT"
BRICK (UNPAINTED)



EXISTING LUXE CAFE TABLE AND CHAIRS
CHAIRS: GAR "BAYHEAD" BLACK POWDERCOATED
WITH WOVEN RESIN SEAT AND BACK
TABLES: GAR "ANTOINETTE" BLACK METAL BASES

5 Existing Luxe Exterior Materials and Furniture to Match



EXISTING LUXE DOOR AND HARDWARE



EXISTING LUXE BAR



EXISTING LUXE DINING ROOM
SETTEE, TABLES AND CHAIRS



EXISTING LUXE DINING ROOM
BOOTHES

4 Existing Luxe Interiors to Match in Spirit and Feel

- MULTI-FAMILY RESIDENTIAL
- ONE STORY RETAIL
- LUXE BAR AND GRILL
- SALVATORE SCALLOPINI
- MULTI-FAMILY RESIDENTIAL
- SINGLE FAMILY RESIDENTIAL
- PUBLIC PARK



3 Area Map

scale: not to scale

NORTH

Project:

Luxe
Expanding Kitchen and Dining in Existing and Adjacent Tenant Spaces
525 North Old Woodward, Birmingham, MI 48009

Seal:

Issue Date:

SUBMISSION 08.05.2020

Sheet Title:

Existing and Proposed
Elevations

Sheet Number:

A201

Fwd: 525 N. Old Woodward

Darrell Dinges <darrell@ronandroman.com>

Thu, Aug 20, 2020 at 3:02 PM

To: Jana Ecker <jecker@bhamgov.org>, Brooks Cowan <bcowan@bhamgov.org>, Nicholas Dupuis <ndupuis@bhamgov.org>

Jana, Brooks, and Nick,

Attached Please find revised drawings that address Jana's comments 1-5.

Below is a brief statement from Larry and Kara Bongiovanni addressing item 6.

Application will be dropped off by Larry Bongiovanni.

Thanks for considering changes to Luxe current SLUP agreement. We are pleased that you will contemplate adjustments to our footprint, and our ability to meet Birmingham guests needs.

Our thought is to improve our operation by creating better work spaces, improved take out capability, and more acceptable social spacing as made necessary by the virus.

We are proposing moving portions of the kitchen to create more space for staff to work in as well as meet the growing carry out demand. Additionally, using this exhibition area to serve as a dining / lunch counter.

Menu changes will be limited. Expansion of Salad offerings, we will experiment with an idea revolving around the great comfort food, The GRILLED CHEESE Sandwich.

We are currently serving from 11-1a every day except Sunday. We may try to open a little earlier with our addition.

Our hope is to further serve our loyal guests in a manner that they feel safe, one in which allows our staff to have confidence and the environment to be successful.

Thanks again

Kara and Larry Bongiovanni

[Quoted text hidden]

Fwd: 525 N. Old Woodward

Darrell Dinges <darrell@ronandroman.com>

Fri, Aug 21, 2020 at 3:46 PM

To: Jana Ecker <jecker@bhamgov.org>, Brooks Cowan <bcowan@bhamgov.org>, Nicholas Dupuis <ndupuis@bhamgov.org>

Jana, Nick, and Brooks,

Attached please find a revised Elevation sheet A201 that addresses the preliminary report:

1. "Luxe" letters are 10" tall, and new pinned off letters are called out as "polished stainless steel", and are no longer extending above the top of the steel canopy.
2. Café Chairs and tables are identified as GAR products (under the photos)
3. Café rectangular planters are identified as Black Composite Veradek planters, others are painted cast stone decorative urns.
4. Paint color is identified as Sherwin Williams SW 7020 "Black Fox".
5. Valance fabric is identified as Sunbrella "Parchment" and "Slate"

Please see below for revised comments from the Bongiovanni's clarifying their hours of operation:

Thanks for considering changes to Luxe current SLUP agreement. We are pleased that you will contemplate adjustments to our footprint, and our ability to meet Birmingham guests needs. Our thought is to improve our operation by creating better work spaces, improved take out capability, and more acceptable social spacing as made necessary by the virus. We are proposing moving portions of the kitchen to create more space for staff to work in as well as meet the growing carry out demand. Additionally, using this exhibition area to serve as a dining / lunch counter. Menu changes will be limited. Expansion of Salad offerings, we will experiment with an idea revolving around the great comfort food, The GRILLED CHEESE Sandwich. We are currently open from 11am -1am every day except Sunday hours of 11am to 12 am. We may try to open a little earlier with our addition. Our hope is to further serve our loyal guests in a manner that they feel safe, one in which allows our staff to have confidence and the environment to be successful.

Thanks again,

Kara and Larry Bongiovanni

[Quoted text hidden]



Luxe revised 20200820X.pdf
4259K

DRAFT MINUTES OF THE PLANNING BOARD
WEDNESDAY, AUGUST 26, 2020
Held Remotely Via Zoom And Telephone Access

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

1. 525 N. Old Woodward, Luxe Bistro – Request for Special Land Use Permit Amendment to expand the existing restaurant into the storefront space to the south.

2. 525 N. Old Woodward, Luxe Bistro – Request for Revised Final Site Plan Review to expand the existing restaurant into the storefront space to the south.

Planning Director Ecker summarized the proposed Special Land Use Permit (SLUP) Amendment and the Final Site Plan and Design Review. In reply to Chairman Clein, she confirmed that condition three of the proposed motion language could be removed as the applicant submitted the revised contract just prior to the present meeting. She said that for condition two of the proposed motion language the applicant had submitted the colors and glazing specs, but had not yet submitted the spec sheets for the planters and outdoor furnishings.

Joseph, Carrie, and Larry Bongiovanni, owners, Roman Bonislowski, architect, and Darrell Dinges, architect, were present on behalf of the applicant. Of the owners, only Joseph Bongiovanni spoke on behalf of the request.

Mr. Bongiovanni said part of the changes proposed were to allow for more social distancing within the restaurant and to better facilitate carryout service in light of the Covid-19 pandemic.

Kshama Jay spoke as a neighbor of Luxe. She said that she has been pleased to live next to Luxe in general and is a regular patron of their carryout services. Ms. Jay said her concerns were that parking was becoming congested by restaurant patrons and that there has been an accumulation of litter and cigarette butts in front of and adjacent to Luxe. She asked what the owners would be doing to remedy the issues.

Mr. Bongiovanni said that the Park-n-Fly model has reduced the strain on parking and decreases the opportunity to litter. He said that anything the City can do to encourage Park-n-Fly as an option would yield further benefits. He also said that he took responsibility as the owner of Luxe and would make sure that Luxe staff pay more attention to litter generated by restaurant customers.

Chairman Clein asked Mr. Bongiovanni for a confirmation that he would take appropriate action to reduce litter and cigarette butts outside Luxe. He emphasized the importance of being respectful to neighbors as a business in a residential area.

Mr. Bongiovanni confirmed he would.

Mr. Emerine noted that the applicant was allowed 65 seats but was only asking for 64. He said it might be worthwhile for the Board to consider allowing the 65th seat to be at the bar if the applicant wanted that option.

Mr. Bongiovanni said the lack of the 65th seat was an oversight and not intentional.

Mr. Williams said he would be in favor of allowing an additional seat at the bar. He also commended the Bongiovanni family for the commercial vibrancy they have added via their joint ventures to the north end of Birmingham.

Mr. Boyle echoed Mr. Williams' commendation of the Bongiovanni family and noted that their establishments gave Birmingham a model of what bistros could look like.

Motion by Mr. Boyle

Seconded by Mr. Jeffares to recommend approval to the City Commission for a SLUP Amendment to allow Luxe bistro at 525 N. Old Woodward to expand into the storefront to the south with the following conditions:

- (1) The applicant must submit official hours of operation to ensure the outdoor dining area is not open past 12 AM;**
- (2) The applicant provide specification sheets for the planters, outdoor furnishings, paint colors and glazing prior to appearing before the City Commission for review;**
- (3) The applicant comply with the requests of all city departments; and,**
- (4) The applicant be permitted to have six seats at the bar.**

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

Motion by Mr. Boyle

Seconded by Mr. Williams to recommend approval to the City Commission for the revised final site plan and design review to allow Luxe bistro at 525 N. Old Woodward to expand into the storefront to the south with the following conditions:

- (1) The applicant must submit official hours of operation to ensure the outdoor dining area is not open past 12 AM;**
- (2) The applicant provide specification sheets for the planters, outdoor furnishings, paint colors and glazing prior to appearing before the City Commission for review; and,**
- (3) The applicant comply with the requests of all city departments; and,**
- (4) The applicant be permitted to have six seats at the bar.**

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

Chairman Clein reminded Mr. Bongiovanni to take neighbors' comments to heart, noting that successful businesses in the City hinge in part on good relationships with their neighbors.

557 North Old Woodward
Birmingham, MI 48009

City Clerk
City Of Birmingham
151 Martin Street
Birmingham, MI 48009

Good Afternoon,

I am a resident of the neighboring condominium and was at the primary hearing of the Luxe Restaurant site plan meeting held via Zoom earlier this summer. I had voiced a few concerns at that time and would like to know if they have been addressed or will be addressed.

- 1) Due to COVID-19 many customers who order carry out, park their vehicles in the Hickory Hills Condominium parking, which is a Private Parking area, and has visible signage stating so. – This is still occurring as I have had to advise patrons of the restaurant to refrain from parking as they wait in the vehicle for a family member to bring their order.

Solution – We would appreciate if the restaurant would work with us to ensure that vehicles are utilizing the parking meters in front of the restaurant, across the street, and not in the private parking by our condominiums (utilize clear signage)

- 2) The other concern we had and still have is that in waiting for a table the customers congregate by the rock wall, or the green in front of the subdivision. This results in littering. (Cigarettes, empty cans, bottles etc.) The customers are advised to stay close to the restaurant but not in front of the restaurant. (I was informed to do so when I put my name down for a table a few weeks ago). They would not take your number to text you like many other restaurants do.

Solution – Could the restaurant possibly adopt a similar format as most other places do by texting or using a beeper, so customers can move around freely and not lose their place in line? This would help other nearby local businesses benefit by the foot traffic. Also with the cold weather approaching most people would like to sit in their vehicle until a table is ready.

As a healthcare provider, I understand and know how challenging this can be to maintain the safety of workers, customers and have a successful business. Given that one of the family members' lives in our sub-division, I am sure that they do understand the need to maintain the security and privacy of the neighborhood while maintaining the cleanliness and orderliness of the surroundings. (if you need proof, I can provide you the pictures)

Lastly and more importantly I am a fan of the restaurant, its food and the ambiance and like to work together to enjoy the neighborhood.

Thank you for your time,

Kshama Jayasuriya



MEMORANDUM

Planning Division

DATE: October 12th, 2020
TO: Joseph A. Valentine, City Manager
FROM: Nicholas Dupuis, City
Planner APPROVED: Jana Ecker, Planning
Director
SUBJECT: Certified Local Government Grant Applications

INTRODUCTION:

The Planning Division and Historic District Commission have competed FY2021 Certified Local Government (CLG) Grant applications for consideration by the State Historic Preservation Office (SHPO). The two applications prepared were (1) a proposal for a new, comprehensive set of historic design guidelines with an emphasis on new and emerging materials and (2) a proposal for a reconnaissance-level survey of the Little San Francisco Neighborhood. The Certified Local Government (CLG) program is a preservation partnership between local, state, and national governments focused on promoting historic preservation at the local level. The CLG Grant Program is one of the benefits enjoyed only by participating communities in good standing with the SHPO. The City of Birmingham has maintained good standing with the CLG Program since February 2010.

BACKGROUND:

The two proposed grant projects have been discussed by the Historic District Commission (HDC) for some time now. Earlier this year, the Planning Division and HDC submitted two applications for consideration in the SHPO's Community Partnership Program (CPP) for these projects. The CPP applications were the first item on the 2020 HDC Action List. The City was not selected for CPP funding, and thus hopes to leverage the CLG Grant Program to pursue these preservation projects for the community.

The first application is a request for \$15,000 to provide funding for a new, comprehensive set of historic design guidelines with an emphasis on new and emerging materials. These guidelines would then be utilized by the Historic District Commission to assist with the review of design changes to historic properties across the City. The most recent historic design guidelines were created approximately 15 years ago, and are in need of updating due to changes in the type of materials available currently.

The second grant application is a request for \$8,000 for a reconnaissance-level survey of the Little San Francisco Neighborhood. This type of survey is designed as a “first-look” at a neighborhood or broad group of potentially historic resources. The survey collects and records basic information through a review of existing files and data sources, and from an exterior review of buildings. This information is then assembled in a final report that outlines the character and history of the area. This report may be used in support of the historic designation of specific buildings or areas in the future should the City and/or neighborhood wish to commence that process. A letter of support has been provided from several residents of the Little San Francisco Neighborhood and is attached to the application.

In order to meet the grant deadline of October 1, 2020, the above grant applications have already been submitted to the SHPO. Due to time constraints, the Planning Division is seeking support for both grant applications as submitted, in the form of approval of the attached resolutions. Should the City Commission choose not to support the grant applications at this time, City staff will withdraw one or both of the City's applications from consideration immediately. Grant awards are not anticipated until the spring of 2021.

LEGAL REVIEW:

The City Attorney has reviewed the documentation and has no concerns at this time.

FISCAL IMPACT:

There is no fiscal impact to the City at this time. The projects are dependent upon grant approval.

PUBLIC COMMUNICATIONS:

The Historic District Commission discussed the two project applications at three public meetings, two of which were directly related to the CLG Grant Program while the other was a discussion regarding the Community Partnership Program. Additionally, a resident of the Little San Francisco Neighborhood was present during one of the CLG Grant discussions and reached out separately with enthusiasm regarding the survey, and has provided the City with a letter of support for the survey project. This letter is included in the grant application.

SUMMARY:

At this time, the Planning Division is seeking the confirmation and support of the City Commission for the above grant applications as outlined in the attached resolutions. The FY2021 CLG Grant funding is an expense reimbursement program. Should the grant application(s) be approved by the SHPO, the City will be expected to incur the expenditures for the project prior to the work being completed. Upon completion, the City would then submit all eligible expenditures up to the approved grant amount for reimbursement after SHPO acceptance of the final project and documentation.

ATTACHMENTS:

- CLG Grant Application – Historic Design Guidelines
- GLG Grant Application – Little San Francisco Neighborhood Survey
- HDC Meeting Minutes

SUGGESTED RESOLUTION:

To adopt resolutions in support of the grant applications made to the Michigan State Historic Preservation Office for the following:

1. A reimbursement grant application for \$15,000 to develop updated historic design guidelines with an emphasis on new and emerging materials; and
2. A reimbursement grant application for \$8,000 to conduct a reconnaissance level survey of the Little San Francisco neighborhood.

Resolution # _
FY21 CERTIFIED LOCAL GOVERNMENT GRANT APPLICATION
HISTORIC DESIGN GUIDELINES
2020

WHEREAS, The City of Birmingham has submitted an application to the Michigan State Historic Preservation Office (SHPO) in the amount of \$15,000 for a new comprehensive set of historic design guidelines with an emphasis on new and emerging materials;

WHEREAS, The Planning Division, under direction of the City Manager, are appointed as the Grant Project Managers who will oversee the CLG grant management and grant administration duties;

WHEREAS, The City of Birmingham will receive and pay vendor invoices related to the grant project;

WHEREAS, The City of Birmingham acknowledges that the Certified Local Government Program is an expense reimbursement program;

NOW, THEREFORE, BE IT RESOLVED, Should the CLG Grant Program application be accepted by the SHPO, the City acknowledges that the City is responsible for all project expenditures in the amount of \$15,000 for the project work with the knowledge that eligible expenditures up to the approved grant amount will be reimbursed to the City of Birmingham upon SHPO acceptance of final project work, SHPO acceptance of the final completion report, and SHPO audit and acceptance of financial documentation for eligible costs;

BE IT FURTHER RESOLVED, Joseph A. Valentine, City Manager, is authorized to sign the grant agreement and any grant agreement amendments.

I, Alexandria Bingham, Acting City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on October 12, 2020.

Alexandria Bingham
Acting City Clerk

Resolution # _
FY21 CERTIFIED LOCAL GOVERNMENT GRANT APPLICATION
LITTLE SAN FRANCISCO NEIGHBORHOOD SURVEY
2020

WHEREAS, The City of Birmingham has submitted an application to the Michigan State Historic Preservation Office (SHPO) in the amount of \$8,000 for a reconnaissance-level historical survey of the Little San Francisco Neighborhood;

WHEREAS, The Planning Division, under direction of the City Manager, are appointed as the Grant Project Managers who will oversee the CLG grant management and grant administration duties;

WHEREAS, The City of Birmingham will receive and pay vendor invoices related to the grant project;

WHEREAS, The City of Birmingham acknowledges that the Certified Local Government Program is an expense reimbursement program;

NOW, THEREFORE, BE IT RESOLVED, Should the CLG Grant Program application be accepted by the SHPO, the City acknowledges that the City is responsible for all project expenditures in the amount of \$8,000 for the project work with the knowledge that eligible expenditures up to the approved grant amount will be reimbursed to the City of Birmingham upon SHPO acceptance of final project work, SHPO acceptance of the final completion report, and SHPO audit and acceptance of financial documentation for eligible costs;

BE IT FURTHER RESOLVED, Joseph A. Valentine, City Manager, is authorized to sign the grant agreement and any grant agreement amendments.

I, Alexandria Bingham, Acting City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on October 12, 2020.

Alexandria Bingham
Acting City Clerk

City of Birmingham

Certified Local Government Program

FY21 CLG Grant Application

Historic Design Guidelines

October 1st, 2020



October 1st, 2020

Joelle Letts

Grants Manager/Budget Specialist
Michigan State Historic Preservation Office
300 N. Washington Square
Lansing, MI 48913

RE: FY21 CLG Grant Application – Design Guidelines

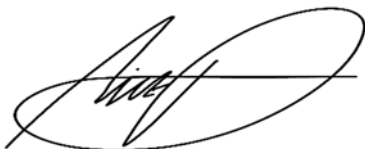
Ms. Letts,

It is with enthusiasm and humility that I submit to you a completed application for the FY2021 Certified Local Government grant program. As the first CLG grant application submitted since 2010, we are thrilled for the chance to take advantage of just one of the many opportunities that the Certified Local Government program affords us.

The project proposed in the following application will inspire decades of responsible, effective, and defensible historic preservation efforts that aim to preserve a unique character and disposition that is important to the City, its residents, and the environment.

If you should have any questions about any of the information presented within, please do not hesitate to contact me at any point. The City is ever willing to put in the extra effort to make the application the best that it can be.

Regards,



Nicholas Dupuis

City Planner
151 Martin St.
Birmingham, MI 48012
(248)-530-1856
ndupuis@bhamgov.org



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Michigan Certified Local Government Grant Application Planning, Documentation & Education



Grant Application Form Instructions:

1. Use the most current Grant Application Form version.
2. Electronically complete the entire Grant Application Form, electronically sign, and submit with the required Exhibits to LettsJ1@michigan.gov.
3. Follow the Exhibit Instructions in the CLG Grant Manual.

PROJECT INFORMATION

Grant Project Name: [Historic Design Guidelines and New and Emerging Materials](#)

Identify the project type covered by the grant application:

- ☐ Above-Ground Survey ☐ Archaeological Study ☐ Local Historic District Study ☐ National Register Nomination
- ☒ Preservation Planning [Specific type: [Design Guidelines](#)]
- ☐ Public Education [Specific type:]

APPLICANT INFORMATION

Certified Local Government: [City of Birmingham, MI](#)

Grant Recipient Name: [City of Birmingham, MI](#)

This must be an active CLG in good standing with SHPO.

Federal ID Number: [38-6004664](#)

DUNS Number: [074239450](#)

The Federal Funding Accountability and Transparency Act, P.L. 109-282, as amended by section 6202(a) of P.L. 110-252, Subaward Reporting System requires the SHPO to utilize the DUNS Number to report first-tier subaward federal contracts and grants.

Certified Local Government Street Address: [151 Martin St.](#)

City, State: [Birmingham, MI](#)

Zip Code: [48012](#)

Project Coordinator Name: [Nicholas Dupuis, City Planner](#)

This individual must have complete knowledge of the day-to-day activities with the proposed grant-funded work.

Telephone Number: [248-530-1856](#)

Mobile Telephone Number: [N/A](#)

Email Address: ndupuis@bhamgov.org

Project Coordinator Street Address: [151 Martin St.](#)

City, State: [Birmingham, MI](#)

Zip Code: [48012](#)

CLG Sponsorship Applicant Information (if applicable)	
Nonprofit or Other Public Entity: N/A	
Federal ID Number: N/A	
DUNS Number: N/A <i>The Federal Funding Accountability and Transparency Act, P.L. 109-282, as amended by section 6202(a) of P.L. 110-252, Subaward Reporting System requires the SHPO to utilize the DUNS Number to report first-tier subaward federal contracts and grants.</i>	
Nonprofit or Other Public Entity Contact Name: N/A	
Telephone Number: N/A	Mobile Telephone Number: N/A
Email Address: N/A	
Street Address: N/A	
City, State: N/A	Zip Code: N/A

CLG LEGISLATIVE INFORMATION	
<i>This information is used to contact your elected officials if a grant is awarded.</i>	
U.S. Senator Name: Debbie Stabenow	U.S. Senator Name: Gary Peters
U.S. Congressional District Number: 11	
Name of Congressman or Congresswoman: Haley Stevens	
State Senate District Number: 13	
Name of State Senator: Mallory McMorrow	
State House of Representative District Number: 40	
Name of State Representative: Mari Manoogian	

SCOPE OF WORK

On page 6, describe in detail the scope of work for your project. The narrative should:

- State the goals of the project;
- Identify the project need and provide an explanation of how the project activity addresses the need;
- Describe in detail the work activity(ies) and anticipated outcome(s); and
- Provide a list of the final products that will be provided to SHPO and indicate the medium. Example:

National Register Nomination for <i>Willenholly Building</i>	One or more flash drives, as necessary, including all items identified in SHPO's National Register Submission Checklist.
<i>Willenholly Building</i> Survey Data	2 sets of CDs/DVDs or flash drives containing survey data in MS Access, Excel or GIS shapefile.
<i>Willenholly Building</i> Survey Report	2 printed spiral bound original reports and 2 sets of CDs/DVDs or flash drives containing survey report in Word.
<i>Willenholly Preservation Plan</i>	2 printed spiral bound plans and 2 sets of CDs/DVDs or flash drives containing a PDF copy of the plan.

The scope of work demonstrates to reviewers how the project will proceed and that you have considered all elements of a successful project. The scope should complement the timeline and be sufficiently detailed so that the reviewers have a full understanding of the need of your project, activities to be completed, and the anticipated impact of the project. Additional guidance on describing the scope of work for particular project types is provided below:

Public Education Projects

- Describe the type of education project, program, or publication (e.g., heritage tourism program, K-12 lesson plan, pamphlet for property owners in local districts, workshops, etc.) to be produced or coordinated.
- Describe the purpose of your project, including the need it addresses.
- Describe the targeted audience(s) and how the project is appropriate for the targeted audience(s).
- Describe the methodology for developing the project, program, or publication and achieving your goals.
- Describe the anticipated content of your project, program, or publication.
- Describe the anticipated format for your project, program, or publication, including any physical or digital products that will be produced and how they will be distributed or made available to the public. Identify if it is intended for one time or continued use.
- Describe any examples of similar projects previously completed by the community and/or models from other communities to be used, if applicable.
- Describe the anticipated outcome and benefits of the project.

Archaeological Projects

- Projects involving excavation and planning studies should be discussed with the State Archaeologist prior to submission of an application.
- State the objectives of the project and the research, management and/or planning needs the project will address. Specify whether the project is an archaeological survey or a testing project.
- Describe the research design, including methods and techniques to be used. Sampling methodology, the use of shovel testing and test interval, the use of specialized equipment such as use of sonar equipment for underwater work, and similar topics should be discussed, as applicable. Mention any documentary research to be conducted (site file searches, historical records etc.). Describe any other sources of information such as oral history, informant interview, and collections study. Types of records to be compiled for the project (e.g., site forms, photographs, USGS maps) should be specified.
- Provide a map with the specific project area clearly outlined and estimate the number of acres to be field checked and number of sites anticipated to be found (example: 10,000 + 500 acres; 100 + 15 sites).
- Specify the repository for project collections and records. The repository must meet the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation*.

Above-ground Survey Projects

- Describe the type of survey (reconnaissance, intensive, or thematic) to be undertaken.
- Describe the need for the project and identify the goals of the survey.
- Describe the geographic area or theme to be surveyed and explain how they were chosen. Provide a brief summary of the overall appearance and history of the survey area, discussing such things as: population; development patterns; and urban, rural, or neighborhood characteristics.
- Include a map clearly showing the proposed survey boundaries (not applicable for thematic surveys) and a verbal description of the project's boundaries. If the project covers an entire city or county, include a written statement of this fact.
- Identify the number of resources to be surveyed and the estimated acreage covered by the survey.
- For thematic surveys, describe the significance of the property type and/or context to be studied. Include a list of resources anticipated to be surveyed as part of the project.
- Describe the survey methodology or research design. Projects must comply with the [Michigan Above Ground Survey Manual](#). Topics to address include, at a minimum, how fieldwork will be conducted, what sources will be utilized for research, and how assessments of the documented properties shall be conducted (use of the National Register selection criteria). Describe any known sources of information that may be useful in completing the survey and developing related historic context(s).
- Describe the anticipated products and contents of products, including how they will be distributed and/or how the resulting information will be shared with the public. Provide a list of the proposed themes that will be addressed in the historic context. A historic context is information about historic trends and properties organized by theme, time period and geographic area. Projects must use the themes listed in *National Register Bulletin 15: How to Apply National Register Criteria for Evaluation* but may tailor them further as appropriate.
- Describe how the survey results will be used for subsequent preservation activities and/or anticipated subsequent phases of the project.
- If available, include ballpark cost estimates from qualified professionals for completing the proposed project. When computing budget costs, include at least one public meeting and plan on preparing three sets of survey data; one will be kept at the local level and two will be submitted to the SHPO.

National Register of Historic Places Nominations

- Describe the proposed project, including the type of nomination and number and types of resources to be nominated. Identify whether the project is to produce a new nomination or amend existing documentation.
- Describe the need for the project and identify the goals of nominating the property. Describe the reasons for seeking nomination of the property to the National Register (e.g., public recognition or potential to spur economic investment). If the project is being undertaken as part of a larger community revitalization or economic development program, describe how the project will benefit those activities.
- Describe the resource(s) to be nominated, including a summary of current conditions and significance. Summarize previous determinations of eligibility, previous efforts to nominate and/or preserve the property, and any known changes since the determination of eligibility (or previous listing for amendments).
- If more than one nomination is to be prepared by the project, provide a tentative list of all the proposed nominations to be prepared, indicating for each, the type of nomination (individual property, district, or multiple property) and the approximate number of resources of each type (buildings, structures, objects, or sites) that each area contains.
- If the application is to prepare a Multiple Property Documentation Form (MPDF), identify the property types and/or themes to be addressed.
- Summarize known resources that may be useful in preparing the nomination and summarize additional documentation and research that may be necessary.
- Provide a list of the proposed areas of significance that will be addressed in the historic context. A historic context is information about historic trends and properties organized by theme, time period and geographic area. Projects must use the themes listed in *National Register Bulletin 15: How to Apply National Register Criteria for Evaluation*.
- Identify any documentation to be completed of the property (e.g., digital photographs, site plans, etc.), including if survey records are to be updated as part of the project.
- Provide a locational map and verbal description of the area to be nominated. For historic districts, describe the boundaries and explain how they were chosen.
- For individual resources: if the CLG is not the property owner, summarize property owner support or opposition for the nomination. Include a letter from the property owner supporting the nomination.
- For historic districts: summarize efforts to engage property owners and known support or opposition for the nomination.

Local Historic District Studies

- Describe the purpose of the project, the anticipated products and outcomes, and the proposed use of the products. Describe what the CLG hopes to accomplish through the process of establishing a local historic district.
- Describe the area to be studied, including a summary of the area's history, current conditions, and significance. Explain how the boundaries were chosen. Provide a map clearly outlining the boundaries of the area to be studied.
- Summarize any previous studies or previous efforts to designate the area and/or protect the property.
- Summarize the nature of survey records and report available to support the information to be presented in the Local Historic District Study. Identify additional work that will be necessary to sufficiently and appropriately make recommendations in consideration of the National Register Criteria and the requirements of Public Act 169 of 1970, as amended.
- Identify the steps to be completed during the project. Projects must comply with the requirements of Public Act 169 of 1970, as amended.
- Describe the project's relationship to broader community planning activities. If the project is being undertaken as part of a larger community revitalization or economic development program, describe how the CLG project will contribute to the goals of the community program revitalization or economic development program.
- Describe any public and/or local government support for the potential establishment of the local historic district, and identify any public outreach that the CLG has already initiated regarding a proposed study of the area (e.g., community meetings or discussions at historic district committee meetings).
- Provide a copy of the resolution from the local unit of government authorizing the creation of the historic district study committee.
- Provide a list of the names of the historic district study committee members and short description of their history or preservation affiliation. Resumes may be submitted.

Preservation Planning Projects

- Describe the type of planning activity (e.g., preservation plan, design guidelines, economic impact study, etc.) being pursued. Note: Applications for planning documents for specific properties (e.g., historic structure reports, feasibility studies, engineering studies, etc.) should use the grant manual for Rehabilitation and Rehabilitation Planning Projects available at www.michigan.gov/CLGgrants.
- Identify whether the project is to produce a new planning study or to update an existing study. If the project is to update an out-of-date or deficient planning document currently being used by the community, describe the issues to be addressed by the current project and include a copy of the current document being used.
- Describe the purpose of the project, including the need it addresses. Identify any local stresses, threats, or weaknesses in the local preservation program that will be addressed by the project.
- Describe the targeted audience(s) and how the project is appropriate for the targeted audience(s).
- Identify the boundaries of areas and/or the types of resources to be covered by the project, as applicable.
- Describe the methodology for achieving your project goals.
- Describe the project's relationship to previous and/or ongoing preservation planning activities.
- Describe how the project will relate to other community planning or development activities (e.g., community planning, zoning, economic revitalization, etc.).
- Describe how the project will contribute to the protection of significant historic resources in the community.
- Describe anticipated public outreach and engagement activities associated with development of the project.
- Describe the anticipated products and contents of products, including how they will be distributed or made available to the public.
- Describe the anticipated outcome and benefits of the project.

Project Objectives

All applications, regardless of project type, must also address the following questions:

- How will the project enhance the effectiveness of the CLG's activities and preservation programs? Describe the impact the project will have on the CLG's ability to identify, plan for, protect, and celebrate historic resources.
- What is the relationship of the project to the CLG's planning goals and priorities as identified in the CLG's annual reports and/or four-year evaluation?
- What is the urgency of the project? For example, does it address an immediate threat to certain properties? Does it address a weakness of current preservation activities in the community? Is it related to forthcoming community planning, economic development, or revitalization activities?
- Identify if the project meets one or more of Michigan's Historic Preservation Goals identified by the SHPO in Michigan's Historic Preservation Plan and/or one or more of SHPO's funding priorities for 2021.
- Describe the public or community benefit resulting from the project. Are there local partnerships between the CLG and other organizations that will be addressed? Which community stakeholders will potentially benefit from the activity?
- How will the public be informed about the purpose of this project and the value of historic preservation through the project?

SCOPE OF WORK

Project Summary

The City of Birmingham proposes to retain a professional consultant or team of consultants specializing in a combination of historical preservation, architecture, and planning to create the City's first set of comprehensive historical preservation design guidelines. The new design guidelines will synthesize and summarize nearly 50 years of historical preservation efforts in the City while also preparing for the future with an emphasis on new and emerging materials. Using the new design guidelines, the Birmingham Historic District Commission will be better suited to perform their duties in an environment where development pressures are tremendous and ongoing. Architects, developers, contractors, and property owners in the City would benefit greatly as well from a consistent and readily available reference document during project design so that there are no surprises in the application and review process for proposed projects in historic districts. Furthermore, the Historic District Commission often has to try to refer to old project reviews to buffer their stance and reinforce the issues that are important in Birmingham. With a new set of design guidelines, the commission will secure a tool that will have an immediate impact on historic preservation in Birmingham but also serve the commission through the future as the City welcomes new commission members and/or staff liaisons that may lack experience with commonly referenced projects. The selection of a qualified consultant team, monthly updates at the Historic District Commission, and working closely with the SHPO will yield a versatile final product. The finished Historic Design Guidelines will be available in hard copy format, a user-friendly digital format, and a condensed "Cliff-Notes" version that will be sent to all historic property owners in the City. This will ensure easy access to all residents, architects, contractors and the like, and will ultimately reduce uncertainties as to the City's historic preservation goals.

Project Needs and Goals

As noted above, the extraordinary development pressures in Birmingham serve as the overarching need for clear and comprehensive design guidelines. The City's existing design guidelines have been underwhelming in terms of their effect on the rehabilitation of historic buildings. They are overly broad, and they have become outdated as the preservation environment has changed. This has created a condition where the design guidelines are no longer being referred to while reviewing projects. Instead, commissioners rely on past project reviews to emphasize the importance of certain guidelines, which reduces consistent and defensible positions that are essential for the Historic District Commission to maintain. Consequentially, homeowners and building owners have persistently submitted applications that propose the replacement of historic materials and other detrimental proposals that at times have resulted in contentious reviews, which undermines the City's efforts to promote historic preservation as a positive and rewarding effort. The new set of design guidelines is intended to refresh the City's preservation efforts, and set the City up to defend itself against future pressures as materials, craftsmanship, and preferences change with time.

Methodology

For this project to be successful, it is imperative that the City maintains coordination with the SHPO to ensure all application requirements are being met, and that the final product will comply with the Secretary of the Interior's Standards for Rehabilitation and related technical guidance. The exact timeline proposed below in the Work Schedule component of this application may be summarized and divided into the following work phases:

1. Phase One: The project's first phase will set the tone for the project starting with (1) the early preparation of an RFP, (2) selection of a consultant or team of consultants with expertise in the fields of architecture, history and preservation planning techniques, (3) a project kickoff meeting with the CLG and consultants, and (4) the initial public meeting at the Historic District Commission. This process will define the roles of each party involved and ensure that the expectations outlined in the RFP in terms of technical work (presentations, workshops, illustrations, photographs, etc.) are clear and acknowledged. It will also give an opportunity for members of the community to provide early input that will help set the direction of the project.
2. Phase Two: This middle phase will consist of all of the research and fieldwork, preparation and review of the first draft, and the *preparation* of the final draft. The consultant team will be expected to review all city codes and ordinances, historic files, master plans (including the current draft of the 2040 Master Plan), surveys and inventories as well as perform various onsite visits to locally designated resources AND several non-designated resources that are eligible and in danger of being demolished or altered beyond repair. Any photographs taken are expected to be high-resolution and contain content such as materials, site elements, architecture or other important characteristics that define the building. City Staff and Historic District Commission members will work closely with the consultants to provide easy access to files and records associated with historic buildings and districts to ensure that no information is missed. The preparation of the first draft will provide an opportunity to apply the results of the fieldwork, but also ample opportunity to revisit information and/or sites as needed. The outline of the report is expected to be standard and user-friendly with the following minimum components:

- Introduction, acknowledgements and project mission statement.

- Role of design guidelines in historic preservation and the importance of historic preservation.
- A summary of the historic preservation efforts in Birmingham, as well as an inventory and maps of locally designated resources and historic districts.
- A summary of the Secretary of the Interior's Standards for Rehabilitation and related technical guidance documents and how they apply to historic reviews.
- Explanation of the Historic District Commission review process including historic design reviews and administrative reviews, as well as the different decisions (approval, denial, postponement, notice to proceed) and appeal processes.
- Identification of important concepts such as character-defining features, massing, scale, orientation, visibility, routine maintenance, rehabilitation, and contributing and non-contributing status.
- Guidelines for existing buildings and new construction that includes all of the most at-risk elements of a historic building and/or site with photo references throughout.
- Guidelines for new and emerging materials with photo references throughout.
- If applicable and reinstated, information on the Historic Preservation Tax Credit and how it may be applied.
- Links and resources for historic homeowners.

It is anticipated that the consultants will be required to provide monthly updates to the Historic District Commission during this phase, and that all comments from the commission, the community, or the SHPO will be worked into the final draft accordingly. Presentations at the monthly update meetings will be performed by City Staff, but will require a member of the consultant team to be present for questions.

3. Phase Three: During phase three, the final draft that was prepared will be subject to at least one full public review at the Historic District Commission and will be accompanied by a full presentation from the consultants that outlines the process and results of the design guidelines project. This phase will also include an anticipated meeting at the City Commission level, which may be a combined meeting with the Historic District Commission. The finalized documents will then be sent to the SHPO for final review.

Final Deliverables

Upon completion of the project, the City will (at minimum) provide the SHPO with:

- One (1) bound hard copy of the final design guidelines document;
- One (1) hard copy of the design guideline summary;
- One (1) flash drive containing an electronic copy of the design guidelines document; and
- Links to the City website where the document will be placed.

Anticipated Public Outreach

The City of Birmingham understands the need to engage with historic property owners in the City early and often to maintain the symbiotic relationship that the two parties have together. Notably, it is just as important to include the general public that may *interact* with these historic buildings on a day-to-day basis and have a stake of their own in preserving the character of Birmingham. As described above, the project will be fully reviewed at least once during each phase of the project, and the Historic District Commission will receive monthly updates during phase two at regularly scheduled public meetings. These opportunities for comment, as well as leveraging the City website, social media accounts, constant contact notification services, and direct mailings to historic property owners will provide an excellent opportunity for the community to be integral part of the final product.

Anticipated Project Outcomes

In summation, the proposed historic design guidelines will create an indispensable reference guide for the Historic District Commission, residents, architects, developers, property owners, and all other entities with a stake in historical preservation in the City. These guidelines will alleviate some of the pressures that the Historic District Commission constantly faces in both the residential and commercial facets of preservation. The short term impact of these design guidelines will range from reducing unapproved or inappropriate work performed on historic resources, to responsibly preserving the historic downtown and historic neighborhoods. Long term, the guidelines will create a more consistent environment for historic preservation in the City with no surprises and increased positive attitudes for preserving the City's history.

PROJECT OBJECTIVES

How will the project enhance the effectiveness of the CLG's activities and local preservation programs? Describe the impact the project will have on the CLG's ability to identify, plan for, protect, and celebrate important historic resources.

The adoption of comprehensive historic preservation design guidelines in the City of Birmingham will help in two major ways. One, the guidelines will help protect the City's current historic resources from immense development pressure. Contiguous and non-contiguous resources, as well as many eligible properties are in constant danger of demolition or alteration that erases all historic character and material that cannot be recreated or replaced. Second, the City is currently undergoing a campaign to inject a significant amount of sustainable energy into historical preservation in Birmingham. The Historic District Commission has taken advantage of monthly newsletter articles, MHPN virtual activities, and the COVID19 Pandemic to push fun and interesting historic preservation topics out to its populace to enhance a passion for the preservation of Birmingham's historic buildings and places. These efforts have been designed to become a regular part of City activity, and a new set of design guidelines will play a big role in progressing said efforts.

What is the relationship of the project to the CLG's planning goals and priorities as identified in the CLG's annual reports and/or four-year evaluation?

The 2018 and 2019 annual reports are directly related to the adoption of historic preservation design guidelines. In 2018, the Historic District Commission stated a specific goal of adopting commercial infill design guidelines. As time passed and the discussion evolved, the commission grew to favor a more comprehensive set of design guidelines with a focus on new and emerging materials. Thus, in 2019 the commission's first goal was to submit an application for the Community Partnership Program through the SHPO for the adoption of design guidelines with a focus on new and emerging materials.

What is the urgency of the project? For example, does it address an immediate threat to certain properties? Does it address a weakness of current preservation activities in the community? Is it related to forthcoming community planning, economic development, or revitalization activities?

The development and adoption of historic design guidelines is urgent. The development pressures for the single-family residential realm of preservation in Birmingham can be described through the 58 whole house demolitions completed in 2019 and 30 demolitions completed thus far in 2020 all in favor of new construction. Additionally, many of the applications that have been reviewed by the commission have been for wholesale renovations, often times with additions, that greatly affect the character of historic neighborhoods. On the commercial side, besides the similar heavy development pressure, there are several proposals that are in the application process for marquee historic sites in Downtown Birmingham as well as large additions to buildings in less prominent areas that will define Downtown Birmingham for years to come. Moreover, the City is currently in the process of adopting an updated comprehensive master plan, which has historic preservation related implications throughout.

Identify if the project meets one or more of Michigan's Historic Preservation Goals identified by the SHPO in Michigan's Historic Preservation Plan and/or one or more of SHPO's funding priorities for 2021.

The historic design guideline development project is directly listed in the SHPO's funding priorities for 2021. The project also touches upon the SHPO's goal of securing projects that address emerging topics in preservation in the proposed design guidelines projects focus on new and emerging materials. Finally, the plan for a summary "cliff-notes" version of the design guidelines that will be sent to all historic property owners in the City will act as model educational materials for those property owners and the architects/contractors that perform work on their property.

As for the Michigan Historic Preservation Plan (2014-2019), the creation of comprehensive design guidelines with a focus on new and emerging materials fits into the theme of "preservation fosters energy efficiency" and the plans Goal #5 to strengthen the link between historic preservation and sustainability. The proposed design guidelines project should help dispel some common myths about historic homes and their lack of efficiency, and promote new and emerging materials that can help these buildings conserve energy for the next 100 years of life. The effort to promote the sustainability associated with retaining historic buildings is continued through to the Draft MI Statewide Historic Preservation Plan (2020-2025).

Describe the public or community benefit resulting from the project. Are there local partnerships between the CLG and other organizations that will be addressed? Which community stakeholders will potentially benefit from the activity?

On the surface, developing a comprehensive set of design guidelines for historic preservation in Birmingham will aid in the retention of a historic character that is constantly threatened by renovation or redevelopment. Digging deeper, current

and prospective historic property owners, their neighbors, architects, develops, and contractors will be more aware of the City's preservation guidelines from the onset, which will save time and money while avoiding a lengthy approval process. This could also significantly reduce the amount of unapproved work being performed, or deviations from approved plans. These types of situations take a toll on not only the buildings where the inappropriate work was done, but also the City Staff and Historical District Commission. With unapproved construction reduced or eliminated, the City can shift its focus to better serve its historic resources and preservation goals.

How will the public be informed about the purpose of this project and the value of historic preservation through the project?

The public will be kept informed about the purpose and progress of this project through a dedicated page on the City's website. The page will outline all of the project goals, timeline, and review processes associated with the project, and will provide contact information for any additional questions. Additionally, the City will utilize social media and the monthly newsletters to keep the project visible. Finally, any review at the Historic District Commission level will be open to the public, and the agendas are posted at City Hall, online, and residents are notified of new agendas through the City's Constant Contact service.

GRANT FUNDING REQUEST

CLG Grant Funding Request: **\$15,000**
Minimum of \$5,000

Total Project Amount: **\$15,000**

Source of Total Project Amount (City, Nonprofit, etc.): **City**

Total Project Amount Kind (Cash, In-Kind Services, etc.): **\$0**

PROJECT BUDGET

All grant funds are paid on an **EXPENSE REIMBURSEMENT** basis only. The grantee must have funds available for expenditure amounting to 100 percent of the project cost at the time of a grant application submittal. The grantee will be reimbursed for eligible expenses incurred (up to the grant amount) at the end of the grant process. Federal funds, excluding Federal Community Development Block Grant (CDBG) funds, are not allowable as CLG grant project funding.

The SHPO will review and may make changes to the budget line items as submitted in the application. The final budget approved by the SHPO will become an attachment to the grant agreement. Allowable costs are listed below:

Allowable Work Items

- Paid Staff Time and In-Kind Services: Compensation for project personnel during the project period including wages, salaries, and supplementary compensation and benefits are allowable costs, but additional materials must be submitted with the CLG grant application. Project personnel must demonstrate that they meet or exceed the professional requirements as stated in 36 CFR Part 61.
 - Fringe benefits for paid or in-kind employees in the form of employer's contributions to social security, life and health insurance plans, unemployment insurance coverage, worker's compensation plans, and pension plans are allowable, provided costs are distributed equitably to grant costs and other activities.
- Transportation, lodging, subsistence and related items for project personnel who are in travel status for project-related work is allowable. Costs are charged on an actual basis and must be consistent with the Standard State of Michigan rate. Documentation and invoices must be provided for each cost. First-class airfare is not allowable.
- The cost of supplies necessary to carry out the grant work is allowable. Purchases under \$500.01 made specifically for the grant work shall be charged at their actual prices after deducting all cash discounts, trade discounts, rebates and allowances received by the grant recipient. Supplies exceeding \$500.01 must be competitively bid and required documentation of the competitive bid process must be determined in consultation with the SHPO.
- The grant recipient may contract all or part of the project work. Free and open competition must be maintained. The SHPO must receive documentation of the procurement at each stage and must approve the contractor and contract.

Unallowable Work Items

- Acquisition
- Non-historic site features such as parking lots
- Certain environmental cleanup activities required under federal law
- Reconstruction of demolished buildings (Reconstruction of certain missing elements may be allowable if based upon historical documentation, such as photographs.)
- Expenses and costs of organized fundraising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions
- Fines, penalties, debts or losses arising from non-collectable accounts and other claims, and related collection costs
- Interest and other financial costs; interest on borrowing
- Volunteer labor of professionals, such as roofers, painters, electricians, plumbers, etc.
- Cost-plus subcontracts, unlimited time and materials sub-contracts, and contingency fees
- Entertainment, costs of amusements, social activities, and related incidental cost such as meals, beverages, lodgings, rentals, transportation, and gratuities
- Costs of meals for employees when they are not in travel status
- Historical markers are not an allowable cost
- Students in a federally funded work/study program cannot contribute in-kind services
- Archaeological Salvage
- Lobbying, costs associated with activities to influence legislation
- Political activities or any other, no grant funds may be made for the use of equipment or premises for political purposes, political activities sponsoring or conducting candidates' meeting(s), engaging in voter registration activity or voter transportation activity, or other partisan political activities

WORK ITEMS	CLG FUNDS	PROJECT TOTAL
Project Kickoff & Setup	\$500	\$500
Research, Document/Code Review	\$5,000	\$5,500
Fieldwork & Site Visits, Photographs	\$2,500	\$8,000
Public Meetings/Presentations, Community Visioning Session	\$4,000	\$12,000
Development of Design Guidelines	\$2,000	\$14,000
Hard-Copy Deliverables	\$1,000	\$15,000
TOTALS:		\$15,000
<i>The budget should be detailed and describe the work to be done and include all estimated costs. Applicants are strongly encouraged to include a vendor quotation for the work and services to be completed. Providing estimates with your application helps the reviewers understand the reasonableness of costs associated with the project.</i>		

GRANT ADMINISTRATION EXPERIENCE

Provide brief description of the experience your organization has in administering federal grant funds. Specifically identify federal grant funds administered in the last 5 years, including funding program, amounts, and dates of administered grants.

The City of Birmingham has a successful history of acquiring and administering federal grand funds:

- Community Development Block Grant – Annually - \$35,000
- Emergency Management Performance Grant – Annually - \$25,000
- Police Enforcement Grants
 - FY 2019-2020 - \$17,630
 - FY 2018-2019 - \$30,600
 - FY 2017-2018 - \$30,381
 - FY 2016-2017 - \$17,408
 - FY 2015-2016 - \$2,196
- Transportation Alternatives Program
 - FY 2021 - \$560,349
 - FY 2018 - \$119,707

WORK SCHEDULE

Instructions: On the following page provide a work schedule. Please consider that work cannot begin until the grant agreement is executed. Awarded grants will have until **September 30, 2022**, to complete the project work.

Grant agreements that include the hiring of a consultant or contractor should include dates for the following bidder solicitation activities:

- Execution of grant agreement
- Submit draft RFP, solicitation letter, and advertisement to SHPO for approval
- SHPO approval of RFP, solicitation letter and advertisement (allow 30 days)
- Solicit bids
- Bids due (allow 30 days)
- Submit bids, rationale for bidder selection
- Submit draft consultant contract to SHPO for approval (allow 30 days)
- SHPO comments and recommends changes for consultant contract
- Executed contract submitted to SHPO

Work schedules must also include the following:

- Quarterly progress reports (due dates are January 15, April 15, July 15, and September 15)
- Project kick-off meeting with CLG and consultant(s)
- Completion of major project milestones (e.g., start and completion of fieldwork; preparation of draft and final studies, reports, or other products; etc.)
- Anticipated public meetings and/or presentations
- SHPO review of 75% and 90% draft products (allow 30 days)
- SHPO review of final products (allow 30 days)
- Submission of completion report and reimbursement request to SHPO

DATE	Grant Agreement
May 2021	Grant agreement executed
DATE	Grant Project Work Items
February 2021	Prepare Draft RFP for Competitive Bid Process
May 2021	Submit Draft RFP, Solicitation Letter, and Advertisement to SHPO for Approval
June 2021	SHPO Approval of RFP, Solicitation Letter and Advertisement
June 2021	Solicit Bids
July 2021	Bids Due
July 2021	Submit Bids, Rationale for Bidder Selection
August 2021	Submit Draft Consultant Contract to SHPO for Approval
September 2021	SHPO Comments and Recommends Changes for Consultant Contract
September 2021	Executed Contract Submitted to SHPO
October 2021	Project Kick-Off Meeting with CLG and Consultant(s)
October/November 2021	Start & Complete Fieldwork and Research
November 2021	Prepare Draft Report
December 2021	Review Draft Report at HDC,
January 15, 2022	Quarterly Progress Report
January 2022	SHPO review of 75% draft products
February 2022	SHPO review of 90% draft products
March 2022	Prepare Final Report
April 2022	Review Final Report at HDC
April 15, 2022	Quarterly Progress Report
May 2022	SHPO Review of Final Products
DATE	Project Close-Out
June 2022	Submission of Completion Report and Reimbursement Request to SHPO
Provide an estimated project schedule based on a September 30, 2022 completion date. Note: this deadline is federally mandated. All project work must be completed, including billing and reporting, by this date. No extensions will be given.	

ASSURANCES: FOR NON-CONSTRUCTION PROJECTS

ASSURANCES – NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET, SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.


NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capabilities (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794) which, prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-554, as amended, 7 U.S.C. §§2132 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) Which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1966 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE City Manager
APPLICANT ORGANIZATION City of Birmingham	DATE SUBMITTED October 1 st , 2020

Standard Form 424D (Rev. 7-97)

CERTIFICATE VERIFYING KEY PERSONS OF THE CONTRACTOR/SUBGRANTEE

The Certificate Verifying Key Persons of the Grant Recipient/Contractor identifies the key individuals that will be responsible for administering the CLG grant agreement. This form also ensures that Grantee and its employees, agents, and independent contractors acknowledge that 2007 PA 95, MCL 38.68c requires retirees of the State Employees Retirement System ("Pensioned Retirees") who become employed by the State either directly or indirectly through a contractual arrangement with another party on or after October 1, 2007 to forfeit their state pension for the duration of their reemployment.

The Certificate Verifying Key Persons of the Grant Recipient/Contractor must be completed, signed and dated by the authorized grant agreement signatory or another appropriate individual. This form acknowledges that only Key Persons shall perform the services under the CLG grant agreement.

Instructions

- Include the names of all employees, agents and independent contractors who will perform or render services pursuant to the grant agreement.
- The signatory for the grant agreement will be the sole Key Person for the CLG grant project.
- If the Grant Recipient wishes to add an agent, employee, or independent contractor as a Key Person during the term of the grant agreement, they shall complete and submit to SHPO a new Key Persons Form including the names of the additional individuals.

CERTIFICATE VERIFYING KEY PERSONS OF THE GRANTEE

The Grantee acknowledges that the following personnel are Key Persons of the Grantee:

(1) Name: Joseph A. Valentine
(Print or type Name above line)

Title with Grantee City Manager

Is the Key Person a retiree who receives a pension from the Michigan State Employees Retirement System? Yes _____/No X

(2) Name: Pierre Boutros
(Print or type Name above line)

Title with Grantee Mayor

Is the Key Person a retiree who receives a pension from the Michigan State Employees Retirement System? Yes _____/No X

(3) Name: Nicholas Dupuis
(Print or type Name above line)

Title with Grantee City Planner

Is the Key Person a retiree who receives a pension from the Michigan State Employees Retirement System? Yes _____/No X

Print or Type Grantee Name Above Line

By:  October 1st, 2020
Signature Date

Name of Signatory for Grantee: Joseph A. Valentine
Print/Type Name of Signatory Above Line

Its: City Manager

Federal Identification Number: 38-6004664

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

The Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion must be signed and dated by the authorized signatory or another appropriate individual and returned to SHPO. Signature of this form provides for compliance with Federal certification requirements for new restrictions on Lobbying, Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace.

Instructions

- Part A - The authorized Grant Recipient must complete this section.
- Part B – The authorized Grant Recipient must complete this section.
- Part C - If the Grant Recipient is an organization, Part C must also be completed.
 - Part C contains two sections, both of which must be completed if Part C applies.
- Part D - If the Grant Recipient is an individual, Part D must also be completed.
- Part E - The Grant Recipient certifying official must complete the signature section.

This form cannot be altered, amended, changed, or modified in any way.

**U.S. Department of the Interior
Certifications Regarding Debarment, Suspension and
Other Responsibility Matters, Drug-Free Workplace
Requirements and Lobbying**

Persons signing this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions – **The prospective primary participant further agrees by submitting this proposal that it will include the clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.** See below for language to be used or use this form certification and sign. (See Appendix A of Subpart D of 43 CFR Part 12.)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions - (See Appendix B of Subpart D of 43 CFR Part 12.)

Certification Regarding Drug-Free Workplace Requirements - Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) - (See Appendix C of Subpart D of 43 CFR Part 12)

Signature on this form provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of the Interior determines to award the covered transaction, grant, cooperative agreement or loan.

**PART A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters-
Primary Covered Transactions**

CHECK ☒ IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**PART B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion –Lower
Tier Covered Transactions**

CHECK ☒ IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

PART C: Certification Regarding Drug-Free Workplace Requirements

CHECK ☒ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL

Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it will or continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about--
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will -
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted --
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a) (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on files that are not identified here.

PART D:

CHECK ☐ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL

Alternate II. (Grantees Who Are Individuals)

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

DI-2011
June 1995
(This form replaces DI-1953, DI-1954,
DI-1955, DI-1956 and DI-1963)

PART E: Certification Regarding Lobbying
Certification for Contracts, Grants, Loans, and Cooperative Agreements

CHECK _____ IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND THE AMOUNT EXCEEDS \$100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT, SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.

CHECK _____ IF CERTIFICATION FOR THE AWARD OF A FEDERAL LOAN EXCEEDING THE AMOUNT OF \$150,000, OR A SUBGRANT OR SUBCONTRACT EXCEEDING \$100,000, UNDER THE LOAN.

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true.



SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

JOSEPH A. VALENTINE, CITY MANAGER

TYPED NAME AND TITLE

OCTOBER 1ST, 2020

DATE

DI-2011
June 1995
(This form replaces DI-1953, DI-1954,
DI-1955, DI-1956 and DI-1963)

W-9 REQUEST FOR TAXPAYER IDENTIFICATION NUMBER AND CERTIFICATION

Complete the W-9 Request for Taxpayer Identification Number and Certification form. This form is used for payment purposes following the completion of the project.

Instructions

- List the name and federal identification number of the organization that will receive CLG grant funds.

Request for Taxpayer Identification Number and Certification

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the
requester. Do not
send to the IRS.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
City of Birmingham

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC

☐ C Corporation

☐ S Corporation

☐ Partnership

☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☒ Other (see instructions) ► **Municipality**

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) **3**

Exemption from FATCA reporting code (if any) **C**

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.
151 Martin Street

6 City, state, and ZIP code
Birmingham, MI 48009

7 List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

____ - ____ - ____

or

Employer identification number

3 8 - 6 0 0 4 6 6 4

Part II Certification

Under penalties of perjury, I certify that:

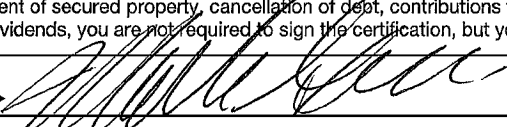
1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and

2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and

3. I am a U.S. citizen or other U.S. person (defined below); and

4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here Signature of U.S. person ►  Date ► **3/12/2020**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,
- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate Instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

Sole proprietor. Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

Partnership, C Corporation, or S Corporation. Enter the entity's name on the "Name" line and any business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

Disregarded entity. Enter the owner's name on the "Name" line. The name of the entity entered on the "Name" line should never be a disregarded entity. The name on the "Name" line must be the name shown on the income tax return on which the income will be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a domestic owner, the domestic owner's name is required to be provided on the "Name" line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the "Business name/disregarded entity name" line. If the owner of the disregarded entity is a foreign person, you must complete an appropriate Form W-8.

Note. Check the appropriate box for the federal tax classification of the person whose name is entered on the "Name" line (Individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

Limited Liability Company (LLC). If the person identified on the "Name" line is an LLC, check the "Limited liability company" box only and enter the appropriate code for the tax classification in the space provided. If you are an LLC that is treated as a partnership for federal tax purposes, enter "P" for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter "C" for C corporation or "S" for S corporation. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the "Name" line) is another LLC that is not disregarded for federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the "Name" line.

Other entities. Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the "Business name/disregarded entity name," sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

Note. If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
 2. The United States or any of its agencies or instrumentalities,
 3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
 4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
 5. An international organization or any of its agencies or instrumentalities.
- Other payees that may be exempt from backup withholding include:
6. A corporation,
 7. A foreign central bank of issue,
 8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
 9. A futures commission merchant registered with the Commodity Futures Trading Commission,
 10. A real estate investment trust,
 11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
 12. A common trust fund operated by a bank under section 584(a),
 13. A financial institution,
 14. A middleman known in the investment community as a nominee or custodian, or
 15. A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 5 and 7 through 13. Also, C corporations.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 7 ²

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at www.ssa.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, below, and items 4 and 5 on page 4 indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt Payee* on page 3.

Signature requirements. Complete the certification as indicated in items 1 through 3, below, and items 4 and 5 on page 4.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ³
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
5. Sole proprietorship or disregarded entity owned by an individual	The owner ³
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor ⁴
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity ⁴
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

*Note. Grantor also must provide a Form W-9 to trustee of trust.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes.

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: spam@uce.gov or contact them at www.ftc.gov/idtheft or 1-877-IDTHEFT (1-877-438-4338).

Visit IRS.gov to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

CERTIFIED LOCAL GOVERNMENT AUTHORIZED SIGNATORY

Signature:



Date:

October 1st, 2020

The Grant Application Form must be signed and dated by the authorized contract signatory or another appropriate individual.

Printed Name and Title: Joseph A. Valentine, City Manager

CLG Sponsorship (if applicable)

Signature:

N/A

Date:

N/A

The Grant Application Form must be signed and dated by the authorized contract signatory or another appropriate individual.

Printed Name and Title: N/A

CHECKLIST

Attach the following Exhibits to complete the CLG grant application. Please refer to the CLG Grant Manual for instructions.

- ☒ Exhibit A: Financial Certification
- ☒ Exhibit B: 36 CFR 61 Professional Qualifications Standards
- ☒ Exhibit C: Resolution and/or Memorandum of Understanding
- ☒ Exhibit D: Grant Application Support Letters
- ☒ Exhibit E: Bylaws and Articles of Incorporation
- ☒ Exhibit F: Photographs and Other Supporting Documentation
- ☐ Exhibit G: Deed and Ownership Information (single resource National Register nominations only)

Applications Due: Completed applications must be received by SHPO **no later than 5:00 p.m. on October 1, 2020.**

Submit one electronic Certified Local Government Grant Application Form and Exhibits in Portable Document Format (PDF) to Joelle Letts, Grants Manager/Budget Specialist, at LettsJ1@michigan.gov

Failure to submit a timely application or failure to provide all information requested above may result in your application not being scored.

EXHIBIT A:

Financial Certification

- Comerica Bank Letter

Comerica Bank

P.O. Box 75000
Detroit, MI 48275-3354
(313) 222-6379/Office
(313) 222-3900/Fax
mikorsak@comerica.com

Mike Korsak, CTP
Vice President
Sr. Municipalities Representative

September 25, 2020

Mark Gerber, Finance Director
City of Birmingham
151 Martin
Birmingham, MI 48909

Dear Mark,

RE: Bank Accounts

Please provide this letter to certify that the City of Birmingham has the availability and sufficient funds for the grant up to \$23,000. The City has been an excellent customer of Comerica Bank, and has appropriately handled their accounts.

Please let us know if you have any questions.

Respectfully,



Michael Korsak, V.P.
Sr. Relationship Manager
(313) 222-6379

EXHIBIT B:

36 CFR 61 Professional Qualification Standards

October 1st, 2020

Joelle Letts

Grants Manager/Budget Specialist
Michigan State Historic Preservation Office
300 N. Washington Square
Lansing, MI 48913

RE: 36 CFR 61 Professional Qualification Standards

Ms. Letts,

Please accept this letter as an acknowledgment from the City of Birmingham that any professional consultants hired as a part of the grant project work will meet the appropriate 36 CFR 61 professional qualification standards for the Historic Design Guidelines project.

Throughout various planning efforts that the City of Birmingham has embarked upon, the City has consistently sought the most qualified and proficient consultants to produce plans, studies, services and designs that maintain a high standard. The proposed project will continue Birmingham's commitment to provide a top-quality product and better serve our community.

Thank you for your consideration. We very much look forward to working together towards reaching our mutual historic preservation goals.

Regards,



Nicholas Dupuis

City Planner
151 Martin St.
Birmingham, MI 48012
(248)-530-1856
ndupuis@bhamgov.org



EXHIBIT C:

Resolution

- Requirement confirmation letter
- Draft Resolution Language

October 1st, 2020

Joelle Letts

Grants Manager/Budget Specialist
Michigan State Historic Preservation Office
300 N. Washington Square
Lansing, MI 48913

RE: FY 2021 CLG Grant Acceptance Resolution

Ms. Letts,

Due to the timing of the FY 2021 CLG Grant application deadline, a hearing to accept the required resolution authorizing acceptance of the grant under the conditions attached thereto is planned for October 12, 2020.

As advised by Alan Higgins, Certified Local Government Coordinator, a copy of the approved resolution will be furnished to the State Historic Preservation Office for review and approval as a part of this CLG Grant application for historic design guidelines. Please accept the attached draft resolution language for review in the meantime.

Regards,



Nicholas Dupuis

City Planner
151 Martin St.
Birmingham, MI 48012
(248)-530-1856
ndupuis@bhamgov.org



FY21 CERTIFIED LOCAL GOVERNMENT GRANT APPLICATION
HISTORIC DESIGN GUIDELINES
2020

WHEREAS, The City of Birmingham has submitted an application to the Michigan State Historic Preservation Office (SHPO) in the amount of \$15,000 for a new comprehensive set of historic design guidelines with an emphasis on new and emerging materials;

WHEREAS, The Planning Division, under direction of the City Manager, are appointed as the Grant Project Managers who will oversee the CLG grant management and grant administration duties;

WHEREAS, The City of Birmingham will receive and pay vendor invoices related to the grant project;

WHEREAS, The City of Birmingham acknowledges that the Certified Local Government Program is an expense reimbursement program;

NOW, THEREFORE, BE IT RESOLVED, Should the CLG Grant Program application be accepted by the SHPO, the City acknowledges that the City is responsible for all project expenditures in the amount of \$15,000 for the project work with the knowledge that eligible expenditures up to the approved grant amount will be reimbursed to the City of Birmingham upon SHPO acceptance of final project work, SHPO acceptance of the final completion report, and SHPO audit and acceptance of financial documentation for eligible costs;

BE IT FURTHER RESOLVED, Joseph A. Valentine, City Manager, is authorized to sign the grant agreement and any grant agreement amendments.

I, Alexandria Bingham, Acting City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on October 12, 2020.

Alexandria Bingham
Acting City Clerk

EXHIBIT D:

Grant Application Support Letters

- Historic District Commission
- Birmingham Museum



October 1st, 2020

Joelle Letts

Grants Manager/Budget Specialist
Michigan State Historic Preservation Office
300 N. Washington Square
Lansing, MI 48913

RE: Historic District Commission Letter of Support

Ms. Letts,

On behalf of the City of Birmingham Historic District Commission, please accept this letter in support of the FY2021 CLG Grant application for Historic Design Guidelines. As chairperson of the HDC for 9 years, I have an intimate understanding of the need for a comprehensive set of design guidelines and their effect on an important review process.

The Historic District Commission has spent many years battling the development pressures both in our bustling downtown as well as in our residential historic districts. As the City is expected to experience the same or greater pressures in the coming years, it is imperative that we set ourselves up for future preservation successes with a comprehensive set of design guidelines with a focus on new and emerging materials.

Please feel free to reach out to me with any additional questions, comments or concerns!

Regards,

A large, stylized handwritten signature in blue ink, which appears to read "John W. Henke".

John W. Henke

Chairperson, Historic District Commission
151 Martin St.
Birmingham, MI 48012
jwhenke@aol.com



September 30, 2020

Joelle Letts, Grants Manager/Budget Specialist
Michigan State Historic Preservation Office
300 N. Washington Square
Lansing, MI 48913

RE: City of Birmingham CLG Grant Application
Historic Design Guidelines Project

Dear Ms. Letts:

I am writing today in support of the City of Birmingham's application for a CLG grant to develop a comprehensive set of historic design guidelines for the City of Birmingham. The guidelines will reflect best practices in application of historic preservation principles to the historically designated properties in the city; and by incorporating information on new and emerging materials, it will serve as a "go to" resource that can be embraced by our community of designers, architects, and savvy historic property owners. At the same time, it will help educate the community about appropriate and sensitive approaches to renovation of non-designated historic buildings, too; all historic resources stand to benefit.

As a local museum with archives and two historic houses in a local historic district, the general public often turns to us at the Birmingham Museum with questions and concerns about the state of historic preservation in our city. There is increasing anxiety about Birmingham's losing its special historic character through demolition and development. We understand the pressure to develop the valuable properties in Birmingham, but believe that with additional tools to educate and promote understanding of our architectural legacy, a more widely applied preservation attitude has a greater chance of success. Formal historic design guidelines can go far to accomplish these goals and help our community retain its special character into the future.

In my years with the City of Birmingham as its museum director, I have been impressed by the thoughtful and professional approach taken by the city in administering its responsibilities to Birmingham's cultural heritage. Should your office award funding to this worthy project, I am confident that it will prove to be a valuable investment in our community's historic preservation for years to come.

Please feel free to contact me if you have any questions regarding the Birmingham Museum's support of this CLG grant application.

Regards,

A handwritten signature in blue ink, appearing to read "Leslie Pielack".

Leslie Pielack, Director
Birmingham Museum
556 W. Maple
Birmingham, MI 48009
(248)-530-1682, lpielack@bhamgov.org

556 West Maple Road ~ Birmingham, Michigan ~ 48009 ~ 248.530.1928

EXHIBIT E:

Bylaws and Articles of Incorporation

- Article VII, Division II, Sec. 2-289 of Birmingham City Code

Sec. 2-289. - Approval of legal documents.

The mayor shall sign, the city clerk shall attest to, the city manager shall approve as to substance, and the city attorney shall approve as to form all contracts and agreements requiring the assent of the city, unless otherwise provided for by law, the Charter, ordinance or the provisions of this Code. Any contract or agreement by which the city incurs any financial obligation shall first be approved by the director of finance in accordance with chapter VII, section 3, of the Charter.

(Code 1963, § 1.135)

EXHIBIT F:

Photographs and Other Supporting Documentation

- Existing Design Guidelines (2009)
- Formal Quotation – Preservation Forward and Beckett & Raeder, Inc.
 - Photographs – Commercial and Residential Historic Buildings



Birmingham Historic District Commission
 P.O. Box
 Birmingham, MI 48012
 Birmingham Planning Dept.
 248.530.1850
 Fax: 248.530.1990
 Contact us or visit our website:
www.ci.birmingham.mi.us/historic



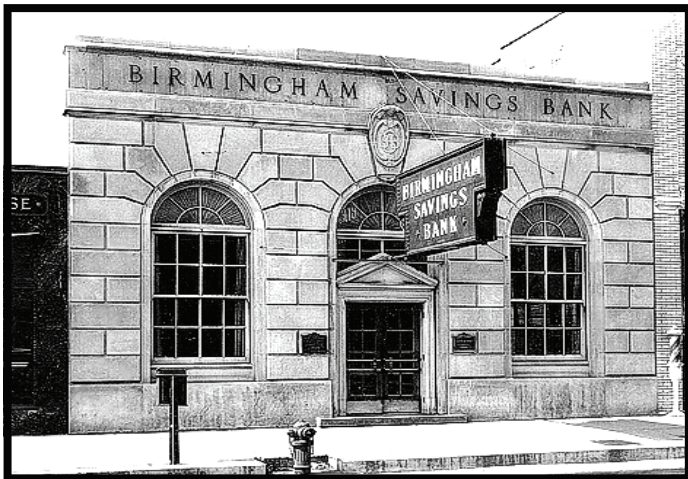
BIRMINGHAM HISTORIC DISTRICT COMMISSION



Historic District Commission Design and Review Application Guidelines

BIRMINGHAM HISTORIC DISTRICT COMMISSION

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Former D.U.R. waiting room, 138 S. Old Woodward

BIRMINGHAM HISTORIC DISTRICT COMMISSION

Non-Contiguous Historic Districts

6. 555 Stanley – Hood house
7. 587 Stanley – Grooms House
8. 536 Southfield Rd. – Trollop House
9. 1119 Southfield Rd. – Richard Erwin House
10. 1128 Southfield Rd. – Randall-Latham House
11. 1128 Pierce – Daniels House
12. 1876 Northlawn – Eli Wooster House ct
13. 839 Knox – Schlaack House
14. 743 W. Frank King-Argus House
15. 146 Puritan – Stewart-Watkins House
16. 1155 Quarton – Quarton Homestead
17. 245 S. Eton – Grand Trunk Western Railroad Depot
18. 1158 W. Maple Rd. – Quarton Maple Ave. House
19. 579 Tooting Lane – Wallace Frost House



Quarton Homestead, 1155 Quarton Rd.



Randall-Latham House, 1128 Southfield



Daniels House, 1128 Pierce



Richard Erwin House, 1128 Southfield

BIRMINGHAM HISTORIC DISTRICT COMMISSION



Schlaack House, 839 Knox



King-Argus house, 743 W. Frank



Stewart-Watkins House, 1876 Northlawn



Quarton, Maple Ave. House, 1158 W. Maple



Wallace Frost Home, 579 Tooting lane

BIRMINGHAM HISTORIC DISTRICT COMMISSION

Who is the Historic District Commission?

The Birmingham Historic District Commission or HDC was formed by Birmingham Ordinance 1880 in 2006. Its purpose is to ensure the preservation of historically and culturally significant areas of the City which are designated by the City Commission as Historic Districts. The HDC is made up of seven Birmingham residents who are appointed by the City Commission. These dedicated volunteer members have a clearly demonstrated interest in or knowledge of historic preservation. They meet the first and third Wednesday of each month beginning at 7:00 pm to review applications for changes to buildings and sites in historic districts.

What is the purpose of Historic Preservation in the City of Birmingham?

- Safeguard the heritage of the city by preserving areas which reflect elements of its cultural, social, spiritual, economic, political, engineering or architectural history;
- Stabilize and improve property values in such areas;
- Foster civic beauty and community pride;
- Strengthen the local economy; and
- Promote the use of historic districts for the education, pleasure and welfare of the citizens of the city, the state & the United States of America.

What are the benefits of designating a local historic district?

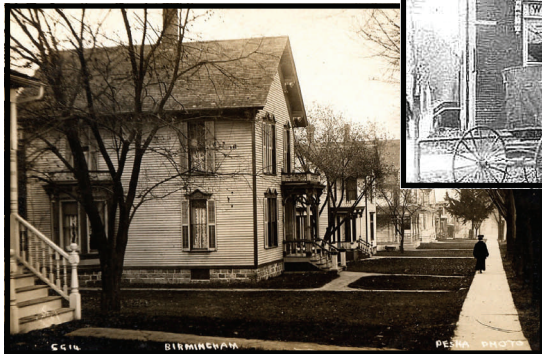
- Preserve Birmingham's neighborhoods, housing stock, and history for future generations of Birmingham residents.
- Qualify to apply for a 25% state income tax credit on interior and exterior rehabilitation costs.
- Ensure new construction, additions, and alterations to historic property are compatible with the historic character of the neighborhood.



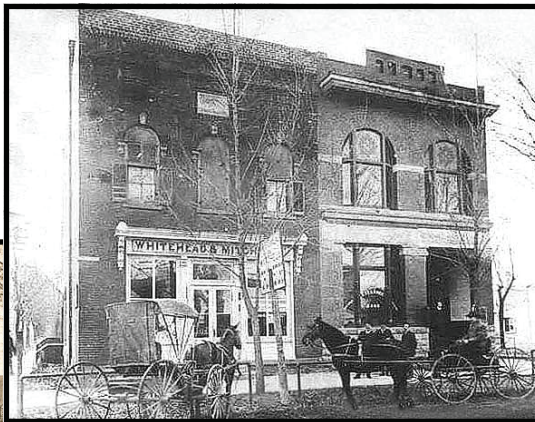
Richard Erwin House, 1128 Southfield

Birmingham Historic District Design Guidelines

The City of Birmingham is unique among its neighboring communities in that it was developed not as an expansion of the metro Detroit suburbs; but rather it was settled independently by American pioneers as early as 1822. This early settlement resulted in growth and development that makes Birmingham a distinct community, separate from many of its neighbors through traditional downtown streets, walkable neighborhoods, and a rich inventory of historically significant buildings. The City of Birmingham has long held a deep sense of pride in its history and culture, and has continually taken steps to preserve the atmosphere which gives it a small town feel while at the same time understanding that progress and change breathes life into the City which helps retain its character and vibrancy.



Historic Photos from the Birmingham Historical Museum



Merrill-Townsend-Brown Neighborhood (District 5)

- a. 415 Merrill – Abigail Carter House
- b. 439 Merrill - Irving House
- c. 535 Merrill - Daisy Benedict House
- d. 211 Townsend – Hewitt House
- e. 404 S. Bates – Langley House
- f. 339 Townsend – Townsend House
- g. 464 Townsend – Toms-Dickinson House
- h. 504-506 Townsend – Houston-Logan House
- i. 505 Townsend – Stewart House
- j. 523 Townsend – Fall House
- k. 544 Townsend – Schuyler House
- l. 347 W. Brown – Cinderella Patch House
- m. 384 W. Brown – William Bell House



464 Townsend, Houston-Logan House



211 Townsend, Hewitt House



523 Townsend, Fall House



339 Townsend, Townsend House

Merrill, Townsend & Brown Neighborhood



Merrill, Townsend & Brown Neighborhood



To this end, the Historic District Commission has crafted guidelines to help property owners and business people through the design review process when they intend to make exterior changes to buildings in the historically designated areas of the City. Design guidelines help communities evaluate proposed changes as they relate to the scale, proportions, materials and other characteristics of existing architecture and streetscape. The intended purpose of these design guidelines is to ensure the compatibility of new or rehabilitated buildings with the historic nature of the buildings located in the immediate vicinity. These design guidelines are not intended to dictate style, rather they are to be used as a set of criteria which new designs can be objectively compared to within the setting of a designated historic district.



Historic Photo



Birmingham Grand Trunk Depot, 245 S. Eton present day

Questions Frequently Asked by Historic Property Owners

What can I do to the inside of my building?

The Historic District Commission does not regulate changes to the interior of a house, unless the interior change affects the exterior appearance or substantially alters the use and character of the structure and/or site.



How does the Historic District Commission decide whether to approve my project?

The Historic District Commission is required to use "The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" when deciding whether work is appropriate in a historic district. The Standards are listed on page 18 of this brochure.

Does the Historic District Commission review what I do to the back of my building?

The Historic District Commission is required to review **all** exterior changes, including those not visible from the street. The **entire** house, garage and yard contribute to the historic character of the district.



McBride House, 668 S. Bates

Mill Pond Neighborhood — District 4

- Historical Park historic district
- Baldwin Park historic district
- 500 & 556 W. Maple – John W. Hunter House & Allen House
- Mill Pond historic district
- Village Waterworks historic district
- 460 W. Maple – Chatfield-Campbell House
- 484 W. Maple – Edwin Baldwin House
- 474 Willits – Edgar Lamb House
- 412 Willits – Stickney House
- 300 Warren court – Ebenezer Raynale House
- 372 Harmon – Benjamin Daniel House
- Greenwood Cemetery



Benjamin Daniel House, 372 Harmon



John W. Hunter House, 500 W. Maple

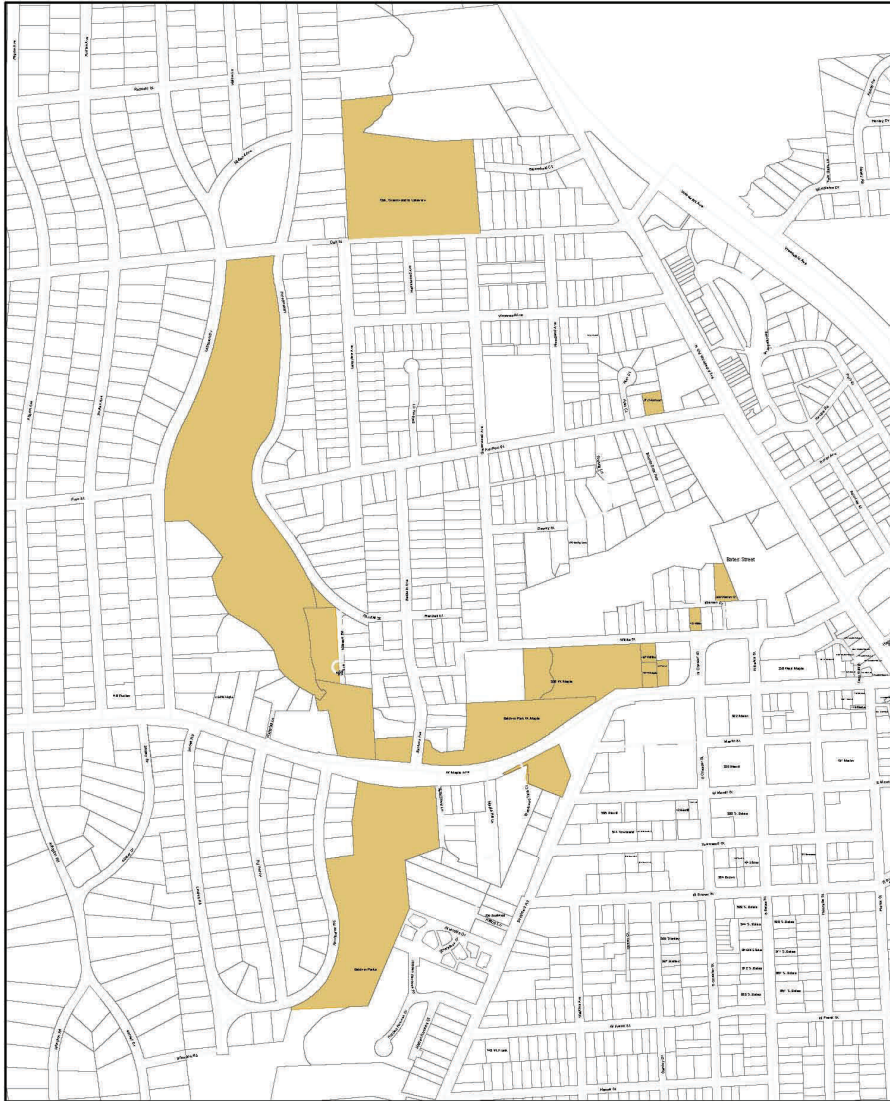


Ebenezer Raynale House, 300 Warren Ct.



Greenwood Cemetery

Mill Pond Neighborhood



Mill Pond Neighborhood



10000 100 Feet



What Requires Review?

Obtain approval from the Historic District Commission before:

- Changing paint colors
- Removing large trees, shrubbery, or other plantings
- Installing new or replacement fencing
- Replacing roofing, flashing, or gutters
- Installing new or replacement windows, or storm windows
- Reconstructing areas of masonry walls, chimneys, floors, porches, etc.
- Installing new storm and security doors
- Reconstructing all or part of a porch
- Installing new doors, garage doors
- Installing or replacing awnings and/or signage
- Cleaning the building
- Demolishing all or part of a building, including garages
- Constructing a new building or addition

No approval is needed when:

- Painting the same colors
- Trimming or pruning trees, shrubs, plantings
- Repairing a few sections of fence with like materials and sizes
- Repairing a few shingles, flashing, or repairing gutter
- Replacing panes of glass with matching glass, switching seasonal storms/screens
- Tuck pointing small areas of mortar with matching mortar
- Installing or removing storms and screens for the season
- Replacing small deteriorated areas with identical materials and sizes
- Repairing existing doors with identical design and materials



Allen House, 556 W. Maple



Langley House, 404 S. Bates

General Design Guidelines

The successful rehabilitation of historic structures will maintain characteristic details and the historic fabric of a structure.

- All new construction or additions to existing historic buildings must conform to the current Zoning Ordinance and comply with all City regulations.
- Any new elements introduced to the exterior of a building should use materials equivalent to those existing on the structure.
- Original materials or details should be repaired and retained whenever possible; replacing these elements should be considered secondary to repair.



Quarton Building, 142 W. Maple

Shain Park Historic District—District 3

- 151 Martin Street – Municipal Building
- Shain Park
- 300 Merrill Street – Baldwin Public Library
- 380 S. Bates – Birmingham Community House
- 322 Martin – United States Post Office



Shain Park



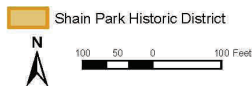
Baldwin Public Library, 300 Merrill



US Post Office, 322 Martin



Community House, 380 S. Bates

Shain Park Historic District**Window Guidelines**

Windows are one of the most important character defining features on a historic building. For example, sliding windows, with their sashes on staggered planes, side by side, present a significantly different face than a pair of double hung windows, while providing nearly the same amount of light and ventilation. It is preferred that existing damaged or deteriorated window frames and sashes be repaired rather than replaced.



Ford-Peabody Mansion, 325 S. Old Woodward. Historic Photo and Present day (windows restored on mansard roof)

Guidelines for repairs

When repairing or, if necessary, replacing window frames, sills or sashes, work should comply with these requirements:

- New frames or sashes should be made of matching material.
- Repaired or new window frames and sashes should match the pattern of the old members in every detail, including but not limited to true divided lights, profile of muntins and width of rails and stiles.

BIRMINGHAM HISTORIC
DISTRICT COMMISSION

- Existing balance mechanisms should be retained if operative. Metal jamb liners may be considered. Plastic or vinyl jamb liners are not recommended and will not generally be approved in existing windows because of a lack of structural stability and long term durability.

**Guidelines for replacement
Windows**

If replacing the entire window becomes necessary, the following conditions should be applied:

- The dimension and spacing of the original windows should be retained.
- Muntins, sashes, frames, exterior casing and brick molds should be made of materials and have dimensions to match other windows in the house.
- Aluminum and vinyl clad windows do not meet the above requirements. Vinyl plastic windows are generally not acceptable because they are made of non-historic materials and do not comply with the Secretary of the Interior's Standards for Rehabilitation.



Richard Erwin House, 1119 Southfield



*Birmingham Community House,
380 S. Bates*

- Decorative details such as Palladian, Oriel, Bay, Gothic, Round or Segmental ornamentation cannot be removed.

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Wooster Building, 136 S. Old Woodward



Wabeek Building, 256 W. Maple



*Erity-Nixon Building
163-167 N. Old Woodward*



*205-219 N. Old Woodward Schlaak &
Houston Building*



Detroit Edison Building, 220 Merrill

Door guidelines

Exterior doors are a very important, character-defining feature for historic homes and buildings. Until at least the 1960s, the primary material for doors in homes was wood. Metal doors could be found on commercial buildings, schools and churches, but usually not until after World War II. In many historic homes, the doors were taller or wider than they are today. Most doors on his-



Municipal Building, 151 Martin

toric structures were paneled rather than flat and frequently had windows. Windows could be very simple, plain glass, etched glass or stained and leaded glass. Usually door glass was heavier than window glass and frequently beveled around the edges.

Replacement Guidelines

Occasionally, an original door is too deteriorated to retain or an inappropriate modern door is already in place. In that case, the commission must review the proposed replacement door.



Detroit Edison Building, 220 E. Merrill

BIRMINGHAM HISTORIC DISTRICT COMMISSION

- If possible, a salvaged door of the same approximate age and style should be used.
- The finish of the door shall be appropriate to the design of the building.
- The primary or front door must be made of wood in an appropriate design. Metal paneled doors will be considered on the side and at the rear of a building.



*Birmingham Theater Building,
231 S. Old Woodward,*

Security: Occasionally applications are received for complete door replacement to solve a security problem. A door is only as secure as its frame. Frequently a historic door in good repair with a strong, well built frame is superior to a new door in an inadequate frame. Consideration should be given to reinforcing the frame, installing good quality locks and retaining the existing historic door.



Historic Photo of Birmingham, house unknown

BIRMINGHAM HISTORIC DISTRICT COMMISSION



115 W. Maple, Bigelow and Shain Building



Shain Town Houses, Corner of E. Maple & Peabody



*St. Clair Edison Building
131-165 Pierce*



*Billy McBride Building,
122 W. Maple*



*Telephone Exchange Building
163 Pierce*



361 W. Maple, Hawthorne Building

Roofing guidelines

If possible, new roofing should be the same type and style as was originally installed. However, as a practical matter, materials that closely resemble the color and design of the traditional roofing materials may be accepted.



Frank Schlaak House, 612 S. Bates

- The design and color of all roofing materials used on sloped roofs on structures within the historic districts shall maintain the appearance of the original roofing materials and be appropriate to the style and period of the structure.

When repairing or replacing roof elements, the original shape and pitch of eave lines and ridges should be retained, as well as original architectural features such as dormers, cupolas, cornices, brackets, chimneys, cresting and/or weathervanes.



Hewitt House, 211 Townsend

New Construction /Additions*Grooms House, 587 Stanley (during restoration)*

- New additions, exterior alterations, or related new construction cannot destroy historic materials that characterize the property.
- The new work should be differentiated from the old and should be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- New additions and adjacent or related new construction should be undertaken in such a way that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- All new construction or additions within an established Historic District must be reviewed by the Historic District Commission at a regular board meeting.

*Grooms House, 587 Stanley (nearing completion)*

The City Planner is available to consult with the property owner and the contractor in preparing the application for project review.

Central Business Historic District—District 2

- a. 256 W. Maple – Wabeek Building
- b. 166 W. Maple – Leonard Building
- c. 142 W. Maple – Quarton Building
- d. 138 W. Maple – Blakeslee Building
- e. 122 W. Maple – Billy McBride Building
- f. 101 N. Old Woodward & 120 W. Maple – Ford Building
- g. 163-167 N. Old Woodward – Ertz & Nixon Building
- h. 191 N. Old Woodward – Bell Building
- i. 205-219 N. Old Woodward – Schlaack Building & Huston Building 1916
- j. 237-243 N. Old Woodward – Huston Building 1923
- k. 152-176 N. Old Woodward – National Bank Building
- l. 132-136 N. Old Woodward – Wooster Building
- m. 110-116 N. Old Woodward – Parks Building
- n. 297-323 E. Maple – Madison Building
- o. 361 E. Maple – Hawthorne Building
- p. 378,386,390 E. Maple & 112, 120, 124 Brownell
- q. 111 S. Old Woodward – Briggs Building
- r. 211 S. Old Woodward – Birmingham Theater Building
- s. 325 S. Old Woodward – Ford-Peabody Mansion
- t. 220 E. Merrill – Detroit Edison Building
- u. 138 S. Old Woodward – D.U.R. Waiting room
- v. 124-128 S. Old Woodward – McBride Building
- w. 112-114 S. Old Woodward – Johnston-Shaw Building
- x. 106-110 S. Old Woodward – O'Neal Building
- y. 135-159 Pierce – St. Clair Edison Building
- z. 148 Pierce - Telephone Exchange Building
- aa. 115 W. Maple – Bigelow-Shain Building
- bb. 135-141 W. Maple – Field Building

Central Business Historic District



Central Business Historic District



Applications to the Historic District Commission

A completed **Preliminary Historic Design Review Application** must be submitted for the following projects:



Birmingham Theater,
211 S. Old Woodward

- New construction / additions (including garages)
- Demolition (including partial demolitions)
- Replacement of historic siding material
- Window replacement (historic windows)
- Porch reconstruction and other repair
- Satellite dishes
- Building cleaning



O'Neal Building,
106-110 S. Old Woodward

A completed **Final Historic Design Review Application** must be submitted for the following:

- Change in paint color
- Fence, paving, walls, landscape installation/removal
- Roof replacements (non-historic roof materials)
- Roof replacements (historic roof materials)**
- Door & garage door replacement (security doors)



Hood House, 555 Stanley

**Written justification as to why any original historic materials need to be replaced must be provided.

A Sign Review Application must be completed for all signage in Historic Districts



S. Old Woodward, present day (Westside)

Sign Review Presentation Requirements

- Color photo of existing building without signage (minimum 8 ½" x 11")
- Scaled color rendering or photo of building
- Color measured drawing of sign
- Color photos of adjacent buildings
- Lighting Information



Historic Photo, S. Old Woodward (Westside)



****No painted signs allowed**

Designated Bates Street properties

- 539 S. Bates – United Presbyterian Parsonage
- 544 S. Bates – Koontz House
- 571 S. Bates – Peck House
- 584-588 S. Bates – John Hall House
- 607 S. Bates – Major Jones House
- 612 S. Bates – Frank Schlaak House
- 651 S. Bates – John W. Perry House
- 668 S. Bates – McBride House



Koontz House, 544 S. Bates



*United Presbyterian Parsonage,
539 S. Bates*



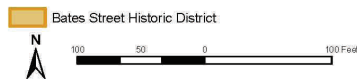
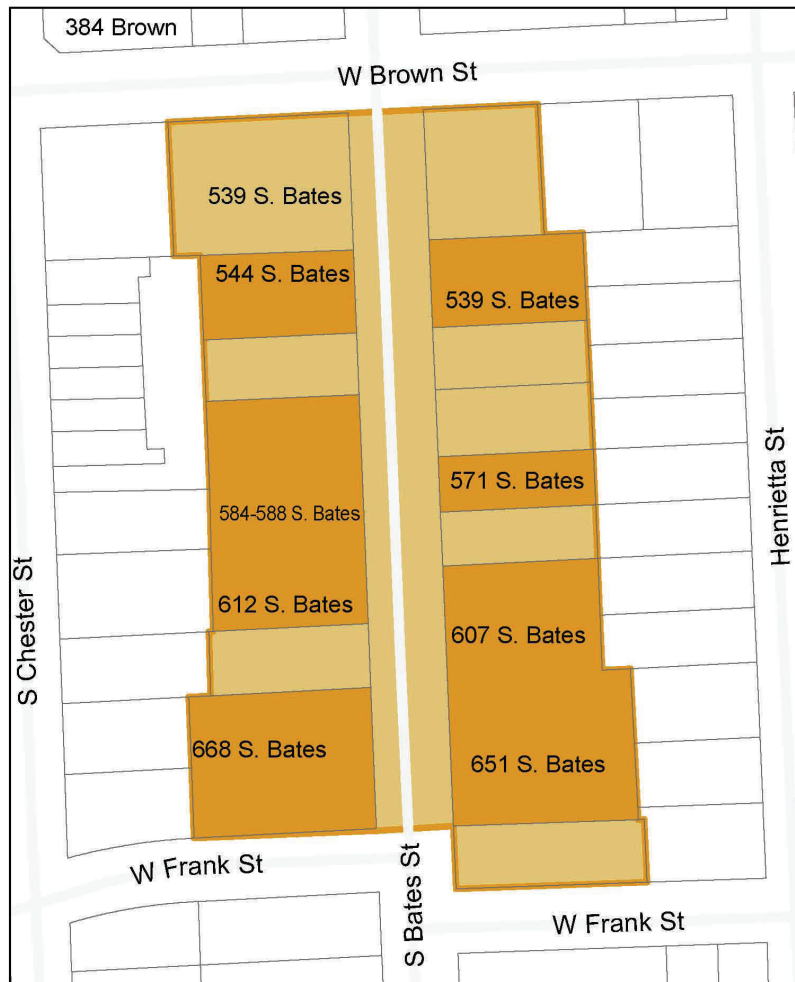
651 S. Bates, John W. Perry House



612 S. Bates, Frank Schlaak House

Designated Historic Districts of Birmingham

Bates Street Historic District



Administrative Approval

The following is a list of work items that the City of Birmingham Planning Division MAY be able to approve administratively:

(Please note that all other types of work must go before the Historic District Commission)

1. Gutter and downspout replacement
2. Masonry cleaning
3. Re-roofing of an asphalt shingle roof
4. Window and/or door replacement
5. Storm window and/or door installation
6. Replacement of the fabric of existing canvas awnings
7. Replacement of an existing fence
8. Replacement of an asphalt shingle roof with a wood shingle roof
9. Reconstruction of existing porches
10. The removal of dead, diseased or damaged trees
11. A change in walkway or driveway material



The Secretary of the Interiors Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings

- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.



Historic photo, Brown St.



Historic Photo, Maple and Old Woodward, looking south

- (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of a missing feature shall be substantiated by documentary, physical, or pictorial evidence.
- (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- (8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.



To: Mr. Nick Dupuis, City of Birmingham, MI

From: Ms. Jessica C. Flores, Preservation Forward & Ms. Leah DuMouchel, Beckett & Raeder, Inc. Date: September 30, 2020

Re: Proposal for Historic Preservation and Planning Consultation Services

Preservation Forward will partner with Beckett & Raeder, Inc. to provide historic preservation and planning consultation services to the City of Birmingham through our approach to align historic preservation and smart planning as a tool for economic development and authenticity of place. Preservation Forward and Beckett & Raeder, Inc., will initiate a kick-off meeting with city officials, the Historic District Commission, interested community members, and any involved parties.

Preservation Forward and Beckett & Raeder, Inc., will focus on the following objective:

Local Design Standards and Guidelines for Rehabilitation and New Construction

*Research existing design guidelines and standards that promote and protect historic resources

*Identify existing and potential planning strategies such as: Form Based-Code, Place-Based Zoning compatible with historic preservation and the promotion and protection of historic resources.

*Development of Design Guidelines that follow the Secretary of the Interior Standards for the Treatment of Historic Properties.

*Investigation of Existing Codes and Ordinances within the City of Birmingham.

*Guidance on Appropriate Techniques, Methods, and Direction for the Overall Maintenance and Preservation of Historic Buildings following Local Ordinances, the Michigan Existing Building Code, and the Secretary of the Interior Standards for: Preservation, Restoration, Rehabilitation, and Reconstruction of Historic Properties.

*Facilitate a Community Visioning Session at the request of the City to identify historic preservation and planning goals, promote appropriate design guidelines, recommend proper infill-construction within a residential and traditional downtown setting, and provide technical advice on appropriate storefront design, vacant storefront guidance, and implementation of new design guidelines with community support at the local level.

Deliverables: Design Guidelines, Community Visioning Session, and Design Guidelines Booklet Total Project Cost: \$15,000

Preservation Forward and Beckett & Raeder, Inc., look forward to the opportunity to work with the City of Birmingham on the promotion, protection, preservation, and planning of their historic resources. Please feel free to contact us if you have any questions or concerns.

Thank you for your consideration.

Sincerely,

Jessica C. Flores

Leah DuMouchel

Ms. Jessica C. Flores, MSHP, LEED
GA Principal, Preservation Forward
Jessica@preservationforward.com
PO Box 4490
East Lansing, MI 48826
Office: 517.220.5144
www.preservationforward.com

Ms. Leah DuMouchel, AICP, CNU-A, NCI M&FC,
FBCI Principal, Beckett&Raeder, Inc.
ldumouchel@bria2.com
535 West William St Suite 101
Ann Arbor, MI 48103
Office: 734.663.2622
www.bria2.com







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EYE EXAMS

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San Francisco Miami

SEE
EYE EXAMS

Nashville Denver

GRINSTEIN
JEWELRY DESIGN

RIG

THE BARBER POLE



164







1st Woodward
Maple



TIGER
SHOE REPAIR

ROAD
CLOSED

WALKABLE
VIBRANT
BEAUTIFUL
BIRMINGHAM



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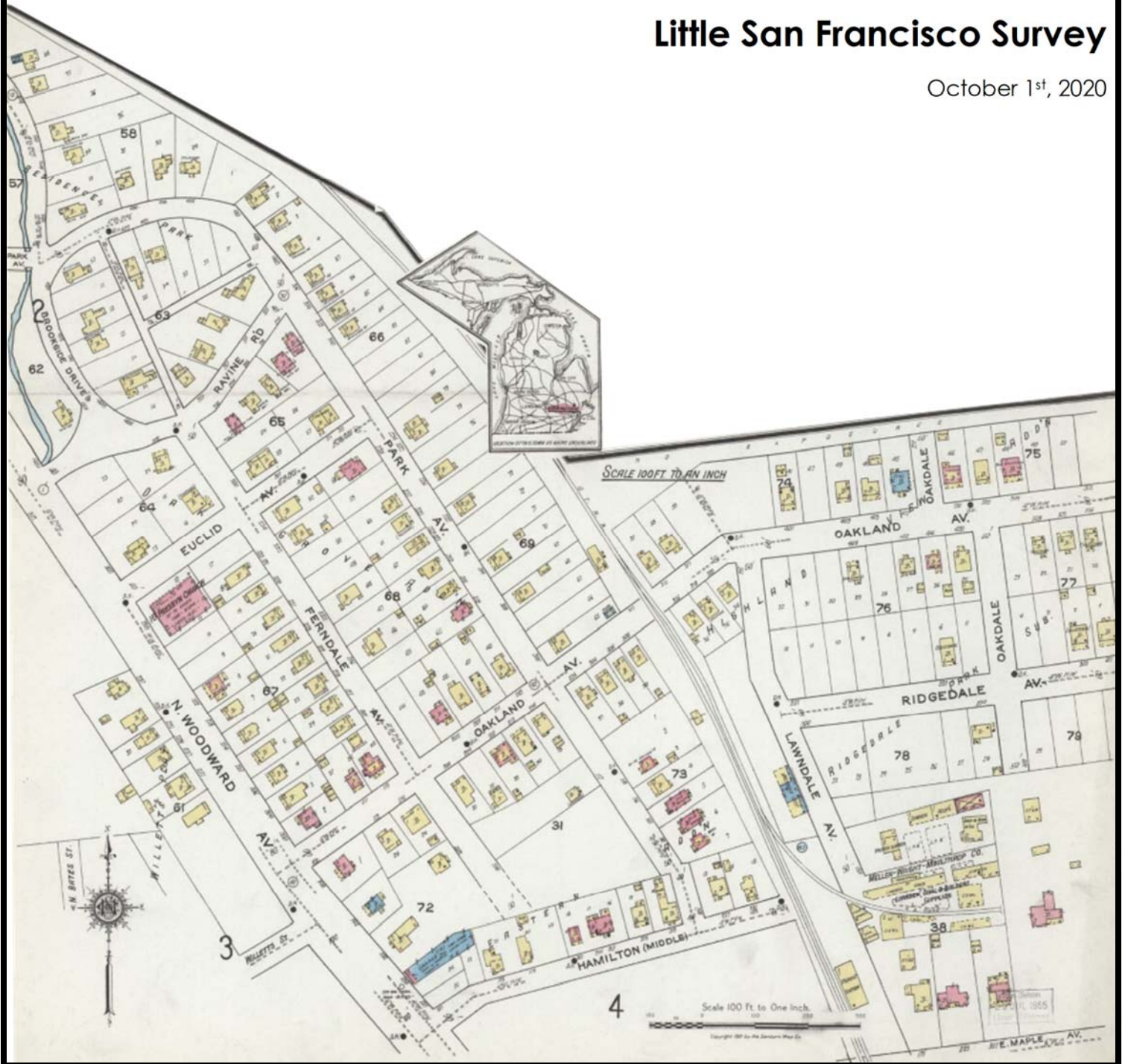
City of Birmingham

Certified Local Government Program

FY21 CLG Grant Application

Little San Francisco Survey

October 1st, 2020



October 1st, 2020

Joelle Letts

Grants Manager/Budget Specialist
Michigan State Historic Preservation Office
300 N. Washington Square
Lansing, MI 48913

RE: FY21 CLG Grant Application – Little San Francisco Survey

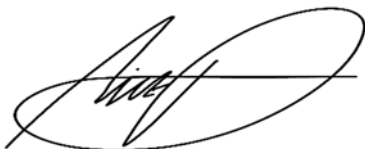
Ms. Letts,

It is with enthusiasm and humility that I submit to you a completed application for the FY2021 Certified Local Government grant program. As the first CLG grant application submitted since 2010, we are thrilled for the chance to take advantage of just one of the many opportunities that the Certified Local Government program affords us.

The project proposed in the following application will inspire decades of responsible, effective, and defensible historic preservation efforts that aim to preserve a unique character and disposition that is important to the City, its residents, and the environment.

If you should have any questions about any of the information presented within, please do not hesitate to contact me at any point. The City is ever willing to put in the extra effort to make the application the best that it can be.

Regards,



Nicholas Dupuis

City Planner
151 Martin St.
Birmingham, MI 48012
(248)-530-1856
ndupuis@bhamgov.org



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Michigan Certified Local Government Grant Application Planning, Documentation & Education



Grant Application Form Instructions:

1. Use the most current Grant Application Form version.
2. Electronically complete the entire Grant Application Form, electronically sign, and submit with the required Exhibits to LettsJ1@michigan.gov.
3. Follow the Exhibit Instructions in the CLG Grant Manual.

PROJECT INFORMATION

Grant Project Name: [Little San Francisco Survey](#)

Identify the project type covered by the grant application:

- ☒ Above-Ground Survey ☐ Archaeological Study ☐ Local Historic District Study ☐ National Register Nomination
- ☐ Preservation Planning [Specific type:]
- ☐ Public Education [Specific type:]

APPLICANT INFORMATION

Certified Local Government: [City of Birmingham, MI](#)

Grant Recipient Name: [City of Birmingham, MI](#)

This must be an active CLG in good standing with SHPO.

Federal ID Number: [38-6004664](#)

DUNS Number: [074239450](#)

The Federal Funding Accountability and Transparency Act, P.L. 109-282, as amended by section 6202(a) of P.L. 110-252, Subaward Reporting System requires the SHPO to utilize the DUNS Number to report first-tier subaward federal contracts and grants.

Certified Local Government Street Address: [151 Martin St.](#)

City, State: [Birmingham, MI](#)

Zip Code: [48012](#)

Project Coordinator Name: [Nicholas Dupuis, City Planner](#)

This individual must have complete knowledge of the day-to-day activities with the proposed grant-funded work.

Telephone Number: [248-530-1856](#)

Mobile Telephone Number: [N/A](#)

Email Address: ndupuis@bhamgov.org

Project Coordinator Street Address: [151 Martin St.](#)

City, State: [Birmingham, MI](#)

Zip Code: [48012](#)

CLG Sponsorship Applicant Information (if applicable)

Nonprofit or Other Public Entity: N/A	
Federal ID Number: N/A	
DUNS Number: N/A	
<i>The Federal Funding Accountability and Transparency Act, P.L. 109-282, as amended by section 6202(a) of P.L. 110-252, Subaward Reporting System requires the SHPO to utilize the DUNS Number to report first-tier subaward federal contracts and grants.</i>	
Nonprofit or Other Public Entity Contact Name: N/A	
Telephone Number: N/A	Mobile Telephone Number: N/A
Email Address: N/A	
Street Address: N/A	
City, State: N/A	Zip Code: N/A

CLG LEGISLATIVE INFORMATION

This information is used to contact your elected officials if a grant is awarded.

U.S. Senator Name: Debbie Stabenow	U.S. Senator Name: Gary Peters
U.S. Congressional District Number: 11	
Name of Congressman or Congresswoman: Haley Stevens	
State Senate District Number: 13	
Name of State Senator: Mallory McMorrow	
State House of Representative District Number: 40	
Name of State Representative: Mari Manoogian	

SCOPE OF WORK

On page 6, describe in detail the scope of work for your project. The narrative should:

- State the goals of the project;
- Identify the project need and provide an explanation of how the project activity addresses the need;
- Describe in detail the work activity(ies) and anticipated outcome(s); and
- Provide a list of the final products that will be provided to SHPO and indicate the medium. Example:

National Register Nomination for <i>Willenholly Building</i>	One or more flash drives, as necessary, including all items identified in SHPO's National Register Submission Checklist.
<i>Willenholly Building Survey Data</i>	2 sets of CDs/DVDs or flash drives containing survey data in MS Access, Excel or GIS shapefile.
<i>Willenholly Building Survey Report</i>	2 printed spiral bound original reports and 2 sets of CDs/DVDs or flash drives containing survey report in Word.
<i>Willenholly Preservation Plan</i>	2 printed spiral bound plans and 2 sets of CDs/DVDs or flash drives containing a PDF copy of the plan.

The scope of work demonstrates to reviewers how the project will proceed and that you have considered all elements of a successful project. The scope should complement the timeline and be sufficiently detailed so that the reviewers have a full understanding of the need of your project, activities to be completed, and the anticipated impact of the project. Additional guidance on describing the scope of work for particular project types is provided below:

Public Education Projects

- Describe the type of education project, program, or publication (e.g., heritage tourism program, K-12 lesson plan, pamphlet for property owners in local districts, workshops, etc.) to be produced or coordinated.
- Describe the purpose of your project, including the need it addresses.
- Describe the targeted audience(s) and how the project is appropriate for the targeted audience(s).
- Describe the methodology for developing the project, program, or publication and achieving your goals.
- Describe the anticipated content of your project, program, or publication.
- Describe the anticipated format for your project, program, or publication, including any physical or digital products that will be produced and how they will be distributed or made available to the public. Identify if it is intended for one time or continued use.
- Describe any examples of similar projects previously completed by the community and/or models from other communities to be used, if applicable.
- Describe the anticipated outcome and benefits of the project.

Archaeological Projects

- Projects involving excavation and planning studies should be discussed with the State Archaeologist prior to submission of an application.
- State the objectives of the project and the research, management and/or planning needs the project will address. Specify whether the project is an archaeological survey or a testing project.
- Describe the research design, including methods and techniques to be used. Sampling methodology, the use of shovel testing and test interval, the use of specialized equipment such as use of sonar equipment for underwater work, and similar topics should be discussed, as applicable. Mention any documentary research to be conducted (site file searches, historical records etc.). Describe any other sources of information such as oral history, informant interview, and collections study. Types of records to be compiled for the project (e.g., site forms, photographs, USGS maps) should be specified.
- Provide a map with the specific project area clearly outlined and estimate the number of acres to be field checked and number of sites anticipated to be found (example: 10,000 + 500 acres; 100 + 15 sites).
- Specify the repository for project collections and records. The repository must meet the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation*.

Above-ground Survey Projects

- Describe the type of survey (reconnaissance, intensive, or thematic) to be undertaken.
- Describe the need for the project and identify the goals of the survey.
- Describe the geographic area or theme to be surveyed and explain how they were chosen. Provide a brief summary of the overall appearance and history of the survey area, discussing such things as: population; development patterns; and urban, rural, or neighborhood characteristics.
- Include a map clearly showing the proposed survey boundaries (not applicable for thematic surveys) and a verbal description of the project's boundaries. If the project covers an entire city or county, include a written statement of this fact.
- Identify the number of resources to be surveyed and the estimated acreage covered by the survey.
- For thematic surveys, describe the significance of the property type and/or context to be studied. Include a list of resources anticipated to be surveyed as part of the project.
- Describe the survey methodology or research design. Projects must comply with the [Michigan Above Ground Survey Manual](#). Topics to address include, at a minimum, how fieldwork will be conducted, what sources will be utilized for research, and how assessments of the documented properties shall be conducted (use of the National Register selection criteria). Describe any known sources of information that may be useful in completing the survey and developing related historic context(s).
- Describe the anticipated products and contents of products, including how they will be distributed and/or how the resulting information will be shared with the public. Provide a list of the proposed themes that will be addressed in the historic context. A historic context is information about historic trends and properties organized by theme, time period and geographic area. Projects must use the themes listed in *National Register Bulletin 15: How to Apply National Register Criteria for Evaluation* but may tailor them further as appropriate.
- Describe how the survey results will be used for subsequent preservation activities and/or anticipated subsequent phases of the project.
- If available, include ballpark cost estimates from qualified professionals for completing the proposed project. When computing budget costs, include at least one public meeting and plan on preparing three sets of survey data; one will be kept at the local level and two will be submitted to the SHPO.

National Register of Historic Places Nominations

- Describe the proposed project, including the type of nomination and number and types of resources to be nominated. Identify whether the project is to produce a new nomination or amend existing documentation.
- Describe the need for the project and identify the goals of nominating the property. Describe the reasons for seeking nomination of the property to the National Register (e.g., public recognition or potential to spur economic investment). If the project is being undertaken as part of a larger community revitalization or economic development program, describe how the project will benefit those activities.
- Describe the resource(s) to be nominated, including a summary of current conditions and significance. Summarize previous determinations of eligibility, previous efforts to nominate and/or preserve the property, and any known changes since the determination of eligibility (or previous listing for amendments).
- If more than one nomination is to be prepared by the project, provide a tentative list of all the proposed nominations to be prepared, indicating for each, the type of nomination (individual property, district, or multiple property) and the approximate number of resources of each type (buildings, structures, objects, or sites) that each area contains.
- If the application is to prepare a Multiple Property Documentation Form (MPDF), identify the property types and/or themes to be addressed.
- Summarize known resources that may be useful in preparing the nomination and summarize additional documentation and research that may be necessary.
- Provide a list of the proposed areas of significance that will be addressed in the historic context. A historic context is information about historic trends and properties organized by theme, time period and geographic area. Projects must use the themes listed in *National Register Bulletin 15: How to Apply National Register Criteria for Evaluation*.
- Identify any documentation to be completed of the property (e.g., digital photographs, site plans, etc.), including if survey records are to be updated as part of the project.
- Provide a locational map and verbal description of the area to be nominated. For historic districts, describe the boundaries and explain how they were chosen.
- For individual resources: if the CLG is not the property owner, summarize property owner support or opposition for the nomination. Include a letter from the property owner supporting the nomination.
- For historic districts: summarize efforts to engage property owners and known support or opposition for the nomination.

Local Historic District Studies

- Describe the purpose of the project, the anticipated products and outcomes, and the proposed use of the products. Describe what the CLG hopes to accomplish through the process of establishing a local historic district.
- Describe the area to be studied, including a summary of the area's history, current conditions, and significance. Explain how the boundaries were chosen. Provide a map clearly outlining the boundaries of the area to be studied.
- Summarize any previous studies or previous efforts to designate the area and/or protect the property.
- Summarize the nature of survey records and report available to support the information to be presented in the Local Historic District Study. Identify additional work that will be necessary to sufficiently and appropriately make recommendations in consideration of the National Register Criteria and the requirements of Public Act 169 of 1970, as amended.
- Identify the steps to be completed during the project. Projects must comply with the requirements of Public Act 169 of 1970, as amended.
- Describe the project's relationship to broader community planning activities. If the project is being undertaken as part of a larger community revitalization or economic development program, describe how the CLG project will contribute to the goals of the community program revitalization or economic development program.
- Describe any public and/or local government support for the potential establishment of the local historic district, and identify any public outreach that the CLG has already initiated regarding a proposed study of the area (e.g., community meetings or discussions at historic district committee meetings).
- Provide a copy of the resolution from the local unit of government authorizing the creation of the historic district study committee.
- Provide a list of the names of the historic district study committee members and short description of their history or preservation affiliation. Resumes may be submitted.

Preservation Planning Projects

- Describe the type of planning activity (e.g., preservation plan, design guidelines, economic impact study, etc.) being pursued. Note: Applications for planning documents for specific properties (e.g., historic structure reports, feasibility studies, engineering studies, etc. should use the grant manual for Rehabilitation and Rehabilitation Planning Projects available at www.michigan.gov/CLGgrants).
- Identify whether the project is to produce a new planning study or to update an existing study. If the project is to update an out-of-date or deficient planning document currently being used by the community, describe the issues to be addressed by the current project and include a copy of the current document being used.
- Describe the purpose of the project, including the need it addresses. Identify any local stresses, threats, or weaknesses in the local preservation program that will be addressed by the project.
- Describe the targeted audience(s) and how the project is appropriate for the targeted audience(s).
- Identify the boundaries of areas and/or the types of resources to be covered by the project, as applicable.
- Describe the methodology for achieving your project goals.
- Describe the project's relationship to previous and/or ongoing preservation planning activities.
- Describe how the project will relate to other community planning or development activities (e.g., community planning, zoning, economic revitalization, etc.).
- Describe how the project will contribute to the protection of significant historic resources in the community.
- Describe anticipated public outreach and engagement activities associated with development of the project.
- Describe the anticipated products and contents of products, including how they will be distributed or made available to the public.
- Describe the anticipated outcome and benefits of the project.

Project Objectives

All applications, regardless of project type, must also address the following questions:

- How will the project enhance the effectiveness of the CLG's activities and preservation programs? Describe the impact the project will have on the CLG's ability to identify, plan for, protect, and celebrate historic resources.
- What is the relationship of the project to the CLG's planning goals and priorities as identified in the CLG's annual reports and/or four-year evaluation?
- What is the urgency of the project? For example, does it address an immediate threat to certain properties? Does it address a weakness of current preservation activities in the community? Is it related to forthcoming community planning, economic development, or revitalization activities?
- Identify if the project meets one or more of Michigan's Historic Preservation Goals identified by the SHPO in Michigan's Historic Preservation Plan and/or one or more of SHPO's funding priorities for 2021.
- Describe the public or community benefit resulting from the project. Are there local partnerships between the CLG and other organizations that will be addressed? Which community stakeholders will potentially benefit from the activity?
- How will the public be informed about the purpose of this project and the value of historic preservation through the project?

SCOPE OF WORK

The Little San Francisco neighborhood, named for its hilly tree-lined streetscape, is Birmingham's smallest neighborhood covering just 20 acres. It is also one of the nearest neighborhoods to the burgeoning downtown commercial area. At present, the houses in the area are generally preserved from their 1910's and 1920's vintage, or have been rebuilt within the last 20 years. None of the homes in the Little San Francisco neighborhood have been historically designated (locally or nationally), nor did any of them participate in the City's Heritage Home program while it was active (recognizing homes that are 100+ years in age). Based on the City's current records, there are 38 homes in the neighborhood that are over 100 years old with 19 more aging into that category by 2024. This makes up a significant portion of the roughly 80 homes present in the neighborhood today. In seeking a *reconnaissance level survey* of the Little San Francisco neighborhood, the City will be able to accomplish a number of goals. First, the survey will be the first performed in the City since the Post WWII Eco City neighborhood was studied in the early 2010's. With the development pressures facing Birmingham's old or outdated homes, it is important to document Birmingham history and make progress towards preserving such. Second, the City's Historic District Study Committee, whose duties are to inventory, research, prepare reports and provide designation recommendations, will benefit greatly from working closely with a professional survey consultant to understand the processes and forms required for a reconnaissance level survey. This will allow the study committee to confidently perform surveys of their own in the future. Finally, the Little San Francisco neighborhood is the most well defined neighborhood within the City with well preserved homes, but its relationship to Downtown Birmingham and the associated land values create an environment that suits demolition over preservation. Performing a survey of this neighborhood will begin the process for a potential neighborhood historical designation and/or individual designations. The final product is intended to have a heavy online presence. The document will be available in an easily accessible and well-designed PDF format, and the results of the survey will be transformed by City Staff into an interactive online GIS map that residents can use to discover information on the potential historic resources in the neighborhood. The map will include photographs, dates, important characteristics, and architectural information.

Project Need and Goals

Because of the lack of preservation activity in the neighborhood, the City has little documented information regarding the neighborhoods housing stock and what historic structures remain. As one of the City's oldest neighborhoods, it is important to document the structures present and determine any historic designation eligibility before more homes are potentially lost to redevelopment. The City has also been in contact with several residents in the neighborhood that have expressed significant interest in understanding the history of their homes and neighborhood and preserving the character that makes Little San Francisco unique. The development pressures facing the neighborhood today mixed with strong neighborhood support for the survey project create a can't-miss opportunity to begin studying, documenting and preserving the neighborhood.

Survey Area and Current Conditions

The Little San Francisco Neighborhood is bound by N. Old Woodward to the west, Oakland Ave. to the south, and Woodward Ave. to the east. Within the neighborhood are Ferndale Ave., Euclid Ave., Park St. Ravine Rd. and Brookside Ave. The entire neighborhood, one of Birmingham's smallest, measures 20 acres and contains roughly 80 homes. The City's current GIS data shows 38 homes in the neighborhood that are over 100 years old, with 19 more passing 100 by 2024. The architecture of the older homes vary from craftsman style to single level ranches to colonial. The new homes constructed in the neighborhood vary in size and design. Some newer homes are built with an attention to detail and character that adds to the neighborhood, whereas other homes are out of context in terms of size, placement and style. With a majority of the neighborhood containing small lots (40 ft. & 50 ft. widths), many of the new homes do not align with the historic character of the neighborhood.

Methodology

The methodology for the reconnaissance level survey of the Little San Francisco Neighborhood is expected to be simple and contain several key components in the final draft of the survey report. The consultants and Historic District Study Committee will work with the SHPO and utilize the Michigan Above Ground Survey Manual to produce a report that provides a basis for local preservation planning and data to support a potential locally designated historic district. The following work items will be performed as a part of this survey project:

- Phase One: To begin the project, City Staff will draft an RFP that will be sent to the SHPO for review. Upon approval, the City will seek bids from firms with ample experience in surveys, as well as professional qualifications in architecture and historic architecture. Working with the SHPO, the consultants will be selected and a project kickoff meeting will be held with the Historic District Commission, Historic District Study Committee and consultants. Once the project goals and processes are confirmed, the initial public meeting will be held at the Historic District Commission, and an on-site component may be included.
- Phase Two: This middle phase will consist of all of the research and fieldwork, public engagement with residents in the neighborhood, preparation and review of the first draft, and the preparation of the final draft. The consultant

team will be expected to review the pertinent information on file within the City, including information and/or presentations available from the Birmingham Museum. During the research phase, City Staff will provide open access to files, maps or other information requested by the consultants. During the inventory and documentation step, the consultant will collect all baseline information for each property including location, architectural characteristics, and historical associations. All data collected will suffice to complete the Michigan Architectural Inventory Form. Based on the research performed prior to the fieldwork, the consultants will be expected to note and include more detail on properties that are at least 60 years old, whereas details on newly built homes (less than 20 years) may be basic. Photographs for each property are expected to be high resolution, with at least 3 facades (front, side, side as feasible) and close-up detail photographs of any signature architectural elements present on a building. For newer homes, the consultants will be expected to attempt to locate an image of the home lost in favor of such (via Google Earth). With the data and photographs obtained, the consultant will prepare a survey report meeting the content requirements outlined in the SHPO's Michigan Above-Ground Survey Manual. The report will provide a thorough review of Architecture, Community Planning and Development, and will evaluate the relative significance of surveyed resources. This will ultimately lead to recommendations as to the eligibility of each potential resource, and the potential risks facing the neighborhoods historic character and resources.

- Phase Three: During phase three, the final draft that was prepared will be subject to at least one full public review at the Historic District Commission and will be accompanied by a full presentation from the consultants that outlines the process and results of the survey project. This phase will also include an anticipated meeting at the City Commission level, which may be a combined meeting with the Historic District Commission. The finalized documents will then be sent to the SHPO for final review.

Final Products and Deliverables

Upon completion of the project, the City will (at minimum) provide the SHPO with:

- One (1) bound hard copy of the final survey report document;
- One (1) flash drive containing an electronic copy of the survey report, photographs, and any GIS shape files created; and
- Links to the City website where the document will be placed.

Future Preservation Activities and Goals

As noted above, this survey is intended to document the existing character and basic historical elements present in the neighborhood and help evaluate the Little San Francisco Neighborhood for potential local designation as a local historic district. If the data gathered produces results that support designation, the City will have taken the first step in preserving and protecting the neighborhood from development pressures that would significantly alter the historical character of a unique Birmingham neighborhood. Furthermore, with positive results, the City would begin to prepare for an intensive level survey and continue to educate the public on the importance of historic preservation. Outside of the neighborhood, this project will provide a valuable opportunity for the Historic District Study Committee with several new members and a significant amount of time since the committee performed a survey. With several other concentrations of older buildings in the City, this survey project will provide a good model to be used to meet the preservation goals of other neighborhoods in the City..

Cost Estimates

In preparing the budget for this project presented below, the City utilized the Michigan Historic Preservation Networks Historic Resource Guide to contact appropriate firms and discuss an estimated cost for the survey project. Based on the discussions and the smaller size of the survey neighborhood, the City believes that the budget is appropriate and sufficient to complete the scope of work in an effective and timely manner.

PROJECT OBJECTIVES

How will the project enhance the effectiveness of the CLG's activities and local preservation programs? Describe the impact the project will have on the CLG's ability to identify, plan for, protect, and celebrate important historic resources.

A reconnaissance level survey of the Little San Francisco neighborhood will provide a stepping-stone for the next decade of historical preservation efforts in the City. Taking the first step towards documenting and preserving a unique neighborhood will make it easier for the City to identify, protect and celebrate other areas moving forward. The project's dual-purpose goals to set up the Historic District Study Committee for future success in other areas of the City and to evaluate the possibility of the Little San Francisco neighborhood to become a historic district will advance the long term preservation goals of the City.

What is the relationship of the project to the CLG's planning goals and priorities as identified in the CLG's annual reports and/or four-year evaluation?

The annual report prepared by the City in 2019 listed Community Partnership Program applications as its first goal. One of the projects that was submitted was the survey of the Little San Francisco neighborhood, as the Historic District Commission felt as though its location and characteristics make it a priority for study and preservation.

What is the urgency of the project? For example, does it address an immediate threat to certain properties? Does it address a weakness of current preservation activities in the community? Is it related to forthcoming community planning, economic development, or revitalization activities?

As emphasized above, the historic properties in the Little San Francisco Neighborhood are consistently under the threat of demolition due to the proximity to Downtown Birmingham and the relative age of the houses. Several of the original homes in the neighborhood have been lost to new construction, and it is important to study the neighborhood and its historical characteristics to preserve this historic asset. Since the last survey performed in the City was in 2012, the last eight years have proven worrisome in general for potential historic resources in more than just the project neighborhood, and the City must begin to inject some energy back into its historical preservation goals. Including the Historic District Study Committee in this process will be integral to preservation in Birmingham in the near future in the Little San Francisco Neighborhood and other historic areas of the City.

Identify if the project meets one or more of Michigan's Historic Preservation Goals identified by the SHPO in Michigan's Historic Preservation Plan and/or one or more of SHPO's funding priorities for 2021.

Although a reconnaissance level survey project is not directly listed as a funding priority in the SHPO's funding priorities for 2021, there are elements of the project that apply. The goals of this particular survey will provide training activities for the Historic District Study Committee who will be working closely with the consultants throughout the survey. Additionally, this project will promote public awareness of preservation and enhance partnerships with the neighborhood group associated with the Little San Francisco neighborhood.

As for the Michigan Historic Preservation Plan (2014-2019), the first goal of the plan is to increase incentives and funding for historic preservation. As the plan mentions early on in the report, former incentives such as the historic preservation tax credit were only available to buildings within historic districts. The first step to becoming a historic district is the completion of a survey. Thus, included in the first goal of the plan is the creation of incentives to enable communities to undertake historic resource surveys. Furthermore, the current Draft MI Statewide Historic Preservation Plan (2020-2025) states that reinstating the historic preservation tax credit is "by far the top priority of preservationists in Michigan." The overall goal (Goal #2) to expand preservation funding opportunities and the tax credits are in many ways remain dependent on survey and the establishment of historic districts. Additionally, it is apparent that the proposed survey and the eventual GIS adaptation of the results may be a good addition to the statewide GIS-based historic resource database that will be completed in the near future.

Describe the public or community benefit resulting from the project. Are there local partnerships between the CLG and other organizations that will be addressed? Which community stakeholders will potentially benefit from the activity?

The community benefit of the survey project will help preserve a valuable neighborhood by establishing a framework that City Staff, the Historic District Commission and the Historic District Study Committee (HDSC) can use to determine the eligibility of properties to be designated a historic resource. This process will help retain the character and history of the neighborhood for its current residents, but also set up the HDSC for future studies that will spread across the city and help work against the pressures or redevelopment affecting the City its residents. As demolition in favor of new construction has worked itself into the spotlight here, now is a perfect time to show the residents of Birmingham what a survey can do and how it adds to overall historical preservation planning efforts.

How will the public be informed about the purpose of this project and the value of historic preservation through the project?

The City has already obtained the support of numerous residents in the neighborhood for the survey project. Public engagement with residents in the neighborhood will be plentiful and ongoing throughout the survey process. The public will be kept informed about the purpose and progress of this project through a dedicated page on the City's website. The page will outline all of the project goals, timeline, and review processes associated with the project, and will provide contact information for any additional questions. Additionally, the City will utilize social media and the monthly newsletters to keep the project visible. Finally, any review at the Historic District Commission level will be open to the public, and the

agendas are posted at City Hall, online, and residents are notified of new agendas through the City's Constant Contact service.

GRANT FUNDING REQUEST

CLG Grant Funding Request: **\$8,000**
Minimum of \$5,000

Total Project Amount: **\$8,000**

Source of Total Project Amount (City, Nonprofit, etc.): **City**

Total Project Amount Kind (Cash, In-Kind Services, etc.): **\$0**

PROJECT BUDGET

All grant funds are paid on an **EXPENSE REIMBURSEMENT** basis only. The grantee must have funds available for expenditure amounting to 100 percent of the project cost at the time of a grant application submittal. The grantee will be reimbursed for eligible expenses incurred (up to the grant amount) at the end of the grant process. Federal funds, excluding Federal Community Development Block Grant (CDBG) funds, are not allowable as CLG grant project funding.

The SHPO will review and may make changes to the budget line items as submitted in the application. The final budget approved by the SHPO will become an attachment to the grant agreement. Allowable costs are listed below:

Allowable Work Items

- Paid Staff Time and In-Kind Services: Compensation for project personnel during the project period including wages, salaries, and supplementary compensation and benefits are allowable costs, but additional materials must be submitted with the CLG grant application. Project personnel must demonstrate that they meet or exceed the professional requirements as stated in 36 CFR Part 61.
 - Fringe benefits for paid or in-kind employees in the form of employer's contributions to social security, life and health insurance plans, unemployment insurance coverage, worker's compensation plans, and pension plans are allowable, provided costs are distributed equitably to grant costs and other activities.
- Transportation, lodging, subsistence and related items for project personnel who are in travel status for project-related work is allowable. Costs are charged on an actual basis and must be consistent with the Standard State of Michigan rate. Documentation and invoices must be provided for each cost. First-class airfare is not allowable.
- The cost of supplies necessary to carry out the grant work is allowable. Purchases under \$500.01 made specifically for the grant work shall be charged at their actual prices after deducting all cash discounts, trade discounts, rebates and allowances received by the grant recipient. Supplies exceeding \$500.01 must be competitively bid and required documentation of the competitive bid process must be determined in consultation with the SHPO.
- The grant recipient may contract all or part of the project work. Free and open competition must be maintained. The SHPO must receive documentation of the procurement at each stage and must approve the contractor and contract.

Unallowable Work Items

- Acquisition
- Non-historic site features such as parking lots
- Certain environmental cleanup activities required under federal law
- Reconstruction of demolished buildings (Reconstruction of certain missing elements may be allowable if based upon historical documentation, such as photographs.)
- Expenses and costs of organized fundraising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions
- Fines, penalties, debts or losses arising from non-collectable accounts and other claims, and related collection costs
- Interest and other financial costs; interest on borrowing
- Volunteer labor of professionals, such as roofers, painters, electricians, plumbers, etc.
- Cost-plus subcontracts, unlimited time and materials sub-contracts, and contingency fees
- Entertainment, costs of amusements, social activities, and related incidental cost such as meals, beverages, lodgings, rentals, transportation, and gratuities
- Costs of meals for employees when they are not in travel status
- Historical markers are not an allowable cost
- Students in a federally funded work/study program cannot contribute in-kind services
- Archaeological Salvage
- Lobbying, costs associated with activities to influence legislation
- Political activities or any other, no grant funds may be made for the use of equipment or premises for political purposes, political activities sponsoring or conducting candidates' meeting(s), engaging in voter registration activity or voter transportation activity, or other partisan political activities

WORK ITEMS	CLG FUNDS	PROJECT TOTAL
Document Review & Project Kickoff	\$1,000	\$1,000
Public Meetings/Presentations	\$2,000	\$3,000
Research, Identification, Documentation and Photo Inventory	\$2,000	\$5,000
Document Preparation	\$2,000	\$7,000
Project Marketing, Social Media	\$500	\$7,500
Hard Copy Deliverables	\$500	\$8,000
TOTALS:		\$8,000
<i>The budget should be detailed and describe the work to be done and include all estimated costs. Applicants are strongly encouraged to include a vendor quotation for the work and services to be completed. Providing estimates with your application helps the reviewers understand the reasonableness of costs associated with the project.</i>		

GRANT ADMINISTRATION EXPERIENCE

Provide brief description of the experience your organization has in administering federal grant funds. Specifically identify federal grant funds administered in the last 5 years, including funding program, amounts, and dates of administered grants.

The City of Birmingham has a successful history of acquiring and administering federal grand funds:

- Community Development Block Grant – Annually - \$35,000
- Emergency Management Performance Grant – Annually - \$25,000
- Police Enforcement Grants
 - FY 2019-2020 - \$17,630
 - FY 2018-2019 - \$30,600
 - FY 2017-2018 - \$30,381
 - FY 2016-2017 - \$17,408
 - FY 2015-2016 - \$2,196
- Transportation Alternatives Program
 - FY 2021 - \$560,349
 - FY 2018 - \$119,707

WORK SCHEDULE

Instructions: On the following page provide a work schedule. Please consider that work cannot begin until the grant agreement is executed. Awarded grants will have until **September 30, 2022**, to complete the project work.

Grant agreements that include the hiring of a consultant or contractor should include dates for the following bidder solicitation activities:

- Execution of grant agreement
- Submit draft RFP, solicitation letter, and advertisement to SHPO for approval
- SHPO approval of RFP, solicitation letter and advertisement (allow 30 days)
- Solicit bids
- Bids due (allow 30 days)
- Submit bids, rationale for bidder selection
- Submit draft consultant contract to SHPO for approval (allow 30 days)
- SHPO comments and recommends changes for consultant contract
- Executed contract submitted to SHPO

Work schedules must also include the following:

- Quarterly progress reports (due dates are January 15, April 15, July 15, and September 15)
- Project kick-off meeting with CLG and consultant(s)
- Completion of major project milestones (e.g., start and completion of fieldwork; preparation of draft and final studies, reports, or other products; etc.)
- Anticipated public meetings and/or presentations
- SHPO review of 75% and 90% draft products (allow 30 days)
- SHPO review of final products (allow 30 days)
- Submission of completion report and reimbursement request to SHPO

DATE	Grant Agreement
May 2021	Grant agreement executed
DATE	Grant Project Work Items
March 2021	Prepare Draft RFP for Competitive Bid Process
May 2021	Submit Draft RFP, Solicitation Letter, and Advertisement to SHPO for Approval
June 2021	SHPO Approval of RFP, Solicitation Letter and Advertisement
June 2021	Solicit Bids
July 2021	Bids Due
July 2021	Submit Bids, Rationale for Bidder Selection
August 2021	Submit Draft Consultant Contract to SHPO for Approval
September 2021	SHPO Comments and Recommends Changes for Consultant Contract
September 2021	Executed Contract Submitted to SHPO
January 15, 2022	Quarterly Progress Report
February 2022	Project Kick-Off Meeting with CLG and Consultant(s)
March/April 2022	Start & Complete Fieldwork and Research
April 15, 2022	Quarterly Progress Report
April/May 2022	Prepare Draft Report
May 2022	Review Draft Report at HDC,
June 2022	SHPO review of 75% draft products
July 15, 2022	Quarterly Progress Report
July 2022	SHPO review of 90% draft products
August 2022	Prepare Final Report
August/September 2022	Review Final Report at HDC
DATE	Project Close-Out
September 30, 2022	Submit Completion Report and Reimbursement Request to SHPO
Provide an estimated project schedule based on a September 30, 2022 completion date. Note: this deadline is federally mandated. All project work must be completed, including billing and reporting, by this date. No extensions will be given.	

ASSURANCES: FOR NON-CONSTRUCTION PROJECTS

ASSURANCES – NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET, SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

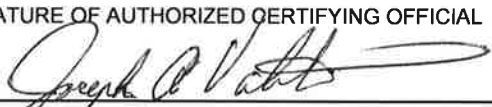
NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capabilities (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794) which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-554, as amended, 7 U.S.C. §§2132 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) Which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1966 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE City Manager
APPLICANT ORGANIZATION City of Birmingham	DATE SUBMITTED October 1 st , 2020

Standard Form 424D (Rev. 7-97)

CERTIFICATE VERIFYING KEY PERSONS OF THE CONTRACTOR/SUBGRANTEE

The Certificate Verifying Key Persons of the Grant Recipient/Contractor identifies the key individuals that will be responsible for administering the CLG grant agreement. This form also ensures that Grantee and its employees, agents, and independent contractors acknowledge that 2007 PA 95, MCL 38.68c requires retirees of the State Employees Retirement System ("Pensioned Retirees") who become employed by the State either directly or indirectly through a contractual arrangement with another party on or after October 1, 2007 to forfeit their state pension for the duration of their reemployment.

The Certificate Verifying Key Persons of the Grant Recipient/Contractor must be completed, signed and dated by the authorized grant agreement signatory or another appropriate individual. This form acknowledges that only Key Persons shall perform the services under the CLG grant agreement.

Instructions

- Include the names of all employees, agents and independent contractors who will perform or render services pursuant to the grant agreement.
- The signatory for the grant agreement will be the sole Key Person for the CLG grant project.
- If the Grant Recipient wishes to add an agent, employee, or independent contractor as a Key Person during the term of the grant agreement, they shall complete and submit to SHPO a new Key Persons Form including the names of the additional individuals.

CERTIFICATE VERIFYING KEY PERSONS OF THE GRANTEE

The Grantee acknowledges that the following personnel are Key Persons of the Grantee:

(1) Name: Joseph A. Valentine
(Print or type Name above line)

Title with Grantee City Manager

Is the Key Person a retiree who receives a pension from the Michigan State Employees Retirement System? Yes _____ /No X

(2) Name: Pierre Boutros
(Print or type Name above line)

Title with Grantee Mayor


Is the Key Person a retiree who receives a pension from the Michigan State Employees Retirement System? Yes _____ /No X

(3) Name: Nicholas Dupuis
(Print or type Name above line)

Title with Grantee City Planner

Is the Key Person a retiree who receives a pension from the Michigan State Employees Retirement System? Yes _____ /No X

Print or Type Grantee Name Above Line

By:  October 1st, 2020
Signature Date

Name of Signatory for Grantee: Joseph A. Valentine
Print/Type Name of Signatory Above Line

Its: City Manager

Federal Identification Number: 38-6004664

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

The Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion must be signed and dated by the authorized signatory or another appropriate individual and returned to SHPO. Signature of this form provides for compliance with Federal certification requirements for new restrictions on Lobbying, Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace.

Instructions

- Part A - The authorized Grant Recipient must complete this section.
- Part B – The authorized Grant Recipient must complete this section.
- Part C - If the Grant Recipient is an organization, Part C must also be completed.
 - Part C contains two sections, both of which must be completed if Part C applies.
- Part D - If the Grant Recipient is an individual, Part D must also be completed.
- Part E - The Grant Recipient certifying official must complete the signature section.

This form cannot be altered, amended, changed, or modified in any way.

**U.S. Department of the Interior
Certifications Regarding Debarment, Suspension and
Other Responsibility Matters, Drug-Free Workplace
Requirements and Lobbying**

Persons signing this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions – **The prospective primary participant further agrees by submitting this proposal that it will include the clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.** See below for language to be used or use this form certification and sign. (See Appendix A of Subpart D of 43 CFR Part 12.)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions - (See Appendix B of Subpart D of 43 CFR Part 12.)

Certification Regarding Drug-Free Workplace Requirements - Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) - (See Appendix C of Subpart D of 43 CFR Part 12)

Signature on this form provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of the Interior determines to award the covered transaction, grant, cooperative agreement or loan.

**PART A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters-
Primary Covered Transactions**

CHECK X IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**PART B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion –Lower
Tier Covered Transactions**

CHECK X IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

PART C: Certification Regarding Drug-Free Workplace Requirements

CHECK ☒ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL

Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it will or continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about--
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will -
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted --
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a) (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on files that are not identified here.

PART D:

CHECK ☐ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL

Alternate II. (Grantees Who Are Individuals)

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

DI-2011
June 1995
(This form replaces DI-1953, DI-1954,
DI-1955, DI-1956 and DI-1963)

PART E: Certification Regarding Lobbying
Certification for Contracts, Grants, Loans, and Cooperative Agreements

CHECK _____ IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND THE AMOUNT EXCEEDS \$100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT, SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.

CHECK _____ IF CERTIFICATION FOR THE AWARD OF A FEDERAL LOAN EXCEEDING THE AMOUNT OF \$150,000, OR A SUBGRANT OR SUBCONTRACT EXCEEDING \$100,000, UNDER THE LOAN.

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true.



SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

JOSEPH A. VALENTINE, CITY MANAGER

TYPED NAME AND TITLE

OCTOBER 1ST, 2020

DATE

DI-2011
June 1995
(This form replaces DI-1953, DI-1954,
DI-1955, DI-1956 and DI-1963)

W-9 REQUEST FOR TAXPAYER IDENTIFICATION NUMBER AND CERTIFICATION

Complete the W-9 Request for Taxpayer Identification Number and Certification form. This form is used for payment purposes following the completion of the project.

Instructions

- List the name and federal identification number of the organization that will receive CLG grant funds.

Request for Taxpayer Identification Number and Certification

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the
requester. Do not
send to the IRS.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
City of Birmingham

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC

☐ C Corporation

☐ S Corporation

☐ Partnership

☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☒ Other (see instructions) ► **Municipality**

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) **3**

Exemption from FATCA reporting code (if any) **C**

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.
151 Martin Street

6 City, state, and ZIP code
Birmingham, MI 48009

7 List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

			-			-				
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or

Employer identification number

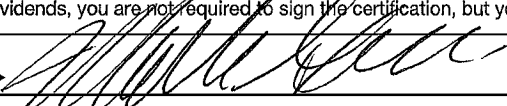
3	8	-	6	0	0	4	6	6	4
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Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here Signature of U.S. person ►  Date ► **3/12/2020**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
 - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
 - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
 - Form 1099-S (proceeds from real estate transactions)
 - Form 1099-K (merchant card and third party network transactions)
 - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,
- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS a percentage of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate Instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

Sole proprietor. Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

Partnership, C Corporation, or S Corporation. Enter the entity's name on the "Name" line and any business, trade, or "doing business as (DBA)" name on the "Business name/disregarded entity name" line.

Disregarded entity. Enter the owner's name on the "Name" line. The name of the entity entered on the "Name" line should never be a disregarded entity. The name on the "Name" line must be the name shown on the income tax return on which the income will be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a domestic owner, the domestic owner's name is required to be provided on the "Name" line. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on the "Business name/disregarded entity name" line. If the owner of the disregarded entity is a foreign person, you must complete an appropriate Form W-8.

Note. Check the appropriate box for the federal tax classification of the person whose name is entered on the "Name" line (Individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

Limited Liability Company (LLC). If the person identified on the "Name" line is an LLC, check the "Limited liability company" box only and enter the appropriate code for the tax classification in the space provided. If you are an LLC that is treated as a partnership for federal tax purposes, enter "P" for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter "C" for C corporation or "S" for S corporation. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the "Name" line) is another LLC that is not disregarded for federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the "Name" line.

Other entities. Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name/disregarded entity name" line.

Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the "Business name/disregarded entity name," sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

Note. If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
 2. The United States or any of its agencies or instrumentalities,
 3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
 4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
 5. An international organization or any of its agencies or instrumentalities.
- Other payees that may be exempt from backup withholding include:
6. A corporation,
 7. A foreign central bank of issue,
 8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
 9. A futures commission merchant registered with the Commodity Futures Trading Commission,
 10. A real estate investment trust,
 11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
 12. A common trust fund operated by a bank under section 584(a),
 13. A financial institution,
 14. A middleman known in the investment community as a nominee or custodian, or
 15. A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 5 and 7 through 13. Also, C corporations.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 7 ²

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney, and payments for services paid by a federal executive agency.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at www.ssa.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, below, and items 4 and 5 on page 4 indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on the "Name" line must sign. Exempt payees, see *Exempt Payee* on page 3.

Signature requirements. Complete the certification as indicated in items 1 through 3, below, and items 4 and 5 on page 4.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ³
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
5. Sole proprietorship or disregarded entity owned by an individual	The owner ³
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulation section 1.671-4(b)(2)(i)(A))	The grantor ⁴
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity ⁴
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulation section 1.671-4(b)(2)(i)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or "DBA" name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

*Note. Grantor also must provide a Form W-9 to trustee of trust.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes.

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: spam@uce.gov or contact them at www.ftc.gov/idtheft or 1-877-IDTHEFT (1-877-438-4338).

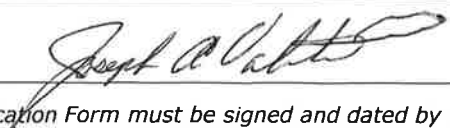
Visit IRS.gov to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

CERTIFIED LOCAL GOVERNMENT AUTHORIZED SIGNATORY

Signature:



Date:

October 1st, 2020

The Grant Application Form must be signed and dated by the authorized contract signatory or another appropriate individual.

Printed Name and Title: Joseph A. Valentine, City Manager

CLG Sponsorship (if applicable)

Signature:

N/A

Date:

N/A

The Grant Application Form must be signed and dated by the authorized contract signatory or another appropriate individual.

Printed Name and Title: N/A

CHECKLIST

Attach the following Exhibits to complete the CLG grant application. Please refer to the CLG Grant Manual for instructions.

- ☒ Exhibit A: Financial Certification
- ☒ Exhibit B: 36 CFR 61 Professional Qualifications Standards
- ☒ Exhibit C: Resolution and/or Memorandum of Understanding
- ☒ Exhibit D: Grant Application Support Letters
- ☒ Exhibit E: Bylaws and Articles of Incorporation
- ☒ Exhibit F: Photographs and Other Supporting Documentation
- ☐ Exhibit G: Deed and Ownership Information (single resource National Register nominations only)

Applications Due: Completed applications must be received by SHPO no later than 5:00 p.m. on October 1, 2020.

Submit one electronic Certified Local Government Grant Application Form and Exhibits in Portable Document Format (PDF) to Joelle Letts, Grants Manager/Budget Specialist, at LettsJ1@michigan.gov

Failure to submit a timely application or failure to provide all information requested above may result in your application not being scored.

EXHIBIT A:

Financial Certification

- Comerica Bank Letter

Comerica Bank

P.O. Box 75000
Detroit, MI 48275-3354
(313) 222-6379/Office
(313) 222-3900/Fax
mikorsak@comerica.com

Mike Korsak, CTP
Vice President
Sr. Municipalities Representative

September 25, 2020

Mark Gerber, Finance Director
City of Birmingham
151 Martin
Birmingham, MI 48909

Dear Mark,

RE: Bank Accounts

Please provide this letter to certify that the City of Birmingham has the availability and sufficient funds for the grant up to \$23,000. The City has been an excellent customer of Comerica Bank, and has appropriately handled their accounts.

Please let us know if you have any questions.

Respectfully,



Michael Korsak, V.P.
Sr. Relationship Manager
(313) 222-6379

EXHIBIT B:

36 CFR 61 Professional Qualification Standards

October 1st, 2020

Joelle Letts

Grants Manager/Budget Specialist
Michigan State Historic Preservation Office
300 N. Washington Square
Lansing, MI 48913

RE: 36 CFR 61 Professional Qualification Standards

Ms. Letts,

Please accept this letter as an acknowledgment from the City of Birmingham that any professional consultants hired as a part of the grant project work will meet the appropriate 36 CFR 61 professional qualification standards for the Little San Francisco Survey project.

Throughout various planning efforts that the City of Birmingham has embarked upon, the City has consistently sought the most qualified and proficient consultants to produce plans, studies, services and designs that maintain a high standard. The proposed project will continue Birmingham's commitment to provide a top-quality product and better serve our community.

Thank you for your consideration. We very much look forward to working together towards reaching our mutual historic preservation goals.

Regards,



Nicholas Dupuis

City Planner
151 Martin St.
Birmingham, MI 48012
(248)-530-1856
ndupuis@bhamgov.org



EXHIBIT C:

Resolution

- Requirement Confirmation Letter
 - Draft Resolution Language

October 1st, 2020

Joelle Letts

Grants Manager/Budget Specialist
Michigan State Historic Preservation Office
300 N. Washington Square
Lansing, MI 48913

RE: FY 2021 CLG Grant Acceptance Resolution

Ms. Letts,

Due to the timing of the FY 2021 CLG Grant application deadline, a hearing to accept the required resolution authorizing acceptance of the grant under the conditions attached thereto is planned for October 12, 2020.

As advised by Alan Higgins, Certified Local Government Coordinator, a copy of the approved resolution will be furnished to the State Historic Preservation Office for review and approval as a part of this CLG Grant application for historic design guidelines. Please accept the attached draft resolution language for review in the meantime.

Regards,



Nicholas Dupuis

City Planner
151 Martin St.
Birmingham, MI 48012
(248)-530-1856
ndupuis@bhamgov.org



FY21 CERTIFIED LOCAL GOVERNMENT GRANT APPLICATION
LITTLE SAN FRANCISCO NEIGHBORHOOD SURVEY
2020

WHEREAS, The City of Birmingham has submitted an application to the Michigan State Historic Preservation Office (SHPO) in the amount of \$8,000 for a reconnaissance-level historical survey of the Little San Francisco Neighborhood;

WHEREAS, The Planning Division, under direction of the City Manager, are appointed as the Grant Project Managers who will oversee the CLG grant management and grant administration duties;

WHEREAS, The City of Birmingham will receive and pay vendor invoices related to the grant project;

WHEREAS, The City of Birmingham acknowledges that the Certified Local Government Program is an expense reimbursement program;

NOW, THEREFORE, BE IT RESOLVED, Should the CLG Grant Program application be accepted by the SHPO, the City acknowledges that the City is responsible for all project expenditures in the amount of \$8,000 for the project work with the knowledge that eligible expenditures up to the approved grant amount will be reimbursed to the City of Birmingham upon SHPO acceptance of final project work, SHPO acceptance of the final completion report, and SHPO audit and acceptance of financial documentation for eligible costs;

BE IT FURTHER RESOLVED, Joseph A. Valentine, City Manager, is authorized to sign the grant agreement and any grant agreement amendments.

I, Alexandria Bingham, Acting City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on October 12, 2020.

Alexandria Bingham
Acting City Clerk

EXHIBIT D:

Grant Application Support Letters

- Historic District Commission
- Friends of the Birmingham Museum
 - Neighborhood Residents



October 1st, 2020

Joelle Letts

Grants Manager/Budget Specialist
Michigan State Historic Preservation Office
300 N. Washington Square
Lansing, MI 48913

RE: Historic District Commission Letter of Support

Ms. Letts,

On behalf of the City of Birmingham Historic District Commission, please accept this letter in support of the 2021 CLG Grant application for the survey of the Little San Francisco Neighborhood. As chairperson of the HDC for 9 years, I have an intimate understanding of the City's local historic districts, their quality, and the level of urgency associated with the heavy development pressures in Birmingham.

The Little San Francisco Neighborhood is a unique neighborhood which undoubtedly has an important story to tell. As the City is experiencing heavy losses of many pre WWII housing, it is imperative that we preserve neighborhoods like these to retain a physical and social character that cannot be replaced.

Please feel free to reach out to me with any additional questions, comments or concerns!

Regards,

John W. Henke

Chairperson, Historic District Commission
151 Martin St.
Birmingham, MI 48012
jwhenke@aol.com



September 29, 2020

Joelle Letts, Grants Manager/Budget Specialist
Michigan State Historic Preservation Office
300 N. Washington Square
Lansing, MI 48913
LettsJ1@michigan.gov

The Friends of the Birmingham Museum, a.k.a. the Birmingham Historical Society, has been committed to preserving and celebrating Birmingham's history and architectural heritage since we formed in the 1960s. We were instrumental in preserving and listing the John West Hunter House (built 1822) on the National Register as one of the first such sites in our community. We have also contributed research and volunteer efforts over the decades to work toward understanding and educating our citizens about the importance of Birmingham's neighborhoods and civic development from the early twentieth century and later. Much of the background and research for our local historic districts involved the efforts of our members and local historians.

The City of Birmingham has recently considered a study of one of our oldest historic neighborhoods for potential historical designation and/or preservation efforts. The 'Little San Francisco' area of Birmingham is the first developed housing area outside the original village limits. It has a wide array of architectural styles and its homes and streets have unique character.

In recent years, there has been pressure to expand the downtown business district into the neighborhood, and we believe this pressure will continue into the future. We wholeheartedly support the grant application by the City of Birmingham. The City has knowledgeable personnel that can effectively utilize grant funds to complete this study to determine next steps toward preserving the neighborhood.

Therefore, the Friends of the Birmingham Museum is writing to enthusiastically support the Certified Local Government grant application by the City of Birmingham to study and survey the Little San Francisco neighborhood. We look forward to the outcome of the study and the preservation of this wonderful historic area of our city.

Sincerely,

Leslie Mio, President
Friends of the Birmingham Museum (a.k.a., Birmingham Historical Society)

Neil Fichtenberg
430 Park St., Birmingham, MI 48009

SEPTEMBER 28, 2020

Nicholas Dupuis
151 Martin Street
PO Box 3001
Birmingham, MI 48012

Dear Mr. Dupuis,

I was recently informed by Genevieve Debbrecht, board member of the Historic District Commission (HDC), of the decision to apply for a grant from Michigan's Certified Local Government program, in order to complete a reconnaissance level survey of the neighborhood commonly referred to as the "Little San Francisco" in Birmingham. Being in close proximity to Birmingham's center, it is one of the oldest residential neighborhoods outside of the downtown. Although it has seen a lot of change over the past couple decades, roughly half of the original houses remain, many of which were likely built within the first years after the subdivision was platted over a century ago. As both a resident and homeowner in this neighborhood, I strongly support the decision to professionally survey it, in order to assist the city in determining the historical significance of the subdivision as a whole and/or the individual properties therein.

I have also reached out to other property owners in the neighborhood to inform them and received confirmation of support for this survey from the following homeowners:

Katy Gaines – 343 Ferndale Ave

Brad Host – 416 Park St

Mary Jaye – 288 Ravine Rd

Beverley McCotter – 287 Oakland Ave

Marianne Miller – 544 Brookside Ave

Kristen Tait – 692 Brookside Ave

Sincerely,

Neil Fichtenberg

EXHIBIT E:

Bylaws and Articles of Incorporation

- Article VII, Division II, Sec. 2-289 of Birmingham City Code

Sec. 2-289. - Approval of legal documents.

The mayor shall sign, the city clerk shall attest to, the city manager shall approve as to substance, and the city attorney shall approve as to form all contracts and agreements requiring the assent of the city, unless otherwise provided for by law, the Charter, ordinance or the provisions of this Code. Any contract or agreement by which the city incurs any financial obligation shall first be approved by the director of finance in accordance with chapter VII, section 3, of the Charter.

(Code 1963, § 1.135)

EXHIBIT F:

Photographs and Other Supporting Documentation

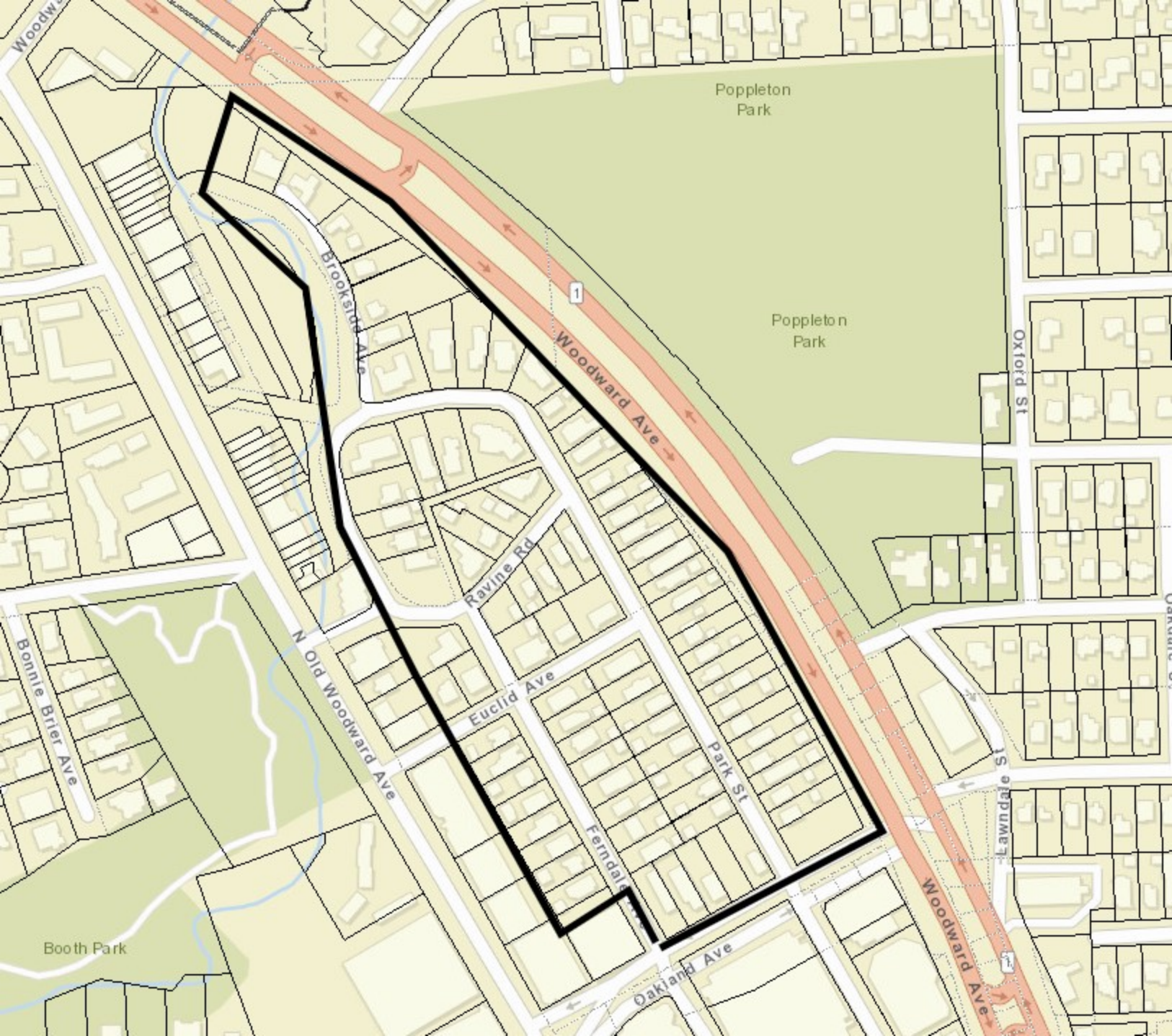
- 1921 Sanborn Map
 - General Area Map
- Formal Quotation – Preservation Forward and Beckett & Raeder, Inc.
 - Photographs – Little San Francisco Homes

I

[illegible]

* Indicates only one side of Street shown.







To: Mr. Nick Dupuis, City of Birmingham, MI

From: Ms. Jessica C. Flores, Preservation Forward & Ms. Leah DuMouchel, Beckett & Raeder, Inc.

Date: September 30, 2020

Re: Proposal for Historic Preservation and Planning Consultation Services

Preservation Forward will partner with Beckett & Raeder, Inc. to provide historic preservation and planning consultation services to the City of Birmingham through our approach to align historic preservation and smart planning as a tool for economic development and to preserve the authenticity of place. Preservation Forward and Beckett & Raeder, Inc., will initiate a kick-off meeting with city officials, the Historic District Commission, interested community members, and any involved parties.

Preservation Forward and Beckett & Raeder, Inc., will focus on the following objectives:

A reconnaissance survey of the Little San Francisco neighborhood in the City of Birmingham

- *Survey, photograph, and document the requested residential area in accordance with the Michigan Above-Ground Survey Manual & the Michigan History Property Survey Forms while following the National Register of Historic Places Criteria for Evaluation of Historic Properties.
- *Identify historic resources and character-defining features of the historic resources
- *Assess the historic resource survey and document existing conditions

Deliverables: Survey, Information Booklet from survey findings, presentation to city officials, Historic District Commission, interested community members, and involved stakeholders.

Total Project Cost: \$8,000

Preservation Forward and Beckett & Raeder, Inc., look forward to the opportunity to work with the City of Birmingham on the promotion, protection, preservation, and planning of their historic resources. Please feel free to contact us if you have any questions or concerns. Thank you for your consideration.

Sincerely,

Jessica C. Flores

Ms. Jessica C. Flores, MSHP, LEED GA

Principal, Preservation Forward

Jessica@preservationforward.com

PO Box 4490

East Lansing, MI 48826

Office: 517.220.5144

www.preservationforward.com

Leah DuMouchel

Ms. Leah DuMouchel, AICP, CNU-A, NCI M&FC, FBCI

Principal, Beckett & Raeder, Inc.

ldumouchel@bria2.com

535 West William St Suite 101
Ann Arbor, MI 48103

Office: 734.663.2622

www.bria2.com





















HISTORIC DISTRICT COMMISSION
MINUTES OF JANUARY 15, 2020
Municipal Building Commission Room
151 Martin, Birmingham, Michigan

Minutes of the regular meeting of the Historic District Commission ("HDC") held Wednesday, January 15, 2020. Chairman John Henke called the meeting to order at 7:00 p.m.

1) ROLL CALL

Present: Chairman John Henke; Vice-Chairman Keith Deyer; Board Members, Gigi Debbrecht, Natalia Dukas, Patricia Lang (arrived 7:15 p.m.); Student Representative Klea Ahmet

Absent: Board Members Doug Burley, Michael Willoughby; Alternate Member Kevin Filthaut

Administration: Nicholas Dupuis, City Planner
Laura Eichenhorn, Transcriptionist

01-01-20

2) Approval Of Minutes

Motion by Ms. Dukas

Seconded by Mr. Deyer to approve the HDC Minutes of December 4, 2019 as submitted.

Motion carried, 4-0.

VOICE VOTE

Yeas: Dukas, Deyer, Henke, Debbrecht

Nays: None

01-02-20

3) Courtesy Review

None.

01-03-20

4) Historic Design Review

None.

01-04-20

5) Sign Review

None.

01-05-20

6) Study Session

A. 2020 Action List

City Planner Dupuis presented the item.

Mr. Deyer said the only change he would suggest would be moving the Historic Home Plaques and the Eco City Survey to the top of the list. He said he would try and locate a copy of the Eco City Survey among his files.

Ms. Dukas said training or standards regarding new and emerging materials would be helpful.

It was agreed that the HDC would add updating the 1992 survey of Wallace Frost homes in Birmingham to their 2020 Action List.

The HDC also endorsed City Planner Dupuis redesigning the HDC Board Applications.

B. CLG Community Partnership Program

The HDC discussed the prospect of updating the 1992 survey of Wallace Frost homes as part of the Community Partnership Program and of surveying the little San Francisco area of Birmingham.

Ms. Debbrecht suggested possibly creating a list of manufactured housing from the 1920s located in Birmingham, or more specifically a list of Sears manufactured houses located in Birmingham.

After discussion the HDC asked City Planner Dupuis to apply for resources to survey little San Francisco, seeing it as the application most likely to be successful.

01-06-20

7) Miscellaneous Business and Communication

A. Pre-Application Discussions

B. Staff Reports

1. Administrative Sign Approvals

2. Administrative Approvals

3. December Demolitions

01-07-20

ADJOURNMENT

No further business being evident, the board motioned to adjourn the meeting at 7:30 p.m.

Nicholas Dupuis
City Planner

APPROVED

HISTORIC DISTRICT COMMISSION
MINUTES OF AUGUST 19, 2020
Held Remotely Via Zoom And Telephone Access

Minutes of the regular meeting of the Historic District Commission ("HDC") held Wednesday, August 19, 2020. Chairman John Henke called the meeting to order at 7:00 p.m.

1) ROLL CALL

Present: Chairman John Henke; Vice-Chairman Keith Deyer; Board Members Gigi Debbrecht, Natalia Dukas, Michael Willoughby

Absent: Board Members Doug Burley, Patricia Lang; Alternate Member Kevin Filthaut

Administration: Nicholas Dupuis, City Planner
Laura Eichenhorn, Transcriptionist

Chairman Henke thanked everyone for joining the virtual meeting and reviewed protocol for virtual meetings.

08-50-20

2) Approval Of Minutes

Motion by Ms. Dukas

Seconded by Mr. Willoughby to approve the HDC Minutes of July 1, 2020 as submitted.

Motion carried, 5-0.

VOICE VOTE

Yeas: Dukas, Willoughby, Debbrecht, Deyer, Henke

Nays: None

08-51-20

3) Courtesy Review

None.

08-52-20

4) Historic Design Review

None.

08-53-20

5) Sign Review

None.

08-54-20

6) Study Session

A. Certified Local Government Grant Project(s) – FY21

City Planner Dupuis presented the item.

Chairman Henke said modernizing the design guidelines would be useful for both residential and commercial projects.

Mr. Willoughby concurred with the Chair.

Mr. Deyer said he would be supportive of submitting applications for both projects.

Ms. Dukas agreed with Mr. Deyer.

City Planner Dupuis said he would submit applications for both projects and that he would prioritize the application for modernizing the design guidelines, per the HDC's expressed preference, if necessary. He said he would plan to have the information for the HDC to review mid-September 2020.

08-55-20

7) Miscellaneous Business and Communication

A. Pre-Application Discussions

1. 743 W. Frank – King-Argus House

City Planner Dupuis reviewed the item.

In reply to City Planner Dupuis, Ms. Debbrecht stated that the majority of the windows in question are original. She said she would go by 743 Frank before the September 2, 2020 HDC meeting and write down any further observations regarding the historicity of the windows.

Ms. Dukas said she would accompany Ms. Debbrecht on her visit to the home.

Mr. Willoughby requested that the applicants provide the widths of both their current muntin bars and of the proposed muntin bars for their September 2, 2020 appearance before the HDC.

Chairman Henke reminded the HDC that unless the windows are deteriorated beyond repair the applicants will be required to maintain the historic windows. He stated that there are several nationally recognized companies that can rebuild the windows. He said he would try to find exactly where that is stated in the Secretary of the Interior's standards for City Planner Dupuis.

City Planner Dupuis said he would pass the information along to the applicants.

Chairman Henke asked City Planner Dupuis to emphasize to the applicants that they would need to come before the HDC with very detailed specifications for their proposals.

2. 146 W. Maple – James & Bloom (Sign)

City Planner Dupuis reviewed the item. He stated that he would convey the requirements for the sign to the applicant, and that if the applicant wanted more flexibility in the design that City Planner Dupuis would invite him to present his proposal to the HDC.

B. Staff Reports

City Planner Dupuis told the HDC that the 2020 MHP Conference would be held virtually this year.

Chairman Henke directed City Planner Dupuis to email the HDC members with any pertinent information regarding the conference.

- 1. Administrative Sign Approvals**
- 2. Administrative Approvals**
- 3. July Demolitions**
- 3. Action List - 2020**
- 4. Historical Preservation Collaboration Matrix**

08-56-20

Adjournment

Motion by Mr. Willoughby

Seconded by Ms. Dukas to adjourn the HDC meeting of August 19, 2020 at 7:39 p.m.

Motion carried, 5-0.

VOICE VOTE

Yeas: Willoughby, Dukas, Debbrecht, Deyer, Henke

Nays: None

Nicholas Dupuis
City Planner

HISTORIC DISTRICT COMMISSION
MINUTES OF SEPTEMBER 16, 2020
Held Remotely Via Zoom And Telephone Access

Minutes of the regular meeting of the Historic District Commission ("HDC") held Wednesday, September 16, 2020. Chairman John Henke called the meeting to order at 7:01 p.m.

1) ROLL CALL

Present: Chairman John Henke; Vice-Chairman Keith Deyer; Board Members Gigi Debbrecht, Natalia Dukas, Michael Willoughby (arrived 7:06 p.m.)

Absent: Board Members Doug Burley, Patricia Lang; Alternate Member Kevin Filthaut

Administration: Nicholas Dupuis, City Planner
Laura Eichenhorn, Transcriptionist

Chairman Henke noted the lack of a full board and offered the petitioners for 298 S. Old Woodward the opportunity to delay their sign review to the October 7, 2020 meeting with no penalty.

Gayle McGregor, representative for 298 S. Old Woodward, thanked Chairman Henke and stated that her clients would rather the matter be settled during the present meeting.

09-64-20

2) Approval Of Minutes

Ms. Dukas noted that in the fifth paragraph on page two of the minutes 'exterior' should be changed to 'interior'.

Motion by Ms. Dukas

Seconded by Ms. Debbrecht to approve the HDC Minutes of September 2, 2020 as amended.

Motion carried, 4-0.

ROLL CALL VOTE

Yeas: Debbrecht, Dukas, Deyer, Henke

Nays: None

09-65-20

3) Courtesy Review

None.

09-66-20

4) Historic Design Review

A. 361 E. Maple – Hawthorne Building (Postponed)

City Planner Dupuis indicated that the petitioners had requested a postponement.

Motion by Mr. Deyer

Seconded by Ms. Debbrecht to postpone the historic design review of 361 E. Maple – Hawthorne Building to the October 7, 2020 HDC meeting.

Motion carried, 4-0.

ROLL CALL VOTE

Yeas: Debbrecht, Dukas, Deyer, Henke

Nays: None

09-67-20

5) Sign Review

A. 298 S. Old Woodward - Madam

City Planner Dupuis, Erik Frasier, architect for the petitioner, and Gayle McGregor, representative for the petitioner, reviewed the item.

Mr. Willoughby said the center of the sign should be five feet off the ground to increase the visual relevance of the sign to pedestrians. He said he thought the proposal for a vertical sign was reasonable, noting that there are a lot of vertical elements in the design of the Daxton's facade as a whole.

When told that the sign could not be placed five feet off the ground due to ordinance language, Mr. Willoughby suggested that the HDC review the related ordinance at a future date.

Mr. Deyer agreed.

Ms. Debbrecht said she agreed with Mr. Willoughby's recommendation for the placement of the sign. She said that if the petitioner preferred not to pursue a variance for the sign placement to enact Mr. Willoughby's recommendation, then the proposed location would be perfectly acceptable.

Mr. Deyer said that given the ordinance requirements the petitioner's current request should be approved, with the recommendation that they drill the electrical holes for the sign as low as possible so that the sign could be moved down if and when the HDC rewrites the relevant ordinance.

Mr. Willoughby concurred.

In reply to Ms. Dukas, Ms. McGregor said it was highly unlikely that the owners of the Daxton would want to have additional signage for other businesses located in the hotel on the exterior of the building. Ms. McGregor emphasized the owners' goal in keeping the exterior design elements simple and inviting. She said there may be signage on the interior somewhere to indicate a salon, spa, or other possible businesses that may eventually be developed in the Daxton.

Motion by Mr. Deyer

Seconded by Ms. Debbrecht to move that the Commission approve the Design Review (Sign) application for 298 S. Old Woodward – Madam – with the following conditions:

1. The petitioner must submit revised drawings showing a sign that meets the provisions of the Sign Ordinance; and 2. The Historic District Commission approves the vertical oriented sign as revised.

Motion carried, 5-0.

ROLL CALL VOTE

Yeas: Debbrecht, Dukas, Deyer, Henke, Willoughby

Nays: None

09-68-20

6) Study Session

A. CLG Grant Applications

City Planner Dupuis reviewed the item.

Ms. Debbrecht recommended that the scope of work include developing succinct historic renovation guidelines that can be provided to owners of historic Birmingham homes.

City Planner Dupuis agreed with Ms. Debbrecht.

Chairman Henke commended City Planner Dupuis on his work on the applications.

In reply to Mr. Deyer, City Planner Dupuis confirmed he would write a cover letter to enclose with the applications.

09-69-20

7) Miscellaneous Business and Communication

Mr. Deyer noted that at his reappointment to the HDC and DRB he was asked by City Commissioner Baller whether the HDC should meet with the Planning Board and the City Commission.

City Planner Dupuis told the HDC that if they ever wanted to meet with the Planning Board and the City Commission regarding specific topics he could always reach out to other staff to try and arrange such a meeting.

Chairman Henke agreed that there would be utility in holding a joint meeting. He said the HDC would benefit immensely from receiving direction from the City Commission. He said he would reach out to City Manager Valentine again to advocate for such a meeting.

A. Pre-Application Discussions

B. Staff Reports

- 1. Administrative Sign Approvals**
- 2. Administrative Approvals**
- 3. August Demolitions**
- 3. Action List - 2020**
- 4. Historical Preservation Collaboration Matrix**

09-70-20

Adjournment

Motion by Mr. Willoughby

Seconded by Ms. Dukas to adjourn the HDC meeting of September 16, 2020 at 7:43 p.m.

Motion carried, 5-0.

ROLL CALL VOTE

Yeas: Willoughby, Debbrecht, Dukas, Deyer, Henke

Nays: None

Nicholas Dupuis
City Planner

DATE: October 8, 2020

TO: City Commission

FROM: Joseph A. Valentine, City Manager

SUBJECT: Outline for City Manager Search

INTRODUCTION:

As I conclude my 24th year with the City of Birmingham later this year, I have had the pleasure of working in several different capacities during this time and benefitted greatly from this incredible opportunity. As I look ahead, I'm intrigued by new opportunities and have provided notice of my departure on October 2, 2020 (copied enclosed) announcing my last day on December 31, 2020. During the next few months, the Commission will need to proceed in planning for a process for my replacement. The following is an outline for your consideration in this process as there are multiple options available to the Commission.

BACKGROUND:

The position of City Manager is appointed by the City Commission. The process for this appointment is determined by the City Commission. Here are some existing options.

1. The Commission can select from an internal candidate, as was done when I was appointed, if they feel there is a qualified internal candidate.
2. The Commission can selected from an external candidate if they feel there is a qualified external candidate.
3. The Commission can direct the administration to conduct a recruitment in-house and provide qualified candidates to the City Commission.
4. The Commission can direct the administration to present a list of professional recruitment firms for the Commission to consider for administering a recruitment process.
5. The Commission can direct the administration to develop a Request for Proposals to be issued for professional recruitment firms for the Commission to consider for administering a recruitment process.

Under items 1 and 2, the Commission would have to make this assessment. Under item 3, staff would work with the Commission and develop a position description for approval of the Commission and issue it for solicitation of qualified candidates. Staff would then review the candidates and present them to the Commission for consideration. This process could take 4 to 5 months. Under items 4 and 5, a professional recruitment firm would be engaged that would work with the Commission on administering a recruitment process. This process would also take approximately 4 to 5 months. The following is a sample outline that could be expected upon the selection of a professional search firm.

Weeks 1 - 2	Phase 1: Position Assessment, Announcement and Brochure Development
	1.1 One-on-one stakeholder interviews
	1.2 Develop Position Announcement
	1.3 Develop Recruitment Brochure
Weeks 3 - 8	1.4 Agreement on Recruitment Advertising Timetable
	Phase 2: Advertising, Candidate Recruitment and Outreach
	2.1 Placement of ad in publications and online
	2.2 Consider databases of candidates
Week 9	Phase 3: Candidate Evaluation and Screening
	3.1 Review candidate applications
	3.2 Reference check
	Phase 4: Presentation of Recommended Candidates
Weeks 10 - 11	4.1 Recruitment Report Binders
	4.2 Recruitment Report Meeting
	Phase 5: Interviewing Process
	5.1 Establish Interview Content for First Round interviews
Week 12/13	5.2 Additional Background check for First Round candidates
	5.3 First Round Interview Prep
	5.4 First Round Interviews
	5.5 Establish Interview Content for Second Round (SR) interview
	5.5 Second Round Interview Prep (if needed)
	5.6 Second Round Interviews (if needed)
	Phase 6: Appointment of Candidate
	6.1 Notify first choice candidate
	6.2 <i>Optional - Employment Agreement assistance</i>
	6.3 Notify FR and SR candidates

Further detailed guidance on the recruitment process is outlined in the *Recruitment Guidelines for Selecting a Local Government Administrator* document from the International City County Management Association (ICMA), which is attached for your review.

Given my timeline concludes in 3 months, should the Commission wish to pursue an in-house recruitment process or engage with a professional recruitment firm, then an interim Manager should be appointed for this interim period between my departure and the hiring of a new Manager. With 35 years with the City and his strong leadership, I would recommend Police Chief Mark Clemence for this interim role.

LEGAL REVIEW:

No legal review has been conducted at this time.

FISCAL IMPACT:

The cost to conduct a City Manager search with a professional recruitment firm is roughly around \$25,000.

SUMMARY:

Given there are multiple options available to the Commission for selecting a new City Manager, the Commission may wish to discuss these options and determine which course it would like to pursue.

Additionally, on October 8th I received the attached communication from Mayor Boutros regarding interest expressed by former City Manager, Tom Markus, for consideration in this position which is enclosed for your review.

ATTACHMENTS:

- City Manager notice of departure
- Recruitment Guidelines for Selecting a Local Government Administrator
- Email from Mayor Boutros regarding interest by former City Manager, Tom Markus



October 2, 2020

Honorable Mayor Boutros and City Commission
City of Birmingham
151 Martin Street
Birmingham, MI 48009

Dear Mayor Boutros and Commissioners,

As we approach 2021, I will have completed my 24th year of service to the City of Birmingham. The last couple decades of my tenure have been incredibly rewarding and it has been an honor and privilege to have served this city in multiple capacities during this time. As I look ahead to the next couple decades, I have decided to explore new opportunities and will be leaving at the end of this year. My last day will be December 31, 2020. This letter shall serve as notice pursuant to Article 2 of my employment agreement.

Over the past 6 ½ years as City Manager, I am proud of what we have accomplished. Birmingham is set on a path of continued success with fiscally responsible 3 year balanced budgeting, 6 years of decreasing the City's millage levy and strengthening the City's AAA bond rating while accomplishing some significant capital investments such as the completion of the first two phases of much needed downtown infrastructure replacements, the reconstruction of a new fire station and facilitating the completion of the first two phases of renovations to the Baldwin Public Library to note a few. These and so many other accomplishments could not have been achieved without the hard work and talents of a dedicated city staff that I have had the pleasure of leading. Our employees are the backbone of this organization and they each have my heartfelt appreciation for their contributions. Additionally, I would like to acknowledge the time and talents offered by numerous citizen volunteers serving on boards and committees that have also contributed to the goals achieved for this city. Over the span of my career, I have had the pleasure of engaging with thousands of residents, businesses and community stakeholders that all share a special passion for this community. This passion has been a staple of the success Birmingham has realized over the years.

Thank you for opportunity to serve this great community. For those I have been privileged of working with for many years, I thank you for your ongoing support and unwavering leadership and commitment to the citizens of Birmingham.

At the next Commission meeting, I will present an outline for a search process for the Commission to consider for my replacement and am happy to assist in this process any way I can.

I wish you the very best!

Respectfully,

Joseph A. Valentine

Recruitment Guidelines for Selecting a Local Government Administrator



January 2012

ICMA

Leaders at the Core of Better Communities

Recruitment Guidelines for Selecting a Local Government Administrator

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About ICMA

ICMA advances professional local government worldwide. Its mission is to create excellence in local governance by developing and advancing professional management of local government. ICMA, the International City/County Management Association, provides member support; publications, data, and information; peer and results-oriented assistance; and training and professional development to more than 9,000 city, town, and county experts and other individuals and organizations throughout the world. The management decisions made by ICMA's members affect 185 million individuals living in thousands of communities, from small villages and towns to large metropolitan areas.

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Preface

This *Recruitment Guidelines for Selecting a Local Government Administrator* was first published just over ten years ago. While a lot has changed in ten years, the basic process for selecting a chief administrator¹ has remained substantially the same. It still requires careful planning, astute evaluation of candidates, and a clear understanding of the relationship between the governing body² and the chief administrator. In this edition, however, new focus has been given to the ICMA Code of Ethics—the foundation of the local government management profession—and the emergence of the Voluntary Credentialed Manager program.

The Task Force on Recruitment Guidelines was formed in Fall 2010 and consisted of a very diverse group of ICMA members (many of whom have served on the ICMA Executive Board), Range Riders (former local government practitioners), younger members of the local government management profession, and representatives from executive search firms. From its only face-to-face meeting at the 2010 ICMA Conference in San José, this Task Force embraced the challenge of updating the guidelines. Over the next several months, we formed work groups to focus on three key elements of the process: recruitment, selection, and negotiation. After countless conference calls and emails, the new and improved *Recruitment Guidelines for Selecting a Local Government Administrator* emerged.

The Task Force consisted of the following ICMA members:

Jane Bais-DiSessa

City Manager
Berkley, Michigan

Bill Baldridge

Executive Search Committee
Former City Manager
Michigan Municipal League

Troy Brown

Assistant City Manager
Livermore, California

Garry Brumback

Town Manager
Southington, Connecticut

Charlie Bush

City Administrator
Prosser, Washington

Mike Casey

Partner
Management Partners, Inc.
Cincinnati, Ohio

Tony Dahlerbruch

City Manager
Rolling Hills, California

Ed Daley

City Manager
Hopewell, Virginia

Tim Ernster

City Manager
Sedona, Arizona

Tom Fountaine

Borough Manager
State College, Pennsylvania

¹ Chief administrator refers to a manager, administrator, or executive of a local government.

² Governing body refers to the elected officers of a town, village, borough, township, city, county, or a legally constituted council of governments.

Peter Herlofsky

Former City Administrator
Farmington, Minnesota

Kay James

City Manager
Canandaigua, New York

Dave Krings

Former County Manager
Hamilton County, Ohio
Peoria County, Illinois

Debra Kurita

Former Assistant City Manager
San Bernardino, California

Juliana Maller

Deputy City Manager
Park Ridge, Illinois

Bob Murray

President
Bob Murray & Associates
Roseville, California

Andy Pederson

Village Manager
Bayside, Wisconsin

Sheryl Sculley

City Manager
San Antonio, Texas

William Sequino

Town Manager
East Greenwich, Rhode Island

Paul Sharon

ICMA Range Rider, Florida
Former Town Manager
Ashland, Massachusetts
North Andover, Massachusetts

Scot Simpson

City Administrator
River Falls, Wisconsin

Charlene Stevens

City Administrator
Willmar, Minnesota

Larry Stevens

City Manager
Edmond, Oklahoma

Bill Taylor

Field Services Manager
Municipal Association of South Carolina
Columbia, South Carolina

Michael Van Milligen

City Manager
Dubuque, Iowa

Melissa Vossmer

City Manager
Angleton, Texas

Michael Willis

General Manager
Shellharbour City Council
New South Wales, Australia

Special appreciation is extended to Tom Fountaine for serving as the negotiation section chair; Peter Herlofsky, selection section chair; and Debra Kurita, recruitment section chair. Debra Kurita deserves special recognition as she labored many hours converting writing styles and formats into one consistent, easy-to-read document. On behalf of ICMA, I am grateful for the active engagement of each Task Force member. Special thanks to Jared Dailey of the ICMA staff, who assisted in the overall coordination of the Task Force.

It is the hope of the Task Force that this guidebook is promoted and distributed to those who are in the environment to hire a chief administrator for a community. To the governing body representatives who use this guidebook, we thank you for your service to your communities and wish you every success in finding the professional local government manager to help you guide your community to be the best it can be.

In closing, it has been my privilege to have served as the chair of this Task Force.

Bonnie Svrcek
Deputy City Manager
Lynchburg, Virginia

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1. Introduction

"Thousands of decisions are made every day in cities, towns, and counties that determine our quality of life.... Professional managers craft the plans and make the decisions that transform good communities into great ones.

—International City/County Management Association (ICMA)

Selecting a chief administrator is perhaps the most important decision that elected local officials will make for their community.

This guidebook was created by experienced, seasoned local government managers. It is designed to help elected officials, human resource professionals, local government staff, and professional executive search firms navigate the recruitment, selection, and negotiation processes to find the individual who is best suited to serve as the chief administrator. The chief administrator is like an orchestra conductor, directing and managing a team of professional, administrative, and field staff while interpreting and working toward the goals and objectives of the community's elected officials.

This guidebook offers best practices that will be most meaningful to you and your community in selecting a chief administrator. Because all communities, governing bodies, and chief administrators are not the same, this is not a "one size fits all" guidebook. Nevertheless, the local government managers who created this document are firmly committed to the ICMA Code of Ethics, which is a non-negotiable foundation for professional local government management, and strongly recommends that the hiring governing body use the Code of Ethics as a tool in its search for a professional local government manager. Herein, we explain recruitment choices and the selection processes to fit the unique size, culture, and dynamics of an individual community. Topics include provisions for interim management; the spectrum of resources available to assist in the recruiting process; applications, communications with applicants, and interviews; compensation; and transition. The appendices provide the ICMA Code of Ethics, ICMA Compensation Guidelines, a directory of professional organizations that are likely places to advertise for a chief administrator, potential interview questions, the do's and don'ts of applicant relations, and the ICMA Model Employment Agreement. Using this guidebook can make recruiting and selecting a new chief administrator a positive, enjoyable, and unifying experience for you and your colleagues as elected officials.

As you use this resource, you will see highlighted in the margins important points for selecting the best individual for the position.

When faced with an upcoming or immediate vacancy in the chief administrator position, the governing body must quickly address the following questions:

- What should we do to ensure that the affairs of the local government are properly administered until a new chief administrator is selected and on board?
- How do we conduct a recruitment to fill the vacancy?

The following material provides tips and guidelines on the processes that the governing body needs to employ to successfully answer these questions. It identifies and discusses the key elements of managing the organization between the time that one chief administrator departs and another arrives, as well as the major decision points in conducting the recruitment, selection, and negotiation processes for appointing the new chief administrator.

Professional local government managers are committed to

- Serving as stewards of representative democracy
- Practicing the highest standards of honesty and integrity in local governance, as expressed through ICMA's Code of Ethics
- Building sustainable communities as a core responsibility
- Networking and exchanging knowledge and skills across international boundaries
- Lifelong learning and professional development
- Financial integrity and responsibility for management of the community
- Implementing best management practices.

2. Managing the Organization during Recruitment

The governing body must act thoughtfully and deliberately in determining how to ensure that the operations of the local government are properly managed during the period before a permanent chief administrator is selected and on the job. When faced with a vacancy in the chief administrator position, the governing body needs time to carefully consider the qualities, expertise, and experience it hopes to find in a new administrator and to use the agreed-upon criteria to develop the administrator profile. It then needs sufficient time to recruit and select the best possible successor who meets these criteria. While that is happening, however, it is important that the governing body identify a professional who will act as the chief administrator and properly manage local government operations while the recruitment process is underway.

Major Decision Point: Appointing an Interim Administrator

If the vacancy is the result of a planned retirement, the governing body may consider asking the current administrator to continue leading the organization for a short period of time on a contract basis. Alternatively, the governing body may elect to consult with the outgoing administrator regarding possible staff members who could fill this role.

In some cases, the members of the governing body may agree that they have confidence in a specific staff person. If there is an assistant administrator, for example, the governing body may appoint that person as interim administrator. If this assistant will be considered for the permanent position, the appointment as interim administrator will provide the elected officials with an opportunity to observe firsthand how the assistant handles the job. Another option is to appoint an assistant or department director (who will not be a candidate for the position); someone who is mature, seasoned, competent and respected by fellow employees.

Should the governing body determine that there is no one on staff who it can or wants to appoint as the interim administrator, it may decide to retain the services of a retired administrator or an administrator who is between jobs. State associations, municipi-

pal leagues, or ICMA Range Riders are resources for identifying potential interim administrators.

The governing body should publicly announce the appointment of the interim chief administrator. Regardless of who is appointed, it should be made clear to all local government officials and staff that the interim chief administrator is responsible for implementing governing body policy and overseeing operations. It should also be made clear that if the interim administrator is ultimately selected to fill the position permanently, it will be because that person has proven to be the best among all the applicants.

Interim Management: The Governing Body's Role

Obviously, the local government must continue to operate during the interim between the departure of the current chief administrator and the appointment of the new one. The governing body and interim management team should do whatever is necessary to make sure that important projects and service delivery continue to move forward. It is important to reiterate that the governing body has the responsibility to make it clear to the staff and community that the interim administrator is in charge of the organization's operations.

The governing body should consider deferring new initiatives, when possible, until the new administrator is appointed and on the job. After all, to ensure effective administrative leadership in the future, it is desirable that the new administrator be involved in as many policy decisions as possible. Just filling a vacant department director position, for example, is an opportunity for the new administrator to begin building an administrative team. In fact, such an opportunity can be used to pique the interest of potential applicants during the recruitment process.

Although it is not desirable for the governing body to immerse itself in the administrative affairs of the local government, its members should be briefed about current organizational problems and the status of important projects before the current administrator leaves, if possible. In this way, the governing body may monitor progress on important matters, provide direction, and set priorities for the person selected as interim administrator.

3. Initiating the Recruitment

The governing body should initiate the recruitment process immediately after the official decision has been made regarding resignation, retirement, or termination. Failure to do so can potentially generate rumors within the community by various interested parties who may attempt to exert pressure on members to quickly fill the vacancy. The members of the governing body must bear in mind that an impulsive response to this pressure can be divisive for them and can damage their credibility. They must take charge of the recruitment: they must determine the process that will be used to recruit and select the best administrator, and make that decision clear to all concerned.

There may be a number of special circumstances that influence the approach and timing used to recruit a new chief administrator. The following examples provide some tips for addressing those circumstances:

- **Vacancy due to the chief administrator's termination or resignation under pressure.** If the position is vacant because the former administrator was terminated or forced to resign, neither the local government nor the former administrator will benefit from a public quarrel. It is far better for all concerned to mutually decide on a timetable for the administrator's departure. If this departure is handled professionally and in a mutually respectful manner, there is less likelihood for controversy and ill will to arise around the issues of the separation. Further, and from a recruiting standpoint, handling a difficult situation well will enhance the local government's image and thus its ability to attract quality applicants.
- **Vacancy occurring prior to an election.** Occasionally, a governing body will delay initiating the recruitment process because an election is pending. But even in the face of an election, it should prepare for the process by developing the administrator profile (described in full later in this document) and determining how the recruitment will be conducted so as to reduce the time lapse between the departure of one administrator and arrival of another.
- **Vacancies due to newly adopted council-manager form of government.** If the position is vacant because voters either just approved the formation of or adopted a change to the council-manager form of government, the beginning of the search for a new chief administrator will depend on when the change becomes effective. Depending on the circumstances, it may be possible to have applications on file by the time the new members of the governing body are sworn in. In any case, the recruitment process should be initiated as soon as possible.

4. Conducting the Recruitment

There are several major elements and decision points in the recruitment process. This section of the handbook provides tips and guidelines for the governing body in determining the approach to use in this part of the process.

The governing body has three major choices for conducting the recruitment. It can:

- Conduct the recruitment in-house
- Retain an outside party to conduct the recruitment
- Use a hybrid approach and conduct the recruitment in conjunction with an outside party.

In-House Expertise Method: Recruitments Conducted by the Local Government

If the governing body chooses to conduct the recruitment in-house, it should be with the understanding that the task will be time-consuming and complex. The governing body may also have to decide whether to conduct the process as a body, delegate the responsibility to the chairperson, or assign the task to a committee of its members. If it elects to delegate the responsibility to one or more of its members, it must be sure to select people who are well respected and have the time to provide the necessary leadership and follow-through.

To provide support in the process, the governing body should seek the assistance of the local government's human resources officer and municipal attorney. In conducting the recruitment in-house, staff can work with the governing body to develop the administrator profile and design an effective and legal recruitment and selection process. Staff can also be responsible for the administrative tasks of placing advertisements, collecting résumés, and scheduling interviews. However, the governing body or its delegated members will approve the selection of the final candidates and conduct the interviews, and, of course, the body as a whole will make the final selection. In this scenario, staff serve as a resource throughout the entire recruitment process.

Outside Expertise Method: Recruitments Conducted with an Outside Party

The governing body can retain an outside party to conduct the recruitment. In some cases the interim or a retired administrator may be asked to coordinate the recruitment process. More often, however, the governing body will contract with a firm that specializes in providing executive search assistance.

When using an executive search firm, the governing body plays an active role in the process. It develops the administrator profile, approves the selection of the applicants, interviews the candidates, and, of course, makes the final selection. The benefit of using an executive search firm is the expertise that the firm brings to the process and its ability to coordinate the recruitment.

Typically the executive search firm begins by meeting with the elected officials either individually or as a group to help them develop the administrator profile. It is the firm's responsibility to facilitate these discussions and help the governing body reach a consensus. After this matter has been settled, the firm coordinates the overall process and assumes responsibility for all tasks until it is time for the elected body to select and interview candidates. During this process, the firm updates the governing body, keeping the members informed of its progress. As the firm will be responsible for all the administrative details, the role of the staff is usually limited to providing information about the local government and coordinating with the firm.

Governing bodies that use an outside service should ensure that a reputable firm, one familiar with the special requirements of local government management, is selected. The experience of the firm should be checked through contact with references—in particular, representatives of local governments that have used its services. Further, the governing body should be fully aware of the costs and benefits when deciding whether to use outside expertise.

Hybrid Method: In-House in Conjunction with Outside Party

In the third alternative, the governing body can conduct the recruitment in-house and supplement the process, where necessary, with assistance from an executive search firm or another outside source, such as an the ICMA Range Rider.

In some cases, the governing body may seek assistance at the beginning of the process to facilitate the discussion, develop the administrator profile, and

determine the structure of the recruitment process. In other cases, local government officials may initiate the process in-house by developing the profile and advertising for the vacancy, and they may then use an outside source to help review résumés, conduct reference checks, and structure the interview process. This alternative may be most appropriate if cost is a concern; however, because it also presents opportunities for lapses in communication, the exact responsibilities of each party must be clarified in a written agreement.

5. Key Elements of the Recruitment Framework

Regardless of the method chosen for conducting the recruitment, the governing body must develop a framework for the recruitment process. It must agree at the outset on a number of key issues critical to the success of the recruitment, including criteria for the administrator profile, compensation range and components, and timing and geographic scope of the search.

Major Decision Point: Development of an Administrator Profile

The most significant decision point for the governing body in the recruitment of a new administrator is to define what the members are looking for—that is, to create the administrator profile. The profile will encompass those qualities, characteristics, experience, and areas of expertise that would be found in an ideal candidate. Only by considering how applicants compare and measure against one another and, of course, against the established criteria, can the governing body be sure that the candidate it appoints has the appropriate combination of work experience, management experience, and leadership style to be successful in the position.

The governing body should begin with a survey of its needs and those of the organization. To determine the needs of the organization, the governing body should invite input from the department directors. Items to be considered include size of the local government, composition of the community, services provided, and overall objectives and priorities of the governing body. The work experience, skills, and expertise of the candidates must relate to these factors. The governing body should also consider both the “nuts-and-bolts” skills and abilities, such as budgeting, human resources, and technological know-how, and the “soft” skills, such as the ability to work with people and to lead an organization. These criteria will form the basis for reviewing résumés, selecting finalists, and making a hiring decision.

Unless the governing body can come to consensus on these criteria, it may be difficult to find the right candidate. By reaching consensus, however, the governing body will be better able to inform the applicants on what it is looking for in a chief administrator.

The ICMA Voluntary Credentialing Program recognizes professional local government managers qualified by a combination of education and experience, adherence to high standards of integrity, and an assessed commitment to lifelong learning and professional development. For more information, visit www.icma.org/en/icma/members/credentialing.

Developing the administrator profile helps the governing body define its needs and establishes the groundwork for generating a rich pool of applicants with the skills and abilities to address the needs of the governing body, the community, and the organization.

Decision Point: Community Engagement in Administrator Profile

The governing body must decide whether to engage community members or committees in the recruitment process. In most cases, the local government assumes responsibility for the recruitment and conducts the process without involving members of the community.

In some cases, however, a governing body may seek input from community members or committees when developing the administrator profile. This not only allows the community to be part of the process but also may provide the governing body with a better understanding of the role of the administrator. Depending on the method that the governing body uses to conduct the recruitment, gathering input from the community would be facilitated by staff, the outside recruiter, or the elected officials.

Although community input will be valuable, the governing body will ultimately determine the qualities and experiences to be incorporated into the administrator profile, and this should be clearly communicated to the community. It is, after all, to the governing body that the new administrator will be directly reporting.

Governing bodies need to be very alert to the dangers of either hiring a clone of the outgoing administrator, assuming that person is leaving on good terms, or a polar opposite, assuming that person is leaving on less than good terms. The importance of evaluating the current needs of the governing body and locality cannot be overstated.

Major Decision Point: Administrator Compensation

Another critical element to be considered at the outset of the recruitment process is administrator compensation. It is important for the local government to have some general understanding of the acceptable salary range, but it is also important to have some flexibility. Some local governments identify a range; others provide the salary of the current administrator as an indicator; and still others may leave the salary open, to be commensurate with the new hire's background and experience. The governing body will also determine other components of the administrator's compensation, such as deferred compensation, vacation accrual, and professional development allowances.

It is important for the governing body to make clear that it wants the best administrator it can find. In general, potential applicants for the position will want to have some indication of the salary range and compensation package. But that will be only one of many factors that they will use in deciding whether to apply.

ICMA has developed compensation guidelines for negotiating salary and benefits for local government positions. These guidelines are provided in Appendix B and are also available online at www.icma.org/compensationguidelines. The actual compensation package will be negotiated with the final candidate at the conclusion of the recruitment process.

Schedule

Since top candidates often view applying for a new job as a major career decision, it is important that they have adequate time to consider the opportunity, discuss it with their families, and prepare an appropriate résumé. Similarly, the governing body, staff, or executive recruitment firm needs sufficient time to review résumés and conduct reference checks to ensure that good candidates are not overlooked and that finalists meet the desired qualifications. It cannot be overemphasized that the recruitment should move forward expeditiously while also allowing adequate time for a thorough and comprehensive search.

The timing of the recruitment can sometimes be affected by publication deadlines, which are important in terms of properly advertising the vacant position. An ideal timetable would provide **at least sixty days** from the start of the recruitment to the deadline for submitting résumés; **thirty days** to review résumés, conduct background checks, interview candidates, and make a final selection; and **at least thirty days** for the new administrator to relocate. To maximize flexibility in the process, the governing body may advertise the position with an "open until filled" statement.

Profile: Impact of Special Circumstances:

As the governing body decides on the criteria for the administrator profile, three types of situations should receive special consideration:

1. A local government that has just changed its form of government will ordinarily need an administrator who can inspire local government officials with the enthusiasm needed to implement the new structure. A first administrator in a new structure should be adept at public relations and at establishing relationships with incumbent officials and employees.
2. When an administrator has been dismissed or has resigned under pressure, the governing body tends to look for strengths in areas in which the outgoing administrator showed weaknesses. There are dangers, however, in overcompensating for qualities that have led to dissatisfaction. If the outgoing administrator gave too much freedom to subordinates, for example, suddenly changing to a strong disciplinarian might result in antagonisms that would only lead to further problems. Sometimes a new administrator will be confronted with major problems that must be addressed immediately. If such a situation is anticipated, the governing body should make these circumstances known to any applicant who is being seriously considered.
3. When a popular administrator retires or moves to another local government, the governing body may ask for this person's assistance in the search for a successor. However, the governing body should not overlook the possible need for new strengths or different qualities.

Geographic Scope

Another factor to consider in determining the recruitment framework is the geographic scope: should the search be nationwide, statewide, or regional? A broad geographic search may attract more applicants who have demonstrated an ability to manage in a complex urban environment. On the other hand, a focus on the local government's state or region may provide applicants who have a better understanding of and orientation to local problems, legal issues, financing alternatives, and similar matters. In any event, the new administrator will provide a fresh perspective on the issues and challenges facing the community and the organization.

From the applicant's perspective, it is assumed that the local government is looking for the best candidate and that all résumés, regardless of where the applicant currently works, will be reviewed carefully. The determination of the scope of the recruitment will influence the advertising and outreach strategies used.

Advertising and Outreach Strategies

In order to generate a sufficient and diverse pool of qualified applicants, the governing body should develop advertising and outreach strategies.

Advertising Campaign It is to the advantage of the local government to ensure that every professional who might have an interest in the vacant position is aware of the opportunity to apply for it. Therefore, it is important that the advertising campaign be comprehensive and include a carefully worded advertisement. This does not mean, however, that the campaign has to be extensive or expensive. Most local governments, for example, avoid advertising for an administrator in general circulation newspapers unless there is a local requirement to the contrary; this is an expensive form of advertising that does not reach the targeted audience.

More effective vehicles for advertising for chief administrators can be found with organizations that are directly related to local government. In addition to ICMA, the following sources should be considered:

- National League of Cities
- National Association of Counties
- National Association of County Administrators
- National Forum for Black Public Administrators
- International Hispanic Network
- American Society for Public Administration.

Resources at the state level include state municipal leagues, county associations, and municipal assistants organizations. Many of these organizations publish newsletters or magazines and have an online presence; the subscribers to these resources are the men and women in the public administration and local government management professions. Addresses and websites for these resources are listed in Appendix C.

Local governments have some flexibility when preparing and placing advertisements, but at a minimum, the advertisement should include the following:

- Title of the vacant position
- Name of the local government
- Population of the local government
- Amounts of the operating and capital budgets
- Number of full-time employees
- Services provided
- Statement regarding the compensation package
- Filing deadline, including any special items of information desired such as current salary and work-related references
- A brief description of key areas of interest and desirable experience and qualifications (or a reference or email link to the administrator profile)
- Indication of whether residency is required
- A timetable indicating the principal steps and timeframe for the overall recruitment
- Where and to whom to send résumés with a notation as to whether email submittals are acceptable or required
- Website of the local government.

It should be noted that some publications permit the use of display ads that incorporate the local government logo and/or graphics within an innovative format.

In addition to the advertisement, the governing body, through the staff or the executive recruiter, will usually develop a printed brochure that describes the community, the organization, and the position, as well as providing the administrator profile and the governing body's key goals and objectives.

Outreach Strategy While advertising can generate outstanding applicants and the local government should look closely at all received résumés, the governing body should supplement the advertising campaign by identifying an outreach strategy to ensure that the search extends to the widest possible pool of

qualified applicants. The outreach strategy may have a number of approaches for attracting external candidates, encouraging superior internal candidates to apply, and promoting diversity in the applicant pool.

For External Applicants Useful sources of information about potential external candidates include the current administrator, former and retired administrators, members of the local government, local government officials in adjacent communities, executive directors of state leagues, directors of university public administration programs, leaders of regional municipal assistants, and ICMA Range Riders.

When determining an outreach strategy, the governing body, in conjunction with staff or the recruiter, could consider sending letters to identified individuals advising them of the opening and inviting them to send a résumé if they are interested in the position. The correspondence should include a basic package of information describing the local government and the vacant position. For the purposes of confidentiality, all correspondence should either be sent to the applicant's private residence or marked "Personal and Confidential" if sent to the workplace.

Shortly after the letter has been mailed, a follow-up telephone call should be made to confirm that the correspondence was received, assure the recipient that it was not a form letter, indicate why the position may be a good career opportunity, and answer questions. The same deadline for submitting résumés should be used in both the advertisements and the supplemental letters of invitation.

For Internal Applicants The local government should be sure to inform its employees of the vacancy and of how and when to apply. The governing body itself may directly invite one or more employees, such as the assistant city administrator or a department

director, to submit a résumé, or it may do so indirectly through staff or the executive recruiter. Whether in-house applicants are solicited or apply on their own, it is important that they be treated in the same manner as other applicants.

It should be made clear that if an in-house applicant is ultimately selected, it is because the governing body has determined that the candidate was the best choice of all those who applied. While most applicants will receive written notification of their status, the governing body may decide to talk personally with any in-house applicant who was not selected in order to provide good communication with staff, maintain morale, and help ensure an orderly and positive transition.

For Diversity of Applicants Development of a strategy to generate a diverse applicant pool helps to ensure a broad cross-section of candidates. A rich pool with applicants of both sexes and from different races and ethnic backgrounds is beneficial because the chosen candidate will likely bring a different perspective to the organization. Having diversity within a local government can enhance the organization's overall responsiveness to an increasingly more diverse spectrum of residents, improve its relations with surrounding communities, increase its ability to manage change, and expand its creativity.

In addition, the governing body may develop an outreach strategy to encourage the participation of applicants from diverse professional backgrounds. Organizations large and small use executive members of their staff on various levels, and there is often a significant wealth of knowledge to be found among candidates who have had successful careers as assistant city administrators, as department heads, and in other management positions.

6. Key Elements of the Application Process

The application process is the point where effective screening of candidates begins. For this part of the recruitment to be successful, the governing body must proceed carefully and with considerable thought. This section addresses issues such as whether to use a standardized application form; how to provide potential applicants with key information about the position and the local government; and the importance of establishing and maintaining good relations with applicants. High-quality applicants are more likely to pursue the vacancy if the local government can portray itself as a well-run, organized, and efficient organization.

The Application Form

Most local governments prefer to ask applicants to submit a résumé in whatever format the applicant determines will be most effective, rather than a standardized application form. For the applicant, this approach provides flexibility to present past work experience in a way that relates directly to the position in question. At the same time, it permits the local government to see how the applicant organizes and presents material in a written format. The manner in which materials are prepared can be an indication of real interest in the position.

A standardized application form is not recommended in recruitments for the governing body's top administrative professional. If one is used, however, it should be easy to complete, and the information requested should be relevant to the vacant position. Regardless of the form of application, the applicant should be required to submit a cover letter and résumé.

The Local Government Information Packet

Serious applicants will not submit a résumé for consideration until they have done their homework and have satisfied themselves that the position represents a good career opportunity. Often they will seek information from local government officials about the community, the organization, and the position.

This is one of the first contacts that will form an impression of the local government on the potential applicant. If the impression created is that the

Two critical elements of applicant relations are important to stress: keeping the candidates informed of the status of the process and maintaining confidentiality.

recruitment is well organized, that the local government officials know what they are looking for and are consistent in the message, and that sufficient information about the locality is easily obtained, potential applicants are more likely to form a positive image of the position and the governing body in deciding whether to apply.

To help disseminate the same information to all applicants, the governing body could put together a packet of information that includes:

1. A copy of the outreach brochure or other documents that provide the criteria for the position, indicating key objectives and priorities and the administrator profile
2. Ordinance or charter requirements if they contain significant or unusual provisions regarding the position
3. Summary information about the local government, including organizational structure, personnel practices, number of employees, services provided, and budget data
4. Information about the community in the form of a chamber of commerce brochure or similar publication, if such is attractively prepared and available
5. Websites that contain information on the local government and community
6. The name, phone number, and e-mail address of a contact person.

Applicant Relations

Appendix E in this handbook provides some basic do's and don'ts regarding applicant relations and the recruitment process. The two key areas that are important to stress are candidate status notification and confidentiality.

There is no faster way to damage the image of the local government and to lose good applicants than to violate the trust or assurance that was given regarding confidentiality.

Candidate Status Notification As a rule, it is important to engage in the simple and courteous steps of acknowledging résumés as they are received and of notifying applicants of their status as the recruitment proceeds. Prompt acknowledgment of résumés is one indication that the process is being handled in a businesslike manner, and it can add to the applicant's positive impression of the organization. This acknowledgment also should inform the applicant of the recruitment timetable. Unless there are unusual or unanticipated delays, this response should be sufficient until applicants are actually notified as to their final status. To maintain confidentiality, all correspondence should be directed to the applicant's home, not business address.

Additionally, if special circumstances arise (such as a recall election) that might cause a delay in either the recruitment or the selection process, it is important to communicate any changes in the established schedule to all applicants.

Similarly, notifying all applicants as to their status, even if they are not selected as finalists, is a basic courtesy that will affect how the candidate views the local government.

Maintaining Confidentiality Confidentiality is an important consideration in any recruitment. Present job security and long-term career opportunities could

be jeopardized if an applicant's interest in another position is made public prematurely. While applicants realize that the local government will want to contact their current employers to conduct background checks and assess their job performance, they typically prefer to wait until it is clear that they are going to be considered as finalists who will be invited to the second interviews for the position.

The governing body should determine, at the outset, the extent to which the recruitment process will be confidential. The governing body, in consultation with the local government's attorney, should decide the level of confidentiality due to the varying open record and disclosure statutes between the states. If applicants' names are likely to be disclosed at any point, potential applicants should be advised so that they may take it into account in deciding whether to pursue the vacancy.

From a recruiting standpoint, assurance of confidentiality will result in more applications being submitted, particularly from those who are currently employed elsewhere. As confidentiality is important to both parties, such assurances should be honored, and applicants should be given adequate time to notify their current employers before those employers are contacted by the recruiting local government.

7. The Role of the Media in the Recruitment Process

Members of the media will obviously have an interest in the recruitment process and their involvement will be dictated in part by state law and in part by tradition. At the outset, local government officials should brief the media on the timing and steps involved in the overall process. After the deadline has passed for submitting résumés, the governing body may decide to brief the media and the community on the overall response.

As the confidentiality of résumés is a major concern in any recruitment and can significantly affect the number and quality of résumés received, applicants should be apprised of any applicable state laws in this area, and the governing body, with advice from the local government's attorney, should determine what information will and will not be made available to the media.

8. The Selection Process

Once the deadline for submitting résumés has passed and all applications have been received, the selection process begins. Principal steps are as follows:

- Reviewing the applications
- Determining which candidates will be interviewed
- Interviewing the candidates
- Making the final selection.

Reviewing the Applications

The selection process begins with a review of the applications and résumés that have been submitted. Depending on how the governing body has chosen to conduct the recruitment, the participants involved in this initial review may be the body as a whole, the chief elected officer, a subcommittee of the governing body, the staff, or the executive recruitment firm. Alternatively, some local governments have used a panel of chief administrators from other local governments to serve as a screening panel. Regardless of who performs the screening, the objective of the initial review is to identify those candidates who best reflect the qualities, characteristics, experience, and areas of expertise that were defined in the administrator profile.

Major Decision Point: Determining the Candidates to Be Interviewed

The determination of the candidates to be interviewed is a significant decision point in the selection process. The objective here is to narrow the total group of applicants to a smaller group that will continue to the next step.

Initial Background Check After the group of applicants has been narrowed down to those who meet the qualifications described in the administrator profile, the list may be further refined by confirming educational credentials and conducting online checks. Such reviews should not violate the confidentiality of the applicant pool. For online checks, it is important to consider the source and avoid drawing hasty conclusions from these sources.

Selection of Candidates After the review of the résumés and the initial background check, the participants in this process should meet with the governing body as a whole to recommend which applicants should be invited to an interview. The chosen group of candidates should be large enough to expose the governing body to an array of personalities. In most cases, **five to ten candidates** should be selected. The governing body may also establish a secondary list of candidates who could be invited to the interview if one or more of the first group of candidates decline or are unable to continue with the process.

Informing the Candidates Once candidates have been selected, the governing body representative, the staff, or the executive recruiter should contact the each candidate by phone and do the following:

1. Inform the candidate that he or she has been selected to be interviewed and offer congratulations (the candidate should be made to feel that the governing body is pleased to have reviewed his or her résumé). At the same time, confirm the candidate's continuing interest in the position.
2. Advise the candidate of: the nature of the interview process, including date and time, number of other candidates, whether there are any in-house candidates, and when a decision is expected to be made. Indicate that all the details and information will be confirmed in a written correspondence. If email is to be used for this correspondence, confirm the candidate's email address.
3. As described in the section on applicant relations, the governing body should have already determined the extent to which the recruitment process will be confidential. At this point, the candidate should be advised if the names of candidates are to be made public and be given the opportunity to withdraw.
4. Confirm that the candidate has received the information package provided during the application process. Indicate that a supplemental package with more detailed information will be provided directly to the candidate's home in advance of the interview. The supplemental package may include:

- A list of governing body members and their occupations
- Copies of meeting minutes from the past several months
- The general or comprehensive plan and land use maps
- The most recent budget
- A recent bond prospectus
- Any other material that would be of particular relevance, given the goals and objectives of the local government and the criteria for the position.

As an alternative to a paper package of information, the candidates can be directed to the locality's website for such information.

5. Confirm local government policy on reimbursement of expenses incurred in conjunction with the interview. Many local governments reimburse candidates for all out-of-pocket expenses, including reasonable transportation, room, and board. ("Reasonable" is intended to eliminate first-class airline tickets, four-star hotels, and gourmet restaurants.)

Such reimbursement of expenses is another way that the local government can demonstrate its interest in the candidate. It reinforces the positive nature of the recruitment process and is sometimes a factor in whether the candidate is able to attend. Should there be strong reluctance on the part of the governing body to reimburse all expenses, the local government can share expenses with the candidate or can agree to reimburse all expenses incurred after the first trip.

The local government staff can offer to handle all reservations, transportation, and related matters, but this can be cumbersome and time-consuming. In most cases, the local government confirms the time and place and lets the candidate make his or her own arrangements. The candidates usually prefer this approach as well.

Interviewing the Candidates

Most local governments use the interview approach for selecting the chief administrator. In this approach, the governing body will meet as a whole with each individual candidate. As the initial interview is usually limited to an hour, a second interview with one or more of the finalists is generally incorporated into the process.

Initial Interview The following provides important guidelines for conducting the initial interview.

Structure of the Interview The interview process should be well organized in a comfortable setting for both parties that invites open and relaxed discussions. This element of the process is generally not considered a public meeting, although the governing body, staff, or executive recruiter should consult with the city's legal advisor to ensure that all requisite notices are sent and other legal requirements are met.

All members of the governing body should participate in the interview with one member, usually the chair, designated as the discussion leader. This interview should last at least an hour as it is difficult to pursue a range of questions in less time. Further, all candidates anticipate and deserve an opportunity to present their qualifications to the governing body and describe their interest in the position. It is important to realize that the interview process not only provides the governing body with an opportunity to improve its knowledge of the candidate but also influences the candidate's interest in the position.

As part of the initial interview, the governing body may want to include a comprehensive tour of the community. A trusted senior staff person would be a likely tour guide.

Content of the Interview Questions During the first interview, the governing body will question the candidate about a variety of matters, such as overall work experience, specific accomplishments, career objectives, alternative approaches to practical problems faced by the local government, and similar matters. A list of potential questions is provided in Appendix D.

The interview also gives the candidate an opportunity to evaluate the governing body as a group and to ask questions. An important issue to discuss during the interview is the governing body's working relationship with the administrator, clarifying all roles and responsibilities.

During the formal and any informal meetings between the governing body and the candidates, discussions and questions should focus on the criteria for the position that were established at the outset of the recruiting process. Obviously, discussions should stay within acceptable legal parameters and should not include references to politics, religion, age, racial origin, and sexual preferences.

When the initial interview process is over, the governing body should avoid impulsive action but rather take whatever time is necessary to arrive at a comfortable and well-reasoned decision. At this point, either one person has emerged as the clear choice of the

governing body; or, more likely, the pool of candidates has been narrowed down to two or three individuals that the governing body would like to further pursue. In most cases, the process will involve a second interview of this smaller group of finalists. However, if there is one clear choice, please refer to the section entitled “Making the Final Selection.”

Second Interview If, after the initial interview, there are two or three candidates that the governing body would like to further consider, a couple of options exist for setting up a second interview:

1. The governing body may invite the finalists back for a second, more in-depth interview, coupled perhaps with some sort of community function. This arrangement often provides the governing body with the insight needed to make a final decision.
2. The governing body may invite the finalists back for a second, more in-depth interview, coupled with an opportunity for community leaders and/or staff to provide input into the selection of the chief administrator.

In either case, finalists should be notified of their status, congratulated for being among the select few who will be further considered, informed of the process, and asked for permission for the governing body to conduct reference checks.

Reference Checks As the governing body is now deciding between two or three qualified candidates, it is important at this point to conduct reference checks that provide additional information on which to base the decision. References should be checked to learn about each finalist’s ability to work effectively with people, to develop a more complete understanding of the finalist’s work experience and specific accomplishments, and to see if the finalist’s qualifications match the profile for the position. The following suggestions are important for ensuring consistency and thoroughness when conducting reference checks:

- The reference checks may be performed by members of the governing body, staff, or executive recruitment firm. In general, however, it is advisable to limit the number of people performing the checks to one or two. It may be difficult, depending on the number of candidates, to have one person perform all the reference checks, especially if there are three references for each candidate. Further, it can be helpful if two people compare notes on the same candidates.

- Be consistent in discussing issues with and asking questions of each candidate in order to provide a good basis for comparison.
- Contact enough people to ensure a consistent reading as to the candidate’s strengths and weaknesses. If a reference can say only good things about the candidate, he or she should be asked directly what weaknesses the candidate has.

Decision Point: Inviting the Candidate’s Spouse/ Partner

While the focus of the recruitment is on the chief administrator, the governing body may formally invite the candidate’s spouse/partner to the community during the interview process. Generally, this type of invitation occurs only after the first interview process has narrowed the group of candidates down to the top two or three. The spouse/partner should never be included in the formal interview process, nor made to feel as if he or she is being interrogated in any way.

If the governing body formally invites the spouse/partner to accompany the candidate, it is important that this part of the process be as well organized as all the other parts that concern the candidate directly. Here, too, an important impression about the community is being made. The interests of the spouse/partner should be carefully determined and accommodated.

On the other hand, the governing body may use an informal, non-structured approach to the involvement of the spouse/partner. Understanding that a candidate may bring his or her spouse/partner along to explore the community as a possible future home, the governing body may consider having a packet of relevant community information available.

Decision Point: Community Involvement The governing body must decide whether to involve community members or committees in the interview process. In most cases, the local government assumes responsibility for the interviews and conducts the process of selecting the new chief administrator without the involvement of members of the community.

In some cases, however, governing bodies have chosen to supplement the usual discussion between members and finalists by inviting community leaders to participate. For example, finalists may meet with selected community leaders to answer questions and receive their input on matters they consider important to the local government. If this option is taken, the purpose of the meeting should be made clear to all involved. Both the finalist and the community members should know whether these meetings are intended simply to provide the

finalist with additional information on the local government or whether the community group will also be involved in the actual selection process. In the latter case, although the input from the community will be valuable, it should be made clear that the governing body will make the final selection based upon a variety of factors.

Decision Point: Staff Involvement The governing body must also decide whether to involve staff members in the interview process. It may choose to supplement the usual discussion between members and finalists by inviting staff members to participate. For example, finalists may meet with selected department directors to answer questions and review departmental operations in more detail.

If this option is taken, its purpose should be made clear to all involved. Both the finalist and the staff members should know whether these meetings are intended simply to provide the finalist with additional information on the local government or whether the group will also be involved in the selection process. In the latter case, although the input from the staff will be valuable, it should be made clear that the governing body will make the final selection based upon a variety of factors.

Major Decision Point: Making the Final Selection

After the second interviews, there should be one person who is the clear first choice of the majority, if not all, of the governing body. It is important to both the governing body and the potential new hire that the decision be unanimous, if possible. A unanimous vote from the governing body demonstrates a commitment of support to the new chief administrator and sends a positive message to both the organization and the community. If the governing body is divided on the appointment and the decision is not unanimous, however, the chosen finalist should be advised of this prior to accepting the position.

Once the selection has been made, the governing body, staff, or executive recruiter should contact the

It is important that the vote for the new chief administrator be unanimous, if possible. This sends a positive message to the organization and the community.

finalist, confirm his or her willingness to accept the position, and obtain permission to conduct a very thorough background check, which will be performed by an outside party. This process includes interviews with individuals in the candidate's current community, an investigation into possible criminal history, and a credit check, which requires the candidate's consent.

Another element of this final selection process may include some or all of the members of the governing body making an on-site visit to the finalist's current community. Often finalists insist that an agreement regarding terms and conditions of employment be agreed upon before being open to a site visit.

Once the governing body is satisfied with the results of that process, it may inform the finalist and move ahead to put together a total compensation package and discuss other related arrangements. However, if the governing body is unable to satisfactorily conclude negotiations with its first choice, it may need to engage in discussions with one of the other finalists. Thus, it should refrain from notifying the other finalists until all arrangements have been finalized with the first-choice candidate.

From a public image standpoint, it is imperative that all candidates learn about the final selection from the governing body or its representative, as opposed to hearing about it from a third party or reading about it online or in a newsletter or professional publication. A representative from the governing body, staff, or executive recruitment firm should personally contact the runners-up prior to or at the same time that a news release about the appointment is issued.

9. The Negotiation Process

Once the local government has made its decision and the finalist has indicated a willingness to serve as the chief administrator, a number of final arrangements must be completed. These include negotiating a compensation package and completing transition activities. Only after these arrangements are concluded can the new chief administrator relocate and begin work for the community.

Preparation for Negotiation

The governing body needs to ensure that relations with the new administrator get off to a good start. At this point, nothing should happen that causes the new administrator to reconsider.

It is important that the governing body identify a single individual to act as the negotiator for the local government. Depending on the approach that the governing body has selected, the negotiator may be a member of the governing body; a member of the staff, such as the interim chief administrator or the municipal attorney; or the executive recruiter. The following are important guidelines regarding the structure of the negotiations:

1. The atmosphere should be friendly and relaxed.
2. The negotiator should be flexible. Negotiating implies a willingness to consider options and alternatives in pursuit of an acceptable package. There may well be more than one way to meet the financial objectives of the new administrator.
3. The governing body should be realistic. No matter how beautiful and desirable the community or position may be, the finalist is unlikely to accept the new position without an increase in pay over his or her present salary.

Major Decision Point: Negotiating Compensation

In compensation negotiations, base salary is a good place to start. The ICMA Compensation Guidelines, which are provided in Appendix B, are a good source of information to help with this part of the process. The person conducting the negotiation on behalf of the local government should keep the following questions in mind:

The governing body should rely on a single individual to handle its part of the negotiation process.

The process should be friendly and relaxed; the negotiator should be flexible; and the governing body should be realistic in its guidelines to the negotiator.

1. Ultimately, what salary will be acceptable to the governing body?
2. What is the bargaining range?
3. What is the current salary of the applicant?
4. What type of salary and total compensation package did the candidate discuss during the interview?

ICMA, the National Association of Counties, and state leagues of cities and counties are sources of information on the salaries of local government administrators around the country. Prior to initiating negotiations, the governing body should compare its salary range with that of other governing bodies in same region of the country.

Elements of Total Compensation Elements of a total compensation package typically include:

- Base salary
- Deferred compensation
- Severance pay
- Use of government car or car allowance
- Use of technology or technology allowance
- Retirement plan
- Medical and other insurance (dental, optical, life, disability)
- Vacation accrual
- Holidays
- Sick leave accrual
- Membership dues, conference, and professional development attendance fees.

Before the negotiation begins, the governing body should ask the candidate to provide a written itemization of his or her current total compensation. After receiving this information, the person negotiating on behalf of the governing body should outline a proposed package and provide it to the candidate. Usually there will be no negotiation on those benefits that are similar among local governments, such as medical insurance and holidays. The variables most often relate to base salary and particular financial objectives, such as deferred compensation, health insurance, and requirements to join a state retirement system.

The proposed compensation package should

- (1) leave the individual whole on basic benefits,
- (2) provide an appropriate step forward in cash-related benefits,
- (3) ensure an increase in take-home pay, and
- (4) deal with any particular financial objectives that the new administrator may have.

Noncompensation Elements During the negotiations, some issues will arise that do not relate to the total compensation package but may well have significant financial implications for both the local government and the new administrator. Both parties need to be flexible and realistic in dealing with these issues:

- **Relocation expenses:** It is common for local governments to pay the one-time cost of relocating the administrator and his or her family and household furnishings to the new local government. Sometimes both parties agree on a “not-to-exceed” figure based on estimates from moving companies.
- **Temporary housing:** An allowance for temporary housing is usually provided until the new administrator is able to sell his or her former home and/or relocate his or her family. Typically, this amount is sufficient to cover the cost of a modern furnished apartment or condominium. Again, both parties may agree to a fixed time period or amount.
- **Commuting expenses:** As with temporary housing, the local government often will agree to reimburse the administrator for periodic family visits or for the spouse/partner to visit for house-hunting purposes.
- **Housing assistance:** Regional variations in the cost of housing or housing financing can complicate the negotiations. There is considerable precedent

for local governments—using appropriate safeguards and limits—to assist in the purchase and/or financing of housing for the new administrator. A variety of options exist, including a loan or a salary supplement.

Employment Agreements It is in the interests of both the community and the chief administrator to have a written summary of the terms and conditions of employment to which both parties have agreed. The stable working situation created by such an agreement helps to attract and keep top-flight administrators in a generally mobile profession. ICMA recommends the use of employment agreements because the detailing of salary, benefits, and other conditions of the administrator’s job puts those items where they belong—in a contract where both parties can know what is expected—and removes them from the daily agenda of the chief administrator and members of the governing body.

While such an agreement usually does not refer to a specific term of employment and permits either the governing body or the chief administrator to terminate for cause or at will, it should include a section providing the administrator with severance pay for a fixed period of time if he or she is terminated. This provides important personal and professional security for local government chief administrators, as they have the rather unique situation of working at the pleasure of the governing body with the possibility of dismissal for any reason at any time.

While not a lengthy legal document, the employment agreement is usually drafted by the local government’s attorney. The new administrator is often given an opportunity to prepare a first draft for consideration. If an employment agreement is not used, a formal letter of understanding, at a minimum, should be prepared.

As a final note on this process, the governing body should be prepared for the possibility that it will be unable to reach agreement on compensation or other matters with the first-choice candidate. In these instances, the governing body typically enters into negotiations with its second-choice candidate. As indicated previously, once an agreement has been finalized, all other candidates should be promptly notified that they were not selected.

10. The Transition Process

After the governing body and new chief administrator have reached agreement on the issues of compensation, starting date, and method and timing of announcing the selection to both the community and the administrator's former local government, the transition process begins.

Announcing the Selection

The announcement of the selection should be well planned and coordinated between the governing body and new chief administrator. Two factors should precede any formal announcement of the appointment:

- The successful candidate has formally accepted the position and the negotiations have been concluded; and
- The successful candidate has been given the opportunity to notify his or her current governing body about the appointment.

This public announcement should be coordinated carefully to recognize the instantaneous nature of electronic communication.

Additional Elements

Additional elements that the governing body may employ to ensure a smooth transition for the new chief administrator are as follows:

- **General assistance:** For a smooth transition, the local government should offer whatever general assistance the new administrator might need in moving, such as introductions to realtors and

bankers and support to the spouse/partner in finding suitable employment.

- **Orientation meetings:** The governing body should arrange to introduce the new chief administrator to department heads and local government staff. While the new administrator may have met some of these individuals during the interview process, a special meeting or reception can be a pleasant way to turn over responsibility. Similar meetings, briefing sessions, and/or receptions can be arranged to introduce the new administrator and his or her family to community groups, civic leaders, and residents in general.
- **Local government work session, orientation, and review of objectives:** It is desirable to have an initial work session with the new administrator to discuss and clarify initial expectations on both sides and to review goals and objectives. Even though some of these issues may have been raised during the interview process, communication from the outset can help ensure a smooth working relationship.
- **Performance evaluation:** Using the position's goals and objectives as a starting point, the governing body and new chief administrator should agree to an annual or semiannual review of the administrator's performance. This established and formal process helps to ensure that communication between the parties is maintained, that progress is monitored, and that goals and objectives are reviewed and refined on a regular basis.

11. Conclusion

Choosing a chief administrator can be the most significant action of the governing body. The chief administrator is a leader, coach, and chief of strategy for the staff team whose job it is to implement a vision, policy, and procedures; accomplish goals; and achieve the desired output of the organization. Similar to a chief executive officer of a Fortune 500 company, the chief administrator is also responsible for serving an elected governing body, managing the financial aspects of the organization, directing the employees, ensuring quality customer service, and implementing legal and ethical standards. Furthermore, unique to public agencies, the chief administrator oversees an organization that is focused on providing a variety of services to the community rather than on making a profit.

In addition to a very diversified portfolio of services that must be provided and interests that must be served fairly, the chief administrator is responsible for an organization that must balance its budget; provide for and encourage public input into decision making; and understand, respect, and appreciate the political environment. In summary, the position of chief administrator requires a variety of skill sets—not every person is capable of performing the role. Therefore,

selecting the right person for the job is critical for the governing body and for the community.

This guidebook addresses a number of factors to consider in recruiting, selecting, negotiating, and hiring a professional local government manager. In doing so, it elaborates on the “best practices” for identifying the appropriate skills and background of a chief administrator, noting that the governing body must identify the qualities, characteristics, experience, and areas of expertise that would be found in the ideal candidate. Throughout the entire process, clear communication to staff, the community, and the media is essential for achieving the governing body’s goals. In the end, the process of recruiting and selecting a chief administrator should be a positive and unifying experience, resulting in the appointment of an individual who represents and embodies the governing body’s vision for the future.

ICMA and its members are resources available for providing guidance and recommendations in the recruitment of a chief administrator. With this document, we hope we have provided a basic understanding of the process involved in selecting a professional local government manager who meets the needs of the community.

Appendix A

ICMA Code of Ethics with Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in May 1998. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in July 2004.

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.
2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

Guideline

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

Guidelines

Public Confidence. Members should conduct themselves so as to maintain public confidence in their profession, their local government, and in their performance of the public trust.

Impression of Influence. Members should conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

Appointment Commitment. Members who accept an appointment to a position should not fail to report for that position. This does not preclude the possibility of

a member considering several offers or seeking several positions at the same time, but once a *bona fide* offer of a position has been accepted, that commitment should be honored. Oral acceptance of an employment offer is considered binding unless the employer makes fundamental changes in terms of employment.

Credentials. An application for employment or for ICMA's Voluntary Credentialing Program should be complete and accurate as to all pertinent details of education, experience, and personal history. Members should recognize that both omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a management position should show professional respect for persons formerly holding the position or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity in order to be appointed to a position.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report the matter to ICMA. In reporting the matter, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members should not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position having an incumbent administrator who has not resigned or been officially informed that his or her services are to be terminated.

4. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

Guideline

Length of Service. A minimum of two years generally is considered necessary in order to render a professional service to the local government. A short tenure should be the exception rather than a recurring experience. However, under special circumstances, it may be in the best interests of the local government and the member to separate in a shorter time. Examples of such circumstances would include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or severe personal problems. It is the responsibility of an applicant for a position to ascertain conditions of employment. Inadequately determining terms of employment prior to arrival does not justify premature termination.

5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

Guideline

Conflicting Roles. Members who serve multiple roles—working as both city attorney and city manager for the same community, for example—should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.
7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

Guidelines

Elections of the Governing body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not engage in active participation in the election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members should not engage in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote and to voice their opinion on public issues. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

Elections in the Council-Manager Plan. Members may assist in preparing and presenting materials that explain the council-manager form of government to the public prior to an election on the use of the plan. If assistance is required by another community, members may respond. All activities regarding ballot issues should be conducted within local regulations and in a professional manner.

Presentation of Issues. Members may assist the governing body in presenting issues involved in referenda such as bond issues, annexations, and similar matters.

8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

Guidelines

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

Guideline

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

Guideline

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members' personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

12. Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

Guidelines

Gifts. Members should not directly or indirectly solicit any gift or accept or receive any gift--whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form--under the following circumstances: (1) it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.

It is important that the prohibition of unsolicited gifts be limited to circumstances related to improper influence. In *de minimus* situations, such as meal checks, some modest maximum dollar value should be determined by the member as a guideline. The guideline is not intended to isolate members from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions.

Investments in Conflict with Official Duties. Member should not invest or hold any investment, directly or

indirectly, in any financial business, commercial, or other private transaction that creates a conflict with their official duties.

In the case of real estate, the potential use of confidential information and knowledge to further a member's personal interest requires special consideration. This guideline recognizes that members' official actions and decisions can be influenced if there is a conflict with personal investments. Purchases and sales which might be interpreted as speculation for quick profit ought to be avoided (see the guideline on "Confidential Information").

Because personal investments may prejudice or may appear to influence official actions and decisions, members may, in concert with their governing body, provide for disclosure of such investments prior to accepting their position as local government administrator or prior to any official action by the governing body that may affect such investments.

Personal Relationships. Member should disclose any personal relationship to the governing body in any instance where there could be the appearance of a conflict of interest. For example, if the manager's spouse works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members should not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, whether or not for compensation. Members may, however, agree to endorse the

following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by non-profit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.

ICMA Guidelines for Compensation

Maintaining public trust and integrity in local government requires both effective governance and management of the organization. The following guidelines are intended to establish a best practice for establishing and negotiating compensation for local government executives and staff and to clarify the roles and responsibilities of the governing body, local government manager, and employee.

The Principles

Compensation and personnel matters should be guided by the core principles of the ICMA Code of Ethics. ICMA affirms that the standard practice for establishing the compensation of local government managers be fair, reasonable, transparent, and based on comparable public salaries nationally and regionally. ICMA members should act with integrity in all personal and professional matters in order to merit the trust of elected officials, the public and employees. Local government managers have an ethical responsibility to be clear about what is being requested and to avoid excessive compensation.

Elected officials perform a critical governance role providing oversight of the management of the organization. To that end, they must be engaged in establishing the process for determining the compensation for all executives appointed by the governing body.

Compensation should be based on the position requirements, the complexity of the job reflected in the composition of the organization and community, the leadership needed, labor market conditions, cost of living in the community, and the organization's ability to pay.

The Process for Negotiating Executive Compensation

To establish fair and reasonable compensation, the governing body operating as a committee of the whole or as a designated evaluation and compensation subcommittee, should design and implement the methodology for setting the compensation of the local government manager and any other appointees of the governing body.

Compensation benchmarks should be established based on comparable local government or public sector agencies.

The governing body should engage experts whether contracted or in house as necessary to provide the information required to establish fair and reasonable compensation levels.

All decisions on compensation and benefits must be made by the entire governing body in a public meeting.

Compensation Guidelines for Local Government Executives

A starting point for the elected officials and local government manager in any salary negotiation should be to

1. Determine the requirements of the job and the experience needed to successfully perform the job duties.
2. Examine market conditions to learn what comparable public sector executives earn. A best practice would be to gather information using pre-determined comparable benchmark local governments or public sector agencies.
3. Understand the services provided by the local government along with the nature of the current issues in the organization and in the community, and then compare these with the individual's expertise and proven ability to resolve those issues.
4. Identify the local government's current financial position, its ability to pay, and the existing policies toward compensation relative to market conditions.
5. Weigh factors such as the individual's credentials, experience and expertise when setting salary.
6. Consider additional compensation in areas where the cost of living is high and the governing body wants the manager to reside within the community. In addition, other unique and special circumstances may be taken into consideration, such as difficult recruitment markets and the particularly challenging needs of the public agency.
7. Seek legal advice as needed and appropriate during periods prior to the beginning of employment when terms and conditions are being negotiated and finalized.

Severance

Severance provisions established in the employment agreement must be both reasonable and affordable so that the cost of the severance is not an impediment to fulfilling the governing body's right to terminate a manager's service, if desired, but is consistent with the role and expectations of the position. The ICMA Model Employment Agreement (see Appendix F) recommends a one year severance but recognizes that the length of service with an organization may justify a higher severance.

Compensation Changes

1. Benefits and salary increases should be reasonably comparable to those that local government executives receive within the designated benchmark or regional market area and generally consistent with other employees.
2. Merit adjustments or bonuses should be contingent upon performance and the overall financial position of the local government to afford additional compensation payments. Provisions regarding consideration of periodic merit adjustments in salary should be pre-determined.
3. Local government managers must recognize and effectively manage conflicts of interest inherent in compensation changes. Managers should avoid taking steps regarding pension and other benefits where they will be the sole or primary beneficiary of the change. Examples include:
 - Dramatically increasing salary thereby leading to pension spiking.
 - Recommending or implementing single highest year to determine retirement benefits
4. An individual should receive a single salary that recognizes all duties and responsibilities assigned rather than different salaries for different assignments.
5. Local government managers should not put their personal compensation interests before the good of the overall organization and that of the citizens.

Transparency

1. Local government managers should provide their total compensation package to the governing body

when requesting compensation changes so that the governing body has a comprehensive view of the compensation package.

2. In the interest of fairness and transparency, there should be full disclosure to the governing body, prior to formal consideration and approval, of the potential cost of any benefit changes negotiated during employment.
3. When the terms and conditions of employment are being renegotiated with the employer and at the end when the employment is being terminated, ICMA members have a duty to advise the elected officials to seek legal advice.
4. In the interests of transparency, the salary plan and salary ranges for local government positions, including that of the manager, should be publicly accessible on the agency's website.

General Compensation Guidelines for All Employees

1. Each local government should establish benchmark agencies, which are determined using set criteria such as, but not limited to,
 - Geographic proximity
 - Similarity with regard to the nature of the services provided
 - Similarity in employer size/population size
 - Similarity in the socioeconomic makeup of the population
 - Other similar employers in the immediate area.
2. The local government should develop appropriate compensation levels that are in line with their labor market. Doing so will enable the organization to establish and maintain a reputation as a competitive, fair, and equitable employer as well as a good steward of public funds.
3. When considering any salary or benefit changes, the immediate and anticipated long-term financial resources of the organization always should be taken into account.
4. Appropriate financial practices should be followed to both disclose and properly fund any related future liability to the local government.

Appendix C:

Professional Organizations to Consider Posting Position Vacancy

International City/County Management Association (ICMA)

777 North Capitol Street NE, Suite 500
Washington, DC 20002
Phone: 202-289-4262

JobCenter

Rates/Information:

www.icma.org/en/icma/career_network/employers/difference

American Society for Public Administration (ASPA)

1301 Pennsylvania Avenue NW, Suite 700
Washington, DC 20004
Phone: 202-393-7878

PublicServiceCareers.org (online)

Rates/Information:

www.publicservicecareers.org/?pageid=617

National Association of Counties (NACo)

25 Massachusetts Avenue NW, Suite 500
Washington, DC 20001
Phone: 202-393-6226 or 1-888-407-6226

JobsOnline (website) and County News Job Market/Classified Ad (newspaper)

Rates/Submissions:

www.naco.org/programs/jobsonline/Pages/JobOnlineSubmission.aspx

National Association of County Administrators (NACA)

777 North Capitol Street NE, Suite 500
Washington, DC 20002
Email: naca@icma.org

National Forum for Black Public Administrators (NFBPA)

777 North Capitol Street NE, Suite 807
Washington, DC 20002
Phone: 202-408-9300

NFBPA Career Center

Ad Rates/Information: careers.nfbpa.org/rates.cfm

Phone: 1-866-964-2765

E-mail (Job Posting Sales): postings@boxwoodtech.com

National League of Cities (NLC)

1301 Pennsylvania Avenue NW, Suite 550
Washington, DC 20004

Nation's Cities Weekly Classifieds

Rates/Submissions:

www.nlc.org/news-center/nations-cities-weekly/classifieds/ncw-submit-classified

International Hispanic Network (IHN)

2107 North First Street, Suite 470
San José, CA 95131
Phone: 408-392-0232

Job Posting

Rates/Submissions:

www.ihnonline.org/jobsaddform.asp

STATE MUNICIPAL LEAGUES

Alabama League of Municipalities (www.alalm.org)

535 Adams Avenue
Montgomery, AL 36104
Phone: 334-262-2566

Municipal Classified Ads

Posting Information: carrieb@alalm.org

Alaska Municipal League (www.akml.org)

217 Second Street, Suite 200
Juneau, AK 99801
Phone: 907-586-1325

AML Classifieds

Informational Brochure:

www.akml.org/uploads/MunicipalClassifiedAdGuidelines.pdf

Phone: 1-877-636-1325

Email: info@akml.org

League of Arizona Cities and Towns (www.azleague.org)

1820 West Washington Street
Phoenix, AZ 85007
Phone: 602-258-5786

Municipal Employment Opportunities

Rates/Information:

www.azleague.org/index.cfm?fuseaction=jobs.main

Email: jobs@azleague.org

Arkansas Municipal League (www.arml.org)

301 West 2nd Street
North Little Rock, AR 72115
Phone: 501-374-3484

City & Town Municipal Mart

Rates/Information:

www.arml.org/classifieds.html

Submissions: 501-374-3484

League of California Cities (www.cacities.org)

1400 K Street, Suite 400
Sacramento, CA 95814
Phone: 916-658-8200

Western Cities

Rates/Submissions:

www.westerncity.com/Western-City/Job-Opportunities/How-to-Post-a-Job

Colorado Municipal League (www.cml.org)

1144 Sherman Street
Denver, CO 80203
Phone: 303-831-6411 or 1-866-578-0936

CareerLink

Postings: www.cml.org/CareerLink.aspx

Connecticut Conference of Municipalities (www.ccm-ct.org)

900 Chapel Street, 9th Floor
New Haven, CT 06510
Phone: 203-498-3000

Municipal Job Bank

Information/Rates/Submissions:

www.ccm-ct.org/Plugs/job-bank.aspx

Delaware League of Local Governments (www.dllg.org)

P.O. Box 484
Dover, DE 19903
Phone: 302-678-0991

Provides no employment listings

Florida League of Cities (www.floridaleagueofcities.com)

301 South Bronough Street, Suite 300
Tallahassee, FL 32301
Phone: 850-222-9684 or 1-800-342-8112

FLC E-News

Information/Submissions:

www.floridaleagueofcities.com/Publications.aspx?CNID=179

Phone: 850-322-7221

Georgia Municipal Association (www.gmanet.com)

201 Pryor Street SW
Atlanta, GA 30303
Phone: 404-688-0472

Classifieds/Marketplace

Submissions:

www.glga.org/SubmitListing.aspx

Phone: 678-686-6209

Hawaii (none available)**Association of Idaho Cities** (www.idahocities.org)

3100 South Vista Avenue, Suite 310
Boise, ID 83705
Phone 208-344-8594

Employment Opportunities

Information/Rates/Submissions:

www.idahocities.org/index.aspx?nid=213

Illinois Municipal League (www.iml.org)

500 East Capitol Avenue
Springfield, IL 62701
Phone: 217-525-1220

Classifieds

Information/Submissions:

www.iml.org/contact.cfm?user=rturner&subject=Submit%20Classified%20Ad

Rates: www.iml.org/page.cfm?category=640

Indiana Association of Cities and Towns

(www.citiesandtowns.org)

200 South Meridian Street, Suite 340
Indianapolis, IN 46225
Phone: 317-237-6200

Municipal Dispatch

Contact Publications and Marketing Director

Staff Directory:

www.citiesandtowns.org/topic/subtopic.php?fDD=2-15

Iowa League of Cities (www.iowaleague.org)

317 Sixth Avenue, Suite 800
Des Moines, IA 50309
Phone: 515-244-7282

Classifieds

Information/Rates/Submissions:

www.iowaleague.org/Pages/SubmitClassified.aspx

League of Kansas Municipalities (www.lkm.org)

300 SW Eighth Avenue
Topeka, KS 66603
Phone: 785-354-9565

Kansas Government Journal (and online)

Rates: www.lkm.org/classifieds/jobs

Submissions: classifieds@lkm.org

Kentucky League of Cities (www.klc.org)

100 East Vine Street, Suite 800
Lexington, KY 40507
Phone: 859-977-3700 or 1-800-876-4552

City Job Opportunities Online

Submissions: www.klc.org/employment_post.asp

Louisiana Municipal Association (www.lma.org)

700 North 10th Street
Baton Rouge, LA 70802
Phone: 225-344-5001 or 1-800-234-8274

Maine Municipal Association (www.memun.org)

60 Community Drive
Augusta, ME 04330
Phone: 207-623-8428

Job Bank and Classifieds

Information/Rates:

www2.memun.org/public/wantads/itemlist.cfm

Submissions: ResourceCenter@memun.org

Maryland Municipal League (www.mdmunicipal.org)

1212 West Street
Annapolis, MD 21401
Phone: 410-268-5514 or 1-800-492-7121

Classifieds

Submissions: stevel@mdmunicipal.org

Massachusetts Municipal Association (www.mma.org)

One Winthrop Square
Boston, Massachusetts 02110
Phone: 617-426-7272

The Beacon (and online)

Information/Rates:

www.mma.org/ad-rates-and-details

Submissions: www.mma.org/ad-submission-form

Michigan Municipal League (www.mml.org)

1675 Green Road
Ann Arbor, MI 48105
Phone: 734-662-3246 or 1-800-653-2483

Classifieds

Information/Rates:

www.mml.org/classifieds/guidelines.html

Submissions:

www.mml.org/classifieds/classifiedsform.php

League of Minnesota Cities (www.lmc.org)

145 University Avenue West
St. Paul, MN 55103
Phone: 651-281-1200 or 1-800-925-1122

City Job Opportunities

Information/Rates:

www.lmc.org/page/1/posting-city-jobs.jsp

Submissions: HR-CityAds@lmc.org

Mississippi Municipal League (www.mmlonline.com)

600 East Amite Street, Suite 104
Jackson, MS 39201
Phone: 601-353-5854

Classifieds

www.mmlonline.com/classifieds.aspx

Contact MML Staff – Staff Directory:

www.mmlonline.com/contact.aspx

Missouri Municipal League (www.mocities.com)

1727 Southridge Drive
Jefferson City, MO 65109
Phone: 573-635-9134

Career Center

Information/Rates:

www.mocities.com/networking

Submissions: tshaw@mocities.com

Montana League of Cities and Towns (www.mlct.org)

208 North Montana Avenue, Suite 106
Helena, MT 59601
Phone: 406-442-8768

Job Openings

Submissions: Contact Office Manager

Staff Directory: www.mlct.org/about-mlct/staff.html

League of Nebraska Municipalities (www.lonm.org)

1335 L Street, #A
Lincoln, NE 68508-2596
Phone: 402-476-2829

Job Postings

Information/Rates/Submissions:

www.lonm.org/careers.html

Nevada League of Cities and Municipalities

(www.nvleague.org/admin/about.htm)

310 South Curry Street
Carson City, NV 89703
Phone: 775-882-2121

New Hampshire Local Government Center (www.nhlgc.org)

25 Triangle Park Drive
Concord, NH 03301
Phone: 603-224-7447

Classifieds

Information/Rates/Submissions:

www.nhlgc.org/classifieds/submitad.asp

New Jersey State League of Municipalities

(www.njslom.org)

222 West State Street
Trenton, NJ 08608
Phone: 609-695-3481

Classifieds

Information/Rates/Submissions:

www.njslom.org/classifieds_jobs.html

New Mexico Municipal League (www.nmml.org)

1229 Paseo de Peralta
Santa Fe, NM 87501
Phone: 1-800-432-2036

Classifieds

Information/Submissions:

www.nmml.org/blog/category/classifieds/positions-available

New York State Conference of Mayors and Municipal

Officials (www.nycom.org)

119 Washington Avenue
Albany, NY 12210
Phone: 518-463-1185

Help Wanted Classifieds

Information/Submissions:

www.nycom.org/mn_class/helpwanted.asp#

North Carolina League of Municipalities (www.nclm.org)

215 North Dawson Street
Raleigh, NC 27603
Phone: 919-715-4000

Southern City, League Letter, and/or online:

Information:

www.nclm.org/resource-center/Pages/jobs.aspx

Rates/Submissions:

www.nclm.org/programs-services/publications/Pages/southern-city.aspx

North Dakota League of Cities (www.ndlc.org)

410 East Front Avenue
Bismarck, ND 58504
Phone: 701-223-3518

Municipal Ads – Job Opportunities

www.ndlc.org/index.asp?Type=B

[BASIC&SEC = {D835005A-831C-4BB1-BF46-7D93A07A0083}](http://www.ndlc.org/index.asp?Type=B_BASIC&SEC={D835005A-831C-4BB1-BF46-7D93A07A0083})

Contact NDLC Staff – Staff Directory:

www.ndlc.org/index.asp?Type=B

[BASIC&SEC = {846F9FCA-A6EE-4082-B241-8DA3E991D99A}](http://www.ndlc.org/index.asp?Type=B_BASIC&SEC={846F9FCA-A6EE-4082-B241-8DA3E991D99A})

Ohio Municipal League (www.omloho.org)

175 South Third Street, Suite 510
Columbus, OH 43215
Phone: 614-221-4349

Classified Advertisements

Information/Rates/Submissions:

www.omloho.org/Classifieds.htm

Oklahoma Municipal League (www.oml.org)

201 Northeast 23rd Street
Oklahoma City, OK 73105
Phone: 405-528-7515

Job Listings

Information/Rates/Submissions:

www.okml.webs.com/joblistings.htm

League of Oregon Cities (www.orcities.org)

1201 Court Street NE, Suite 200
Salem, OR 97301
Phone: 503-588-6550

Personnel Recruitment – Jobs

Information/Rates/Submissions:

www.orcities.org/JobsInterims/Jobs/tabid/816/language/en-US/Default.aspx

Available Interim Candidates:

www.orcities.org/JobsInterims/Interims/tabid/5849/language/en-US/Default.aspx

Pennsylvania League of Cities & Municipalities

(www.plcm.org)

414 North Second Street
Harrisburg, PA 17101
Phone: 717-236-9469

Municipal Job Junction

Information/Rates/Submissions:

www.plcm.org/index.asp?Type=B_BASIC&SEC={24C2F4FE-80F6-4E58-BA9F-53345F31E1D7}&DE

Rhode Island League of Cities and Towns

(www.rileague.org)

One State Street, Suite 502
Providence, RI 02908
Phone: 401-272-3434

Available Positions

Information/Submissions:

www.rileague.org/site/classifieds/available.html

Municipal Association of South Carolina (www.masc.sc)

1411 Gervais Street
Columbia, SC 29211
Phone: 803-799-9574

Job Openings:

Information/Submissions:

www.masc.sc/municipalities/Pages/Postinganadvertisement.aspx

South Dakota Municipal League (www.sdmunicipalleague.org)

208 Island Drive
Fort Pierre, SD 57532
Phone: 605-224-8654

Classifieds

Information/Rates/Submissions:

www.sdmunicipalleague.org/index.asp?Type=B_JOB&SEC=%7B9C4C9345-D0E6-470D-A708-181FD9B26F51%7D

Tennessee Municipal League (www.tml1.org)

226 Capitol Boulevard, Suite 710
Nashville, TN 37219
Phone: 615-255-6416

Classifieds

Contact Administrative Assistant – Staff Directory:

www.tml1.org/staff.php?ln_ses=1%7C4

Texas Municipal League (www.tml.org)

1821 Rutherford Lane, Suite 400
Austin, TX 78754
Phone: 512-231-7400

Career Center

Information/Submission: www.tml.org/careercenter.asp

Utah League of Cities and Towns (www.ulct.org)

50 South 600 East, Suite 150
Salt Lake City, UT 84102
Phone: 801-328-1601 or 1-800-852-8528

Job Bank

Submissions: www.ulct.org/jobbank/index.html

Vermont League of Cities & Towns (www.vlct.org)

89 Main Street, Suite 4
Montpelier, VT 05602
Phone: 802-229-9111

Classifieds

Information/Rates/Submissions:

www.vlct.org/marketplace/classifiedads

Virginia Municipal League (www.vml.org)

13 East Franklin Street
Richmond, VA 23219
Phone: 804-649-8471

Marketplace – Jobs in Local Government

Information/Rates/Submissions:

www.vml.org/JOBS/JObs.html

Association of Washington Cities (www.awcnet.org)

1076 Franklin Street SE
Olympia, WA 98501
Phone: 360-753-4137

JobNet

Information/Submissions:

www.awcnet.org/Jobnet/ForEmployers.aspx

West Virginia Municipal League (www.wvml.org)

2020 Kanawha Boulevard
Charleston, WV 25311
Phone: 304-342-5564 or 1-800-344-7702

Classifieds

Information/Submissions: wvml@wvml.org

League of Wisconsin Municipalities (www.lwm-info.org)

122 West Washington Avenue, Suite 300
Madison, WI 53703
Phone: 608-267-2380

Classifieds

Information/Rates/Submissions:

www.lwm-info.org/index.asp?Type=B_JOB&SEC=%7B428BF440-C1B3-494D-8B98-837FE87BCFCA%7D

Wyoming Association of Municipalities (www.wyomuni.org)

315 West 27th Street
Cheyenne, WY 82001
Phone: 307-632-0398

Classifieds

Information:

www.wyomuni.org/index.asp?Type=B_JOB&SEC={AE206698-9002-49A0-983C-9CFCD28D226}
Submissions: wam@wyomuni.org

Appendix D:

Potential Interview Questions³

It is suggested that each member of the governing body ask the same question(s) of each candidate.

Candidate Traits/Experience/ Qualifications

1. Provide a brief summary of your education and work experience.
2. Please briefly describe your experience with
 - a. Land use planning
 - b. Economic development/redevelopment
 - c. Tax increment financing
 - d. Business attraction and retention programs
 - e. Beautification programs
 - f. Business assistance programs—e.g., façade improvement, code compliance
 - g. Annexation
 - h. Subdivision policies and regulations, particularly as they relate to storm-water management
 - i. Zoning
 - j. Building code administration
 - k. Municipal facilities expansion—in particular, water and wastewater utility expansions
3. How would you describe your leadership and management styles?

Interaction with Governing Body

1. What do you perceive to be the chief administrator's role in working with the governing body, local government attorney, and clerk?
2. What are your expectations of the governing body in relation to
 - a. Yourself
 - b. Other staff
3. How and when do you communicate with the governing body?

Candidate Thoughts on Role of Administrator

1. In your opinion, what role should the administrator have in the community?
2. Do you believe the administrator should be an active member of a service or fraternal organization? If yes, why?
3. How do you deal with the news media?
4. How do you deal with special-interest or single-interest groups?
5. What is the best way for an administrator to deal with an angry constituent?

Personnel Experience

1. How and when do you delegate responsibility and authority?
2. Have you ever been at the bargaining table and been actively engaged in negotiating an agreement?
3. Have you taken part in mediation, fact finding, or arbitration? Which ones? Please explain your experience in such process(es) including your role/level of involvement and your thoughts regarding the outcomes of these experiences.
4. Have you ever had to discipline, demote, or fire an employee? Please elaborate.
5. How do you educate, encourage, and motivate your staff?
6. Are you familiar with state and federal laws relating to nondiscrimination, sexual harassment, employees with disabilities, and equal opportunity?
7. Have charges of violation of state or federal employment laws or a grievance ever been filed against you or your city? Please explain.
8. What experience have you had in the preparation and implementation of personnel rules, regulations, procedures, and compensation plans? Please describe.

³ Adapted from the Illinois City/County Management Association's *A Guide to the Recruitment and Selection of a Chief Administrative Officer*.

9. What is your experience with employee benefits administration, group health insurance, and risk management?
10. What in your opinion is the most serious issue today in local government personnel management?
11. How and when should private sector resources (e.g., contractors) be used to provide village services?

Financial Management Experience

1. Is there a difference between a financial plan and a budget? If so, please explain how they differ.
2. Are/were you the designated budget officer for your local government? Did you prepare and present the budget to the council, and upon adoption, were you responsible for implementation? Please explain the outcomes of various budget processes and any challenges you encountered through budget development through council adoption.
3. What is your experience with debt financing? Please give an example.
4. Have you secured and administered any type of loans or grants? Please give an example.
5. Describe the most successful capital improvement project you were responsible for and what made it successful?
6. Have you reviewed our annual budget and/or annual report? If yes, what is your impression of our financial condition?
7. What is your opinion of “pay as you go” financing of maintenance and capital projects? Special assessments? Special taxing districts?

8. What type of financial reports do you provide the elected body and with what frequency?
9. Have you read our comprehensive or general plan? What are your impressions or thoughts?

Intergovernmental Relations Experience

1. What experience have you had in dealing with
 - a. Councils of government/intergovernmental agencies?
 - b. County government?
 - c. Other local governments (schools, parks, etc.)?
 - d. State agencies?
 - e. Federal agencies?
 - f. State legislature?
 - g. Congress?
2. Do you feel comfortable “lobbying”?

External Organizational and Professional Association Relations

1. Have you been an active participant in the activities of a statewide municipal league, statewide city or county management association, the International City/County Management Association (ICMA) or other professional organizations devoted to local government? Please give examples of your activities.
2. Are you an ICMA Credentialed Manager? If so, how do you fulfill your annual professional development requirement?

Relations with Applicants—Do's and Don'ts

Do:

- Keep all candidates informed of their status at all times.
- Identify one point of contact through which everything flows, including contacts with candidates, reference checks, etc., in order to ensure that the information, messages, and details are consistent and that the process is fair and equitable.
- Keep all information strictly confidential throughout the entire recruitment and selection process unless state law requires otherwise.
- Create an outreach strategy that will ensure a diverse candidate pool.
- After carefully reviewing all applicant submittals, select a short list of the most promising candidates.
- While maintaining the confidentiality, carefully check educational credentials and references on those candidates judged best qualified.
- Invite those candidates judged best qualified for initial interviews at the local government's expense.
- Send the candidates under consideration an information packet that may include the outreach brochure and copies of your government's budget, charter, annual report, and other pertinent documents; or provide the information on where to find this material on the agency's website.
- Pay expenses of the candidates invited to a second interview (and of their spouses/partners, if applicable).
- Perform detailed background checks on the final candidate(s).
- Visit, if possible, the local governments in which the most promising candidates work.
- Be prepared to enter into a formal written employment agreement with the successful candidate.
- Promptly notify all other candidates once the selection has been made and the position has been accepted. However, it is best to wait until the selected finalist has accepted the position and the agency and candidate have mutually agreed to the provisions of the employment contract.

Don't:

- Let the selection process last too long.
- Expect to get all the necessary information about the candidates from written material.
- Forget that you are seeking overall management ability, not technical competence in one specialized field.
- Forget to consider candidates who are assistant managers as well as current managers
- Overlook the need for candidates to possess municipal administrative experience and the advantages or value of college or university training, post degree training, and continued professional development.
- Release for publication any names or local governments of candidates unless state law requires it.

ICMA Model Employment Agreement

Introduction

This Agreement, made and entered into this [date], by and between the [local government] of [state], [town/city/county] a municipal corporation, (hereinafter called "Employer") and [name], (hereinafter called "Employee") an individual who has the education, training and experience in local government management and who, as a member of ICMA, is subject to the ICMA Code of Ethics, both of whom agree as follows:

Section 1: Term

Recommended

A. This agreement shall remain in full force in effect from [date] until terminated by the Employer or Employee as provided in Section 9, 10 or 11 of this agreement.

Option 2

The term of this agreement shall be for an initial period of [#] years from [date] to [date]. This Agreement shall automatically be renewed on its anniversary date for a [#] year term unless notice that the Agreement shall terminate is given at least [#] months (12 months recommended) before the expiration date. In the event the agreement is not renewed, all compensation, benefits and requirements of the agreement shall remain in effect until the expiration of the term of the Agreement unless Employee voluntarily resigns. In the event that the Employee is terminated, as defined in Section 9 of this agreement, the Employee shall be entitled to all compensation including salary, accrued vacation and sick leave, car allowance paid in lump sum plus continuation of all benefits for the remainder of the term of this agreement.

Section 2: Duties and Authority

Employer agrees to employ [name] as [title] to perform the functions and duties specified in [legal reference] of the [local government] charter and by [legal reference] of the [local government] code and to perform other legally permissible and proper duties and functions.

Section 3: Compensation

Recommended

- A. Base Salary: Employer agrees to pay Employee an annual base salary of [\$ amount], payable in installments at the same time that the other management employees of the Employer are paid.
- B. This agreement shall be automatically amended to reflect any salary adjustments that are provided or required by the Employer's compensation policies.
- C. Consideration shall be given on an annual basis to increase compensation.

Option 1

The Employer agrees to increase the compensation of the Employee dependent upon the results of the performance evaluation conducted under the provisions of Section 12 of this Agreement. Increased compensation can be in the form of a salary increase and/or a bonus.

Option 2

The Employer agrees to increase the compensation by [%] each year.

Option 3

The Employer agrees to increase the compensation each year by the minimum of the average across the board increase granted to other employees of the Employer.

Option 4

The Employer agrees to increase the compensation of the Employee dependent upon the results of the performance evaluation conducted under the provisions of Section 12 of this Agreement in addition to providing a fixed annual increase in the Employee's salary based on an agreed upon economic indicator, such as the Consumer Price Index.

Section 4: Health, Disability and Life Insurance Benefits Recommended

- A. The Employer agrees to provide and to pay the premiums for health, hospitalization, surgical, vision, dental and comprehensive medical insurance for

the Employee and his/her dependents equal to that which is provided to all other employees of the [local government] or, in the event no such plan exists, to provide coverage for the Employee and dependents.

- B. The Employer agrees to put into force and to make required premium payments for short term and long term disability coverage for the Employee.
- C. The Employee may elect to submit once per calendar year to a complete physical examination, including a cardio-vascular examination, by a qualified physician selected by the Employee, the cost of which shall be paid by the Employer.
- D. The Employer shall pay the amount of premium due for term life insurance in the amount of three (3) times the Employee's annual base salary, including all increases in the base salary during the life of this agreement. The Employee shall name the beneficiary of the life insurance policy.

Option 1

- A. The Employer agrees to provide for health, hospitalization, surgical, vision, dental and comprehensive medical insurance for the Employee and his/her dependents equal to that which is provided to all other employees of the [local government] or, in the event no such plan exists, to provide coverage for the Employee and dependents. Employer shall pay all premiums for the Employee and the Employee's dependents.
- B. The Employer agrees to put into force and to make required premium payments for short term and long term disability coverage for the Employee.
- C. The Employee may elect to submit once per calendar year to a complete physical examination, including a cardio-vascular examination, by a qualified physician selected by the Employee, the cost of which shall be paid by the Employer.
- D. The Employer shall pay the amount of premium due for term life insurance in the amount of three (3) times the Employee's annual base salary, including all increases in the base salary during the life of this agreement. The Employee shall name the beneficiary of the life insurance policy.

Option 2

- 1. The Employer shall provide travel insurance for the Employee while the Employee is traveling on the Employer's business, with the Employee to name beneficiary thereof. Should the Employee die while on travel for the Employer, the Employer shall

cover the full cost of retrieving and transporting the Employee's remains back to the custody of the Employee's family.

Section 5: Vacation, Sick, and Military Leave

Recommended

- A. Upon commencing employment, the Employee shall be credited with sick and vacation leave equal to the highest annual accrual provided to all other employees. The Employee shall then accrue sick and vacation leave on an annual basis at the highest rate provided to any other employees.
- B. Upon commencing employment, the Employee shall have access to a bank of 180 sick days to be used in the case of serious medical conditions. This leave can only be used to provide coverage during the waiting period between the onset of illness or disability and the point at which short or long term disability coverage takes effect and may be renewed after each occurrence.
- C. The Employee is entitled to accrue all unused leave, without limit, and in the event the Employee's employment is terminated, either voluntarily or involuntarily, the Employee shall be compensated for all accrued vacation time, all paid holidays, executive leave, and other benefits to date.
- D. The Employee shall be entitled to military reserve leave time pursuant to state law and [local government] policy.

Additional Option

- 1. The Employee shall annually be credited with five (5) days of executive leave.

Section 6: Automobile

The Employee's duties require exclusive and unrestricted use of an automobile to be mutually agreed upon and provided to the Employee at the Employer's cost, subject to approval by Employer which shall not be withheld without good cause. It shall be mutually agreed upon whether the vehicle is purchased by the city, provided under lease to the city or to the Employee, or provided through a monthly allowance.

Option 1 - Monthly Vehicle Allowance

The Employer agrees to pay to the Employee, during the term of this Agreement and in addition to other

salary and benefits herein provided, the sum of [dollar amount] per year, payable monthly, as a vehicle allowance to be used to purchase, lease, or own, operate and maintain a vehicle. The monthly allowance shall be increased annually by [% or \$] amount. The Employee shall be responsible for paying for liability, property damage, and comprehensive insurance coverage upon such vehicle and shall further be responsible for all expenses attendant to the purchase, operation, maintenance, repair, and regular replacement of said vehicle. The Employer shall reimburse the Employee at the IRS standard mileage rate for any business use of the vehicle beyond the greater [local government] area. For purposes of this Section, use of the car within the greater [local government] area is defined as travel to locations within a _____ mile (recommended fifty (50) mile) radius of [local government office].

Option 2 - Employer Provided Vehicle

The Employer shall be responsible for paying for liability, property damage, and comprehensive insurance, and for the purchase (or lease), operation, maintenance, repair, and regular replacement of a full-size automobile.

Section 7: Retirement

Recommended

1. The Employer agrees to enroll the Employee into the applicable state or local retirement system and to make all the appropriate contributions on the Employee's behalf, for both the Employer and Employee share required.
2. In addition to the Employer's payment to the state or local retirement system (as applicable) referenced above, Employer agrees to execute all necessary agreements provided by ICMA Retirement Corporation [ICMA-RC] or other Section 457 deferred compensation plan for Employee's [continued] participation in said supplementary retirement plan and, in addition to the base salary paid by the Employer to Employee, Employer agrees to pay an amount equal to [percentage of Employee's base salary, fixed dollar amount of [\$], or maximum dollar amount permissible under Federal and state law into the designated plan on the Employee's behalf, in equal proportionate amount each pay period. The parties shall fully disclose to each other the financial impact of any amendment to the terms of Employee's retirement benefit.

In lieu of making a contribution to a Section 457 deferred compensation plan, the dollar value

of this contribution may be used, at the Employee's option, to purchase previous service from another qualified plan.

Option 1

Recognizing that effective service with the community is based in part on the stability provided through a long-term relationship, the Employer shall provide a retirement annuity, as directed by the Employee, at a rate of [dollar amount], payable at the completion of each quarter of the fiscal year. This annuity serves as a retirement contribution and does not require further action of the Employer.

Option 2

The Employer shall adopt a qualified 401(a) defined contribution plan offered through ICMA Retirement Corporation for the Employee in the form of a money purchase plan to which the Employer shall contribute [%] of salary or [%] of compensation annually.

2A. Option: The Employee shall be required to contribute [%] of base salary or [dollar amount] annually on a pre-tax basis as a condition of participation.

Option 3

The Employer shall adopt a qualified 401(a) profit-sharing plan offered through ICMA Retirement Corporation for the Employee in the form of a money purchase plan to which the Employer shall contribute [%] of all performance bonuses annually.

3A. Option: The Employee shall be required to contribute [%] of base salary or [dollar amount] annually on a pre-tax basis as a condition of participation.

Section 8: General Business Expenses

Recommended

1. Employer agrees to budget for and to pay for professional dues and subscriptions of the Employee necessary for continuation and full participation in national, regional, state, and local associations, and organizations necessary and desirable for the Employee's continued professional participation, growth, and advancement, and for the good of the Employer.
2. Employer agrees to budget for and to pay for travel and subsistence expenses of Employee for professional and official travel, meetings, and occasions to adequately continue the professional development of Employee and to pursue necessary official functions for Employer, including but not limited

to the ICMA Annual Conference, the state league of municipalities, and such other national, regional, state, and local governmental groups and committees in which Employee serves as a member.

3. Employer also agrees to budget for and to pay for travel and subsistence expenses of Employee for short courses, institutes, and seminars that are necessary for the Employee's professional development and for the good of the Employer.
4. Employer recognizes that certain expenses of a non-personal but job related nature are incurred by Employee, and agrees to reimburse or to pay said general expenses. The finance director is authorized to disburse such moneys upon receipt of duly executed expense or petty cash vouchers, receipts, statements or personal affidavits.
5. The Employer acknowledges the value of having Employee participate and be directly involved in local civic clubs or organizations. Accordingly, Employer shall pay for the reasonable membership fees and/or dues to enable the Employee to become an active member in local civic clubs or organizations.

Option 1

Technology: The Employer shall provide Employee with a computer, software, fax/modem, cell phone and pager required for the Employee to perform the job and to maintain communication.

Section 9: Termination

Recommended

For the purpose of this agreement, termination shall occur when:

1. The majority of the governing body votes to terminate the Employee at a duly authorized public meeting.
2. If the Employer, citizens or legislature acts to amend any provisions of the [charter, code, enabling legislation] pertaining to the role, powers, duties, authority, responsibilities of the Employee's position that substantially changes the form of government, the Employee shall have the right to declare that such amendments constitute termination.
3. If the Employer reduces the base salary, compensation or any other financial benefit of the Employee, unless it is applied in no greater percentage than the average reduction of all department heads, such action shall constitute a breach of this agreement and will be regarded as a termination.

4. If the Employee resigns following an offer to accept resignation, whether formal or informal, by the Employer as representative of the majority of the governing body that the Employee resign, then the Employee may declare a termination as of the date of the suggestion.
5. Breach of contract declared by either party with a 30 day cure period for either Employee or Employer. Written notice of a breach of contract shall be provided in accordance with the provisions of Section 20.

Option 1

In the event the Employee is terminated by the Employer during the six (6) months immediately following the seating and swearing-in of one or more new governing body members, and during such time that Employee is willing and able to perform his duties under this Agreement, then, Employer agrees to pay Severance in accordance with Section 10 plus salary and benefits in accordance with Section 10 for any portion of the six months not worked.

Section 10: Severance

Severance shall be paid to the Employee when employment is terminated as defined in Section 9. If the Employee is terminated, the Employer shall provide a minimum severance payment equal to one year salary at the current rate of pay. This severance shall be paid in a lump sum unless otherwise agreed to by the Employer and the Employee.

The Employee shall also be compensated for all accrued sick leave, vacation time, all paid holidays, and executive leave. The Employer agrees to make a contribution to the Employee's deferred compensation account on the value of this compensation calculated using the rate ordinarily contributed on regular compensation.

For a minimum period of one year following termination, the Employer shall pay the cost to continue the following benefits:

1. Health insurance for the employee and all dependents as provided in Section 4A
2. Life insurance as provided in Section 4D
3. Short-term and long-term disability as provided in Section 4B
4. Car allowance or payment of lease, or provide option to buy city vehicle at depreciated value
5. Out placement services should the employee desire them in an amount not to exceed [\$10,000 to \$15,000 recommended], and
6. Any other available benefits.

If the Employee is terminated because of a conviction of a felony, then the Employer is not obligated to pay severance under this section.

Section 11: Resignation

In the event that the Employee voluntarily resigns his/her position with the Employer, the Employee shall provide a minimum of 30 days notice unless the parties agree otherwise.

Section 12: Performance Evaluation

Employer shall annually review the performance of the Employee in [month] subject to a process, form, criteria, and format for the evaluation which shall be mutually agreed upon by the Employer and Employee. The process at a minimum shall include the opportunity for both parties to: (1) prepare a written evaluation, (2) meet and discuss the evaluation, and (3) present a written summary of the evaluation results. The final written evaluation should be completed and delivered to the Employee within 30 days of the evaluation meeting.

Section 13: Hours of Work

It is recognized that the Employee must devote a great deal of time outside the normal office hours on business for the Employer, and to that end Employee shall be allowed to establish an appropriate work schedule.

Section 14: Outside Activities

The employment provided for by this Agreement shall be the Employee's sole employment. Recognizing that certain outside consulting or teaching opportunities provide indirect benefits to the Employer and the community, the Employee may elect to accept limited teaching, consulting or other business opportunities with the understanding that such arrangements shall not constitute interference with nor a conflict of interest with his or her responsibilities under this Agreement.

Section 15: Moving and Relocation Expenses

Recommended

Employee agrees to establish residence within the corporate boundaries of the local government, if required, within [number] months of employment, and thereafter to maintain residence within the corporate boundaries of the local government.

- A. Employer shall pay directly for the expenses of moving Employee and his/her family and personal property from [location name] to [location name]. Said moving expenses include packing, moving, storage costs, unpacking, and insurance charges.
- B. Employer shall reimburse Employee for actual lodging and meal expenses for his/her family in route from [location name] to [location name]. Mileage costs for moving two personal automobiles shall be reimbursed at the current IRS allowable rate of [cents amount] per mile.
- C. Employer shall pay Employee an interim housing supplement of [dollar amount] per month for a period commencing [date], and shall continue for a maximum of [#] months, or until a home is purchased and closed on, within the corporate limits of the [local government name], whichever event occurs first.
- D. Employer shall reimburse Employee for a total of [number] round trip air fares for Employee and his/her family [amount of total tickets] at any time during the first year of service to assist with house hunting and other facets of the transition and relocation process. The Employee and his/her family may utilize and distribute the total [enter number] individual round trip tickets in any combination of individual members making the trips. The Employee shall be reimbursed for actual lodging and meal expenses incurred by Employee or his/her family members on any trips conducted prior to relocation, as detailed herein.
- E. The Employee shall be reimbursed, or Employer may pay directly, for the expenses of packing and moving from temporary housing to permanent housing during the first year of this agreement.
- F. The Employer shall pay the Employee's tax liability on all Employer provided benefits for relocation and housing.

Option 1

The Employer shall pay a lump sum payment of [\$] to the Employee to cover relocation costs.

Section 16: Home Sale and Purchase Expenses

Recommended

- A. Employee shall be reimbursed for the direct costs associated with the sale of Employee's existing personal residence, said reimbursement being limited to real estate agents' fees, and other closing

costs that are directly associated with the sale of the house. Said reimbursement should not exceed the sum of [\$].

- B. Employee shall be reimbursed for the costs incidental to buying or building a primary residence within the [local government], including real estate fees, title insurance, and other costs directly associated with the purchase or construction of the house, said reimbursement not to exceed the sum of [\$].

Option 1

Employer shall reimburse Employee for up to three discount points within thirty (30) days following purchase of a home within the corporate limits of [local government name], in an effort to minimize mortgage rate differentials.

Option 2

Employer shall provide Employee with a _____ [fixed-interest, variable-interest, interest-only] loan to purchase a house. The amount of the loan shall not exceed \$_____. The loan shall be repaid in full to the Employer upon the occurrence of either of the following events: (i) the home, or the Employee's interest in the home, is sold, transferred, or conveyed, or (ii) the Employee's employment with the Employer, for any reason, is terminated. The Employer and Employee shall execute any and all documents necessary to document this transaction. In the case where the value of the home decreases, the Employee shall not be required to repay the loan.

Option 3

Employer agrees to provide the Employee a loan for the purchase of a home in an amount not to exceed [dollar amount]. Employee shall pay Employer a monthly mortgage payment of [dollar amount] for interest, which is equal to the amount currently being paid in principle and interest for the current residence. Employee shall accrue equity at a rate of [%] per month.

Upon termination of employment with the Employer, Employee shall have a maximum of six months to sell the home while continuing to reside in it under the terms and conditions here. Should the home sell during the time period, Employer shall receive 100% of the proceeds minus the percentage of equity accrued by Employee as described above, and minus the amount of equity originally invested by Employee. Said accrued equity and original equity shall both be payable to Employee upon closing. Said original equity invested shall be calculated as an

amount equal to the percentage of original purchase price, represented by the original equity investment by Employee, and adjusted to be the same percentage of equity in the current sale price of the home. All closing costs borne by the seller shall be split between Employer and Employee in a proportion equal to the equity share described above. Should the house fail to sell within the allotted six month time period, Employer has the option of following the previous arrangement to continue in place or to purchase equity, calculated as provided above, plus the original cost of all improvements made to the property.

Section 17: Indemnification

Beyond that required under Federal, State or Local Law, Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as [job title] or resulting from the exercise of judgment or discretion in connection with the performance of program duties or responsibilities, unless the act or omission involved willful or wanton conduct. The Employee may request and the Employer shall not unreasonably refuse to provide independent legal representation at Employer's expense and Employer may not unreasonably withhold approval. Legal representation, provided by Employer for Employee, shall extend until a final determination of the legal action including any appeals brought by either party. The Employer shall indemnify employee against any and all losses, damages, judgments, interest, settlements, fines, court costs and other reasonable costs and expenses of legal proceedings including attorneys fees, and any other liabilities incurred by, imposed upon, or suffered by such Employee in connection with or resulting from any claim, action, suit, or proceeding, actual or threatened, arising out of or in connection with the performance of his or her duties. Any settlement of any claim must be made with prior approval of the Employer in order for indemnification, as provided in this Section, to be available.

Employee recognizes that Employer shall have the right to compromise and unless the Employee is a party to the suit which Employee shall have a veto authority over the settlement, settle any claim or suit; unless, said compromise or settlement is of a personal nature to Employee. Further, Employer agrees to pay all reasonable litigation expenses of Employee throughout the pendency of any litigation to which

the Employee is a party, witness or advisor to the Employer. Such expense payments shall continue beyond Employee's service to the Employer as long as litigation is pending. Further, Employer agrees to pay Employee reasonable consulting fees and travel expenses when Employee serves as a witness, advisor or consultant to Employer regarding pending litigation.

Section 18: Bonding

Employer shall bear the full cost of any fidelity or other bonds required of the Employee under any law or ordinance.

Section 19: Other Terms and Conditions of Employment

The Employer, only upon agreement with Employee, shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of the Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the [local government] Charter or any other law.

A. Except as otherwise provided in this Agreement, the Employee shall be entitled to the highest level of benefits that are enjoyed by other [appointed officials, appointed employees, department heads or general employees] of the Employer as provided in the Charter, Code, Personnel Rules and Regulations or by practice.

Section 20: Notices

Notice pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service, postage prepaid, addressed as follows:

- (1) EMPLOYER: [Title and address of relevant official (mayor, clerk, etc.)]
- (2) EMPLOYEE: [Name and address for tax purposes of Employee]

Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 21: General Provisions

- A. Integration. This Agreement sets forth and establishes the entire understanding between the Employer and the Employee relating to the employment of the Employee by the Employer. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written agreement may amend any provision of this agreement during the life of the agreement. Such amendments shall be incorporated and made a part of this agreement.
- B. Binding Effect. This Agreement shall be binding on the Employer and the Employee as well as their heirs, assigns, executors, personal representatives and successors in interest.
- C. Effective Date. This Agreement shall become effective on _____, ____.
- D. Severability. The invalidity or partial invalidity of any portion of this Agreement will not effect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the expungement or judicial modification of the invalid provision.

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Leaders at the Core of Better Communities

FW: City Manager Position

Pierre Boutros <pboutros@bhamgov.org>
To: Joseph Valentine <jvalentine@bhamgov.org>

Thu, Oct 8, 2020 at 4:36 PM

Joe,

I received the below email from Mr. Markus today. Could you please include it in the agenda for Monday's meeting for discussion with your report on the manager's search.

Thanks,

Pierre Boutros
Mayor
City of Birmingham

Begin forwarded message:

From: thomas markus <tmsquared20@gmail.com>
Date: October 8, 2020 at 1:26:01 PM EDT
To: "pboutros@bhamgov.org" <pboutros@bhamgov.org>
Cc: "Currier, Tim" <TCurrier@bhlaw.us.com>
Subject: City Manager Position

Dear Mayor Boutros:

Thank you for taking my call wherein I expressed my interest in returning to the position of Birmingham City Manager. I was surprised and saddened to learn of Joe Valentine's decision to leave and spoke with him regarding my possible pursuit of the position.

During our call I explained that I returned to the states of Michigan and Wisconsin to be closer to family. I didn't retire from Lawrence Kansas, I merely resigned so as to be closer to our grandchildren. I have been selectively looking at opportunities for continued public service in both states. I also mentioned that one of my two sons lives in Birmingham along with his family.

I recognize that Birmingham is struggling through a stressful period but like most communities Birmingham will find the correct compass heading and return to a unified path forward. Obviously, the pandemic and social injustice issues further stresses the situation, however I believe I can provide a calm and purposeful leadership that will assist the Commission and Community on a path forward.

To this end I offer the Commission the following suggested commitments and steps for your consideration:

1. I will commit to a 5 year length of service. After five years I will consult with Family and the Commission to determine if my service would continue.
2. I will begin service immediately following Mr. Valentine's announced departure date. If the Commission desires an overlap period for both Managers I will accommodate that request.
3. I will only accept this position based on a super majority vote of the commission. While I would hope for unanimous approval I would accept a super majority vote and would work tirelessly to gain the support of the entire Commission.
4. I have no desire to serve as an interim manager or participate in an executive search process. Your six Commission colleagues know of my 21 + years of service and my reputation. If you decide to pursue another course of action to fill the position I would understand and would wish you the best. I believe you can reduce the stress on your organization, save public funds and time by considering my candidacy at this time.
5. I would make myself available for an online interview if you would so desire.
6. I would entertain other suggestions or ideas that you and the Commission may have in considering my candidacy.
7. If the Commission decides to move forward with my candidacy I would suggest that your designated representatives meet with me to prepare an employment agreement for the Commission's consideration.

I want you all to know that I have the utmost respect for the role you play in governing a premier city. I would be honored to once again serve as your next City Manager.

If you think I would be a good fit once again I will work with all of you to keep Birmingham moving forward.

Thank You for your consideration.

Thomas M Markus



tmm-resume-summary (2).doc

54K

Thomas M. Markus
10347 W Little Harbor Road
Manistique, MI 49854

Cell: (319) 400-4018

tmsquared20@gmail.com

Home: (906) 341-5990

Summary of Qualifications and Experience

My local government career started in 1973. I have over four decades of City Manager experience serving in seven cities in five different states. The communities have varied in size from 5,000 to over 100,000, fiscal capacity and wealth, range of services provided, diversity, land uses, and overall challenges.

While well rounded in most aspects of local government administration, I focused my education on management, finance, and planning disciplines. In each community I have served, I have been actively engaged in the communities beyond my role as City Manager.

In the later years of my career, one of the most rewarding aspects of my service is to prepare, coach, and mentor younger professionals to serve in local government leadership roles. I consider myself a servant leader and continue to have a strong passion for public service.

EXPERIENCE

(Please refer to the comprehensive Resume for greater detailed information)

City Manager Lawrence, Kansas March 2016 – June 2019

Lawrence is a full service, independent City with an estimated population of 102,002 (2019). The Manager oversees a varied mix of departments and services with 842 (2019) full-time employees and a budget of \$206 million.

Two major accomplishments during my tenure include:

1. Developed a strategic plan with on-line reporting of goal achievement. Strategic goals are fused into the budget and employee performance reviews.
2. Worked with the community to secure a 10-year sales tax renewal for transit and infrastructure. Additionally, the electorate adopted a sales tax commitment for affordable housing which was a top City priority.

City Manager	Iowa City, Iowa	November 2010 – March 2016
City Manager	Birmingham, Michigan	May 1989 – November 2010
City Manager	Brooklyn Park, Minnesota	May 1988 - December 1988
Village Manager	Wheeling, Illinois	May 1980 – April 1988
City Administrator	Savage, Minnesota	August 1977 – April 1980
Assistant Village Manager	Wheeling, Illinois	July 1974 – July 1977
Administrative Assistant	Waseca, Minnesota	July 1973 – June 1974

EDUCATION

- | | |
|------|---|
| 1999 | Program for Senior Executives in State and Local Government
Harvard University JFK School of Government, Cambridge, Massachusetts |
| 1992 | Executive Leadership Development Course
Central Michigan University |
| 1976 | Master of Public Administration Degree
Roosevelt University, Chicago, Illinois |
| 1973 | Graduate Study in Urban Studies
Mankato State University, Mankato, Minnesota |
| 1973 | Bachelor of Science Degree
Majors: Urban Studies and Business Administration/Finance
Mankato State University, Mankato, Minnesota |

In addition to my formal education, I have achieved ICMA's designation as a credentialed City Manager (since 2002). This is a commitment to lifelong learning.

REFERENCES

(available upon request)



MEMORANDUM

Planning Division

DATE: October 5, 2020

TO: Joseph A. Valentine, City Manager

FROM: Jana Ecker, Planning Director

SUBJECT: Review of Existing Noise Regulations

On September 21, 2020, the City Commission directed City staff to review the current noise regulations in place in the City to allow the Commission to review and discuss any potential revisions that may be needed to the City Code.

Noise regulations are addressed in several areas of the City Code. Please find attached all relevant noise provisions, which are found in the following chapters of the Birmingham City Code:

- Chapter 26, Businesses
- Chapter 50, Environment
- Chapter 74, Offenses
- Chapter 126, Zoning

A summary of noise-related regulations is provided below.

General Noise Standards

Permissible daytime and nighttime noise levels within the City are set out in Section 74(a) of Chapter 50, Environment, which states:

(a) No person shall conduct or permit any activity, including those specific prohibitions listed on section 50-73, that produces a DBA at or beyond the property line of the property on which it is conducted which exceeds the levels specified in Table I. Such noise levels shall be measured on the property line or on the adjacent property which is receiving the noise. Where property is used for both residential and commercial purposes, the limitations set forth below for commercial property shall apply.

Use of Property Producing the Sound	Use of Property Receiving the Sound	Sunday to Saturday 7:00 a.m. to 7:00 p.m.	Sunday to Saturday 7:00 p.m. to 7:00 a.m.
Residential	Residential	75	60
Commercial	Residential	80	60
Residential	Commercial	80	60

Commercial	Commercial	90	75
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In accordance with Table 1 of Section 74(a) of Chapter 50, a commercial property may produce up to 80DBA of noise in the daytime and up to 60DBA of noise at night when adjacent to a residential property. Table 1 also limits noise to 75DBA or less in the daytime and 60DBA or less at night for residential properties adjacent to residential properties. City staff utilize a sound meter to determine decibel levels when complaints are received.

However, Section 74(b) of Chapter 50 also permits certain operations that are exempt from the standard daytime noise limits, including power equipment (such as blowers, lawn mowers, chain saws etc.) and snow removal equipment. Power equipment is permitted to emit up to 100 DBA at the property line, and snow removal equipment is permitted to emit up to 90 DBA at the property line.

In addition, even noise levels that do not exceed the daytime and nighttime permissible noise levels may be prohibited in accordance with Section 73 of Chapter 50 if they are frequent or long-continued noises clearly audible at or beyond the property line of the site on which they are created. The types of noises that may fall under the purview of section 73 include insect or animal control devices, animal or bird sounds, bells, chimes, sirens or similar devices, shouting and whistling and sounds from motor vehicles. This provision does not apply to certain publicly sponsored or publicly permitted concerts, events or activities as provided in Section 75 of Chapter 50.

Section 72 of Chapter 50 goes on to deem all sounds in violation of the above standards as public nuisances:

No person shall create, assist in creating, permit, continue or permit the continuance of any noise which exceeds the limitations set forth in this article within the city. All noises which violate the restrictions of this division are hereby declared to be public nuisances.

Thus, Section 72 establishes noise violations as public nuisances, and prohibits all persons from creating or assisting in creating or permitting noise in violation of the prescribed standards.

Specific Noise Regulations

Chapter 26, Businesses, of the City Code also establish noise regulations specifically for **vendors, solicitors and peddlers** operating within the City. Section 117(b) of Chapter 26 prohibits the use of instruments or devices which create noise for the purpose of attracting attention so as to annoy or disturb the quiet, comfort or repose of any persons indoors or outdoors. Any violation of these regulations may be prosecuted as offenses under Chapter 26, Businesses or Chapter 50, Environment. Chapter 26 also establishes noise regulations specific to frozen confection vendors (ie. Ice cream trucks etc.) that limit noise levels from bells, chimes or other noisemaking devices designed to attract the attention of potential customers.

Section 378 of Chapter 74 of the City Code also provides restrictions on noise and disturbances that cause impacts on **schools**:

No person shall willfully or maliciously make or assist in making any noise, disturbance or improper diversion by which the peace, quietude, or good order of any public, private or parochial school is disturbed.

In accordance with Section 378 of Chapter 74, any noises or disturbances that negatively affect the peace, quietude or good order of a school are also prohibited.

Chapter 126, Zoning, of the City Code also provides additional regulations to minimize the impacts of noise. For example, the purpose of the **screening standards** in Article 4, Development Standards "is to require a barrier, capable of containing noise, vehicular lights, visual disarray, debris and other factors detrimental to the health, safety and welfare of the community...". Specifically, the **noise created by air conditioning units or other mechanical equipment** which may adversely affect the peace and tranquility of adjacent residents is also addressed in the screening section for R7 (Multiple Family Residential) properties.

In all zone districts where **home occupations** are permitted (all single and multiple family zone districts and TZ1 and TZ2 zone districts), Article 5, Use Specific Standards of Chapter 126, Zoning also states:

There shall be no noise, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.

In R1A, R1, R2, R3 and MX zone districts, Article 5, Use Specific Standards of Chapter 126, Zoning also addresses noise concerns when regulating the approval of **family day care homes** in these districts, particularly when more than one is concentrated within 750' of another.

In addition, Article 5, Section 5.15, TZ2 District, also states that any use must be "compatible with adjacent uses of land, existing ambient noise levels and will not be injurious to the surrounding neighborhood".

Finally, Article 7, Processes, Permits and Fees of Chapter 126, Zoning, also provides **application requirements** for certain types of development applications as follows:

- Section 7.27(F) requires noise studies for Community Impact Studies (for developments larger than 20,000 sq.ft. in size);
- Section 7.40 provides that noise is factor to be considered in determining whether to approve an application for a Temporary Use Permit; and
- Section 7.36 addresses noise with regards to private schools seeking a Special Land Use Permit.

Offenses Related to Noise

Finally, Chapter 74 of the City Code outlines a specific offence for **breach of the peace** for which a person may be charged. Section 156 states that:

Any person who shall make or assist in making any noise, disturbance, trouble or improper diversion, or any rout or riot, by which the peace and good order of the city are disturbed, shall be guilty of a breach of the peace, and disorderly conduct.

Thus, section 156 of Chapter 74 establishes breach of the peace and disorderly conduct offenses for any person who makes or assists in making any noise or disturbance by which the peace and good order of the City are disturbed.

Chapter 26 - Businesses

Sec. 26-117. - Requirements for all applications.

- (a) Applications. All applicants for a license under this chapter shall pay to the city the fee required by the schedule of fees, bonds, charges and insurance, and, file with the city clerk a sworn application in the form required by the city clerk, which shall include the following:
 - (1) The name of the person(s) who will engage in vending, soliciting or peddling within the city, including the person's current address of residence and length of residence at such address, business address if other than the residence address, business and residence telephone numbers, driver's license number, and a physical description including height, weight, and color of hair and eyes.
 - (2) A brief description of the business or activity to be conducted including the methods to be used and a description of the types of goods or services to be sold.
 - (3) The dates, hours and location for which the right to engage in vending, soliciting or peddling is sought.
 - (4) Proof that the applicant has obtained all licenses or permits required by state law.
 - (5) The names of three references who will certify as to the applicant's good moral character and business responsibility.
 - (6) If employed and acting as an agent, the name, address and telephone number of the parent organization who is being represented, and when and where this organization was formed, including the form of its organization.
 - (7) A statement as to whether the applicant or its parent organization has ever been found to have violated a municipal ordinance regulating vending, soliciting or peddling.
 - (8) A statement as to whether the applicant or an officer or director of the applicant's parent organization has ever been convicted of a felony, and if so, the date and location of such conviction, and a brief description of the offense.
 - (9) A current photograph of the applicant and/or a photograph of the person(s) who will be engaged in the vending, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches in size showing the head and shoulders of the applicant and or vendor, peddler or solicitor, in a clear and distinguishing manner.
 - (10) The application shall be signed by the applicant stating that the information contained therein is true and correct, that the city shall have the right to investigate and verify the information contained in the application, and that the applicant has read the vendors, solicitors and peddlers ordinance and agrees to abide by its terms.
 - (11) Such other information as the city clerk shall determine to be appropriate.
- (b) Requirements of all vendors, solicitors and peddlers.
 - (1) Loud noises, speaking devices, lights. No drum, loudspeaker, amplifier, or other instrument or device which creates noise, or flashing lights which are for the purpose of attracting attention to commercial or noncommercial enterprises so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling or other residence, or other place of employment or repose shall be used and may be treated as a violation under this chapter, and chapter 50, article II, division 4.
 - (2) Frozen confection vendors shall not utilize any bell, chime or other noisemaking device beyond a moderate noise level for the purpose of attracting persons to buy the frozen confection. This prohibition shall not be construed to exclude the customary horn required under the motor vehicle laws of the state.

- (3) Off-limit locations. No vendor, peddler or solicitor shall conduct business within 50 feet of any school, church, synagogue or place of worship during services or within one hour of services; courthouse; police station; or other public location unless specifically authorized pursuant to the terms of the license. In addition, the city manager shall have power to designate such streets, sidewalks, parts of streets, or sidewalks, districts or areas where it shall be unlawful for any licensee to operate or conduct her/his business, such designation to be made based upon congested traffic conditions, character of the neighborhood, or if the conduct of such business constitutes a public nuisance.
 - (4) "No Soliciting" signs and "No Soliciting" list. No solicitor or peddler shall enter into property that has a posted "No Soliciting" sign or shall remain on property after being requested to leave by the occupant. No solicitor or peddler shall solicit or peddle their wares or enter any property that is listed on the no soliciting list on file at the city clerk's office.
 - (5) Threatening or harassing behavior. No vendor, solicitor or peddler shall threaten or harass any citizen in the course of their activities or in any way engage in conduct that threatens the health and safety of another or causes a nuisance.
 - (6) Effect of delinquent personal property taxes. No vendor, solicitor or peddler license shall be granted to any person owing any personal property taxes or other indebtedness to the city, or who contemplates using any personal property on which personal property taxes are owed, in the operation of such business.
 - (7) Sales limited to products on application. Vendors, solicitors and peddlers shall be limited to the sale of products specified on their application. Amendments to originally approved applications must be submitted to the city clerk for review and approval, and shall not be effective prior to such approval. An application fee of an amount established in the schedule of fees, charges, bonds and insurance must accompany each request for an amendment.
 - (8) Licenses non-sellable and non-transferable. Vendor, solicitor and peddler's licenses issued under the authority of this chapter shall be non-sellable and non-transferable, either as to persons or as to location.
- (c) Traffic regulations, obstructing public places.
- (1) Vendors, solicitors and peddlers shall observe all traffic and parking regulations. Unless specifically approved, vendors, peddlers and solicitors shall not conduct business in a congested area, or occupy a stationary location on a public street, sidewalk, parkway, park, parking lot, or any other public property which is to be used by pedestrians or persons operating motor vehicles. Such vendors, peddlers and/or solicitors shall be presumed to have occupied a location if he/she has conducted business in any such public place for a period in excess of ten minutes.
 - (2) Sales to persons standing in roadway, to vehicles at red lights and to vehicles in moving traffic lanes are prohibited.
- (d) Display of license required. All vendors, solicitors and peddlers shall display the license provided by the city clerk, on his or her person or in a prominent place on their vehicle or removable or non-permanent stand. The failure of a vendor, peddler and/or solicitor to conspicuously and constantly exhibit such license when engaged in his/her licensed business shall be sufficient cause for the suspension or revocation of his/her license.
- Any certificate or license issued by the Oakland County Health Department shall also be prominently displayed on any vehicle or stand subject to this article.
- (e) Prices posted. A vendor and frozen confection vendor shall have posted on their vehicle, removable stand or non-permanent stand, the current prices charged for each item sold and no item shall be sold for more than the posted price.
 - (f) Litter clean-up required. Vendors shall (at their own expense) keep the sidewalks, streets, and other public places adjoining and adjacent to their locations of business clean and free from any refuse generated or resulting from the operation of their business.

- (1) Under no circumstances may any vendor, solicitor or peddler use any city trash can, dumpster or other receptacle, drain or sewer to dispose of any litter, refuse, substance, fluid, liquid or grease.
- (2) Violation of this subparagraph more than twice during one license year may constitute license revocation.
- (g) Cash deposit for litter clean-up. Vendors shall file with the city a cash deposit for the removal of any litter on any sidewalk, street and/or other public place adjoining and adjacent to their locations in the event the vendor fails to maintain such areas in compliance with this article. The amount of the cash deposit shall be set forth in the schedule of fees, charges, bonds and insurance. If the vendor fails to remove any such litter, the city may remove the litter and charge the costs against the cash deposit. In the event a vendor exhausts its cash deposit, the vendor shall be invoiced by the city for any restoration or litter on city property in excess of the amount of the deposit.
- (h) Commercial vendors, peddlers and solicitors shall obtain insurance as set forth in the schedule of fees, charges, bonds and insurance.
- (i) Commercial vendors shall agree to indemnify and hold the city harmless, the language of which is set forth in the schedule of fees, charges, bonds and insurance.

(Ord. No. 2064, 4-11-11)

Chapter 50 – Environment

DIVISION 4. - NOISE

Sec. 50-71. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial means a use of property for purposes other than residential.

Decibel means a unit of sound level on a logarithmic scale measured relative to the threshold of audible sound to the human ear, in compliance with American National Standards Institute Standard § 1.1-1960.

Decibel on the A-weighted network or *DBA* means decibels measured on the A-weighted network of a calibrated sound level meter utilizing the A-level weighting scale and the fast meter response, as specified in American National Standards Institute Standard § 1.4-1971.

Fast meter response means the meter ballistics of meter dynamic characteristics as specified by the American National Standards Institute Standard § 1.4-1971.

Legal holiday means the day that is observed by New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Property line means the imaginary line which represents the legal limits of property, including an apartment, condominium, room or other dwelling unit, owned, leased, or otherwise occupied by a person, business, corporation or institution. In cases involving sound from an activity on a public street, or other public right-of-way, the "property line" shall be the nearest boundary of the public right-of-way.

Residential means a legal use of property for temporary or permanent dwelling purposes.

(Code 1963, § 9.10; Ord. No. 1739, 7-24-00)

Cross reference—Definitions generally, § 1-2.

Sec. 50-72. - General prohibitions.

No person shall create, assist in creating, permit, continue or permit the continuance of any noise which exceeds the limitations set forth in this article within the city. All noises which violate the restrictions of this division are hereby declared to be public nuisances.

(Code 1963, § 9.11)

Sec. 50-73. - Specific prohibitions.

No person shall conduct or permit any of the following activities if such activity produces frequent or long-continued noise which is clearly audible at or beyond the property line of the property on which they are conducted. The prohibitions of this section apply even if the sound level produced by a prohibited activity does not exceed the applicable level specified in section 50-74.

- (1) *Insect or animal control devices.* The operation, between 10:00 p.m. and 7:00 a.m., of any device which produces an audible sound for the purpose of killing, trapping, attracting, or repelling insects or animals.
- (2) *Animal or bird sounds.* The keeping of any animal or bird which creates frequent or long-continued noise.

- (3) *Attention arresters.* The sounding, between 10:00 p.m. and 7:00 a.m., of bells, chimes, sirens, whistles or similar devices.
- (4) *Shouting and whistling.* Yelling, shouting, shooting, whistling or singing on the public streets between the hours of 10:00 p.m. and 7:00 a.m.
- (5) *Sounds from vehicles.* No person shall operate or be in control of a parked or moving vehicle with any sound amplification equipment, including, but not limited to and portable or standard factory installed, owner installed, radios, C.D. players, stereos, "boom-boxes" and/or tape cassette players, alone or combined with component speakers, in or on such vehicle producing sound that is audible by the human ear or by feeling the vibration within the human body, more than 50 feet from the vehicle. This provision shall not be applicable to noise or sound emanating from publicly sponsored or publicly permitted concerts, sporting events, parades, speeches, activities, events, other gatherings or other general exemptions as stated in section 50-75.

(Code 1963, § 9.12; Ord. No. 1813, 10-13-03)

Sec. 50-74. - Decibel level prohibitions.

- (a) No person shall conduct or permit any activity, including those specific prohibitions listed on section 50-73, that produces a DBA at or beyond the property line of the property on which it is conducted which exceeds the levels specified in Table I. Such noise levels shall be measured on the property line or on the adjacent property which is receiving the noise. Where property is used for both residential and commercial purposes, the limitations set forth below for commercial property shall apply.

Table I

Use of Property Producing the Sound	Use of Property Receiving the Sound	Sunday to Saturday 7:00 a.m. to 7:00 p.m.	Sunday to Saturday 7:00 p.m. to 7:00 a.m.
Residential	Residential	75	60
Commercial	Residential	80	60
Residential	Commercial	80	60
Commercial	Commercial	90	75

- (b) The following limited activities are exempted from the sound level limitations of this section:
 - (1) *Equipment operations.* Operation, between 7:00 a.m. and 7:00 p.m., of power equipment that does not produce a sound level exceeding 100 DBA at or beyond the property line of the property on which the equipment is operated.
 - (2) *Snow removal equipment operations.* Operation of snow removal equipment which does not produce a sound level exceeding 90 DBA at or beyond the property line of the property on which the equipment is operated.

(Code 1963, § 9.13; Ord. No. 1723, 2-28-00; Ord. No. 1739, 7-24-00; Ord. No. 2263, 2-26-18)

Sec. 50-75. - General exemptions.

The following activities are exempted from the sound level limitations of this division:

- (1) Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, to restore public utilities or to protect persons or property from imminent danger.
- (2) Sound made to alert persons to the existence of an emergency, danger or attempted crime.
- (3) Activities or operations of governmental units or agencies.
- (4) Parades, concerts, festivals, fairs or similar activities subject to any sound limitations included in the approval by the city.
- (5) The operation or use between 9:00 a.m. and 10:00 p.m. of any loudspeaker, sound amplifier, public address system or similar device used to amplify sounds, whether stationary or mounted on a vehicle, subject to the following:
 - a. The only sounds permitted are human speech or music.
 - b. Operations are permitted for a period not in excess of three hours daily.
 - c. Sound-amplifying equipment mounted on a vehicle shall not be operated unless the vehicle upon which such equipment is mounted is operated a speed of at least ten miles per hour except when the vehicle is stopped or impeded by traffic.
 - d. The volume of sound shall be controlled so that it will not be audible for a distance in excess of 100 feet from the equipment and so that the volume is not unreasonably loud, raucous, jarring or disturbing to persons within the area of audibility.
 - e. No sound-amplifying equipment shall be operated with an excess of 15 watts of power in the last stage of amplification.
- (6) The use for noncommercial purposes of one or more bells or chimes which does not exceed 90 seconds duration in an hour between 9:00 a.m. and 10:00 p.m.
- (7) Carillon playing between 9:00 a.m. and 10:00 p.m.
- (8) Cases of emergency or extra-ordinary circumstance subject to such terms and conditions as deemed necessary with authorization by the city manager or his designee.

(Code 1963, § 9.14; Ord. No. 1739, 7-24-00)

Sec. 50-76. - Test procedures.

Test instrumentation and procedures used for implementation and enforcement of this section shall substantially conform with applicable standards and recommended practices established by the Society of Automotive Engineers, Inc., and the American National Standards Institute, Inc., for the measurement of motor vehicle sound levels. Rules establishing these test procedures have been promulgated by the department of state highways and transportation.

(Code 1963, § 9.14a)

Secs. 50-77—50-85. - Reserved.

Chapter 74 - Offenses

Sec. 74-156. - Breach of peace.

Any person who shall make or assist in making any noise, disturbance, trouble or improper diversion, or any rout or riot, by which the peace and good order of the city are disturbed, shall be guilty of a breach of the peace, and disorderly conduct.

(Code 1963, § 9.102(27))

State Law reference— Disturbing public places, MCL 750.170, MSA 28.367.

Sec. 74-378. - Disturbing schools.

No person shall willfully or maliciously make or assist in making any noise, disturbance or improper diversion by which the peace, quietude, or good order of any public, private or parochial school is disturbed.

(Code 1963, § 9.102(42))

State Law reference— Disturbing public places, MCL 750.170.

Chapter 126 - Zoning

Screening Standards (SC)

4.54 SC-01

This Screening Standards section applies to the following districts:



The following screening standards apply:

- A. Purpose: The purpose of this section is to require a barrier, capable of containing **noise**, vehicular lights, visual disarray, debris and other factors detrimental to the health, safety and welfare of the community, between an open parking station, outdoor storage, dumpsters and adjacent properties. Flexibility in the materials, size, height and placement of walls is permitted in order to allow architectural harmony and usable open space and to accomplish a unified design.
- B. Screenwall Descriptions: Screenwall as required by this section shall mean:
1. When required along a street line, alley, passage or mixed passage, a masonry wall with an exterior face of brick, precast aggregate panels, sculptured block, stone, architecturally treated concrete or other materials acceptable to the Planning Board which are demonstrated to be durable, easily maintained, and provide a similar permanent visual barrier.
 2. When required, a screenwall of capped masonry.
 3. Screenwalls shall be so constructed that the lower 32 inches in height, as measured from the finished parking lot surface, or ground surface on the outside of the screenwall, whichever is higher, shall be solid. Openings above 32 inches may be permitted provided the intent of the Zoning Ordinance is maintained and further provided the openings are not larger than 64 square inches and do not exceed 33% of the surface of the screenwall.
 4. Where a screenwall is adjacent to a vehicular or pedestrian accessway, the screenwall shall be so designed and constructed as to not constitute a hazard to vehicular or pedestrian traffic.
 5. Screenwalls along a street shall be so designed as to not form a continuous barrier. Depending upon the length, location and ground contour, a break in the screenwall is required every 50 to 100 feet. Such break shall be a minimum of 10 feet long. A screening wall of a material permitted under Section [4.54\(C\)\(1\)](#) shall be constructed for the full length of the required break and shall be located a minimum of 2 feet to either the front of or the rear of the principal screenwall. The Planning Board may, upon Site Plan Review, require the screenwall spanning the break to be attached to the principal screenwall. Landscaping is required in any area created on the street side of the screenwall by the required break and shall be subject to the requirements of Section [4.54\(D\)\(1\)](#).

6. When required along the front, side or rear of any building, a masonry screenwall shall match or complement the exterior of the building.
7. When required along the side or rear lot line of any parking facility which immediately adjoins the rear lot line of property located in a residential zone, a masonry screenwall of 6 feet. When required along the side or rear lot line of any parking facility which adjoins an alley or passage adjoining the rear line of property located in a residential zone, a masonry screenwall of 3 feet.
8. When required to screen a trash receptacle or ground-mounted mechanical or electrical equipment, a masonry screenwall with wood gates. The screenwall shall match the material of the principal building.

C. Screening Requirements: Screening shall be placed as follows:

1. Along the side or rear line of any parking facility which immediately adjoins the side line of property zoned to a residential district under the Zoning Ordinance, provided that the screenwall along the side of a parking facility located in the parking district shall not extend further than the front setback area of the abutting residential district.
2. Along the side or rear lot line of any parking facility which immediately adjoins the rear line of property located in a residential district.
3. Along the front or side of any parking facility that abuts a street, alley, passage or mixed passage.
 - a. When the property being utilized for the parking facility is zoned residential, the screenwall shall be placed along the setback line.
 - b. When the property being utilized for the parking facility is zoned parking, and abuts a residential district, the screenwall shall be placed along the setback line applicable to the abutting residential district.
 - c. When the property being utilized for the parking facility is zoned to a business or industrial district, and abuts a residential district, the screenwall shall be placed along the setback line applicable to the abutting residential zoning for that district.
 - d. When the property being utilized for a parking facility is zoned to a business or industrial district, and abuts business or industrial district, the screenwall shall be placed along the setback line; however, upon review of the Site Plan, the Planning Board may approve an alternate location for the screenwall in order to maximize the screening effect of the parking facility, or may modify the screenwall requirement by approving an evergreen screen in its place.
4. Along the front, side or rear of any parking facility underneath a building which is visible to the general public in a manner which screens the parking from public view.
5. Adjacent to ground-mounted mechanical or electrical equipment which is visible to the public in a manner which obscures the receptacle and equipment from public view.

6. In the B2B district, along the side or rear lot line of any parking facility located on the side of the building in the B2B district and immediately adjoining the rear line or an alley adjoining the rear line of property located in a residential district.
7. In all multiple-family districts and all office and business districts, the screening of trash containers shall be required and shall be constructed of 6-foot masonry screenwall with a gate. All materials shall match or complement the exterior of the building.
8. Rooftop mechanical and other equipment shall be limited, positioned and screened to minimize views from adjacent properties and public rights-of-way.
 - a. To minimize the visual impact of such equipment from adjacent elevated views all rooftop mechanical equipment and associated screening must be removed if:
 - i. The equipment is inoperable and not serviceable; or
 - ii. The equipment is obsolete and not in service, or
 - iii. The equipment is not being utilized for its intended purpose.
 - b. To minimize the visual impact of such equipment from other points of observation, rooftop mechanical and other equipment shall be obscured by a screenwall composed of materials compatible with the building or by landscaping demonstrated to provide an effective permanent visual barrier.
 - c. Any screenwall barrier:
 - i. 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; and
 - ii. Shall not exceed 10 feet in height.
9. For buildings sharing a lot line with a building of the same or greater height, such rooftop screenwalls are not required to be set back from the main building wall along the common lot line.

D. Miscellaneous Screening Requirements:

1. When screening is placed along a front setback line, the resulting front yard shall be void of all parking and storage and shall be planted and otherwise landscaped and maintained by the owner.
2. Any driveway furnishing access to a parking facility shall be considered as part of the parking facility for the purposes of the Zoning Ordinance.
3. Where two parking facilities adjoin each other and the common boundary is either a side or rear line, no screening is required along the line common to both parking facilities.
4. All screenwalls shall be maintained in good order. Plant materials in vegetative screenwalls shall be maintained in a healthy condition. Dead or diseased plant materials shall be replaced with healthy materials of like size and kind.

- E. Review: The design, height and location of all screening shall be reviewed by the Planning Board.

4.55 SC-02

This Screening Standards section applies to the following district:



The following screening standard applies:

- A. Noise Screening: There shall be no objectionable irritating **noise** emanating from air conditioning units or other mechanical equipment which would adversely affect the peace and tranquility of adjacent residents. In order to assure compliance with the requirement, the appropriate reviewing body may require yard areas or setbacks and such sound reduction equipment as may be necessary to minimize the **noise** from air conditioning units and other mechanical equipment.

5.02 R1A District, R1 District, R2 District, R3 District

This Use Specific Standards section applies to the following districts, except where noted otherwise:



The following use specific standards apply:

- A. Family Day Care Home: Family day care homes shall not be considered home occupations for the purpose of this Article and are permitted under the following provisions:
1. All family day care homes must be licensed with the city. Application for a family day care home shall be made to the City Clerk. An application fee as established by the City Commission and set forth in [Appendix C](#) shall be payable upon submitting an application for a family day care home. See Chapter 26 of the Birmingham City Code for licensing procedures.
 2. Only the care provider and his/her immediate family shall reside in the home.
 3. The maximum number of children permitted in a family day care home shall not exceed that permitted by the state.
 4. All outdoor play areas shall be enclosed with a fence of no less than 4 feet nor more than 6 feet in height, capable of containing the children within the play area.
 5. Children (not related to the care provider) shall not be dropped off or picked up between the hours of 8:00 p.m. and 7:00 a.m.
 6. There shall be no signs for the family day care home.
 7. No family day care home shall be located closer than 750 feet from another family day care home or foster care facility except as permitted as follows:
 - a. The Board of Zoning Appeals may approve the location of a family day care home within 750 feet of another family day care home or foster care facility if the Board of Zoning Appeals finds that the concentration of uses will not generate traffic, **noise** or other nuisances in a volume greater than would normally be expected in a residential neighborhood. The applicant is required to provide the following information to the Board of Zoning Appeals for all family day care homes within 750 feet of another family day care home or foster care facility:
 - i. Location of parking for parents/guardians and caregivers.

- ii. Hours of operation.
 - b. Any family day care home licensed by the state at the time this section becomes effective and located within 750 feet of another state-licensed family day care home or foster care facility shall be permitted to continue in operation subject to its compliance with the other provisions of this section and the Zoning Ordinance.
- 8. Family day care homes may operate Monday through Saturday only.
- B. Home occupation: A home occupation is subject to the following provisions:
 - 1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
 - 2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
 - 3. There shall be no exterior indication by sign or otherwise of the home occupation.
 - 4. There shall be no **noise**, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
 - 5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
 - 6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
 - 7. The home occupation shall not include the direct sale of products off display shelves or racks.
 - 8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
 - 9. Home occupations may be conducted in a permitted accessory building.
 - 10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
 - 11. No more than 25% of the gross area of the building shall be used for such home occupation.
- C. Parking - Public, Off-street: Public off-street parking is permitted in connection with parks, stadiums, government offices, government uses, and public schools.

5.03 R4 District, R5 District, R8 District

This Use Specific Standards section applies to the following districts:



The following use specific standards apply:

- A. Home Occupation: A home occupation is subject to the following provisions:
 - 1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
 - 2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
 - 3. There shall be no exterior indication by sign or otherwise of the home occupation.

4. There shall be no **noise**, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
7. The home occupation shall not include the direct sale of products off display shelves or racks.
8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
9. Home occupations may be conducted in a permitted accessory building.
10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
11. No more than 25% of the gross area of the building shall be used for such home occupation.

5.04 R6 District

This Use Specific Standards section applies to the following district:



The following use specific standards apply:

- A. Home Occupation: A home occupation is subject to the following provisions:
 1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
 2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
 3. There shall be no exterior indication by sign or otherwise of the home occupation.
 4. There shall be no **noise**, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
 5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
 6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
 7. The home occupation shall not include the direct sale of products off display shelves or racks.
 8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
 9. Home occupations may be conducted in a permitted accessory building.
 10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
 11. No more than 25% of the gross area of the building shall be used for such home occupation.

5.05 R7 District

This Use Specific Standards section applies to the following district:

R7

The following use specific standards apply:

- A. Home Occupation: A home occupation is subject to the following provisions:
1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
 2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
 3. There shall be no exterior indication by sign or otherwise of the home occupation.
 4. There shall be no **noise**, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
 5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
 6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
 7. The home occupation shall not include the direct sale of products off display shelves or racks.
 8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
 9. Home occupations may be conducted in a permitted accessory building.
 10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
 11. No more than 25% of the gross area of the building shall be used for such home occupation.

5.08 P District

This Use Specific Standards section applies to the following district:

P

The following use specific standards apply:

- A. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;
 2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 3. No dance area is provided;
 4. Only low key entertainment is permitted;
 5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;

6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
 7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, defined platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 9. Enclosures facilitating year round dining outdoors are not permitted.
 10. Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.
 11. Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.
- B. Home Occupation: A home occupation is subject to the following provisions:
1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
 2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
 3. There shall be no exterior indication by sign or otherwise of the home occupation.
 4. There shall be no **noise**, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
 5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
 6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
 7. The home occupation shall not include the direct sale of products off display shelves or racks.
 8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
 9. Home occupations may be conducted in a permitted accessory building.
 10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
 11. No more than 25% of the gross area of the building shall be used for such home occupation.

5.13 MX District

This Use Specific Standards section applies to the following district:



The following use specific standards apply:

- A. Alcoholic Beverage Sales: Alcoholic beverage sales for consumption off the premises in conjunction with grocery stores, drugstores, party stores and delicatessens is permitted.
- B. Automobile Rental Establishment: An automobile rental establishment is permitted provided all vehicles are stored in a public or private parking garage.
- C. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 15 seats
 2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 3. No dance area is provided;
 4. Only low key entertainment is permitted;
 5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
 6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
 7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, defined platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 9. Enclosures facilitating year round dining outdoors are not permitted.
 10. Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.
 11. Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.
- D. Dwelling - Accessory: Residential units located in accessory structures are permitted provided that the residential units meet the minimum unit requirements identified in each two-page layout in Article 2. Where there is a conflict between this provision and the requirements of Section 4.02, this section shall take precedent.
- E. Family Day Care Home: Family day care home shall be state licensed and meet the following family day care home provisions:
1. All family day care homes must be licensed with the city. Application for a family day care home shall be made to the City Clerk on such forms as shall be provided. An application fee as established by the City Commission and set forth in Appendix C shall be payable upon submitting an application for a family day care home. See Chapter 26 of the Birmingham City Code for licensing procedures.
 2. Only the care provider and his/her immediate family shall reside in the home.
 3. The maximum number of children permitted in a family day care home shall not exceed that permitted by the state.
 4. All outdoor play areas shall be enclosed with a fence of no less than 4 feet nor more than 6 feet in height, capable of containing the children within the play area.
 5. Children not related to the care provider shall not be dropped off or picked up between the hours of 8:00p.m. and 7:00 a.m.

6. There shall be no signs for the family day care home.
7. No family day care home shall be located closer than 750 feet from another family day care home or foster care facility except as permitted as follows:
 - a. The Board of Zoning Appeals may approve the location of a family day care home within 750 feet of another family day care home or foster care facility if the Board of Zoning Appeals finds that the concentration of uses will not generate traffic, **noise** or other nuisances in a volume greater than would normally be expected in a residential neighborhood. The applicant is required to provide the following information to the Board of Zoning Appeals for all family day care homes within 750 feet of another family day care home or foster care facility:
 - b. Location of parking for parents/guardians and caregivers.
 - c. Hours of operation.
 - d. If the Board of Zoning Appeals gives approval to an additional family day care home within 750 feet of another family day care home or foster care facility, such approval is valid for 2 years from the date of approval.
 - e. Any family day care home licensed by the state at the time this section becomes effective and located within 750 feet of another state-licensed family day care home or foster care facility shall be permitted to continue in operation subject to its compliance with the other provisions of this section and the Zoning Ordinance.
8. Family day care homes shall operate Monday through Saturday only.

5.14 TZ1

This Use Specific Standards section applies to the following district:



- A. Home Occupation: A home occupation is subject to the following provisions:
 1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
 2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
 3. There shall be no exterior indication by sign or otherwise of the home occupation.
 4. There shall be no **noise**, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
 5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
 6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
 7. The home occupation shall not include the direct sale of products off display shelves or racks.
 8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
 9. Home occupations may be conducted in a permitted accessory building.

10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
11. No more than 25% of the gross area of the building shall be used for such home occupation.

5.15 Transition Zone 2 and Transition Zone 3

This Use Specific Standards section applies to the following district:



- A. Hours of Operation: Operating hours for all non-residential uses, excluding office, shall begin no earlier than 7:00 a.m. and end no later than 9:00 p.m. However, the Planning Board may approve an extension of the hours of operation for a specific tenant/occupant upon request if the board finds that:
 1. The use is consistent with and will promote the intent and purpose of this Zoning Ordinance;
 2. The use will be compatible with adjacent uses of land, existing ambient **noise** levels and will not be injurious to the surrounding neighborhood; and
 3. The use is in compliance with all other requirements of this Zoning Ordinance.
- B. Rooftop Use Standards:
 1. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:
 - i. They are set back at least 5 feet from the eave line.
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.
 - iii. They do not have full enclosures.
 - iv. They do not include eisenglass or similar enclosure materials.
 2. Rooftop structures and amenities may not contain habitable space.

(Ord. No. [2241](#), 06/12/2017)

Effective on: 8/5/2019

7.27 Site Plan Review: Requirements

- A. Site Plan approval shall be granted only to a person, persons, or entity owning or otherwise controlling the entire area included within the proposed lot or building site.
- B. The Planning Board or the Design Review Board shall not grant approval for any development unless the conditions given in this subsection have been met.
 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 building.
 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 nor 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.
- C. Site Plans submitted for review by the Planning Board and/or the Design Review Board shall be reviewed by appropriate City departments to assure compliance with city codes, policies and/or regulations.
- D. The petitioner shall be responsible for any costs incurred by consultants, including but not limited to traffic and environmental, contracted by the City to review the proposed Site Plan and/or community impact study as determined by the city planner.
- E. A community impact study (CIS) shall be required:
1. For a new structure and/or building of 20,000 square feet of gross floor area or greater, to be prepared by the petitioner, for review by the Planning Board at the preliminary Site Plan Review.
 2. For a new structure and/or building or addition to an existing structure and/or building equaling less than 20,000 square feet of combined gross floor area, to be prepared by the petitioner upon determination by the Planning Board at preliminary Site Plan Review that the proposed development may exert a significant impact upon one or more of those elements cited in subsection (F) of this section. The CIS shall be reviewed by the Planning Board at a second preliminary Site Plan Review.
 3. For an addition to an existing structure and/or building with a combined gross floor area of 20,000 square feet or more, provided that the addition has a gross floor area greater than 10% of the gross floor area of the existing structure and/or building, for review by the Planning Board at the preliminary Site Plan Review.
- F. A community impact study, when required, shall provide information pertinent to the following:
1. Planning/zoning issues, including conformance with master plan, urban design plan, this chapter, and other applicable city codes and policies.
 2. Land development issues, including topographic and soil conditions and site safety concerns.
 3. Private utilities consumption, including electrical needs and natural gas utilization.
 4. **Noise** level conditions.
 5. Air quality conditions.
 6. Environmental design and historic values including visual quality and historic resources.
 7. Community facilities and services, including refuse collection, sanitary and storm sewer, and water supply.
 8. Public safety needs, including police, fire and emergency medical services.
 9. Open space landscaping and recreation, including cultural elements.
 10. Transportation issues, including pedestrian access and circulation, auto and delivery vehicle traffic, and parking concerns.
 11. Natural features preservation, enhancement, and/or replacement.
 12. Other information as reasonably may be required by the city to assure an adequate analysis of all existing and proposed site features and conditions.
- G. The preparer(s) of a CIS must meet the following minimum professional qualifications:

1. Be registered in the state in their respective professions, when licensing is a state requirement for the practice of the profession (e.g. professional engineer, registered land surveyor, registered architect, etc.); or
2. In those instances where the state does not require licensing for the practice of a profession (e.g., planner, urban designer, economist, etc.), the preparer shall, in the opinion of the city, possess acceptable credentials (e.g., appropriate college degree(s), membership in professional societies, etc.) to render an expert opinion in the matter and provide documentation which adequately illustrates professional experience gained while preparing CIS related materials on similar projects for other municipalities.

7.36 Special Land Uses: Requirements

- A. The City Commission shall not approve of any requests for a special land use permit unless it determines that the following standards are met:
 1. The use is consistent with and will promote the intent and purpose of this Zoning Ordinance.
 2. The use will be compatible with adjacent uses of land, the natural environment, and the capabilities of public services and facilities affected by the land use.
 3. The use is consistent with the public health, safety and welfare of the city.
 4. The use is in compliance with all other requirements of this Zoning Ordinance.
 5. The use will not be injurious to the surrounding neighborhood.
 6. The use is in compliance with state and federal statutes.
- B. Where the special use requested is that of a private school and the site proposed for such use was formerly utilized by the City of Birmingham School District as a public school site, the City Commission shall assume that the foregoing standards have been met upon a determination that the proposed use, when compared with the prior public school, will not unreasonably:
 1. Increase the vehicular traffic in the general neighborhood.
 2. Increase the need for loading or unloading space for students.
 3. Increase the need for off-street or on-street parking.
 4. Increase the hours of operation.
 5. Increase the **noise**, smoke or noxious fumes emanating from the school site.

The City Commission may, pursuant to subsection (C) of this section, impose such conditions as it deems necessary in order to assure that the requirements listed above will be met.

7.40 Temporary Use Permit: Approval

- A. Use limitations for temporary use permits. Every temporary use shall comply with the limitations made applicable to specified temporary uses above. No temporary use permit shall be issued in any district if it would have a significant negative impact, including aesthetic impact, on any adjacent property. Such negative impacts may include the following:
 1. Public right-of-way. Any use in the public right-of-way must maintain an unobstructed sidewalk width of at least 60 inches. Upon review by the Building Official and the Fire Marshal, the sidewalk width may be reduced to a minimum of 36 inches, provided that 60 inch wide passing intervals, 60 inches in length are accommodated every 200 feet.

2. Public safety. No temporary use permit shall be issued unless the fire and police departments shall have first certified that such use will result in no additional, undue on-site or off-site threat to public safety. No temporary use shall be operated except in accordance with such restrictions and conditions as said departments may require in connection with a temporary use permit.
3. Traffic. No temporary use permit shall be issued if additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on surrounding streets and uses. Undue detrimental effects may include the following:
 - a. Activity from the temporary use that unreasonably restricts vehicular and /or pedestrian traffic in the area.
 - b. Activity from the temporary use that generates considerably more **noise** and vibration than would be expected in the area.
4. Conflicts with other temporary uses. No temporary use permit shall be issued if such use would conflict with another previously authorized temporary use permit.
5. Sign limitations. Except as otherwise expressly authorized by subsection 86-28(5) or subsection 86-29(12) of the Birmingham City Code, signs shall be located only on the same property as the temporary use and meet the following other requirements:
 - a. Only one such sign is permitted per street frontage.
 - b. Such signs shall not exceed a total area 6 square feet in a residential district and 20 square feet in all other districts.
 - c. Such signs shall be of sturdy construction, and not be detrimental to the character of the area.
 - d. Such signs shall not be erected sooner than 24 hours before the commencement of the temporary use and shall be removed within 24 hours following the termination of the temporary use.



MEMORANDUM

Office of the City Manager

DATE: October 12, 2020
TO: City Commission
FROM: Joseph A. Valentine, City Manager
SUBJECT: Request for Closed Session to discuss:
Attorney/Client communication (Section 8(h))

It is requested that the city commission meet in closed session to review two items:

1. Discuss an Attorney/Client communication pursuant to Section 8(h) of the Open Meetings Act.

SUGGESTED RESOLUTION:

To meet in closed session to discuss an Attorney/Client communication pursuant to Section 8(h) of the Open Meetings Act.

(A roll call vote is required and the vote must be approved by a 2/3 majority of the commission. The commission will adjourn to closed session after all other business has been addressed in open session and reconvene to open session, after the closed session, for purposes of taking formal action resulting from the closed session and for purposes of adjourning the meeting.)



NOTICE OF INTENTION TO APPOINT TO PLANNING BOARD

At the regular meeting of Monday, November 9, 2020, the Birmingham City Commission intends to appoint one alternate member to serve a three-year term to expire November 20, 2023. Members must consist of an architect duly registered in this state, a building owner in the Central Business or Shain Park Historic District, and the remaining members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions. Members must be residents of the City of Birmingham.

Interested citizens may submit an application available at the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, November 4, 2020. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

PLANNING BOARD DUTIES

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

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

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

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
Building owner in central business or Shain Park Historic district. Attorney. Other members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions. Resident of the City of Birmingham.	11/4/2020	11/9/2020

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



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

At the regular meeting of Monday, November 9, 2020, the Birmingham City Commission intends to appoint one regular member to the Multi-Modal Transportation Board to serve the remainder of a three-year term to expire March 24, 2023, and two regular members to serve the remainder of three-year terms to expire March 24, 2022.

Interested citizens may submit an application available at the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, November 4, 2020. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

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

Duties of the Multi-Modal Transportation Board

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

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
In so far as possible, members shall represent pedestrian advocacy, mobility or vision impairment, traffic-focused education/experience, bicycle advocacy, urban planning, architecture or design education/experience, or different geographical areas of Birmingham. Members may or may not be electors (registered voter) or property owners of the City of Birmingham.	11/4/2020	11/9/2020

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 INTERVIEW
FOR APPOINTMENT TO THE
BIRMINGHAM SHOPPING DISTRICT BOARD**

At the regular meeting of Monday, November 9, 2020, the Birmingham City Commission intends to appoint two applicants to the Birmingham Shopping District Board to serve four-year terms to expire November 16, 2024.

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

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

Interested persons may submit a form available from the city clerk's office. Applications must be submitted to the city clerk's office on or before noon on Monday, October 19, 2020. These documents will appear in the public agenda.

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
Members shall be <ul style="list-style-type: none">• Representatives of businesses located in the district• District Resident• Resident from an adjacent neighborhood	10/19/2020	11/9/2020

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



NOTICE OF INTENTION TO APPOINT TO THE PARKS & RECREATION BOARD

At the regular meeting of Monday, November 9, 2020, the Birmingham City Commission intends to appoint one alternate member to the Parks and Recreation Board to serve the remainder of a three-year term to expire March 13, 2021.

Interested citizens may submit an application available at the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, November 4, 2020. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

Responsibilities

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

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

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
Members must be electors (registered voters) of the City of Birmingham.	11/4/2020	11/9/2020

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.



MEMORANDUM

Planning Division

DATE: October 2, 2020

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Zoning Regulations in the O2 and B2B Zone Districts

On September 17, 2020, Mr. Kevin Denha, owner of multiple properties in Birmingham, submitted a letter to the City regarding concerns about zoning regulations with respect to uses and standards in the O2 (Office/Commercial) and B2B (General Business) zoning districts.

Mr. Denha requested that the City Commission consider revisions to the Zoning Ordinance to address the following concerns:

1. Health and fitness uses are not currently permitted in either the O2 or B2B zoning districts;
2. The sale of beer and wine for off-premises consumption is not currently permitted in either the O2 or B2B zoning districts; and
3. The parking requirements for some uses permitted in the O2 and B2B zoning districts are an impediment to attracting tenants.

Health and Fitness Uses

Article 2, Section 2.23 of the Zoning Ordinance lists the permitted uses in the O2 zoning district, and does not permit health and fitness uses as a primary or accessory use, nor with a Special Land Use Permit ("SLUP"). Article 2, Section 2.31 of the Zoning Ordinance lists the permitted use in the B2B zoning district, and also does not permit health and fitness uses as a primary or accessory use, nor with a SLUP.

Health and fitness uses are permitted in the B3 (Office-Residential) zoning district, the MX (Mixed Use), TZ3 (Transition Zone) and in the MU3, MU5 and MU7 zoning districts located within the Triangle Overlay District.

Sale of Beer and Wine for Off-Premises Consumption

Article 2, Section 2.23 of the Zoning Ordinance lists the permitted uses in the O2 zoning district, and does not permit the sale of alcoholic liquors for off-premises consumption as a primary or accessory use, nor with a Special Land Use Permit ("SLUP").

Article 2, Section 2.31 of the Zoning Ordinance lists the permitted use in the B2B zoning district, and does in fact currently permit the sale of alcoholic liquors for off-premises consumption as an accessory use to all permitted uses, including but not limited to, grocery stores, restaurants, drugstores, delicatessens, hotels, neighborhood convenience stores and party stores.

The sale of alcoholic liquors for off-premises consumption are also permitted in the B1 (Neighborhood Business) district, B2 (General Business), B2C (General Business), B4 (Business-Residential), and MX (Mixed Use) zone districts.

Parking Requirements

Article 4, Section 4.46 of the Zoning Ordinance establishes the number of parking spaces required per land use(s) on a site as set out in Table A. The parking requirements established in Table A for commercial uses, mixed uses, office uses and public assembly uses are the same across all commercial and mixed use zone districts, including O2 and B2B. Parking requirements for common uses in these districts are as follows:

Type of Use	Parking Spaces Required
Industrial / warehouse uses	1 / 500 sq.ft.
Medical or dental office use	1 / 150 sq.ft.
Office use	1 / 300 sq.ft.
Restaurant use	1 / 75 sq.ft.
Retail use	1 / 300 sq.ft.

Thus, O2 and B2B zone districts share the same parking requirements as all other commercial and mixed use zone districts.

The parking requirements established in Table A for residential uses do vary among zone districts as follows:

Residential Use	Parking Spaces Required in O1, O2, P & B1	Parking Spaces Required in B2, B2B, B3 & MX	Parking Spaces Required in B4
2 or less room unit	1.5	1	1.25
3 or less room unit	2	1.25	1.5
Assisted Living/Skilled Nursing/Continuing Care/Hospice	0.25 spaces/bed + 1 space/employee on maximum shift*	0.25 spaces/bed + 1 space/employee on maximum shift	0.25 spaces/bed + 1 space/employee on maximum shift
Independent Senior Living	0.5 spaces / unit*	0.5 spaces / unit	0.5 spaces / unit
Special Purpose Housing	0.5 spaces / unit	N/A	N/A

*(uses not permitted in B1 district)

Thus, the parking requirements for standard residential units in the O2 zone district are higher than those required in B2, B2B, B3, B4 and MX districts. However, the parking requirements for standard residential units in the B2B zone district are lower than those required in the O1, O2, P, B1 and B4 districts.

Should the City Commission wish to consider amendments to any of the above sections of the Zoning Ordinance pertaining to O2 or B2B zoning districts, direction can be provided to add such amendments to the Planning Board's Action List for further study and recommendations.



September 17, 2020

Birmingham City Commission
151 Martin St.
Birmingham, MI. 48009

RE: Current Zoning Ordinances

Dear City Commissioners,

I am a current Office/Commercial Property Owner in the City of Birmingham, Some of my Property Holdings are as follows

700 N. Old Woodward
574 N. Old Woodward
1120 E. Lincoln
203 Pierce St
34164 & 34186 Woodward
33722 Woodward Ave
33692 Woodward Ave

Over the last several years, many tenants wanted to come to the City of Birmingham and do business. They range from health and fitness uses to various take-out food establishments that wanted the ability to sell Beer and Wine for Off Premise consumption. Current Zoning such as 0-2, B2B have prohibited such uses and as a result, we lost the ability to rent space and bring a new tenant to our city.

It is my Opinion as well as some fellow Property Owners that the 0-2, B2B and some of the current parking requirements for some uses has been the biggest hurdle to attract new Tenants

This has been an issue before Covid-19 and now has become front and center as all retail trends are changing and some Tenant turnover is taking place. I am not in anyway looking for wholesale changes to Zoning Ordinances, but there are small tweaks that can be done that are positive for the City, the residents and Property owners.

Some of these changes can be governed with Special Land Use approval and other means to make sure all sides benefit.

I also want you to know that I am solution based for all parties and want to discuss this in more detail when possible. I am not looking for a benefit only to my portfolio, but the City of Birmingham, residents and other property owners.

I look forward to your feedback soon.

Sincerely

A handwritten signature in blue ink, appearing to read 'Kevin Denha', is written over the printed name.

Kevin Denha

CITY CLERK
CITY OF BIRMINGHAM
P.O. BOX 3001, 151 MARTIN STREET
BIRMINGHAM, MI 48012

**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION NOTICE
OF HEARING
FOR THE ELECTRIC CUSTOMERS OF
DTE ELECTRIC COMPANY
CASE NO. U-20713**

- DTE Electric Company requests Michigan Public Service Commission's approval of the regulatory reviews, revisions, determinations and/or approvals necessary for DTE Electric Company to comply with Section 61 of 2016 PA 342.
- The information below describes how a person may participate in this case.
- You may call or write DTE Electric Company, One Energy Plaza, 570 SB, Detroit, MI 48226, (800) 477-4747 for a free copy of its application. Any person may review the documents at the offices of DTE Electric Company.
- A pre-hearing will be held:

DATE/TIME: Tuesday, October 27, 2020 at 9:30 AM

BEFORE: Administrative Law Judge Martin Snider

LOCATION: Video/Teleconferencing

PARTICIPATION: Any interested person may participate. Persons needing any assistance to participate should contact the Commission's Executive Secretary at (517) 284-8090, or by email at mpscedockets@michigan.gov in advance of the hearing.

The Michigan Public Service Commission (Commission) will hold a pre-hearing to consider DTE Electric Company's (DTE Electric) August 31, 2020 application requesting the Commission to approve: 1) that the MIGreenPower program satisfies MCL 460.1061 and is consistent with all other applicable provisions of 2008 PA 295, as amended; 2) the MIGreenPower program in its entirety and the associated amended determines that the MIGreenPower LG-VGP program satisfies MCL 460.1061 and is consistent with all other applicable provisions of 2008 PA 295, as amended; 3) the MIGreenPower LG-VGP program in its entirety and the associated amended Rider 19; 4) the Voluntary Green Pricing program build plan to acquire renewable resources to meet program demand; 5) the use of tax equity financing as a permissible ownership structure; 6) DTE Electric's financial compensation mechanism; and 7) further relief.

INFORMATION ONLY

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: michigan.gov/mpscedockets. Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: mpscedockets@michigan.gov. If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: mpscedockets@michigan.gov.

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by October 20, 2020. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon DTE Electric Company's attorney, Lauren D. Donofrio, One Energy Plaza, Detroit, MI 48226.

The prehearing is scheduled to be held remotely by video conference or teleconference. Persons filing a petition to intervene will be advised of the process to participate in the hearing.

Any person wishing to participate without intervention under Mich Admin Code, R 792.10413 (Rule 413), or file a public comment, may do so by filing a written statement in this docket. The written statement may be mailed or emailed and should reference Case No. **U-20713**. Statements may be emailed to: mpscedockets@michigan.gov. Statements may be mailed to: Executive Secretary, Michigan Public Service Commission, 7109 West Saginaw Hwy., Lansing, MI 48917. All information submitted to the Commission in this matter becomes public information, thus available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

Requests for adjournment must be made pursuant to Michigan Office of Administrative Hearings and Rules R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

A copy of DTE Electric Company's application may be reviewed on the Commission's website at: michigan.gov/mpscedockets, and at the office of DTE Electric Company. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and Parts 1 & 4 of the Michigan Office of Administrative Hearings and Rules, Mich. Admin Code, R 792.10106 and R 792.10401 through R 792.10448.

U-20713