

BIRMINGHAM CITY COMMISSION AGENDA

AMENDED

May 24, 2021

7:30 P.M.

VIRTUAL MEETING

ZOOM MEETING ID: 655 079 760

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Pierre Boutros, Mayor

II. ROLL CALL

Alexandria Bingham, City Clerk

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

ANNOUNCEMENTS

- The City Commission would like to welcome 40th District House of Representatives - Mari Manoogian.
- The Birmingham Shopping District is pleased to welcome Sean Kammer as its new executive director. Kammer was most recently the downtown manager for the Royal Oak DDA. He holds a Master's Degree in Public Administration with a Graduate Certificate in Economic Development and is currently pursuing a Master's Degree in Political Science, both through Wayne State University. Kammer has experience in economic development, public relations, downtown marketing, and business attraction and retention, all of which will be invaluable skills in serving the Birmingham Shopping District.
- The BSD also welcomes Sarvy Lipari as its newest board member. Lipari has a master's degree in business with a focus on human resources. She and her family have been active members of the community since they moved to Birmingham in 2014.

APPOINTMENTS

A. Martha Baldwin Park Board

1. Robert Kenning

To appoint _____, as a regular member to the Martha Baldwin Park Board to serve the remainder of a four-year term to expire May 1, 2024.

To appoint _____, as a regular member to the Martha Baldwin Park Board to serve the remainder of a four-year term to expire May 1, 2024.

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

V. CONSENT AGENDA

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

- A. Resolution to approve the City Commission Budget Hearing minutes of May 1, 2021
- B. Resolution to approve the City Commission Workshop Minutes of May 10, 2021
- C. Resolution to approve the City Commission meeting minutes of May 10, 2021
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated May 12, 2021, in the amount of \$850,961.96.
- E. Resolution to approve the warrant list, including Automated Clearing House payments, dated May 19, 2021, in the amount of \$1,679,329.03.

- F. Resolution to approve the appropriations and amendment to the 2020-2021 Park System Construction Fund Budget as follows:

Park System Construction Fund

Revenues:

Bond Proceeds	408-000.000-698.0001	\$4,750,000
Bond Premium	408-000.000-697.0000	<u>262,100</u>
Total Revenues		\$5,012,100

Expenditures:

Bond Issuance Costs	408-751.000-824.0300	\$ 110,000
Building Improvements	408-752.000-977.0000	3,797,610
Contribution to Fund Balance	408-000.000-400.0000	<u>1,104,490</u>

Total Expenditures		\$5,012,100
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- G. Resolution to approve the commissioning services for the Birmingham Ice Arena Renovation project to Strategic Energy Solutions (SES) in the amount not to exceed \$15,800.00. Funds are available in the Capital Projects Fund account #401-901.001-977.0000 for this work. In addition, to waive the formal bidding requirements and to authorize the Director of Public Services to sign the SES Professional Service proposal on behalf of the City. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of the required insurances.

- H. Resolution to approve the attached resolution requesting reimbursement for the maximum allotment of \$2,648.39 for eligible mosquito control activity under the Oakland County's West Nile Virus Fund Program.
- I. Resolution to authorize the IT department to renew the Cortex XDR antivirus endpoint software license from AmeriNet. The purchase price not to exceed \$9,464.00. Funds are available in the IT Software Fund Account: 636-228.000-742.0000
- J. Resolution to approve a request from Eisenhower Dance Detroit to hold their NewDANCEfest Performance on stage at Shain Park on July 24, 2021, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any modifications or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event, due to public health and safety measures.
- K. Resolution to appoint City Manager Thomas M. Markus as Representative and DPS Director Lauren Wood as Alternate Representative of the City of Birmingham on the SOCRRA Board of Trustees for the fiscal year starting July 1, 2021.
- L. Resolution to appoint Consulting City Engineer Jim Surhigh as Representative and City Manager Thomas M. Markus as Alternate Representative of the City of Birmingham on the SOCWA Board of Trustees for the fiscal year starting July 1, 2021.
- M. Resolution to approve the installation of a 15 minutes parking restriction at the seven parking spaces located directly in front of 33347 to 33367 Woodward

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

- A. Public Hearing of Confirmation – Grant Street Paving Project
 - 1. Resolution to confirm Special Assessment Roll No. 894 for Grant Street Paving Special Assessment District (see complete resolution in agenda packet)
- B. Public Hearing – 720 N. Old Woodward
 - 1. Resolution to APPROVE the Special Land Use Permit, Final Site Plan and Design Review application to allow the operation of Vinewood Kitchen & Cocktails as a new bistro at 720 N. Old Woodward.
 - OR
 - 2. Resolution to DENY the Special Land Use Permit, Final Site Plan and Design Review application for 720 N. Old Woodward – Vinewood Kitchen & Cocktails.
 - OR
 - 3. Resolution to POSTOPONE the Special Land Use Permit, Final Site Plan and Design Review application for 720 N. Old Woodward – Vinewood Kitchen & Cocktails – pending receipt of the following:
 - 1. _____
 - 2. _____
 - 3. _____

(Added Planning Board minutes)

- C. Public Hearing - 695 W. Brown Street – Lot Split
1. Resolution to cancel the public hearing and direct the applicant to pursue a rezoning of the subject property to R2-Single Family Zone;
OR
 2. Resolution to approve the lot split with the condition that the proposed lot be restricted to development standards of the R2 – Single Family Zone;
OR
 3. Resolution to approve the lot split with the condition that the resulting parcel be limited to maximum of two single-family attached units;
OR
 4. Resolution to deny the lot split.

(Written public comment received on 5/19/21)

- D. Public Hearing – 353 & 385 Fairfax – Lot Combination
1. Resolution to cancel the public hearing and direct the applicant to amend their proposal to meet all requirements of the lot combination requirements before returning to City Commission for approval. A public hearing will be re-set once City staff receives proposed plans that satisfy all lot combination requirements;
OR
 2. Resolution to cancel the public hearing and direct the applicant to go to the Board of Zoning Appeals and pursue a variance for distance between structures. A public hearing will be re-set if the applicant successfully obtains the necessary variance.
- E. Resolution to approve a resolution that the City of Birmingham will be canceling participation in the annual Woodward Dream Cruise event for 2021 due to public health and safety concerns attributed to the COVID-19 pandemic and encouraging the promotion of the cancelation of the event by WDC, Inc. to the public.
(Additions to the full resolution are included the staff report in red text)
- F. Resolution to approve the budget appropriations resolution adopting the City of Birmingham's budget an establishing the total number of mills for ad valorem property taxes to be levied for the fiscal year commencing July 1, 2021 and ending June 30, 2022.
- G. Resolution to amend the Schedule of Fees, Charges, Bonds and Insurance, Water and Sewer Service Sections, for changes in sewer, storm water, industrial surcharge, and industrial waste control charge rates effective for bills with read dates on or after July 1, 2021 as recommended in this report.
- H. Follow up action in regards to the Parking Special Assessment District Workshop (see complete resolution in agenda packet)
- I. Commission discussion on items from prior meeting.

- J. Commission Items for Future Discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

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

INFORMATION ONLY

XI. ADJOURN

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

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



NOTICE OF INTENTION TO APPOINT TO THE MARTHA BALDWIN PARK BOARD

At the regular meeting of Monday, May 24, 2021 the Birmingham City Commission intends to appoint two regular members to the Martha Baldwin Park Board to serve the remainder of four-year terms to expire May 1, 2024. Members must be electors of the City of Birmingham.

Interested citizens may submit an application available at the city clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the city clerk's office on or before noon on Wednesday, May 19, 2021. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria/Qualifications
	Applicants must be electors in the City of Birmingham.
Robert Kenning	Registered Voter

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

SUGGESTED ACTION:

To appoint _____, as a regular member to the Martha Baldwin Park Board to serve the remainder of a four-year term to expire May 1, 2024.

To appoint _____, as a regular member to the Martha Baldwin Park Board to serve the remainder of a four-year term to expire May 1, 2024.



MARTHA BALDWIN PARK BOARD

Chapter 78 - Section 78-56 Ordinance No. 65, Adopted May 10, 1915

Term: four years

Appointed by the City Commission

Qualifications: The board shall consist of four persons who shall be electors of the city.

Duties: The control and management of the Martha Baldwin Park shall be vested in the Martha Baldwin Park Board. (Section 78-56)

Last Name	First Name	Home Business Fax E-Mail	Appointed	Term Expires
VACANT				5/1/2024
Forrester	Linda	(248) 761-2367 <i>linozfor@att.net</i>	7/9/2012	5/1/2023
1252 S. Bates				
Kenning	Robert	(248) 642-6161 <i>rskandsek@aol.com</i>	6/8/1992	5/1/2020
1700 Villa				
Linovitz	Andrew	(248) 506-2296 <i>ajlino@gmail.com</i>	8/14/2017	5/1/2023
911 Henrietta				

This Board did not meet in 2020 or 2021 yet, so there are no attendance records.

CITY OF BIRMINGHAM
Martha Baldwin Park Board
ATTENDANCE

2019

MEMBER NAME	7/30/2019	Total Mtg. Attended	Total Absent	% Attended
Linda Forrester	P	1	0	100%
Robert Kenning	P	1	0	100%
Andrew Linovitz	P	1	0	100%
Jane McKee	A	0	0	0%

KEY:

A=Absent
P= Present
NA=Member not appointed at that time



OFFICE USE ONLY	
Meets Requirements?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will Attend	<input type="checkbox"/> 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 MARTHA BALWIN PARK BOARD

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

Name ROBERT KENNING

Phone 248-~~2~~642-6161

Residential Address 1700 VILLA

Email * RSKANDSEK@AOL.COM

Residential City, Zip BIRMINGHAM, 48009

Length of Residence 54 YEARS

Business Address —

Occupation CITY MANAGER
BIRMINGHAM

Business City, Zip —

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

INTERESTED IN THE HISTORY OF THE SITE

List your related employment experience PREVIOUS CITY EMPLOYEE OF BIRMINGHAM

List your related community activities MEMBER OF BIRMINGHAM ROTARY AND SENIOR MEN, CHILDREN ATTENDED BIRMINGHAM SCHOOLS

List your related educational experience BA, BS IN ENGINEERING AND PUBLIC ADMINISTRATION

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 R.S. Kenning

Date 5/9/21

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

Updated 3/24/2021

*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 Minutes

Public Hearing on

2021-2022 Recommended Budget

May 1, 2021

8:30 A.M.

Virtual Meeting ID: 655 079 760

Video Link: <https://vimeo.com/event/3470/videos/544030266/>

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

Alexandra Bingham, City Clerk, called the roll.

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

Absent: Commissioner Baller

Administration: City Manager Markus, City Clerk Bingham, IT Manager Brunk, Police Chief Clemence, Library Director Craft, Planning Director Ecker, Assistant to the City Manager Fairbairn, Finance Director/Treasurer Gerber, Operations Commander Grewe, Building Official Johnson, City Attorney Kucharek, Human Resources Manager Lambert, Museum Director Pielack, Consulting City Engineer Surhigh, Fire Chief/Emergency Manager Wells, DPS Director Wood

III. PUBLIC HEARING – 2021-2022 RECOMMENDED BUDGET

The Mayor opened the public hearing at 8:33 a.m.

CM Markus gave the introductory comments for the budget hearing.

Assistant to the City Manager Fairbairn presented the General Fund, covering the budgets for the Commission and the Manager's Office which includes City Hall & Grounds, Property Maintenance-Library, and Legal. She noted that Bang the Table was allocated to the Commission's budget and the new Media Specialist position was allocated half to the Manager's Office and half to the IT Department. The current Communications Director position was allocated to the Manager's Office under salaries.

CM Markus told Commissioner Hoff that many of the figures were projected as being entirely spent because the State was in the process of opening back up from the Covid-19 health restrictions when the budget

document was written. He agreed with Commissioner Hoff that expenditures like conferences for Commissioners might not actually be spent in full now as a result of the evolving public health circumstances, and said Staff would look at revising those numbers.

In reply to Commissioner Hoff, Finance Director Gerber explained that some of the expenses from the Maple Road Project budget were deducted from the General Fund in 2021-2022 because the project was not completed in the previous fiscal year.

Human Resources Manager Lambert reviewed the Human Resources budget.

Commissioners Hoff and Sherman asked that Commissioners be permitted to ask questions line by line, saying that was how these hearings have been conducted previously.

The Mayor said he would ask the Commissioners to hold their questions or comments until the end of each section's presentation by Staff.

Commissioner Hoff commended Staff for skillful maintenance of the General Fund balance and also for allowing the City to decrease its millage rate several fiscal years in a row without cuts to City services.

In reply to Commissioner Host, Human Resources Manager Lambert explained the recommended budget for Printing and Publishing doubled as a result of the purchase of a printer with scanning capabilities and on a recommendation from the IT Department.

City Clerk Bingham reviewed the Clerk's Office budget which includes Elections. She stated she budgeted for a full year of live captioning for the larger board meetings that have remained virtual thus far this year. She said some of the costs for the live captioning have decreased slightly because the smaller boards have started using Zoom's auto-captioning capabilities rather than live captioners.

Finance Director/Treasurer Gerber reviewed the Finance Department's budget, which includes Transfers Out, Pension Administration, and Treasury which includes subsets Assessing and General Administration. He stated that the software he was recommending for creation of the budget would require an annual maintenance fee.

In reply to Commissioner Sherman, FD Gerber agreed the purchase and maintenance fee costs for the software should be moved from from Printing and Publishing to Computer Equipment Rental since that is how other departments would allocate a similar purchase.

FD Gerber confirmed for Commissioner Nickita that the Audit charge on page 218 of the budget for the 2020-2021 fiscal year should read 31,070 and not 61,070. FD Gerber said that typographical error would be corrected for the final budget document.

In reply to Commissioner Sherman, FD Gerber estimated the City's pension and retiree health care liabilities are currently both funded percentage-wise in the mid-to-upper 80s.

PD Ecker and Building Official Johnson reviewed the Community Development (CD) Budget which includes Planning and Building. PD Ecker provided the overview of the Planning budget, while Building Official Johnson provided the overview of the Building budget.

In reply to Commissioner Nickita, PD Ecker stated that the City's wayfinding plan remains up-to-date. She said there was \$20,000 included in the Planning budget to help the City pick a logo and to include the logo update in all wayfinding plans.

In reply to Commissioner Hoff, Building Official Johnson explained that prior to March 2020 there were a number of additional staff from McKenna working in the Building Department. Since Covid-19 began, those additional staff were less utilized, leading to a decrease in costs under Other Contractual Service. Building Official Johnson said he was waiting to see if/when those additional staff would need to be brought back into the Building Department, saying it had not yet been necessary.

Police Chief Clemence reviewed the Public Safety Budget, which includes Police, Dispatch and Law & Drug Enforcement Fund. He stated the increases in the LEIN/CLEMIS expenses were the result of the need to purchase updated technology. He stated the \$116,750 for FY 2021-2022, under 971.01 Machinery & Equipment on page 271, represents the cost of updating the 26 cameras throughout Birmingham with the Panasonic Video Insight System (\$57,720) and the purchase of Panasonic 40x Zoom Cameras (\$59,030).

Fire Chief and Emergency Manager Wells reviewed the Fire Department's budget.

In response to Commissioner Hoff, Fire Chief/Emergency Manager Wells said the City could not likely charge more of the City's retirement communities, who are the most frequent institutional users of the City's emergency services. He stated that the Fire Department has requested that the retirement communities have staff on-hand to assist with helping residents up after minor falls, since those are many of the calls to the Department.

Commissioner Host thanked Police Chief Clemence and Fire Chief Wells for their efforts to support Birmingham's senior population.

CM Markus recommended the City look into requiring that retirement communities have lift equipment and stair chairs for their residents' use. He said those requirements could be considered as part of reviews of retirement communities' proposed expansions or new facilities.

The meeting took a five minute break, from 10:00 a.m. to 10:05 a.m.

Consulting City Engineer Surhigh reviewed the Engineering Department's budget which includes Sidewalks, Alleys, and the Fiber Optic System.

CM Markus noted that the City has attempted to fill the City Engineer position twice so far since the vacancy occurred and that the City has not yet found a suitable candidate. In reply to Commissioner Sherman, CM Markus stated that as a result of the lengthy vacancy in the City Engineer position he recommended that the budget include enough funding to cover up to a possible year's overlap between CCE Surhigh and the new City Engineer. He noted that a number of significant Engineering projects would be occurring during that time and having the flexibility to rely on CCE Surhigh's knowledge could be integral to the success of those projects. CM Markus said he would keep the overlap period to the minimum necessary.

In reply to Commissioner Hoff, CM Markus confirmed that the vacancy in the City Engineer position continues then the Salaries and Wages line item would be reduced accordingly.

CCE Surhigh and CM Markus explained that the \$810,000 recommended on page 178 for Public Improvements is more than what was expended in FY 2019-2020 in part due to the City's upgrades to ADA

ramps. CM Markus noted that those upgrades often require changing the grade of the sidewalk in either direction, which can add a significant amount to the cost.

FD Gerber noted that the planned sidewalk improvements on Cranbrook also are budgeted as part of the aforementioned \$810,000.

The Mayor also noted that construction costs continue to increase.

Commissioner Nickita recommended that in the future sufficient funds be allocated to add sidewalks where they do not already exist as part of planned road updates.

In reply to Commissioner Hoff, CCE Surhigh stated that the fiber optic system will cost more for S. Old Woodward than it did for Maple for two main reasons: 1. almost double the material will be required for S. Old Woodward relative to Maple and 2. the source locations of the materials, Texas and Louisiana, recently experienced natural disasters which are driving up the material costs.

DPS Director Wood reviewed the Public Services budget which includes General Public Services, Property Maintenance, Weed/Snow Enforcement, the Ice Sports Arena, Community Activities, and Parks & Recreation. She stated that while the Ice Arena would have some reduced costs from improvements, increased efficiency, and year-round use, there would also be some smaller increased costs likely from increased staffing and routine maintenance. She said the first year of operation after the improvements would provide the benchmark off which future budgets would be based.

In reply to Commissioner Hoff, DPS Director Wood confirmed that Mike Gerrick, current Assistant Foreman in Parks & Forestry, would be retiring in June 2021, and that a current Staff member would be promoted to that position.

CM Markus commended Assistant Foreman in Parks & Forestry Gerrick on his work for the City throughout the years, stating that Assistant Foreman in Parks & Forestry Gerrick's degree in landscape architecture was a boon to the City and that his handiwork can be found in many of the City's flowerbeds. CM Markus continued that the City's regular pruning and maintenance of its urban forest allows City trees to better withstand inclement weather, which saves the City in terms of post-storm cleanup. He said this is a testament to the high quality management of the City's Public Services Department, and that it is a significant advantage the City has relative to many other municipalities.

FD Gerber reviewed the budget for Special Revenue Funds, which includes Major Streets, Local Streets, the Community Development Block Grant and Solid-Waste Disposal.

Commissioner Sherman noted that some of the local streets had been due to be resurfaced as part of the FY 2019-2020 budget, and that those resurfacings had been delayed. He said those streets likely still needed to be resurfaced and that he did not see them in the FY 2020-2021 budget or in the FY 2021-2022 budget.

CCE Surhigh stated that not every street that will be resurfaced as part of the upcoming budget was listed. He explained that the Engineering Department was in the process of ranking streets in terms of maintenance needs and putting together an asphalt maintenance project together which will be used to resurface local streets.

In reply to Commissioner Nickita, FD Gerber stated that for Residential Refuse Pickup on page 267 the amount allocated for the FY 2020-2021 budget was higher than the others because a purchase order that

was not going to be used from FY 2019-2020 was inadvertently rolled over into the new fiscal year. He explained that the discrepancy was an accounting issue in terms of whether to liquidate the purchase order, and did not represent an actual increase in the FY 2020-2021 budget.

In reply to Commissioner Nickita, CCE Surhigh stated that approximately \$1 million of the S. Old Woodward budget was included in FY 2021-2022 with the hopes that some of the budgeted work could start early. He said the rest of the funds for the project were budgeted as part of FY 2022-2023.

Commissioner Nickita said the City had begun similar road projects as soon as Spring arrived in order to cause less of an imposition to City businesses during their busier summer season. He said that the earlier the City could begin the S. Old Woodward project the better, and asked the City to try and have the budget accommodate that as possible.

CM Markus said starting the project early has been discussed and is the aim if possible. He observed that the concentration of businesses along S. Old Woodward is less than the concentration of businesses along Maple or N. Old Woodward, and so consequently fewer businesses would be impacted by a later start date. He noted that S. Old Woodward also has a stretch where businesses are on only one side of the street, which will also lessen the impact of the construction.

Operations Cmdr. Grewe presented the budget for the Automobile Parking System Enterprise Fund. He stated that the anticipated revenues for FY 2021-2022 result from the decreased use of the parking structures in light of Covid-19 and anticipation that many of the previous users of the parking structures will continue working from home.

FD Gerber presented the budget for the Water Supply System Enterprise Fund.

CM Markus stated that the City will be receiving approximately \$2 million in federal funding, and the funding's terms would allow it to be spent on the City's lead service line replacements. CM Markus said using those funds on that project should be discussed in order to maintain a gap between the Headlee and the City's levy, and also avoid pushing excessive amounts of property taxes into the Water Supply System Enterprise Fund.

CM Markus clarified for Mayor Pro Tem Longe that while the aforementioned \$2 million would offset the costs of the lead service line replacements, it would not cover the project's costs which are estimated to be in the \$3 to \$5 million range. For that reason he said that increases in the water rates are still being recommended in order to ensure that sufficient funds are available for the project.

In reply to Commissioner Host, CM Markus stated that the goal is to replace 90-100 lead water lines per year and that he hopes to exceed that goal rate if possible.

FD Gerber and CCE Surhigh presented the budget for the Sewage Disposal Enterprise Fund.

CM Markus explained that efforts to decrease sewer and water rates and efforts to conserve water often run counter to each other, which he said was a matter worth noting.

DPS Director Wood presented the budget for the Municipal Golf Courses Enterprise Fund.

Mayor Pro Tem Longe noted that the Lincoln Hills Golf Course would be even more profitable if it were not still paying back the General Fund for improvements made to the clubhouse.

In reply to Mayor Pro Tem Longe, DPS Director Wood stated the funding method for improving the irrigation system at the Springdale Golf Course in FY 2022-2023 had yet to be determined.

IT Manager Eric Brunk presented the budget for Information Technology.

FD Gerber and CM Markus explained that different departments are charged by IT when IT provides either services exclusive to that department or equipment exclusive to that department. FD Gerber stated his Staff went through to make sure those costs were allocated appropriately to the different departments and that those costs show up as increases to Rental Charges and some additional cost allocations in other departments' budgets.

Museum Director Pielack presented the budget for the Birmingham Historical Museum, which includes the Allen House and the Hunter House. In reply to Commissioner Nickita, she explained that the digitization of the Museum's holdings requires the Museum's existing records be updated first which she described as a personnel-heavy task. She stated she and her Staff will be continuing to update the existing records in the coming year in order to ramp up digitization efforts for the following year.

The meeting took a fifteen minute break, from 12:00 p.m. to 12:15 p.m.

BSD Chair Hockman presented the budget for the Principal Shopping District. In reply to Commissioner Nickita, BSD Chair Hockman stated that the budget factored in a potential April start for the S. Old Woodward project.

Library Director Craft presented the budget for the Baldwin Public Library. In reply to Commissioner Host, LD Craft stated that the Phase Three construction costs are anticipated to be around \$3.1 million.

FD Gerber presented the budgets for the Brownfield Redevelopment Authority and the Triangle District Corridor Improvement Authority and introduced the Greenwood Cemetery Perpetual Care Fund budget.

CM Markus stated that the City will be meeting with Oakland County to discuss potential economic development efforts that would benefit the Triangle Corridor. He said there are also efforts to work with developers on adding parking to the Triangle.

City Clerk Bingham reviewed the Greenwood Cemetery Perpetual Care Fund budget.

In reply to Commissioner Hoff, FD Gerber stated that the \$20,000 budgeted in FY 2020-2021 for ground penetrating radar (GPR) could be rolled over to FY 2021-2022 using a budget amendment if the GCAB recommended pursuing GPR.

Commissioner Hoff told City Clerk Bingham she should ask the GCAB about using GPR since it was on the GCAB's priority list.

FD Gerber presented the Debt Service Fund and the Capital Projects Fund budgets.

In reply to Commissioner Hoff, FD Gerber stated that capital project proposals come to the Commission for approval.

In reply to Mayor Pro Tem Longe, DPS Director Wood stated that updated bathrooms in Booth Park are planned as part of the corner feature element.

Public Comment

David Bloom expressed dissatisfaction that public comment was held until the end of the hearing. He offered comments regarding the increased calls to emergency services by retirement communities in the City, asked for clarity regarding the impact of decreasing millage rates and increasing service rates on the average resident, asked for clarity regarding how funds are invested in the commercial and residential areas, asked how the pension funding increased as much as it did from last year to the present year, asked for zoning that protects the residential areas, and asked that when streets are improved all efforts are made to preserve the trees along the roads.

Both Mr. Bloom and Paul Reagan spoke in favor of increased code enforcement and parking enforcement in order to protect the residential areas.

CM Markus stated that for the City's size there are substantial code enforcement resources, and that both code and parking enforcement rely on the public to report issues since issues can occur at any time.

Seeing no further public comment, the Mayor closed the public hearing at 1:01 p.m. He thanked Staff, the Commission, consultants, and the public for their work on, and participation in, the hearing.

IV. ADJOURN

Mayor Boutros adjourned the meeting at 1:01 p.m.

Birmingham City Commission - Special Workshop Meeting Minutes
Monday, May 10, 2021

6:00PM

Virtual Meeting On Zoom

Meeting ID: 655 079 760

Vimeo Link: <https://vimeo.com/event/3470/videos/544030266/>

Workshop Session

This will be considered a workshop session of the City Commission. No formal actions will be taken. The purpose of this workshop is to participate in a discussion regarding Unimproved Streets.

I. Call to Order

Pierre Boutros, Mayor

II. Roll Call

Alexandria Bingham, City Clerk, called the roll.

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

Absent: None

Administration: City Manager Markus, City Clerk Bingham, Planning Director Ecker, Finance Director Gerber, City Attorney Kucharek

III. Presentation & Discussion

CM Markus updated the Commission on the parking system's status. He stated that as of April 30, 2021 the parking system had \$18,830,600 in an unrestricted net position. Over the next five years, costs for updates to the decks excluding Pierce are estimated to total just under \$10 million. Another \$2 million is estimated to be required for updates to some of the City's surface lots. He also stated that as far as he and CA Kucharek could tell, the City could again assess businesses for further maintenance of the parking system.

A. Presentation

The presentation was given by CA Kucharek and FD Gerber.

B. Discussion - Where Do We Go From Here?

Mayor Pro Tem Longe and Commissioners Baller and Nickita thanked CA Kucharek and Staff.

In reply to Commissioner Baller, CA Kucharek stated that the formula for calculating the assessments in the Parking Assessment District (PAD) was created before the percentages were determined. She said the percentage amounts were determined by the Commission at the time. She stated that new entries to the PAD are assessed based on the formula from 1982, and are only assessed once.

CM Markus noted that the decision of how to assess new entries to the PAD seems to have been made differently each time based on the economic and political environment since there is no formal policy. He said there also did not seem to be consistency in assessing the benefitting properties versus assessing the users of the parking system.

CA Kucharek stated that Chapter 94-15 of the City's ordinances charges the City Manager with the computation of the District and how it is assessed.

Commissioner Nickita said it would be important to simplify and clarify the City's policies regarding the PAD to make it more fair to the City's businesses. He said that residential uses of the parking structures also needed to be factored into the discussion since the City seeks to promote more residential in the downtown. He noted that the requirement to provide parking for residential buildings stymies developers' ability to create more 'missing middle' housing.

CA Kucharek noted that Chapter 94-15(3) does not require that primarily residential buildings be assessed for use of the parking structures.

Mayor Pro Tem Longe stated that the Commission would need an additional workshop to specifically address questions A-E as posed in the workshop's agenda packet. She said the answer to question A was yes in her opinion. She concurred with Commissioner Nickita that the City needs to create more fairness in the assessment process. Mayor Pro Tem Longe continued that the City needed to create policy regarding:

- Buildings that were initially assessed and then replaced by buildings much larger in size and use;
- Using the PAD to incentivize parking;
- Reducing the residential parking requirements so that offices could be converted into residential if appropriate, especially in a post-Covid-19 context where people are increasingly likely to be working from home; and,
- Assessing for parking structure maintenance and improvements.

Commissioner Hoff commented that the City did not yet have accurate parking usage counts for a post-Covid-19 environment where more people might be working from home. She cautioned the City to keep in mind that the parking system is likely undergoing a transition in its usage.

Commissioner Host concurred with the Mayor Pro Tem that an additional workshop on this topic would be necessary.

In reply to Commissioner Host, PD Ecker said the Planning Board does not to more in-depth analysis of parking for new businesses in the PAD because of the way the ordinance is currently written. She said changes to the ordinance would need to occur at the Commission level. She also stated that new businesses in the PAD, if the address was already assessed for the PAD, are not assessed again.

Commissioner Host said it was unfair that businesses new to the PAD are not assessed if the address was already assessed.

Commissioner Baller expressed frustration that many of these parking issues were not reviewed methodically by the City earlier than this. He noted that the funds in the parking system can be used towards parking improvements in the Triangle District, which he said he had been told was not the case in the past. He advocated for the creation of policies that would assess for costs of repairs and maintenance of the parking structures. He concluded by saying that the City does not currently have a sound plan for expanding the City's parking system and that a holistic, strategic plan needs to be developed.

IV. Public Comment

Jeff Hockman, Chair of the BSD, noted he was involved in the policy discussions regarding assessing for both the Peabody and Chester parking structures. He offered to review those discussions for the Commission in the future if it would be helpful.

Paul Reagan and David Bloom thanked CA Kucharek for her presentation.

Mr. Reagan expressed concern that the numbers Andres Duany used to make parking recommendations for the downtown area would need to be recalculated. He also said the City should know what the total demand for parking is given the businesses throughout the City and what the total parking supply is. He recommended that projects in the PAD only be approved if the applicant can demonstrate the PAD has sufficient remaining parking capacity.

Mr. Bloom said developers building in the PAD should have the option to pay into the PAD or provide their own parking. He also recommended that the Commission create a specific timetable for updating parking ordinances since developments continue being approved based on outdated parking ordinances.

Mayor Boutros concurred, saying that pursuing the matter further was important to the City.

V. Adjourn

Mayor Boutros adjourned the meeting at 7:24 p.m.

Birmingham City Commission Minutes

May 10, 2021

7:30 P.M.

Virtual Meeting

Meeting ID: 655 079 760

Vimeo Link: <https://vimeo.com/event/3470/videos/544030266/>

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, called the roll.

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

Absent: None

Administration: City Manager Markus, City Clerk Bingham, Police Chief Clemence, City Planner Cowan, City Attorney Kucharek, Planning Director Ecker, Communications Director Gamboa, Finance Director Gerber, Operations Commander Grewe, Interim Assistant City Manager Hock, Building Official Johnson, City Attorney Kucharek, DPS Director Wood

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

APPOINTMENTS

- A. Birmingham Shopping District Board
 - 1. Sarvy Lipari
 - 2. Gerald Baker

05-130-21 Appointment of Sarvy Lipari to the Birmingham Shopping District Board

CM Markus commented on his appointment of Ms. Lipari to the Birmingham Shopping District Board.

MOTION: Nomination by Commissioner Sherman, seconded by Commissioner Nickita:

To concur with the City Manager's appointment of Sarvy Lipari to the Birmingham Shopping District Board, as a member who is a resident from an adjacent neighborhood, to serve for the remainder of a 4-year term expiring November 16, 2024.

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

Nays, None

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

David Bloom commented on whether holding public comment to the end of their May 1, 2021 budget hearing infringed on the public's legal right to comment.

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.

05-131-21 Consent Agenda

The following items were pulled from the Consent Agenda:

Commissioner Hoff: Item L – Recognition of Eisenhower Dance Ensemble, Inc.
Item M – Public Art Donation - Dynamic Tension
Item N – Mental Health Interlocal Agreement

Commissioner Baller: Item F – Set a Public Hearing for RH Rezoning Request

MOTION: Motion by Commissioner Host, seconded by Mayor Pro Tem Longe:
To approve Consent Agenda with the exclusion of Items F, L, M, and N.

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

Nays, None

- A. Resolution to approve the City Commission meeting minutes of April 19, 2021
- B. Resolution to approve the City Commission meeting minutes of April 26, 2021

- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated April 28, 2021, in the amount of \$693,624.38.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated May 5, 2021, in the amount of \$137,783.89.
- E. Resolution to set a public hearing for June 14, 2021, for the application to amend Chapter 126, Zoning Ordinance, Appendix C, Exhibit 1, Licenses for Economic Development to include 300-394 S. Old Woodward and a portion of 294 E. Brown Street to be qualified to be eligible for an Economic.
- G. Resolution to approve the Amended and Restated Cross Connection Control Services Agreement with HydroCorp for services described in Attachment A in the amount not to exceed \$49,716.00 over a three-year period. Funds are available in the Water Fund account #591-537.007-811.0000. In addition, to waive the normal bidding requirements. Further, to authorize the Mayor and City Clerk to sign the Agreement on behalf of the City upon receipt of the required insurance coverage.
- H. Resolution to authorize the mayor to sign the 2020 Program Year Community Development Block Grant (CDBG) Subrecipient Agreement on behalf of the City and to approve the appropriations and amendment to the 2020-2021 CDBG Fund Budget as follows:
Revenues:

Intergovernmental Revenue	248-000.000-503.0000	\$287
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Expenditures:

Minor Home Repair	248-690.000-836.0300	\$287
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- I. Resolution to approve an extension of the public services and Minor Home Repair contract with NEXT for the purpose of expending remaining program year 2018-2019 Community Development Block Grant funds for the Minor Home Repair Program administered by NEXT through June 30, 2021; and further, to authorize the Mayor to sign the amendment on behalf of the City.
- J. Resolution To approve an extension of the public services contract with NEXT for the purpose of expending remaining program year 2019-2020 Community Development Block Grant funds for the Minor Home Repair Program administered by NEXT through June 30, 2021; and further, to authorize the Mayor to sign the amendment on behalf of the City.
- K. Resolution to approve a resolution directing the Historic District Study Committee to prepare a study committee report as outlined in Chapter 127, Section 127-4 of the City Code.

05-132-21 (Item L) Recognition of Eisenhower Dance Ensemble, Inc.

Police Commander Grewe stated that there would be a dance studio at 2155 Cole.

City Manager Markus stated that this authorization would allow Eisenhower Dance Ensemble, Inc. to apply for permits both within and outside of Birmingham. He confirmed that if Eisenhower Dance Ensemble, Inc. were to apply to hold a special event in Birmingham they would have to gain approval through the routine special event application process.

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

To recognize Eisenhower Dance Ensemble, Inc., 2155 Cole Street, Birmingham, Michigan 48009 as a 501(c)(3) non-profit organization for the purpose of obtaining a State of Michigan Gaming License with the State of Michigan Charitable Gaming Division. Furthermore, authorizing the City Clerk to complete the Local Governing Body Resolution Form, forwarding it to the Charitable Gaming Division, Lansing, Michigan.

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

Nays, None

05-133-21 (Item M) Public Art Donation - Dynamic Tension

City Planner Cowan stated that the sculpture will be installed on a base pad and not elevated. He stated that while Anthropologie was not contacted about the sculpture, signage was placed asking anyone with questions, comments or concerns to contact the City.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Host:
To accept the donation of "Dynamic Tension" by Lois Teicher and to approve the recommended location at Henrietta and W. Maple Road.

AND

To approve the payment of a \$2,000 stipend from the Public Arts Board budget to the artist for the donation and installation of the sculpture, to be charged to the Public Arts Board account #101-299-000-811-0000.

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

Nays, None

05-134-21 (Item N) Mental Health Interlocal Agreement

Police Commander Grewe stated that the costs would be split equally between the three municipalities. He noted that grants had been applied for to reduce the costs.

Commissioner Hoff noted that Auburn Hills and Bloomfield Twp. may have greater use of the social worker's time given their greater populations.

Ops. Cmdr. Grewe stated that each municipality would receive an equal, dedicated amount of the social worker's time.

Commissioner Baller stated that he believed this investment in community mental health would save lives.

In reply to Commissioner Baller, Ops. Cmdr. Grewe said that when the Police Department receives mental health calls while the social worker is in Birmingham, those calls would be handled in part by the social worker. He stated that when the social worker is in the other municipalities those calls would still be handled by the Police Department.

City Attorney Kucharek stated the largest benefit of the program would be helping the Police Department navigate the mental health system and helping mental health callers to the Police Department get the help they need more expeditiously. She said the program would be a huge benefit to people in crisis.

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Longe:
To approve the interlocal agreement for the Mental Health Co-Response Team, further to direct the Mayor and the Chief of Police to sign the agreement on behalf of the City.

Commissioner Host complimented CA Kucharek for her service on the Board of the Oakland County Health Network.

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

Nays, None

05-135-21 (Item F) Set a Public Hearing for RH Rezoning Request

In reply to Commissioner Baller, PD Ecker said some alternative options could possibly receive approval at the June 14, 2021 public hearing while others would require public noticing and further study at both the Planning Board and Commission levels.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Hoff:
To set a public hearing date of June 14, 2021, to consider the rezoning of the new parcel encompassing 300 - 394 S. Old Woodward and portions of 294 E. Brown from B-2 (General Business) and D-3 (Downtown Overlay) to B-2 (General Business) and D-4 (Downtown Overlay).

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

Nays, None

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

05-136-21 Public Hearing of Necessity - Grant Street Paving Project

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

Consulting City Engineer Surhigh presented the item.

In reply to Commissioner Hoff, CCE Surhigh stated that the sewer and water lines under Grant Street not being included in this project were maintained or upgraded during previous projects.

In reply to Commissioner Nickita, CCE Surhigh confirmed that the width of the road and the bump out at the corner of Lincoln would remain as-is.

The Mayor closed the public hearing at 8:05 p.m.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Nickita:
To confirm the roll for the replacement of water and sewer laterals within the Grant Street paving project.

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

Nays, None

05-137-21 Public Hearing – 211 S. Old Woodward – Final Site Plan and SLUP

The Mayor opened the public hearing at 8:07 p.m.

Planning Director Ecker presented the item.

Paul Glanz, representative for RH Birmingham, was present on behalf of the item. In reply to Commissioner questions about the included documentation, he stated that 'NSF' stood for insufficient funds, which was an erroneous designation and had been resolved. He also stated that he would be using the liquor license in the same way Birmingham Theatro did, though he clarified he was contemplating requesting the ability to host occasional live events at some point in the future.

The Mayor closed the public hearing at 8:12 p.m.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Nickita:
To approve the Final Site Plan and Special Land Use Permit Amendment for 211 S. Old Woodward to allow the change in ownership of the Class C liquor license in use at Birmingham 8 Theater from Birmingham Theatro, LLC to CH Birmingham, LLC;

AND

To authorize the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and to approve the liquor license request of CH Birmingham, LLC that requests a transfer of interest in a Class C License to be issued under MCL 436.1521(A)(1)(B) located at 211 S Old Woodward, Birmingham, Oakland County, MI 48009;

AND

Pursuant to Birmingham City Ordinance, to authorize the City Clerk to complete the Local Approval Notice at the request of CH Birmingham, LLC approving the liquor license transfer request of CH Birmingham, LLC that requested a Class C License be transferred under MCL 436.1521 (A)(1)(B) located at 211 S Old Woodward, Birmingham, Oakland County, MI 48009.

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

Nays, None

Mayor Boutros thanked Mr. Glanz for his continued investment in Birmingham. Mr. Glanz thanked the Mayor for his comments.

05-138-21 Public Hearing – Lot split of 300 S. Old Woodward, 294 E. Brown and the lot combination of the amended parcels at 300 and 394 S. Old Woodward

The Mayor opened the public hearing at 8:15 p.m.

PD Ecker reviewed the item. She stated that if RH was not developed on the site that it would still increase the parcels' property values and would make those parcels easier to sell.

Victor Saroki and Rick Rattner, attorney, were present on behalf of the item.

In reply to Commissioner Nickita, PD Ecker confirmed that the City has a long history of lot combinations in order to create lots that better align with the City's development goals.

In reply to Commissioner Baller, Victor Saroki confirmed that while Dave Stanchak of RH will be retiring it will have no impact on the project's plans.

Public Comment

Mr. Bloom reiterated his concern from previous meetings that parking for RH could impact the adjacent neighborhoods. He said the City should also update its parking ordinances before the RH development proceeds.

The Mayor closed the public hearing at 9:06 p.m.

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

To approve the proposed lot split/rearrangement of 300 S. Old Woodward to allow for 3,104.39 sq.ft. on the western edge of 300 S. Old Woodward to be split from the existing parcel, and added to the parcel known as 294 E. Brown Street.

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

Nays, None

MOTION: Motion by Commissioner Baller, seconded by Mayor Pro Tem Longe:
To approve the proposed lot split/rearrangement of 294 E. Brown Street to divide the existing parcel into two parcels, to allow for 1,962.79 sq.ft. on the eastern edge of the parcel to be split and added to the parcel at 394 S. Old Woodward.

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

Nays, None

MOTION: Motion by Commissioner Baller, seconded by Commissioner Nickita:
To approve the proposed lot combination of 300 – 394 S. Old Woodward to create a larger rectangular parcel 20,201.08 sq.ft. in size on S. Old Woodward running south of E. Brown Street to Daines, subject to the following conditions:

1. All outstanding taxes and special assessments due on 300 S. Old Woodward must be paid in full; and,
2. Both 300 S. Old Woodward and 394 S. Old Woodward are approved for rezoning to D-4 in the Downtown Overlay District, or the height of the proposed building to is reduced to 68' and a use variance is obtained from the Board of Zoning Appeals for the use of the fourth floor as a restaurant.

Commissioner Sherman said he was concerned that the motion as stated could create one parcel with two different taxable businesses.

Building Official Johnson clarified that the City does not send lot combinations to Oakland County until both buildings on a combined lot are demolished, thus preventing the scenario Commissioner Sherman described.

Mr. Rattner said he was uncomfortable with being required by the motion to obtain a use variance if the rezoning to D-4 is not granted.

Building Official Johnson also recommended the applicant not be mandated by the motion to pursue a use variance if the rezoning to D-4 is not granted.

After further discussion between the Commission, CA Kucharek, Mr. Rattner, PD Ecker, and Building Official Johnson, it was decided that the most appropriate motion would be a duplicate of the present motion with the end of the second condition ending after "68".

CA Kucharek recommended the Commission vote on the present motion, noting that a follow-up motion could be made if the present motion failed.

ROLL CALL VOTE: Ayes, None

 Nays, Commissioner Baller
 Commissioner Nickita
 Mayor Pro Tem Longe
 Commissioner Host
 Commissioner Hoff
 Mayor Boutros
 Commissioner Sherman

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:
To approve the proposed lot combination of 300 – 394 S. Old Woodward to create a larger rectangular parcel 20,201.08 sq.ft. in size on S. Old Woodward running south of E. Brown Street to Daines, subject to the following conditions:

1. All outstanding taxes and special assessments due on 300 S. Old Woodward must be paid in full; and,
2. Both 300 S. Old Woodward and 394 S. Old Woodward are approved for rezoning to D-4 in the Downtown Overlay District, or the height of the proposed building is reduced to 68'.

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

 Nays, None

05-139-21 Website Redesign and Hosting Services

Communications Director Gamboa presented the item.

Thomas Jean of Revize was also present for the discussion.

Commissioner Sherman noted that the City had worked with Revize in the past and had that the website updates they implemented did not meet expectations. He asked why Revize was being recommended again in light of that fact.

CD Gamboa stated that since Revize last worked with the City they had increased their staffing levels, provided positive municipal references, and had 1,800 municipal sites running nationwide. She said that Revize also explained ways they could address the City's specific website concerns.

Mr. Jean explained that many of the features Revize could add to the City's website now were not available in 2013, when Revize first worked on the City's website. He explained that Revize would streamline pages on the City's website and would add a curated search. The curated search would be manually indexed to return the most salient information first.

Commissioner Baller said he would be more comfortable with a contract shorter than six years since technology advances quickly.

It was noted that the contract would allow for 30-day written termination at any time.

CA Kucharek clarified that the contract would be a three-year term, with the option to renew for another three years.

CD Gamboa said the results from the survey about the City's current website would be used to inform the redesign process.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To approve an agreement with Revize LLC for website design services in the amount not to exceed \$33,850.00 from account #636-228.000-933.0700. Further to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

Public Comment

Jonathan Hoffley commented that users tend not to know how to describe what they are looking for in a web interface, and that it is incumbent on user experience/user interface designers to know how to meet users' needs. He asked what the cost of the curated search option would be to the City, and concurred with Commissioner Baller that six-years is a long time for a technology contract.

CD Gamboa stated that the curated search was included in the contract with Revize.

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

05-140-21 ZAYO Agenda Statement

MOTION: Motion by Commissioner Baller, seconded by Commissioner Sherman:
To approve the METRO Act Bilateral Form Right-Of-Way Telecommunications Permit for ZAYO Group and authorize the Mayor to sign the permit on behalf of the City.

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

Nays, None

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

A. Outdoor Dining – Kelly Allen

Kelly Allen reviewed her letter to the Commission. She stated that since her submission she had heard from the owners of Papa Joe's, Townhouse, and Adachi that they agreed with the statements in her letter.

Beth Hussey of Hazel Ravines Downtown said she was also in support of the request made in Ms. Allen's letter.

CM Markus said the matter would be coming before the Commission at the first meeting in June 2021.

X. REPORTS

A. Commissioner Reports

1. Notice of intention to appoint to the Historic District Study Committee
2. Notice of intention to appoint to the Ethics Board
3. Notice of intention to appoint for the Hearing Officer

B. Commissioner Comments

Commissioner Host thanked the Police Department for their work on noise abatement on Woodward and thanked Staff for their work on the budget hearing. He said he wanted a Commission workshop on providing senior services in the City. He also stated that the Commission serves at the will of the citizens, and that public comment should be allowed consistently at all four different types of Commission meetings.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 1. Bang the Table - Kucharek

Commissioner Nickita thanked CA Kucharek for her letter. He asked her to provide future guidance regarding Commissioner advocacy on social media and in other communications. He said he wanted to know both what was legal and what was appropriate.

2. Outdoor Dining
3. 3rd Quarter Budget Financial Report
4. March 2021 Investment Report

XI. ADJOURN

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

DRAFT

City of Birmingham
Warrant List Dated 05/12/2021

Meeting of 05/24/2021

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
279198	*	001505	MEADOWBROOK INSURANCE GROUP	10,541.00
279199	*	000855	48TH DISTRICT COURT	1,000.00
279202	*	007033	APPLIED IMAGING	6,293.51
279205		001122	BOB BARKER CO INC	777.70
279206		004931	BIDNET	5.00
279207		002231	BILLINGS LAWN EQUIPMENT INC.	41.97
279208		005003	BIRMINGHAM BLOOMFIELD COMMUNITY	3,000.00
279211	*	009283	BRENDAN MCGAUGHEY	100.00
279213		006520	BS&A SOFTWARE, INC	7,325.00
279214		000595	CARRIER & GABLE INC	663.64
279216	*	000444	CDW GOVERNMENT INC	30.69
279217		007710	CINTAS CORP	296.82
279218		000605	CINTAS CORPORATION	163.48
279220	*	008955	COMCAST	339.25
279222		008480	COMPU-TECTURE INC	4,999.76
279224		002668	CONTRACTORS CLOTHING CO	139.49
279225		008512	COOL THREADS EMBROIDERY	2,676.70
279227	*	007638	MARSHALL CRAWFORD	105.00
279228		004386	CYNERGY PRODUCTS	509.15
279231		008641	DINGES FIRE COMPANY	263.24
279232	*	000179	DTE ENERGY	37.67
279233	*	000179	DTE ENERGY	489.45
279234	*	000179	DTE ENERGY	76.68
279235	*	000179	DTE ENERGY	861.41
279236	*	000179	DTE ENERGY	120.49
279237	*	000179	DTE ENERGY	2,153.36
279238	*	000179	DTE ENERGY	105.09
279239	*	000179	DTE ENERGY	104.97
279240	*	000179	DTE ENERGY	1,447.57
279241	*	000179	DTE ENERGY	71.26
279242	*	000179	DTE ENERGY	394.17
279243	*	000179	DTE ENERGY	19.83
279244	*	000179	DTE ENERGY	54.63
279245	*	000180	DTE ENERGY	42,444.15
279246	*	007538	EGANIX, INC.	720.00
279247		004671	ELDER FORD	8.66
279248		009277	ENVIRONMENTAL MAINTENANCE ENGINEERS	7,200.00
279250		001223	FAST SIGNS	3,250.00
279251		000936	FEDEX	34.45
279253	*	001956	HOME DEPOT CREDIT SERVICES	168.20
279254		000948	HYDROCORP	1,315.00
279255		008457	ITALIA CONSTRUCTION INC	20,448.62

City of Birmingham
Warrant List Dated 05/12/2021

Meeting of 05/24/2021

Check Number	Early Release	Vendor #	Vendor	Amount
279256		000344	J.T. EXPRESS, LTD.	3,220.07
279257		MISC	JACKIE'S TRANSPORT, INC.	875.00
279259		MISC	JOY CANTOR	144.00
279260		000353	KNAPHEIDE TRUCK EQUIPMENT	467.54
279261		000284	LESLIE ELECTRIC COMPANY	120.00
279262		006817	LEXISNEXIS RISK DATA MANAGEMENT INC	100.00
279264		004498	LIFELOC TECHNOLOGIES, INC.	810.00
279265		007910	MACALLISTER RENTALS	216.50
279266		001669	MACP	310.00
279267		008793	MERGE MOBILE, INC.	73.00
279268		003099	MICHIGAN POLICE EQUIP.	282.00
279270	*	006952	MITCHELL1	2,400.00
279271		008319	MKSK INC	3,466.25
279272	*	007744	MOHAMED F. CHAMMAA	26.32
279274		001194	NELSON BROTHERS SEWER	185.00
279275	*	000919	OAKLAND COUNTY TREASURER	506.52
279276	*	000481	OFFICE DEPOT INC	461.09
279277	*	003963	DAVID PAPANDREA	25.00
279278	*	000478	ROAD COMM FOR OAKLAND CO	166,799.00
279279		000495	ROCHESTER LAWN EQUIPMENT CENTER INC	94.60
279282	*	004202	SHRED-IT USA	155.87
279283	*	008073	SITEONE LANDSCAPE SUPPLY, INC	277.25
279284	*	002809	STATE OF MICHIGAN	225.00
279285		005863	SUCCESS COMMUNICATIONS, INC.	1,594.00
279286		MISC	THE ACADEMIC NETWORK, INC.	55.00
279287		000275	TIRE WHOLESALERS CO INC	252.48
279288		009266	US SIGNAL COMPANY LLC	855.38
279290	*	000158	VERIZON WIRELESS	1,089.75
279291	*	000158	VERIZON WIRELESS	983.99
279292	*	000158	VERIZON WIRELESS	76.02
279293	*	000299	WEINGARTZ SUPPLY	7,999.00
279294		007620	WJE-WISS, JANNEY, ELSTNER ASSOC.INC	82,171.60
279295		000837	WOODWARD CAMERA INC	14.99
SUBTOTAL PAPER CHECK				\$397,129.28

ACH TRANSACTION

3719	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	71,132.38
3720		002909	ACOM SOLUTIONS, INC.	356.25
3722	*	000518	BELL EQUIPMENT COMPANY	1,375.36
3723		006683	BIRMINGHAM LAWN MAINTENANCE	176.00
3724	*	000542	BLUE WATER INDUSTRIAL PRODUCTS INC	115.50
3725		007875	CANFIELD EQUIPMENT SERVICE INC.	1,473.25
3726		009285	CITY OF BIRMINGHAM #244	33,354.00
3728	*	001077	DUNCAN PARKING TECH INC	9,762.75

City of Birmingham
Warrant List Dated 05/12/2021

Meeting of 05/24/2021

Check Number	Early Release	Vendor #	Vendor	Amount
3729		007684	ELITE TRAUMA CLEAN-UP INC.	70.00
3730	*	000995	EQUATURE	2,836.26
3731		009239	GRANITE INLINER LLC	209,497.50
3732	*	008851	INSIGHT INVESTMENT	5,243.44
3733	*	007870	J.C. EHRLICH CO. INC.	53.00
3734		000261	J.H. HART URBAN FORESTRY	12,630.88
3734	*	000261	J.H. HART URBAN FORESTRY	1,017.00
3735	*	003458	JOE'S AUTO PARTS, INC.	1,172.76
3736		004085	KONE INC	11,611.00
3738	*	001035	MUNICIPAL EMERGENCY SERVICES	5,550.44
3739	*	006359	NYE UNIFORM COMPANY	4,405.44
3740	*	006853	PAUL C SCOTT PLUMBING INC	342.00
3741		000254	SOCRRA	77,688.00
3742	*	007278	WHITLOCK BUSINESS SYSTEMS, INC.	1,669.47
3743		002088	WM. CROOK FIRE PROTECTION CO.	2,300.00
SUBTOTAL ACH TRANSACTION				\$453,832.68
GRAND TOTAL				\$850,961.96

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



Mark Gerber
Finance Director/ Treasurer

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

City of Birmingham
Warrant List Dated 05/19/2021

Meeting of 05/24/2021

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
279297		MISC	4-EVER-WATER-TITE LLC	100.00
279298	*	006965	7UP DETROIT	179.90
279300	*	MISC	AETNA	414.84
279301		003708	AIRGAS USA, LLC	238.26
279303		001797	ALLEGRA MARKETING, PRINT, MAIL	930.00
279304		MISC	ALPINE CONSTRUCTION INC	2,500.00
279305		000143	AM-DYN-IC FLUID POWER INC	813.27
279306		000167	ANDERSON ECKSTEIN WESTRICK INC	4,037.50
279307		009253	ANDRUS ARCHITECTURE INC	10,060.93
279308	*	008977	JOBMATCH LLC DBA APPLICANTPRO	827.00
279309		MISC	ARMANDO GIUSEPPE INC	200.00
279310		000500	ARTECH PRINTING INC	352.00
279311	*	006759	AT&T	433.22
279312	*	006759	AT&T	113.05
279313	*	006759	AT&T	473.74
279314	*	006759	AT&T	361.13
279316		MISC	AVRIPAS CONSTRUCTION	300.00
279317		MISC	BACKER LANDSCAPING	100.00
279319	*	003839	MATTHEW J. BARTALINO	7.95
279320		MISC	BESHOURE RESIDENTIAL DEVELOPMENT	500.00
279322	*	009142	BIDIGAIRE CONTRACTORS, INC	51,468.00
279323		MISC	BOUCHARD, JACLYN	5,000.00
279324	*	MISC	BRADLEY MCNAB	70.00
279325	*	009283	BRENDAN MCGAUGHEY	35.51
279326		MISC	BRICKWORKS PROPERTY RESTORATION	200.00
279327	*	006953	JACQUELYN BRITO	34.99
279328		007732	CAPITAL TIRE, INC.	135.02
279329	*	000444	CDW GOVERNMENT INC	911.94
279330		009137	CGS, INC	2,550.00
279331		MISC	Christopher Burcham	100.00
279332		000605	CINTAS CORPORATION	113.97
279333	*	001086	JACK TODD- PETTY CASH	1,273.04
279334		009187	CLEARVIEW CAPTIONING LLC	2,175.00
279335		004188	COFFEE BREAK SERVICE, INC.	46.10
279336		000979	COMERICA BANK	2,404.56
279337		MISC	CONCRAFT INC	200.00
279339	*	000627	CONSUMERS ENERGY	353.10
279340		002668	CONTRACTORS CLOTHING CO	221.70
279341		008512	COOL THREADS EMBROIDERY	1,095.83
279342	*	008582	CORE & MAIN LP	1,659.93
279343	*	009145	CREATIVE COLLABORATIONS	3,800.00
279344		MISC	CURB APPEAL CONCEPTS INC,	200.00

City of Birmingham
Warrant List Dated 05/19/2021

Meeting of 05/24/2021

Check Number	Early Release	Vendor #	Vendor	Amount
279345	*	MISC	DAVID BARTLEY	70.00
279347	*	MISC	DEVIN DEROECK	70.00
279348		009130	DOG WASTE DEPOT	549.45
279349	*	000190	DOWNRIVER REFRIGERATION	44.05
279350	*	000179	DTE ENERGY	33.17
279351	*	000179	DTE ENERGY	35.42
279353	*	009100	ENZO WATER SERVICE	500.00
279354		MISC	ESSCO OF BIRMINGHAM LLC	200.00
279355		MISC	ESSCO OF BIRMINGHAM, LLC	100.00
279356		MISC	FIRST CHURCH OF CHRIST SCIENTIST	100.00
279357		MISC	FISCHER, CHRISTOPHER E	1,000.00
279358		006654	FLEETPRIDE INC	227.29
279359		MISC	FULLER, SUE ELLEN	200.00
279360	*	007807	G2 CONSULTING GROUP LLC	2,172.25
279361		MISC	GLASS, DAVID E	860.16
279362	*	004604	GORDON FOOD	1,288.12
279363		009275	GREAT LAKES COCA-COLA DISTRIBUTION	428.87
279364	*	MISC	GREG FOLEY	70.00
279365		MISC	GRENNAN CONSTRUCTION	100.00
279367		001447	HALT FIRE INC	3,360.99
279368		001836	HISTORICAL SOCIETY OF MICHIGAN	65.00
279369		MISC	HM HOMES LLC	2,000.00
279370	*	001956	HOME DEPOT CREDIT SERVICES	326.25
279371		001415	HORNUNG'S PRO GOLF SALES INC	348.46
279372		006416	HUNTINGTON WOODS POOLS & SPAS, INC	213.87
279373		MISC	ID ENTERPRISES LLC	200.00
279379		MISC	ITALY AMERICAN CONSTRUCTION CO	300.00
279380		MISC	J & J ROOFING	100.00
279381	*	003823	JAY'S SEPTIC TANK SERVICE	78.00
279382		MISC	JENNIFER AWDISH	100.00
279384	*	007244	CHRISTOPHER JUDKINS	229.00
279385	*	008061	K-LOG, INC	542.28
279386	*	007423	K/E ELECTRIC SUPPLY	5.00
279387	*	000362	KROGER COMPANY	32.69
279388	*	009287	KYLE KRAFT	982.08
279389		MISC	LIVE WELL CUSTOM HOME LLC	2,000.00
279390		MISC	LMB PROPERTIES LLC	300.00
279391		MISC	Long Lake Construction, LLC	100.00
279392		001564	MAGLOCLIN INC	400.00
279393		000888	MCKENNA ASSOCIATES INC	25,859.44
279394		MISC	METRO DETROIT SIGNS INC	400.00
279395	*	MISC	MICHAEL KAPSOKAVATHIS	95.60
279396	*	007659	MICHIGAN.COM #1008	89.23

City of Birmingham
Warrant List Dated 05/19/2021

Meeting of 05/24/2021

Check Number	Early Release	Vendor #	Vendor	Amount
279398		000230	MIKE SAVOIE CHEVROLET INC	1,748.12
279399		MISC	MITCHCO CONSTRUCTION INC.	100.00
279400		MISC	MR ROOF HOLDING CO LLC	100.00
279401		MISC	N & M GENERAL CONSTRUCTION	100.00
279402	*	007755	NETWORK SERVICES COMPANY	0.12
279403		MISC	OAK CONSTRUCTION	100.00
279404		MISC	OAK ELECTRIC SERVICE INC	168.75
279405	*	000477	OAKLAND COUNTY	461,225.58
279406	*	004370	OCCUPATIONAL HEALTH CENTERS	1,138.00
279407	*	000481	OFFICE DEPOT INC	381.76
279409		001626	OXFORD OVERHEAD DOOR SALES CO.	511.50
279410		MISC	PELLA WINDOWS & DOORS, INC.	800.00
279411		002518	PITNEY BOWES INC	234.17
279412		008028	PK SAFETY SUPPLY	337.50
279413		008901	PLANTE & MORAN CRESA, LLC	11,200.00
279414		MISC	POWER HOME SOLAR	200.00
279415		005733	POWER LINE SUPPLY	58.55
279416		008974	PREMIER PET SUPPLY	8.00
279417		006625	PTS COMMUNICATIONS	78.00
279418	*	007463	PUBLIC RUBBER & SUPPLY CO., INC.	553.24
279419	*	MISC	ROBERT BRYANT	174.64
279420		000495	ROCHESTER LAWN EQUIPMENT CENTER INC	83.38
279421		000218	ROYAL OAK P.D.Q. LLC	1,090.74
279422		MISC	SCACCIA BUILDING COMPANY	500.00
279423		006590	SECURE DOOR, LLC	143.00
279424		008815	SHI INTERNATIONAL CORP.	1,423.00
279425	*	008073	SITEONE LANDSCAPE SUPPLY, INC	379.39
279426		MISC	SKIN AND BODY PLACE, LLC	100.00
279427		MISC	SMOLYANOV HOME IMPROVMENT	200.00
279428	*	001097	SOCWA	307,146.10
279429		000260	SPARTAN DISTRIBUTORS INC	242.06
279430		009201	STEPHEN SHUKWIT	500.00
279431		000256	SUBURBAN BUICK GMC INC	90.11
279432		008748	TECHSEVEN COMPANY	13,253.00
279433		MISC	TERA, ROBERT	100.00
279434		MISC	THE NEW 555 COMMERCIAL LLC	1,000.00
279435		008944	THE PRINT STOP, INC.	660.00
279436		007587	TRI-COUNTY AQUATICS, INC.	250.00
279437		MISC	TROY ENGELLAND	200.00
279438	*	004379	TURNER SANITATION, INC	670.00
279439	*	005631	ULTIMATE REEL GRINDING LLC	1,625.00
279440		008941	UPTOWN MARKET OF BIRMINGHAM	81.96
279441		008366	VALHALLA KRAV MAGA	500.00

City of Birmingham
Warrant List Dated 05/19/2021

Meeting of 05/24/2021

Check Number	Early Release	Vendor #	Vendor	Amount
279442		007226	VALLEY CITY LINEN	172.35
279443	*	000158	VERIZON WIRELESS	151.91
279444	*	000158	VERIZON WIRELESS	308.16
279445	*	000158	VERIZON WIRELESS	49.31
279446	*	000158	VERIZON WIRELESS	495.66
279447		MISC	WALLSIDE INC	1,000.00
279448	*	004497	WATERFORD REGIONAL FIRE DEPT.	219.80
279449		MISC	WELKIN CONSTRUCTION COMPANY LLC	550.00
279450	*	005794	WINDSTREAM	877.82
279451	*	007900	RYAN WISEMAN	80.00
279452		009128	WITMER PUBLIC SAFETY GROUP INC	802.77
279453	*	008391	XEROX CORPORATION	828.59
279455	*	008902	ZORO TOOLS, INC.	376.81
SUBTOTAL PAPER CHECK				\$958,537.00

ACH TRANSACTION

3747	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	53,256.73
3748	*	002284	ABEL ELECTRONICS INC	174.99
3750	*	000517	BEIER HOWLETT P.C.	38,441.00
3751	*	007345	BEVERLY HILLS ACE	121.16
3752		006683	BIRMINGHAM LAWN MAINTENANCE	196.00
3753	*	008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	240,285.07
3754		009183	BOB ADAMS TOWING	250.00
3755		009195	CROWN CASTLE FIBER LLC	643.00
3756		009181	DELTA TEMP SERVICES INC	989.22
3756	*	009181	DELTA TEMP SERVICES INC	971.50
3757	*	000207	EZELL SUPPLY CORPORATION	153.42
3758	*	000243	GRAINGER	432.02
3759		007035	INNOVATIVE OFFICE TECHNOLOGY GROUP	192.95
3760	*	007870	J.C. EHRLICH CO. INC.	78.00
3761	*	000261	J.H. HART URBAN FORESTRY	773.40
3762	*	002576	JAX KAR WASH	126.00
3763	*	003458	JOE'S AUTO PARTS, INC.	1,103.27
3764		000155	JOHNSON CONTROLS SECURITY SOLUTIONS	855.00
3765	*	008158	LOGICALIS INC	9,700.00
3766	*	006359	NYE UNIFORM COMPANY	969.00
3767	*	008843	OAKLAND COUNTY TREASURER- TAX PYMNT	184,595.02
3768	*	002767	OSCAR W. LARSON CO.	200.00
3769	*	003554	RKA PETROLEUM	11,818.46
3770	*	003785	SIGNS-N-DESIGNS INC	451.00
3771		005787	SOUTHEASTERN EQUIPMENT CO. INC	142.66
3772	*	004355	SYMETRA LIFE INSURANCE COMPANY	65,549.08
3773		000298	VESCO OIL CORPORATION	83.25
3774	*	000969	VIGILANTE SECURITY INC	220.50

City of Birmingham
Warrant List Dated 05/19/2021

Meeting of 05/24/2021

Check Number	Early Release	Vendor #	Vendor	Amount
3775		002974	VILLAGE OF BEVERLY HILLS	108,020.33
SUBTOTAL ACH TRANSACTION				\$720,792.03
GRAND TOTAL				\$1,679,329.03

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

Finance Department

DATE: May 14, 2021

TO: Thomas M. Markus, City Manager

FROM: Mark Gerber, Director of Finance/Treasurer

SUBJECT: 2021 Parks and Recreation Bond Amendment

INTRODUCTION:

The City recently sold parks and recreation bonds that will require a budget amendment in fiscal year 2020-2021.

BACKGROUND:

On May 4, 2021, the City sold \$4,750,000 in parks and recreation bonds. The bonds were sold at a premium. A budget amendment is necessary to record the bond proceeds, bond closing costs, and the use of the bonds.

Since the ice arena construction contract has been approved by the city commission and a portion of the bond proceeds were allocated to this project, the budget amendment will include this allocation. The remainder of the bond proceeds will contribute to the fund balance where they will be used in subsequent fiscal years as projects are constructed.

LEGAL REVIEW:

No legal review is needed.

FISCAL IMPACT:

The City will receive \$4,984,814.50 in bond proceeds which is net of the underwriter's fee of \$27,289.50 and includes a bond premium of \$262,104. Total bond issuance costs are estimated to be approximately \$110,000.

SUMMARY:

It is suggested that the budget amendment for the 2021 Unlimited Tax General Obligation Parks and Recreation Bonds be approved.

ATTACHMENTS:

1. 2021 Unlimited Tax General Obligation Parks and Recreation Bonds - Schedule of Sources and Uses of Bond Proceeds

SUGGESTED RESOLUTION:

To approve the appropriations and amendment to the 2020-2021 Park System Construction Fund Budget as follows:

Park System Construction Fund

Revenues:

Bond Proceeds	408-000.000-698.0001	\$4,750,000
Bond Premium	408-000.000-697.0000	<u>262,100</u>

Total Revenues		\$5,012,100
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Expenditures:

Bond Issuance Costs	408-751.000-824.0300	\$ 110,000
Building Improvements	408-752.000-977.0000	3,797,610
Contribution to Fund Balance	408-000.000-400.0000	<u>1,104,490</u>

Total Expenditures		\$5,012,100
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\$4,750,000

City of Birmingham

County of Oakland, State of Michigan

2021 Unlimited Tax General Obligation Bonds

Sources & Uses

Dated 05/20/2021 | Delivered 05/20/2021

Sources Of Funds

Par Amount of Bonds	\$4,750,000.00
Reoffering Premium	262,104.00

Total Sources	\$5,012,104.00
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Uses Of Funds

Total Underwriter's Discount (0.575%)	27,289.50
Financial Advisor	28,500.00
Bond Counsel	32,500.00
Rating Agency Fee	13,750.00
POS/Official Statement	4,000.00
Publishing of Notice of Sale	2,500.00
MAC Fee	400.00
Michigan Department of Treasury	950.00
Deposit to Project Construction Fund	4,902,214.50

Total Uses	\$5,012,104.00
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MEMORANDUM

Department of Public Services

DATE: May 3, 2021

TO: Thomas M. Markus, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Birmingham Ice Sports Arena – Commissioning Services

INTRODUCTION:

The Birmingham Ice Arena (BIA) is under construction for necessary Ice Plant equipment replacement and building additions as part of the Ice Arena Renovation project. As part of this project, the City of Birmingham as the Owner has enlisted consultant services from the onset, which included Plante Moran Cresa, Andrus Architecture, Nowak & Fraus, G2 Engineering, Environmental Services and more will be necessary as the project advances.

At the time of the General Contractor award on April 12, 2021, we did not have all of the proposals from the various service providers, but estimated a total for the soft costs at \$515,110.00. The City Commission authorized this amount at the time of the award.

BACKGROUND:

We did anticipate returning to the City Commission for approval(s) once we identified the vendor names and the associated costs/fees. The attached proposal from Strategic Energy Solutions (SES) is for commissioning services at the Ice Arena. Plante Moran Cresa (PMC) requested proposals from vendors for this service and provided us with a commissioning agent recommendation. They also have extensive working experience with SES on past projects.

The scope of work involves commissioning of the mechanical systems as part of the renovations & additions project. They were provided the drawings and project information in order to compare the installed system and its operation with the specified system. In other words, to make sure the City of Birmingham is getting what they asked for. These Engineering services will include overseeing the contractor for this portion of the project.

LEGAL REVIEW:

The City Attorney has prepared this contract agreement and approved with signature.

FISCAL IMPACT:

Funding this project from the \$2,000,000.00 is available in the Capital Projects Fund account # 401-901.001-977.0000.

PUBLIC COMMUNICATIONS:

All mediums of communication will be available to the City of Birmingham during the Ice Arena construction project. The project updates are posted on the City website www.bhamgov.org/icearena during this project.

ATTACHMENTS:

- PMC Recommendation for Commissioning Services Letter dated May 13, 2021
- Consultant Agreement with Strategic Energy Solutions (SES)
- Exhibit A Proposal from Strategic Energy Solutions (SES)
- Insurance Certificate
- Ice Sports Arena Project - May 2021 Dashboard Report

SUMMARY:

The Department of Public Services and PMC recommend awarding the Commissioning Services for the mechanical (HVAC) systems at the Birmingham Ice Arena to Strategic Energy Solutions (SES). The cost for these consultant services will be \$15,800.00. Based on the experience of SES and the background information provided in the recommendation letter from Plante & Moran Cresa. Based on PMC's vetting of SES's credentials and other professional services agreements, there is no advantage to be gained by the City bidding out these professional services.

SUGGESTED RESOLUTION:

To approve the commissioning services for the Birmingham Ice Arena Renovation project to Strategic Energy Solutions (SES) in the amount not to exceed \$15,800.00. Funds are available in the Capital Projects Fund account #401-901.001-977.0000 for this work. In addition, to waive the formal bidding requirements and to authorize the Director of Public Services to sign the SES Professional Service proposal on behalf of the City. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of the required insurances.



May 13, 2021

Ms. Lauren Wood
City of Birmingham
Director of Public Services
851 South Eton Street
Birmingham, MI 48009

via e-mail: Lwood@bhamgov.org

RE: City of Birmingham Ice Sports Arena Renovation and Additions – Commissioning Agent Recommendation

Dear Ms. Wood:

This letter is to update you on Plante Moran Cresa's (PMC) progress in our assignment to assist and advise the City of Birmingham (CB) in the selection of a Commissioning Agent for the CB Ice Sports Arena Renovation/Additions Improvement Project (Project). The CB and Plante Moran Cresa (Project Team) solicited and received a proposal from Strategic Energy Solutions (SES) for project Commissioning Services.

PMC received a proposal from SES on April 19, 2021 (see attached). After clarifications and discussions with SES, the Project Team recommends engaging SES for Commissioning Services related to the new mechanical equipment installations related to the renovation and additions at the Ice Sports Arena. This recommendation is based on SES's Commissioning experience, experienced and licensed State of Michigan staff assigned to the project, local office presence, meeting the Project Team's budget expectations, PMC's past positive working experience and ability to begin their engagement immediately.

The Project Team recommends the CB Commissioners approve the SES professional services contract in the amount of \$15,800 (inclusive of reimbursable expenses).

Should you have any questions regarding this recommendation described above, please do not hesitate to contact me at 248-766-0996 or robert.stempien@plantemoran.com.

Sincerely,
PLANTE MORAN CRESA

A handwritten signature in black ink, appearing to read "Robert Stempien".

Robert Stempien, AIA
Sr. Vice President

Attachments: SES Commissioning Services Proposal Summary dated 4-19-21

**CITY OF BIRMINGHAM CONSULTANT AGREEMENT WITH
STRATEGIC ENERGY SOLUTIONS**

THIS AGREEMENT, made and entered into this ____ day of _____, 2021, by and between the **CITY OF BIRMINGHAM**, a Michigan Municipal Corporation located at 151 Martin Street, Birmingham, Michigan, hereinafter referred to as the CITY, and **STRATEGIC ENERGY SOLUTIONS** located at 4000 West Eleven Mile Road, Berkley, MI 48072, hereinafter referred to as the CONSULTANT.

W I T N E S S E T H:

WHEREAS, the CITY would like to engage the professional services of CONSULTANT to commission the mechanical systems being installed as part of the renovations and additions to the Birmingham Ice Arena; and,

WHEREAS, the CONSULTANT is willing to render such services desired by the CITY for the considerations hereinafter expressed.

NOW, THEREFORE, for and in consideration of the mutual undertakings of the parties hereto, all as hereinafter set forth, it is agreed by and between the parties as follows:

1. The CONSULTANT shall provide commissioning services for the CITY to the Birmingham Ice Area for the mechanical (HVAC) systems, which are more particularly described in the Scope of Services which is attached as Exhibit A and shall be incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto. If any of the documents are in conflict with one another, this Agreement shall take precedence.

2. The CONSULTANT shall perform all work under the direction of the City Engineer or a designated representative.

3. The CITY agrees to pay the CONSULTANT for services rendered in a lump sum of Fifteen Thousand Eight Hundred and 00/100 Dollars (\$15,800.00).

4. This Agreement shall commence on _____, and shall terminate on _____. However, notwithstanding the term of the agreement, the City shall have the right to terminate this Agreement on ten (10) days written notice. In the event of termination, the CONSULTANT shall receive compensation for services to the date the termination takes effect and the CITY shall be entitled to retain and use the results to the date the termination takes effect and the City shall be entitled to retain and use the results of all information, documents and recommendations prepared by the Contractor through such date.

5. If the CONSULTANT fails to perform its obligations hereunder, the CITY may take any and all remedial actions permitted by law.

6. The CONSULTANT shall hire personnel of good character and fitness to perform the duties under this Agreement.

7. The CONSULTANT 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 CONSULTANT shall inform the CITY of all claims or suits asserted against it by the CONSULTANT'S employees who work pursuant to this Agreement. The CONSULTANT shall provide the CITY with periodic status reports concerning all such claims or suits, at intervals established by the CITY.

8. 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.

9. To the fullest extent permitted by law, the CONSULTANT and any entity or person for whom the CONSULTANT 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 their behalf 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, its elected and appointed officials, employees, volunteers or others working on their behalf, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arise out of the acts, errors or omissions of the CONSULTANT including its employees and agents, in the performance of 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.

The CITY agrees that the contractors shall be solely responsible for job site safety and all contractors shall be required in the CITY'S contract with such contractors to indemnify the CONSULTANT for any liability incurred by the CONSULTANT as a result of the contractor's negligent acts or omissions. However, such indemnification shall not extend to liability resulting from the negligence of the CONSULTANT.

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

- A. Workers' Compensation Insurance: CONSULTANT shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
- B. Commercial General Liability Insurance: CONSULTANT 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 Insurance: CONSULTANT 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: The Commercial General Liability and Motor Vehicle Liability, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham including all elected and appointed officials, all employees, all boards, commissions and/or authorities and board members. This coverage shall be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance required from CONSULTANT under this Section.
- E. Professional Liability Insurance: If Professional Liability Insurance is available, Professional Liability Insurance with limits of not less than \$2,000,000 per claim if CONSULTANT will provide service that are customarily subject to this type of coverage.
- F. Cancellation Notice: Workers' Compensation Insurance, Commercial General Liability Insurance, Professional Liability Insurance and Motor Vehicle Liability Insurance as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal shall be sent to: Director of Finance, City of Birmingham, P.O. Box 3001, 151 Martin Street, Birmingham, Michigan 48012.
- G. Proof of Insurance Coverage: CONSULTANT shall provide the CITY at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City, as listed below.

- 1) Two (2) copies of Certificate of Insurance for Workers' Compensation 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;

H. Coverage Expiration: If any of the above coverages expire during the term of this Agreement, CONSULTANT shall deliver renewal certificates and/or policies to the City at least (10) days prior to the expiration date.

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

12. The CONSULTANT and the CITY agree that the CONSULTANT is acting as an independent contractor with respect to the CONSULTANT'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 CONSULTANT 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 CONSULTANT 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 CONSULTANT shall not be considered entitled or eligible to participate in any benefits or privileges given or extended by the CITY, or be deemed an employee of the CITY for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the CITY.

13. The CONSULTANT agrees that it will apply for and secure all permits and approvals as may be required from the CITY in accordance with the provisions of applicable laws and ordinances of the CITY, State of Michigan or federal agencies.

14. This Agreement 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 and CONSULTANT. 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 Agreement without prior approval, in writing, of the other. Any attempt at assignment without prior written consent shall be void and of no effect.

15. The CITY shall be the owner of all the drawings, specifications or other documents prepared by the CONSULTANT. Any modifications made to the drawings by the CITY shall be clearly marked as such on the modified document. The CITY may not use these documents for any purpose other than pursuant to the activities provided for in this Agreement.

16. Notices shall be given to:

- a. City of Birmingham
Department of Public Services
851 S. Eton
Birmingham, MI 48009
Attention: Ms. Lauren Wood
Director of Public Services

With copies to:

Mary M. Kucharek City Attorney
Beier Howlett, P.C.
3001 W. Big Beaver Rd., Ste. #200
Troy, MI 48084

- b. Strategic Energy Solutions
4000 West Eleven Mile Road
Berkley, MI 48072
Attention: John Abraam, Principal

17. The CONSULTANT 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 CONSULTANT recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the CITY. Therefore, the CONSULTANT agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The CONSULTANT 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 CONSULTANT further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.


18. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. The CONSULTANT 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.

19. 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.

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 parties hereto have executed this Agreement on the day and year first above written.

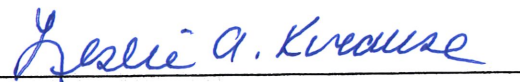
STRATEGIC ENERGY SOLUTIONS

By: 
Its: PRINCIPAL

STATE OF MICHIGAN)
) ss:
COUNTY OF OAKLAND)

On this 18th day of May, 2021, before me personally appeared John Abram, who acknowledged that with authority on behalf of STRATEGIC ENERGY SOLUTIONS to do so he/she signed this Agreement.

LESLIE A. KRAUSE
Notary Public, State of Michigan
County of Macomb
My Commission Expires 04-30-2022
Acting in the County of Oakland


Notary Public
_____ County, Michigan
Acting in _____ County, Michigan


My commission expires: _____

CITY OF BIRMINGHAM, a Michigan
Municipal Corporation

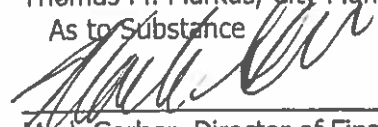
By: _____
Pierre Boutros, Mayor

By: _____
Alexandria D. Bingham, Clerk

APPROVAL (Sec 2-289 City Code)



Thomas M. Markus, City Manager
As to Substance



Mark Gerber, Director of Finance
As to Financial Obligation



Lauren Wood, Director of Public Services
As to Substance



Mary M. Kucharek, City Attorney
As to Form

EXHIBIT A



April 19, 2021

Carrie Laird
Parks & Recreation Manager
Birmingham Department of Public Services
851 South Eton Street
Birmingham, MI 48009

SUBJECT

In response to your request, Strategic Energy Solutions, Inc. (SES) is pleased to offer our services to Birmingham Department of Public Services for commissioning services for the Birmingham Ice Arena located in Birmingham, MI. This proposal is based on the ongoing correspondence between Robert Stempfen and John Abraam. The following is our understanding of the project and services to be provided.

PROJECT DESCRIPTION

This project involves commissioning of the mechanical systems being installed as part of the renovations & additions at the Birmingham Ice Area. This proposal is based on the drawings and information provided to John Abraam via e-Builder.

The scope of work shall be to provide commissioning services for the mechanical (HVAC) systems.

SCOPE OF SERVICES INCLUDED

1. Review of current HVAC drawings and specifications with respect to performance requirements and constructability. Comments will be communicated to the design team in a report format.
2. Review of any Owner Project Requirement (OPR) and Basis of Design (BOD) documents.
3. Develop and implement a Commissioning plan.
4. Confirm incorporation of Commissioning requirements into the construction documents.
5. Develop construction checklists.
6. On-site system operation verification.
7. Verify system test execution.
8. Review of contractor submittals.
9. Maintain an issues and benefits log throughout the Commissioning process.
10. Prepare a final Commissioning process report.
11. Document findings and recommendations and report directly to the owner throughout the process.

SCOPE OF SERVICES NOT INCLUDED

General

1. Attendance at regularly scheduled construction administration phase meetings. Owner-Architect-Contractor (OAC) meetings.
2. Design for an expanded scope of work in excess of the PROJECT DESCRIPTION, SCOPE OF

WORK and the SCOPE OF SERVICES.

3. Verify inclusion of operator and occupant training.
4. Development of O&M manuals.
5. Verify systems manual updates and delivery.
6. Commissioning of equipment and systems for ice making (refrigeration room).
7. Envelope commissioning.
8. Engineering design services for mechanical, electrical, and plumbing systems.

WORK PROVIDED BY OTHERS

Engineering plans and specifications as issued by the design team, in PDF or paper format, for review and comment.

Access into the existing building and premises shall be made available for SES to perform their work.

STANDARD OF CARE

In providing services under this Agreement, SES shall perform in a manner consistent with and limited to the degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances at the same time and in the same or similar locality. SES makes no warranty, express or implied, as to its professional services rendered under this Agreement. Accordingly, the Client should prepare and plan for clarifications and modifications, which may impact both the cost and schedule of the project.

FEE

Our lump sum fee for this work is fifteen thousand eight hundred dollars (\$15,800).

REIMBURSABLE EXPENSES

We do not anticipate any reimbursable expenses in association with this project. We have included reproduction, postage, shipping, and travel costs in our lump sum fee.

ADDITIONAL SERVICES

SES will provide a separate proposal for requested additional services beyond the scope of this proposal.

SCHEDULE

SES will perform the engineering services in a diligent manner to meet the design schedule.

PAYMENT

The fee, plus reimbursable expenses and any additional services as requested will be invoiced on a monthly basis based on the percentage of work complete. Payment is due net 30 days of invoicing.

Failure to receive payment in accordance with this proposal shall be considered substantial nonperformance and affords SES the right to terminate or suspend services without liability from delay or other damages.

LIMITATION OF LIABILITY

To the maximum extent permitted by law, the Client agrees to limit the Consultant's liability for the Client's

damages to the Consultant's fee. This limitation shall apply regardless of the cause of action or legal theory pled or asserted.

TERMINATION OF AGREEMENT

In the event this project is cancelled, or this agreement terminated, we require written notice from Birmingham Department of Public Services before the termination date becomes effective.

It is agreed that SES will be reimbursed for all services performed and reimbursable costs incurred up to the termination date.

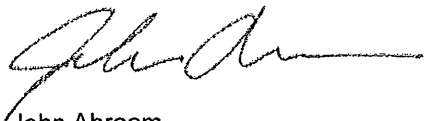
PROPOSAL ACCEPTANCE

We have executed this copy of our proposal. If this meets your approval, please confirm your agreement with our proposal as outlined above with your countersignature on a copy of this proposal and return it to Strategic Energy Solutions, Inc. via email and/or US mail.

This proposal is valid for thirty days from the date of this proposal. Should this proposal not be accepted within thirty days from the date of proposal, SES reserves the right to review and update this proposal.

Strategic Energy Solutions, Inc. has the experience and resources to successfully complete this project and we appreciate the opportunity to be of service. Should you have questions regarding this proposal, please contact John Abraam at 248-988-4805.

Sincerely,



John Abraam
Principal
Strategic Energy Solutions, Inc.

Accepted by:
Birmingham Department of Public Services

By: _____

Date: _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
5/14/2021

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

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must 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 Professional Concepts Insurance Agency, Inc. 1127 South Old US Highway 23 Brighton MI 48114-9861		CONTACT NAME: certs@pciaonline.com PHONE (A/C, No, Ext): (800) 969-4041 E-MAIL ADDRESS: certs@pciaonline.com FAX (A/C, No): (800) 969-4081	
INSURED Strategic Energy Solutions, Inc. DBA Delta Nine Engineering 4000 W Eleven Mile Rd Berkley MI 48072		INSURER(S) AFFORDING COVERAGE INSURER A: Sentinel Insurance Company 11000 INSURER B: Hartford Accident & Indemnity 22357 INSURER C: XL Specialty Ins. Co. 37885 INSURER D: INSURER E: INSURER F:	

COVERAGES**CERTIFICATE NUMBER: 20-21****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		35SBWPN5641	11/3/2020	11/3/2021	EACH OCCURRENCE \$ 1,000,000	
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000	
	<input checked="" type="checkbox"/> X, C, U						MED EXP (Any one person) \$ 10,000	
	<input checked="" type="checkbox"/> Contractual Liability						PERSONAL & ADV INJURY \$ 1,000,000	
	GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:						GENERAL AGGREGATE \$ 2,000,000	
							PRODUCTS - COMP/OP AGG \$ 2,000,000	
							Owned Watercraft Liability \$	
A	AUTOMOBILE LIABILITY	X		35SBWPN5641	11/3/2020	11/3/2021	COMBINED SINGLE LIMIT (Ea accident) \$	
	<input type="checkbox"/> ANY AUTO						<input type="checkbox"/> SCHEDULED AUTOS	BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS						<input type="checkbox"/> NON-OWNED AUTOS	BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS							PROPERTY DAMAGE (Per accident) \$
								Hired & Non-Owned \$ 1,000,000
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR			35SBWPN5641	11/3/2020	11/3/2021	EACH OCCURRENCE \$ 6,000,000	
	<input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE						AGGREGATE \$ 6,000,000	
	DED <input checked="" type="checkbox"/> RETENTION \$ 10,000							
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	Y/N <input checked="" type="checkbox"/> N	N/A	35WEGZL8961	11/3/2020	11/3/2021	<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	
C	Professional Liability			DPR9968509	11/3/2020	11/3/2021	Each Claim 2,000,000	
	Includes Pollution						Aggregate 4,000,000	

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

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.

CERTIFICATE HOLDER**CANCELLATION**

City of Birmingham 151 Martin Street 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 Mike Cosgrove/SUNNY <i>Michael Cosgrove</i>

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City of Birmingham – Ice Sports Arena Project | May 2021 Dashboard Report



Project Highlights:

- 70% City of Birmingham voter approval of Parks and Recreation Bond
- Drawing review competed and approved by all City of Birmingham Departments with no comments/issues cited.
- Commissioner approval of \$5,797,606 Project Budget
- Managed budget items/savings to-date:
 - Rubber flooring discount
 - Ice plant mech. system value engineering savings
 - BU Booster contributions
- Negotiated new ADA compliant bleacher installation vs. retrofit existing
- Long lead items identified and ordered
- Project is on schedule and within approved budget.

4 Month Project Schedule:

APRIL

- April Parks & Recreation Board meeting update
- Arena ice removal
- Arena contents removal/storage – on site containers
- Commissioner approval of General Contractor
- Commissioner approval of Project Budget
- Hazardous material abatement

MAY

- Pre-construction meeting with Project Team and Building Department
- Approval of site fencing/containment plan
- Dasher board removal and storage
- Demolition of bleachers, main rink slab, mech. equipment, ceilings, lights, flooring
- AV/PA/Technology firm procurement
- May Parks & Recreation Board meeting update

JUNE

- June Parks & Recreation Board meeting update
- Erect addition walls and structural steel
- Rough electrical, plumbing, HVAC, fire suppression installations

JULY

- July Parks & Recreation Board meeting update
- Addition roofing
- Perimeter rink mech. room concrete
- Finish mechanical/electrical to grid
- Install alum. storefront framing and glass
- Start ice plant equipment install
- Start rink HVAC install
- Install ceiling grid
- Install shower tile
- Complete main rink floor installation

Lobby Before



Lobby Before



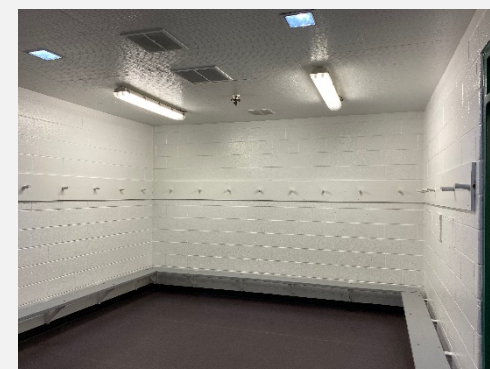
Main Rink Before



Studio Rink Before



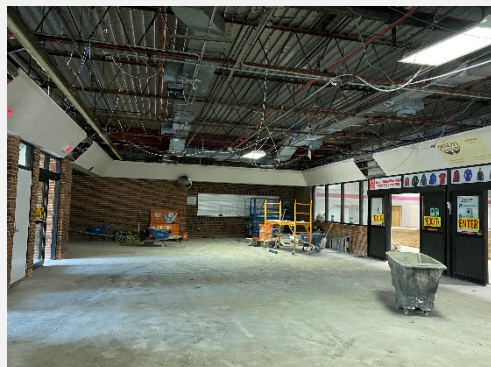
Locker Rm. Before



Mechanical Rm. Before



5-10-21



5-10-21



5-10-21



5-10-21



5-10-21



5-10-21





MEMORANDUM

Department of Public Services

DATE: May 14, 2021

TO: Thomas M. Markus, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Oakland County West Nile Expense Reimbursement Request

INTRODUCTION:

Upon recommendation of the Oakland County Executive, the Oakland County Board of Commissioners continues to establish a West Nile Virus Fund Program to assist cities, villages and townships (CVT) in addressing mosquito control activities.

Oakland County's West Nile Virus Fund Program authorizes Oakland County CVT to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas.

The 2021 West Nile Virus (WNV) Prevention Reimbursement amount designated for the City of Birmingham is \$2,648.39. Birmingham must apply for reimbursement and our project must meet the eligibility requirements as determined by the Oakland County Health Division. This is the seventeenth year for this reimbursement program.

BACKGROUND

We have been treating the catch basins, approximately 2300, beginning in 2003. The City of Birmingham incurs expenses in connection with mosquito control activities. We currently purchase the mosquito control material from Clarke Mosquito Control. We have been pleased with the treatment plan of the citywide catch basins and continue to stay current on best practices for mosquito control. Community education has also been an integral part of this program each year. Reimbursement from Oakland County for the program this year is \$2,648.39, which has been the same amount the past five years.

LEGAL REVIEW:

There has been no legal review in the past for this annual Oakland County West Nile Reimbursement Program.

FISCAL IMPACT:

The reimbursement amount of \$2,648.39 will offset the expenditure made for the material purchase from the Sewer Fund-Operating Supplies Account #590-536.002-729.0000.

PUBLIC COMMUNICATIONS:

This does not apply in this case. Information on West Nile is available on the City website www.bhamgov.org.

SUMMARY:

We spend approximately \$10,000 in Larvicide material to administer our mosquito control program each season. The program includes treating the local catch basins throughout the community, once during the season. This activity is eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

ATTACHMENTS:

Include the Resolution requesting reimbursement for the maximum allotment of \$2,648.39 for eligible mosquito control activity under the Oakland County's West Nile Virus Fund Program.

SUGGESTED RESOLUTION:

To approve the attached resolution requesting reimbursement for the maximum allotment of \$2,648.39 for eligible mosquito control activity under the Oakland County's West Nile Virus Fund Program.

**CITY OF BIRMINGHAM RESOLUTION AUTHORIZING WEST
NILE VIRUS FUND EXPENSE REIMBURSEMENT REQUEST**

WHEREAS, upon recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS, the City of Birmingham, Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW THEREFORE BE IT RESOLVED that the Birmingham City Commission authorizes and directs its Director of Public Services, as agent for the City of Birmingham, in the manner and to the extent provided under Oakland County Board of Commissioners, to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

DATED
SIGNED
CERTIFIED



MEMORANDUM

IT Department

DATE: 5/24/2021

TO: Tom Markus, City Manager

FROM: Eric Brunk, IT Manager

SUBJECT: Cortex XDR Pro Antivirus Renewal

Introduction:

Support and Security Subscriptions for the Palo Alto Cortex XDR are on a yearly renewal and that Subscription needs to be renewed.

Background:

In 2020 our Traps Antivirus server was replaced by Cortex XDR – a more robust antivirus solution designed to integrate with the Palo Alto Firewall to keep our network and computer systems virus free and to track possible intrusions. That server was replaced in June of 2020. The current subscription ends the first of June and needs to be renewed.

Legal Review:

This is a standard subscription update purchase. No legal review needed.

Fiscal impact:

Palo Alto has worked with AmeriNet (their local licensed vendor) to put together a price for renewal of our Cortex XDR Antivirus endpoint software using GSA Multiple Award Schedule IT-70 Extendable contract # GS-35F-0511T which expires in June of 2022. The total cost for this renewal is \$9,464.00
Money was budgeted for this renewal in the IT Software Fund account 636-228.000-742.0000

Summary:

The IT department would like to renew the Cortex XDR Antivirus endpoint software license from AmeriNet.

SUGGESTED RESOLUTION:

Authorize the IT department to renew the Cortex XDR antivirus endpoint software license from AmeriNet. The purchase price not to exceed \$9,464.00. Funds are available in the IT Software Fund Account: 636-228.000-742.0000



Birmingham City | Palo Alto | Renewal Cortex Pro Expires 6/1

To:	From:
Eric Brunk	Keith Shoultz
City of Birmingham	AmeriNet
151 Martin Street	1241 S. Maple Rd.
Birmingham, MI 48012	Ann Arbor, MI 48103
248.530.1885	Phone: 734-995-1233
ebrunk@bhamgov.org	kshoultz@amerinet.com

Summary

Total Amount:	\$9,464.00	Quote ID:	QUO-20705-S4C3
Shipping Method:		Date:	05/10/2021
Payment Terms:	Net 30		

Details

Product ID	Product	Serial #	Start Date	End Date	Quantity	Price	Sub Total
PAN-XDR-ADV-EP	Cortex XDR Pro for 1 endpoint, includes 30 days of data retention and standard success	'0220980000005806	6/1/2021	6/1/2022	208.00	\$45.50	\$9,464.00
Total							\$9,464.00

Thank you for the opportunity to quote these products. Applicable taxes are additional. Important: Please renew before the expiration dates. There may be additional fees or changes if there is a lapse in coverage. We look forward to helping you in the future.

DATE: May 17, 2021

TO: Tom Markus, City Manager

FROM: Alexandria Bingham, City Clerk

SUBJECT: Eisenhower Dance Detroit's NewDANCEfest Performance

INTRODUCTION:

Eisenhower Dance Detroit submitted a Special Event application to hold the 2021 NewDANCEfest in Shain Park on Saturday, July 24, 2021. Set-up for the event is scheduled for Saturday, July 24, from 10:00 – 11:00 AM.

BACKGROUND:

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

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

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

Birmingham Farmers Market

Sundays in July

Lot 6

LEGAL REVIEW:

No review required.

FISCAL IMPACT:

No fiscal impact.

SUMMARY

The City Commission is being asked to approve the 2021 Eisenhower Dance Detroit special event to be held July 24, 2021, with set-up to begin Saturday, July 24, between 10:00am and 11:00pm. Teardown will begin at the conclusion of the event on Saturday, July 24 and begin at approximately 8:30pm until 9:30 pm.

ATTACHMENTS:

1. Special Event application
2. Notification letter with map of event area distributed to residents/businesses within 300 feet of the event area on May 10, 2021. Notification addresses are on file in the Clerk's Office.
3. Hold Harmless Agreements signed by The Guild of Artists and Artisans, and Birmingham Bloomfield Art Center (Certificate of Insurance due on or before July 9, 2021)
4. Eisenhower Dance COVID-19 Plan.
5. Department Approval page with comments and estimated costs

SUGGESTED RESOLUTION:

To approve a request from Eisenhower Dance Detroit to hold their 2021 NewDANCEfest performance on stage at Shain Park on July 24, 2021, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any modifications or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event, due to public health and safety measures.

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

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

Police Department acknowledgement: _____

I. EVENT DETAILS

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

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

(Please print clearly or type)

Date of Application 4/22/21

Name of Event Eisenhower Dance Detroit's NewDANCEfest Performance

Detailed Description of Event (attach additional sheet if necessary) NewDANCEfest is a two week long summer dance intensive which culminates with 2 performances. This year the event will be hosted at EDD's Birmingham location. The event would include rehearsal followed by performances on the stage at Shain Park. Performance 1 at 2pm and Performance 2 at 7pm.
Event necessities: Sound system (provided by EDD w/ all appropriate music choices), changing tent not staked to the ground

(provided by EDD) Depending on outdoor gathering restrictions, we will have an audience of roughly 100 persons.

Location Shain Park

Date(s) of Event Saturday, July 24 Hours of Event 11am-8:30pm

Date(s) of Set-up Saturday, July 24 Hours of Set-up 10:00-11:00am

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

Date(s) of Tear-down Saturday, July 24 Hours of Tear-down 8:30pm-9:30pm

Organization Sponsoring Event Eisenhower Dance Detroit

Organization Address 2155 Cole St. Birmingham, MI 48009

Organization Phone 248-594-9400

Contact Person Lindsay Chirio-Humenay

Contact Phone 248-496-1960

Contact Email chirio@eisenhowerdance.org

II. EVENT INFORMATION

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

3. Is the event a fundraiser? YES ☐ NO ☒
List beneficiary _____
List expected income _____
Attach information about the beneficiary.
4. First time event in Birmingham? YES ☐ NO ☒
If no, describe Eisenhower Dance Detroit's Youth Ensemble has a performance on May 23, 2021 and The School of EDD also held a performance at Shain Park in October 2020.
All bystanders are welcome to watch the performance from sidewalks and surrounding areas.
5. Total number of people expected to attend per day Approximately 75-100 per performance.
6. The event will be held on the following City property: (Please list)
☐ Street(s) _____

☐ Sidewalk(s) _____

☒ Park(s) Shain Park- utilizing the stage and grassy area in front as our audience.

7. Will street closures be required? YES ☐ NO ☒
(Police Department acknowledgement prior to submission of application is required) (initial here)_____
8. What parking arrangements will be necessary to accommodate
attendance? None- Birmingham city parking is sufficient

9. Will staff be provided to assist with safety, security and maintenance? YES ☒ NO ☐
If yes, please provide number of staff to be provided and any specialized training received.
Describe 5-10 staff members will be present

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

11. Will alcoholic beverages be served? YES ☐ NO ☒
If yes, additional approval by the City Commission is required, as well as the Michigan Liquor Control Commission.
12. Will music be provided? YES ☒ NO ☐
_____ Live _____ Amplification x Recorded _____ Loudspeakers
Time music will begin 11:00am
Time music will end 8:30pm (not continuous)
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 One Banner
Size of signs/banners 30x 60 horizontal banner
Submit a photo/drawing of the sign(s). **A sign permit is required.**
14. Will food/beverages/merchandise be sold? YES ☐ NO ☒
 - Peddler/vendor permits must be submitted to the Clerk's Office, **at least two weeks prior to the event.**
 - You must obtain approval from the Oakland County Health Department for all food/beverage sales/donations. Contact ehclerk@oakgov.com or 248-535-9612 to obtain Health Department approval.
 - There is a \$50.00 application fee for all vendors and peddlers, in addition to the \$10.00 daily fee, per location.

LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

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

III. EVENT LAYOUT

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

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

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

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

TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 120 sq ft)	2	5ftx5ft
Portable Toilets		
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		

SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Eisenhower Dance Detroit's NewDANCEfest Performance

EVENT DATE Saturday, July 24, 2021

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

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



4/22/2021

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.

EISENHOWER
DANCE DETROIT

NEW DANCE FEST

D.A.N.C.E. C.R.E.A.T.E. P.E.R.F.O.R.M.

WWW.EISENHOWERDANCE.ORG/NEWDANCEFEST



EISENHOWER
DANCE DETROIT
INNOVATE | CULTIVATE | INSPIRE

4/30/21

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

EVENT INFORMATION

NAME OF EVENT: Eisenhower Dance Detroit NewDANCEfest Performances

LOCATION: Shain Park, Birmingham

DATE(S) OF EVENT: Saturday, July 24

HOURS OF EVENT: 11:00am-8:30pm

BRIEF DESCRIPTION OF EVENT/ACTIVITY: NewDANCEfest is a two week long summer dance intensive hosted by Eisenhower Dance Detroit. The Intensive will culminate with 2 performances. Performance 1 at 2:00pm and Performance 2 at 7:00pm. Rehearsals will take place before performance 1 and between performances.

DATE(S) OF SET-UP: Saturday, July 24

HOURS OF SET-UP: 10:00am-11:00am

DATE(S) OF TEAR-DOWN: Saturday, July 24

HOURS OF TEAR-DOWN: 8:30pm-9:30pm

DATE OF CITY COMMISSION MEETING: _May 24

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

EVENT ORGANIZER: Eisenhower Dance Detroit

ADDRESS: 2155 Cole St. Birmingham, MI 48009

PHONE: 248-594-9400

FOR QUESTIONS ON DAY OF EVENT, CONTACT: Lindsay Chirio-Humenay, 248-496-1960

Stephanie Pizzo
Artistic Director

Gerald Salerno
Board Chair

Beth Cafaro, JD
Vice Chair

Christopher Gerback
Treasurer

Mary Devitt
Secretary

Maggie Allesee

Jenna Barba

Debra Bernstein-Siegel

Jocelyn Chen

Nancy Schild Kott

Gregory Patterson

Margaret Simcoe

Guy Simons

Danielle Susser

Marty Tremain

Martin Testasecca

Board Emeritus

Craig Chamberlain

Jimmie Sue Daniels

Dodie David

Amy Jidov

Dr. Arthur Manoli, III
(in Memoriam)

Larry Nahigian

Andi Schreiber

HOLD-HARMLESS AGREEMENT

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

Applicant's signature

4/30/2021

Date

EISENHOWER DANCE DETROIT

INNOVATE | CULTIVATE | *INSPIRE*

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

1. RSVP's will be required for all families in order to attend. RSVP's will be collected online at eisenhowerdance.org/renew to ensure our audience is within MDHHS regulations.
2. Signs will be present mandating masks for everyone attending the event and a staff member will be appointed to enforce this rule.
3. Dancers will wear masks at all times and the dances being performed have been choreographed with distancing in mind.
4. The audience will be organized in small family pods distanced from each other marked by small flag stakes. This includes encouraging families to bring a blanket or seating of their own.
5. Staff will be on hand to remind attendees of keeping their distance while socializing outside of their seating.
6. Dancers, staff and attendees will be temperature checked and asked to answer an online screening form to document health.

DEPARTMENT APPROALS

EVENT NAME: EISENHOWER DANCE DETROIT'S NewDANCEfest PERFORMANCE

LICENSE NUMBER #21-00012069

COMMISSION HEARING DATE: 5/24/2021

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

DATE OF EVENT: 7/24/2021

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
PLANNING 101-000.000-634.0005 248.530.1855	BC	No Cost - No Comment		\$0	
BUILDING 101-000.000-634.0005 248.530.1850	MJM	No building department involvement		\$0	
FIRE 101-000.000-634.0004 248.530.1900	PW	No Cost		\$0	
POLICE 101-000.000-634.0003 248.530.1870	SG	On duty personnel will provide extra patrol.		\$0	\$0
PUBLIC SERVICES 101-000.000-634.0002 248.530.1642	CL	Estimated Cost for Trash Pick-Up after event.		\$40	
ENGINEERING 101-000.000-634.0002 248.530.1839	SDZ	No ROW obstructions to be caused by event, no permits required by engineering	None	\$0	0

SP+ PARKING	SG	No parking concerns		\$0	\$0
INSURANCE 248.530.1807	AH	Received insurance certificate		\$0	
CLERK 101-000.000-614.0000 248.530.1803	AH	Notification letters mailed by applicant no later than 5/10/2021. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than 7/9/2021.	Applications for vendors license must be submitted no later than 7/9/2021.	\$165 PAID 4/22/2021	
				TOTAL DEPOSIT REQUIRED \$40	ACTUAL COST

FOR CLERK'S OFFICE USE

Deposit paid: _____

Actual Cost _____

Due/Refund_____



MEMORANDUM

7]mi7`Yf_řjCZjW

DATE: **May 18, 2021**

TO: **Tom Markus, City Manager**

FROM: **Alexandria 6]b[\Ua žCity 7`Yf_.....**

SOCRRA Board of Trustees Representatives

SUBJECT:

INTRODUCTION:

Article VII of the Articles of Incorporation of SOCRRA provides that each member municipality shall annually appoint a representative and an alternate to the Board of Trustees.

BACKGROUND:

Since 2015 the City Commission has appointed the City Manager as the Representative and the DPS Director as the Alternate.

LEGAL REVIEW:

n/a

FISCAL IMPACT:

n/a

SUMMARY

The City Commission is being asked to appoint City Manager Tom arkus and DPS Director Wood to the SOCRRA Board of Trustees as Representative and Alternate respectively for Fiscal Year 2021/2022.

ATTACHMENTS:

May 1, 2021 Letter from SOCRRA

SUGGESTED RESOLUTION:

To appoint City Manager Thomas M. Markus as Representative and DPS Director Lauren Wood as Alternate Representative of the City of Birmingham on the SOCRRA Board of Trustees for the fiscal year starting July 1, 2021.



Berkley • Beverly Hills • Birmingham • Clawson • Ferndale • Hazel Park • Huntington Woods • Lathrup Village • Oak Park • Pleasant Ridge • Royal Oak • Troy

May 1, 2021

Alexandria Bingham
City Clerk
City of Birmingham
P.O. Box 3001
Birmingham, MI 48012

Subject: Appointment of Representative & Alternate

Dear Ms. Bingham:

Article VII of the Articles of Incorporation of SOCRRA provides that each municipality shall annually appoint a representative and an alternate to the Board of Trustees. This representative shall serve during the next fiscal year following his appointment and/or until his successor is appointed.

The present representative and alternate representative for the City of Birmingham are as follows:

Representative

T. Markus

Alternate

L. Wood

It is requested that the City Commission, by resolution, appoint a representative and alternate representative to represent the City of Birmingham on the Board of Trustees of SOCRRA for the fiscal year beginning July 1, 2021.

Please forward a certified copy of this resolution to SOCRRA, 3910 W. Webster Road, Royal Oak, MI 48073-6764.

Very truly yours,

Jeffrey A. McKeen, P.E.
General Manager

JAM/cf



MEMORANDUM

Engineering Department

DATE: May 18, 2021

TO: Tom Markus, City Manager

FROM: Alexandria Bingham, City Clerk

SUBJECT: SOCWA Board of Trustees Membership

INTRODUCTION:

Article VII of the Articles of Incorporation of Southeastern Oakland County Water Authority (SOCWA) provides that each member municipality shall annually appoint a representative and an alternate to the Board of Trustees.

BACKGROUND:

Historically, the City Commission has appointed the City Engineer as the Representative and Assistant City Engineer as the Alternate.

LEGAL REVIEW:

n/a

FISCAL IMPACT:

n/a

SUMMARY:

The City Commission is being asked to appoint Consulting City Engineer Jim Surhigh to the SOCWA Board of Trustees as the Primary Representative and City Manager Thomas M. Markus Alternate Representative for the Fiscal year 2021/2022.

ATTACHMENTS:

May 1, 2021 Letter from SOCWA

SUGGESTED RESOLUTION:

To appoint Consulting City Engineer Jim Surhigh as Representative and City Manager Thomas M. Markus as Alternate Representative of the City of Birmingham on the SOCWA Board of Trustees for the fiscal year starting July 1, 2021.



* Berkley * Beverly Hills * Bingham Farms * Birmingham
* Clawson * Huntington Woods * Lathrup Village * Pleasant Ridge
* Royal Oak * Southfield * Southfield Township

May 1, 2021

Alexandria Bingham
City Clerk
City of Birmingham
P.O. Box 3001
Birmingham, MI 48012

Subject: Appointment of Representative & Alternate

Dear Ms. Bingham:

Article VII of the Articles of Incorporation of the Southeastern Oakland County Water Authority provides that each municipality shall annually appoint a representative and an alternate to the Board of Trustees. This representative shall serve during the next fiscal year following his appointment and/or until his successor is appointed.

The present representative and alternate representative for the City of Birmingham are as follows:

Representative

J. Surhigh

Alternate

T. Markus

It is requested that the City Commission, by resolution, appoint a representative and alternate representative to represent the City of Birmingham on the Board of Trustees of the Southeastern Oakland County Water Authority for the fiscal year beginning July 1, 2021.

Please forward a certified copy of this resolution to the Southeastern Oakland County Water Authority, 3910 W. Webster Road, Royal Oak, MI 48073-6764.

Very truly yours,

Jeffrey A. McKeen, P.E.
General Manager

JAM/cf



MEMORANDUM

Police Department

DATE: May 12, 2021
TO: Thomas M. Markus, City Manager
FROM: Scott Grewe, Operations Commander
SUBJECT: Request for 15 minute parking

INTRODUCTION:

Salem Najjar of Tropical Smoothie has requested parking restrictions be added to the parking spaces in the MDOT right-of-way in front of 33347, 33353 and 33367 Woodward. There are a total of three businesses that occupy this area and all are connected in one building:

33347 Woodward – Tide Cleaners
33353 Woodward – Tropical Smoothie
33367 Woodward – Massage Luxe

BACKGROUND:

There are currently no parking restrictions in the parking area in front of these locations. A parking lot separates these locations from the building to the south, Pinnacle Dermatology, that has additional parking in the right-of-way within the same service drive. However, these parking areas are separated by an entrance to the parking lot that divides the two buildings. (See attached photo)

Mr. Najjar explained in his attached letter that the parking in front of these locations is often occupied, for long periods of time, by individuals not visiting anyone of the three locations. He expressed frustration over people loitering and using the spaces for reasons other than patronizing their businesses.

There are seven parking spaces in front of these locations. The design attached by Mr. Najjar shows six parking spaces, however the area at the south of the building is not a hashed out area as the drawing indicates and is actually one additional space making seven total parking spaces.

LEGAL REVIEW:

No review conducted.

FISCAL IMPACT:

Three signs would be needed for this area and would be installed by DPS. Costs for the signs and posts are estimated to be under \$100.

SUMMARY:

A request was received from the owner of Tropical Smoothie, Salem Najjar, to add a 15-minute parking restriction in front of the businesses located from 33347 to 33367 Woodward. Mr. Najjar

submitted a letter describing the issues and had it signed by the owners of all three businesses that would be affected who are in support of the requested change.

This was taken to the Multi-Modal Transportation Board (MMTB) at their May 6, 2021 meeting. The MMTB unanimously voted to make a recommendation to the City Commission to approve the installation of the 15 min parking restriction as requested. (See Attached Minutes)

ATTACHMENTS:

1. Request letter with signatures from the three addresses affected.
2. Photo of requested area.
3. MMTB minutes from the May 6, 2021 meeting.

SUGGESTED RESOLUTION:

To approve the installation of a 15 minute parking restriction at the seven parking spaces located directly in front of 33347 to 33367 Woodward.



April 23, 2021

Commander Grewe and the Multi-Modal Transportation Board
City of Birmingham
151 Martin St. P.O. Box 3001
Birmingham, MI 48012

RE: 15-Minute Parking 33347 – 33367 Woodward Ave.

Commander Grewe,

We represent the businesses at 33347, 33353 and 33367 Woodward Avenue in Birmingham, MI. For several months now, we have experienced a very severe problem in which individuals are parking at the front of our building, taking up the parking spaces off Woodward Avenue. With only 6 total parking spaces available to us at the front, this is a major hinderance to our operations and causing financial distress. After studying the vehicle patterns, we are noticing that many times individuals are parking in our lot and then walking around the city or visiting other nearby businesses next door to us (i.e. not our customers). We have noticed that several other businesses/buildings in Birmingham along Woodward Avenue have dedicated 15-minute parking spaces exclusively for customer use only. We respectfully request the same.

Attached is an Exhibit which illustrates our site and current parking layout. As you will see, we have 6 spaces directly at the front of the building (facing Woodward Ave.), 15 spaces at the south of the building between MassageLuxe and Pinnacle Dermatology, and 12 spaces at the rear of the building. We are requesting that the Multi-Modal Transportation Board install 15-Minute Customer Pickup Only signage for all six spaces at the front of the building facing Woodward Avenue. Since customers for Tide Dry Cleaners and Tropical Smoothie Café are predominately pickup only, and the customers for MassageLuxe have the south and west lots to park in, we feel that this request is reasonable and will help deter people from loitering and/or using the six spaces conveniently located directly off Woodward Ave. for purposes other than patronizing our businesses.

During these challenging times, we kindly ask for your prompt compliance with our request. Best Regards,

Salem Najjar, Tropical Smoothie Café Owner

Ankur Patel, Tide Cleaners Owner

Rupinder Narsinghia, MassageLuxe Owner

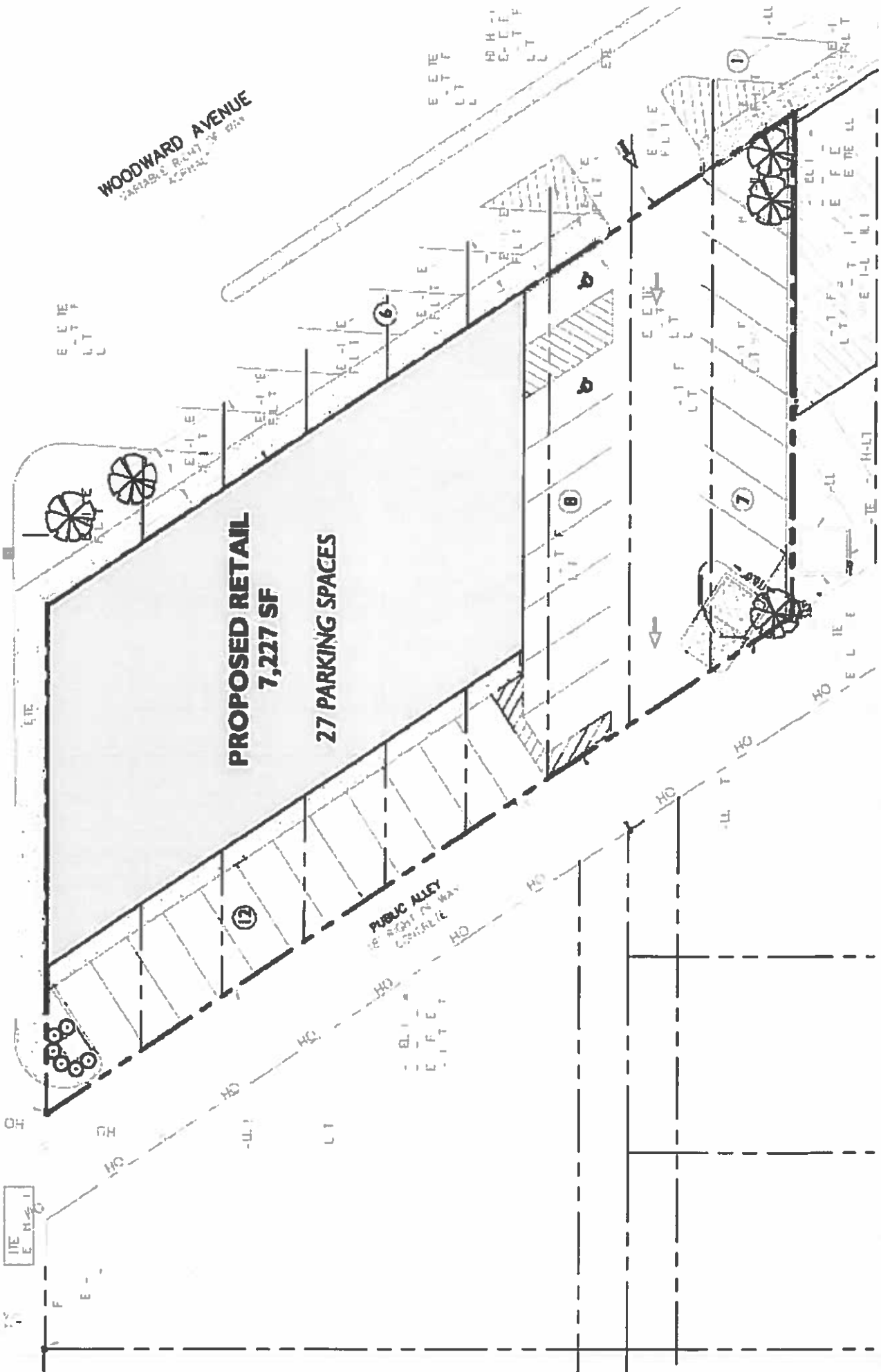
DAVIS AVENUE
PUBLIC RIGHT OF WAY
AS-HALT

WOODWARD AVENUE
VARIABLE RIGHT OF WAY
AS-HALT

PROPOSED RETAIL
7,227 SF
27 PARKING SPACES

PUBLIC ALLEY
16' RIGHT OF WAY
CONCRETE

ITE M-1





DRAFT

City Of Birmingham Multi-Modal Transportation Board Thursday, May 6, 2021 Held Virtually Via Zoom and Telephone Access

Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, May 6, 2021.

Acting Vice-Chair Katie Schafer convened the meeting at 6:03 p.m.

1. ROLL CALL

Present: Acting Vice-Chair Katie Schafer; Board Members Andrew Haig, David Hocker, David Lurie, Tom Peard, Doug White; Alternate Board Member Joe Zane; Student Representative Alex Walters (all located in Birmingham, MI.)

Absent: Chair Johanna Slanga; Student Representatives Lauren Morris, Justin Schoener

Administration: Jana Ecker, Planning Director
Laura Eichenhorn, City Transcriptionist
Scott Grewe, Police Operations Commander
Jim Surhigh, Consulting City Engineer
Scott Zielinski, Assistant City Engineer

Fleis & Vandenbrink (F&V):

Julie Kroll

MKSK: Ben Palevsky, Brad Strader

2. Introductions

3. Review Agenda

4. Approval of MMTB Minutes of April 8, 2021

Motion by Mr. Lurie

Seconded by Mr. Peard to approve the MMTB Minutes of April 8, 2021 as submitted.

Motion carried, 5-0.

ROLL CALL VOTE

Yeas: Lurie, Haig, Peard, Hocker, White

Nays: None

Abstain: Schafer, Zane

5. Parking at 33347 Woodward

Ops. Cmdr. Grewe reviewed the item.

The MMTB noted that the petition and photos referenced by Ops. Cmdr. Grewe during his presentation were not included in the evening's agenda packet. He clarified that all three businesses were in favor of the 15-minute parking limit.

John Benedetto of Tropical Smoothie Cafe agreed that all three businesses were in favor of the 15-minute parking limit.

Mr. Zane said that a 15-minute limit for those spaces was reasonable based on his parking experiences at one of the three businesses mentioned.

Motion by Mr. Haig

Seconded by Mr. Lurie to approve the installation of 15-minute parking for the six parking spaces located in the Woodward right-of-way adjacent to 33347 - 33367 Woodward.

Mr. Haig and Mr. Lurie made the motion for six parking spaces, not seven as per the recommended motion. No comment was made regarding the change in the number of spaces.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Haig, Lurie, Peard, Hocker, White, Schafer, Zane

Nays: None

6. Updates

CCE Surhigh provided a brief update on the plans for the Maple-Woodward intersection, Latham, and S. Old Woodward.

Mr. Strader said he and Ms. Kroll would be before the Board with recommendations regarding the Maple-Woodward intersection at the June 2021 meeting and asked Board members to walk the intersection before then if possible.

Mr. Haig recommended that the garage entry and exit ways for the planned RH development be reviewed for multi-modal safety issues if and when the project reaches that point.

In reply to comments from the Board, both PD Ecker and Mr. Strader stated that if the Board was so inclined they could advocate that the City consider installing electric vehicle charging stations as part of the S. Old Woodward project.

Mr. Haig noted that the smaller triangular spaces for parking may only allow bicycles, mopeds or motorcycles since scooters are not legal on the sidewalks or on the roads in the downtown area.

Members of the Board commented that it was worthwhile to consider last-mile infrastructure

issues as part of construction plans moving forward. They said that even if the City does not immediately implement last-mile infrastructure it would be worthwhile to make the planned designs so that they could be updated to accommodate last-mile infrastructure in the future.

7. Meeting Open to the Public for items not on the Agenda

None.

8. Miscellaneous Communications

Mr. Lurie, Mr. Haig, Mr. Hocker and Acting Vice-Chair Schafer advocated for the compilation of the City's various pieces of multi-modal maps into a single online map that residents and visitors could reference.

PD Ecker said she would look into what it would take to compile a more comprehensive multi-modal map. She noted that the person doing it would need GIS experience.

Mr. Lurie raised the issue of Oak looking west where people are walking on the side of the street without sidewalks.

Board members recommended that boulders or landscaping be added to discourage people from walking on that side of the road since it is unsafe and there is a sidewalk on the other side.

Mr. Hocker said that even before the MMTB makes a formal recommendation for what to do with the non-sidewalk side of Oak something temporary should be done sooner out of concern for the safety of pedestrians and cyclists.

CCE Surhigh and Ops. Cmdr. Grewe said they would look at the non-sidewalk side of Oak and propose potential solutions to increase safety in the area.

Mr. Hocker said it would be helpful to have a way to notify police of speeding violations occurring in a given area. He ventured that there is usually more than one violation occurring at a time and that if the police could be made aware of the first one they might catch the second or third occurring shortly after.

Mr. Lurie noted an article in the Birmingham Eagle publicizing the Police Department's work towards decreasing traffic and noise issues on Woodward.

Both he and Mr. Hocker thanked the Police Department for their efforts.

Public Comment

Paul Reagan said increased traffic calming measures on Oak would slow speeding and make the area safer for cyclists and pedestrians.

9. Next Meeting – June 3, 2021

10. Adjournment

No further business being evident, the board members adjourned at 7:15 p.m.

Jana Ecker, Planning Director

DATE: 5/18/2021

TO: Thomas M. Markus, City Manager

FROM: Jack Todd, Deputy Treasurer
Mark Gerber, Finance Director/Treasurer

SUBJECT: Resolution for Confirming S.A.D. #894- Grant Street Paving

To cover the cost of water and sewer laterals on Grant Street, it is requested that the City Commission adopt the following resolution confirming S.A.D. No. 894 at the regular City Commission meeting of May 24th, 2021. Comments during the hearing of confirmation are limited to those questions specifically addressing the assessment roll pursuant to Section 94-9 of the City Code. The hearing declaring the necessity of the Special Assessment District was held at the City Commission meeting of May 10, 2021.

ATTACHMENTS:

- Memorandum: Grant Street Paving Project #1-21(P). Water & Sewer Lateral Special Assessment District Public Hearing
- Memorandum: Grant Street Paving Project. Sewer & Water Lateral Special Assessment District
- Proposed Special Assessment Roll

SUGGESTED RESOLUTION:

To confirm Special Assessment Roll No. 894,

WHEREAS, Special Assessment Roll, designated Roll No. 894, has been heretofore prepared for collection, and

WHEREAS, notice was given pursuant to Section 94-7 of the City Code, to each owner or party-in-interest of property to be assessed, and

WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made at a date closer to the time of construction and

Commission Resolution 05-136-21 provided it would meet this 24th day of May, 2021 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this May 24, 2021, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll as determined in Section 94-9 of the Code of the City of Birmingham,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 894 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that special assessment shall be payable in ten (10) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of four and one quarter percent (4.25%) on all unpaid installments.

2021 GRANT STREET PAVING PROJECT
Sewer & Water Service Special Assessment District

SIDWELL NO.	PARCEL ADDRESS	TOTAL COST
Grant Street		
WEST SIDE		
19-36-403-031	1160 Grant St.	\$ 1,850.00
19-36-403-013	1148 Grant St.	\$ 4,050.00
EAST SIDE		
19-36-480-026	623 Bird Ave.	\$ 4,700.00
		\$ 10,600.00



MEMORANDUM

Engineering Dept.

DATE: May 6, 2021

TO: Tom Markus, City Manager

FROM: Jim Surhigh, Consultant City Engineer
Scott Zielinski, Assistant City Engineer

SUBJECT: Grant Street Paving Project #1-21(P)
Water & Sewer Lateral Special Assessment District
Public Hearing

INTRODUCTION:

At the Commission meeting of April 12, 2021, the City Commission set a date of May 10, 2021 to hold a public hearing of necessity for the replacement of water and sewer laterals located within the limits of the Grant Street Paving Project area. Also at that meeting, a Public Hearing on Confirmation of the Roll, May 24, 2021 was set, should the assessment district be authorized.

BACKGROUND:

All owners in the district have been sent the attached letter and public hearing notice. To date, our office has received a small number of calls asking for clarifications about the upcoming project. We are not aware of any objections at this time.

LEGAL REVIEW:

The suggested special assessment district is consistent with the City Charter, and past precedence, with the exception that the home that currently has a lead water service that will be replaced all the way to the water meter at no charge, in accordance with the revised requirements of the Michigan Dept. of Environmental Quality (MDEQ). No legal review is required.

FISCAL IMPACT:

The costs being charged will cover the City's costs payable to the contractor relative to the pipe installation. As has been done traditionally, the City is subsidizing this program to a small degree in that inspection and restoration costs are covered by the City as a part of the overall cost of the project.

SUMMARY:

It is recommended that the City Commission conduct the public hearing, and authorize the special assessment district to defray the cost of the installation of new water and sewer laterals within the project area of the Grant Street Paving Project #1-21(P).

ATTACHMENTS:

- Notice of Necessity Public Hearing from the City Clerk
- Public Hearing notice for the Confirmation of the Roll from the City Clerk.
- Memo presented on April 12, 2021, recommending the setting of a public hearings.
- Letter hand delivered on May 6, 2021 to SAD affected properties.
- Maps of proposed assessment district.
- Proposed special assessment roll.

SUGGESTED RESOLUTION:

WHEREAS, The City Commission has established a policy requiring the replacement of undersized or lead water lateral lines and sewer laterals in excess of fifty years old when the City street is open for repairs or reconstruction; and

WHEREAS, The City Commission is of the opinion that replacement of water and sewer laterals not meeting current criteria as a part of the planned road paving project is declared a necessity; and

WHEREAS, Formal bids have been received and the actual cost per foot for replacement of the water and sewer laterals has been determined,

RESOLVED, That all sewer and water laterals not meeting current criteria located within the limits of the following streets shall be replaced as a part of the Grant Street Paving Project (Contract #1-21(P)):

Grant St. – Lincoln St to Humphrey Ave and Bird Ave to W14 Mile.

RESOLVED, That at such time as the Assessor is directed to prepare the assessment roll, of which 100% of the contractor's charge to replace water and sewer lateral (calculated at the rate of \$50.00 per foot for water laterals and \$100.00 per foot +\$350 connection fee for sewer laterals) shall be charged to the adjoining property owners benefiting from the said laterals,

RESOLVED, That there be a special assessment district created and special assessments levied in accordance with benefits against the properties within such assessment district, said special assessment district shall be all properties, within the following district of 3 parcels:

Site Address: 1160 GRANT ST,BIRMINGHAM,MI,48009

Parcel Identification Number: 1936403031

Owner Name: GERARD SZCZEPANIAK

Property Description: T2N, R10E, SEC 36 ASSESSOR'S PLAT NO 5 S 1/2 OF LOT 13 EXC E 25 FT, ALSO LOT 14 EXC E 25 FT 7/13/84 FR 014 & 015

Site Address: 1148 GRANT ST,BIRMINGHAM,MI,48009

Parcel Identification Number: 1936403013

Owner Name: DAVID HOCKNEY

Property Description: T2N, R10E, SEC 36 ASSESSOR'S PLAT NO 5 N 1/2 OF LOT 13 EXC E 25 FT & EXC W 25 FT

Site Address: 623 BIRD AVE,BIRMINGHAM,MI,48009

Parcel Identification Number: 1936480026

Owner Name: JEFFREY SUBAR

Property Description: T2N, R10E, SEC 36 LEINBACH-HUMPHREY'S WOODWARD AVE SUB LOT 787

RESOLVED, That the Commission shall meet on Monday, May 24, 2021, at 7:30 P.M., for the purpose of conducting a public hearing to confirm the roll for the replacement of water and sewer laterals within the Grant Street Paving Project.



MEMORANDUM

Engineering Dept.

DATE: April 8, 2021

TO: Tom Markus, City Manager

FROM: Scott Zielinski, Assistant City Engineer
Jim Surhigh, Consultant City Engineer

SUBJECT: Grant Street Paving Project
Sewer & Water Lateral Special Assessment District

In accordance with current policy, the Engineering Dept. plans to replace all older sewer laterals underneath the new proposed pavement on the above project, which includes Grant Street between both Lincoln St. to Humphrey Ave, and Bird Ave to W 14 Mile Rd. In addition, per currently authorized policy, all water services less than 1 inch diameter shall be replaced with a 1 inch diameter service. Additionally in accordance with recently modified rules from the Michigan Dept. of Environmental, Great Lakes, and Energy (EGLE) requiring the complete removal of lead water services from the water main to the water meter. Per the EGLE, the City is not allowed to charge a homeowner for this work if replacing an existing lead service.

As recommended under separate cover, it is anticipated that this construction contract will be awarded to DiPonio Contracting, Inc. with their low bid of \$1,139,199.00. As outlined on the attached spreadsheet, existing pipelines to be replaced are 6 inch sewer services, and water services are ¾ inch in size. City records show one property in the project area to have a lead water service, which will be replaced at no charge to the property owner. For the unit rate to be charged for the sewer and water services, we recommend applying the low bidder's unit prices for this work, as described below:

6 inch sewer = \$100 per foot + \$350 connection

1 inch water = \$50 per foot + \$400 connection

Following this practice is consistent with what has been done with previous projects of this nature over the past number of years.

Total estimated costs for these service replacements are as outlined on the attached spreadsheet. The average estimated cost for a 6 inch sewer service replacement is \$2,350, while the average estimated cost for a 1 inch water service replacement is \$2,175.

It is recommended that a Public Hearing of Necessity for the replacement of sewer and water services be scheduled at the Monday, May 10, 2021 City Commission meeting. It is further recommended that the Public Hearing on Confirmation of the Roll be held on Monday, May 24, 2021 at the prices charged by the lowest bidder, as outlined in the attached spreadsheet.

SUGGESTED ACTION:

To adopt a resolution for the City Commission to meet on Monday, May 10, 2021, at 7:30 P.M., for the purpose of conducting a Public Hearing of Necessity for the replacement of sewer and water services within the Grant Street Paving project area.

Be it further RESOLVED, that the City Commission meet on Monday, May 24, 2021 at 7:30 P.M. for the purpose of conducting a Public Hearing on Confirmation of the Roll for the replacement of sewer and water services in the Grant Street Paving project area.

2021 GRANT STREET PAVING PROJECT
Sewer & Water Service Special Assessment District

SIDWELL NO.	PARCEL ADDRESS	SEWER SERVICE LENGTH (R.O.W. ONLY)	SEWER SERVICE COST PER FOOT (PER BIDS)	SEWER SERVICE COST PER CONNECTION (PER BIDS)	WATER SERVICE LENGTH (R.O.W. ONLY)	WATER SERVICE COST PER FOOT (PER BIDS)	WATER SERVICE COST PER CONNECTION (PER BIDS)	TOTAL COST
Grant Street								
WEST SIDE								
19-36-403-031	1160 Grant St	15	\$ 100.00	\$ 350.00	0	\$ -		\$ 1,850.00
19-36-403-013	1148 Grant St.	20	\$ 100.00	\$ 350.00	34	\$ 50.00	\$ -	\$ 4,050.00
EAST SIDE								
19-36-480-026	623 Bird Ave	25	\$ 100.00	\$ 350.00	37	\$ 50.00	\$ -	\$ 4,700.00
TOTAL								\$ 10,600.00



MEMORANDUM

Planning Division

DATE: May 17th, 2021

TO: Thomas Markus, City Manager

FROM: Nicholas Dupuis

APPROVED: Jana L. Ecker, Planning Director

SUBJECT: Public Hearing 720 N. Old Woodward – Vinewood Bistro – Special Land Use Permit, Final Site Plan & Design Review

INTRODUCTION:

The applicant has submitted an application for a Special Land Use Permit, Final Site Plan and Design Review for a proposed new bistro in the lower level of an existing 2-story commercial building at the northern end of Downtown Birmingham.

BACKGROUND:

Vinewood Kitchen & Cocktails was selected by the City Commission on October 26, 2020 as one of five bistro applications to move forward to contend for one of the two new bistro licenses that may be approved each calendar year. During the selection process, the applicant described Vinewood as a modern casual American restaurant with a “modern meets rustic” interior ambiance.

On February 24th, 2021, the Planning Board postponed the Special Land Use, Final Site Plan and Design Review citing concerns with the proposed Wintergarden, Planning Division and other departmental comments, delivery issues, a lack of a clear floor plan, and the dumpster configuration.

On April 14th, 2021, the Planning Board recommended DENIAL to the City Commission the Special Land Use Permit, Final Site Plan and Design Review citing conflicts with Article 3, Section 3.04 (C)(10), dumpsters/solid waste, and noise/lighting concerns.

LEGAL REVIEW:

The City Attorney has reviewed the application and Planning Board findings and is prepared to discuss the issues.

FISCAL IMPACT:

There are no fiscal impacts for this agenda item.

SUMMARY:

The Planning Division requests that the City Commission consider the Special Land Use Permit, Final Site Plan and Design Review application for 720 N. Old Woodward – Vinewood Kitchen & Cocktails.

ATTACHMENTS:

Please find attached the following documents for your review:

- Draft Special Land Use Permit Resolution
- Planning Division Report
- Site/Design Plans
- Meeting Minutes **(added minutes)**
- Application & Supporting Documents

RESOLUTION LANGUAGE:

To **APPROVE** the Special Land Use Permit, Final Site Plan and Design Review application to allow the operation of Vinewood Kitchen & Cocktails as a new bistro at 720 N. Old Woodward.

OR

To **DENY** the Special Land Use Permit, Final Site Plan and Design Review application for 720 N. Old Woodward – Vinewood Kitchen & Cocktails.

OR

To **POSTOPONE** the Special Land Use Permit, Final Site Plan and Design Review application for 720 N. Old Woodward – Vinewood Kitchen & Cocktails – pending receipt of the following:

1. _____
2. _____
3. _____

Vinewood Kitchen & Cocktails

720 N. Old Woodward

Special Land Use Permit 2021

WHEREAS, VINEWOOD KITCHEN & COCKTAILS filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a food and drink establishment utilizing BISTRO license in the Downtown Birmingham Overlay District in accordance Article 3, Section 3.04(C)(10) of Chapter 126, Zoning, of the City Code;

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

WHEREAS, The land is zoned O-2, and is located in the D-2 zone within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments serving alcoholic liquors using a BISTRO license with a Special Land Use Permit;

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

WHEREAS, The applicant submitted an application for a Special Land Use Permit, Final Site Plan and Design Review for VINEWOOD KITCHEN & COCKTAILS to operate at 720 N. OLD WOODWARD;

WHEREAS, The Planning Board on APRIL 10, 2021 reviewed the application for a Special Land Use Permit, Final Site Plan and Design Review and recommended DENIAL to the City Commission to permit a new food and drink establishment utilizing a BISTRO license citing conflicts with Article 3, Section 3.04 (C)(10), dumpsters/solid waste, and noise/lighting concerns.

WHEREAS, The applicant has agreed to provide all requested information and to comply with the requests of all City departments;

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

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that VINEWOOD KITCHEN & COCKTAILS' application for a Special Land Use Permit, Final Site Plan and Design Review at 720 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 is granted subject to the following conditions:

1. VINEWOOD KITCHEN & COCKTAILS will close outdoor dining areas at midnight each day of the week AND 11 PM on Sunday;
2. VINEWOOD KITCHEN & COCKTAILS shall abide by all provisions of the Birmingham City Code; and
3. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest.

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, VINEWOOD KITCHEN & COCKTAILS 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 VINEWOOD KITCHEN & COCKTAILS 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 VINEWOOD KITCHEN & COCKTAILS is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises, with a BISTRO license, above all others, subject to final inspection.

I, Alexandria Bingham, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on May 24, 2021.

Alexandria Bingham
City Clerk



MEMORANDUM

Planning Division

DATE: April 14th, 2021

TO: Jana Ecker, Planning Director

FROM: Nicholas Dupuis, City Planner

SUBJECT: 720 N. Old Woodward – Vinewood Bistro – Special Land Use Permit, Final Site Plan & Design Review (ALL UPDATES IN BLUE TEXT)

The subject site, 720 N. Old Woodward, is currently used as a 2-story commercial building fronting onto N. Old Woodward. The applicant has submitted a Special Land Use and Final Site Plan/Design Review application for the introduction of a new bistro in the lower level tenant space. Due to the existing grade on site, the lower level is visible above grade at the rear of the building, which fronts the Rouge River, and is the area proposed to house the outdoor dining required at all bistros in Birmingham. Aside from the new outdoor patio, there are limited changes being proposed to the building exterior and site.

Vinewood Kitchen & Cocktails was selected by the City Commission on October 26, 2020 as one of five bistro applications to move forward to contend for one of the two bistro licenses that may be approved each calendar year. During the selection process, the applicant described Vinewood as a modern casual American restaurant with a “modern meets rustic” interior ambiance.

On February 24th, 2021, the Planning Board postponed the Special Land Use, Final Site Plan and Design Review citing concerns with the proposed Wintergarden, Planning Division and other departmental comments, deliveries, a clear floor plan, and the dumpster configuration. The applicant has submitted revised plans and documentation addressing most of the concerns, and the updates can be found in the relevant sections below.

The Birmingham Code of Ordinances states that a contract for transfer and a Special Land Use Permit are required for all licenses approved under Chapter 10 – Alcoholic Liquors. The licensee must comply with all provisions of the contract and special land use permit, and any amendments thereto as a condition of granting of a requested transfer. Accordingly, the applicant must obtain a recommendation from the Planning Board on the Special Land Use and Final Site Plan/Design Review application, which is then reviewed for final consideration by the City Commission.

1.0 Land Use and Zoning

1.1 Existing Land Use – 2-Story commercial building

1.2 Zoning – O2 (Office Commercial) & D2 (Downtown Overlay)

1.3 Summary of Adjacent Land Use and Zoning –

	North	South	East	West
Existing Land Use	Commercial	Office/Commercial	Public Parking	Multiple-Family Residential
Existing Zoning District	O2 (Office Commercial)	O2 (Office Commercial)	PP (Public Parking)	R6 (Multiple-Family Residential)
Overlay Zoning District	D2	D2	N/A	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 seating for outdoor dining for no more than 65 people.

Article 3, Section 3.04(C)(10) of the Zoning Ordinance permits bistros in the Downtown 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.

- i. Enclosures facilitating year round dining outdoors are not permitted.
- j. Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.
- k. 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.

At this time, the applicant appears to meet the requirements listed above. On the interior, the proposed u-shaped bar contains 10 seats and a well defined bar area. There is no dance floor, and there are no indications on the plans there any entertainment will be provided at the proposed restaurant. In totality, the applicant is proposing 64 interior seats, including the 10 at the bar.

As far as exterior conditions, a 38-seat outdoor patio and 26-seat semi-outdoor Winter Garden (64 total) is proposed. However, as noted above, due to the placement of the proposed bistro in the lower level, the patio is located in the rear. Due to this location, there is no traditional storefront in which to place tables. There is a pedestrian walkway located behind the building which accesses several buildings to the north. There have been several decks added to buildings to the north of the subject site that have activated the rear of buildings, and the proposed patio would likely contribute to the activation of this area. In terms of glazing, the applicant is proposing the unique "Winter Garden" semi-enclosed/outdoor space, which is set back into the building behind four fixed wood framed screen panels. The new recessed exterior wall, which is now set 8 ft. 6 in. into the building, is proposed to contain significant glazing.

While technically located outdoors, the proposed Winter Garden does not appear to meet the conditions entirely, in that the means by which it is recessed and enclosed by the first floor above, the existing brick façade and the proposed bronze screen panels almost entirely enclose the space. Although the space is indeed open to the air, it would likely not be as harshly effected by some of the more tolerable months during the outdoor dining offseason. Furthermore, enforcement beyond the permitted outdoor dining season (April-October) would be difficult due to the patio and Winter Gardens placement at the rear and lower level of the building, which is not at all visible from the street, and may not even be evident from any easy vantage point in Parking Lot 6.

Finally, the applicant has indicated that a service station will be provided on the dining patio for trash.

The Vinewood bistro has not yet indicated the hours of operation for the indoor or outdoor dining areas. The placement of the outdoor dining in the rear creates a unique condition for the area in that although the property is not *immediately adjacent* to single or multi-family residentially zoned properties, there are single family residences across the river that may be affected by any noise or light emanating from the proposed patio. The peak summer months of the outdoor dining season may facilitate an improved condition while the foliage along the riverbank is full. However, the reduced natural buffer during the spring and fall may exacerbate any nuisances caused by the dining use. To ensure that the conditions permitting bistros in the Downtown Overlay, **the applicant must submit the indoor and outdoor hours of operation for the proposed restaurant.**

The applicant has submitted two sets of proposed hours for Vinewood, one for summer and one for winter:

Summer Hours:		Winter Hours:	
Monday-Wednesday	11 AM – 12 AM	Monday-Tuesday	3 PM – 12 AM
Thursday-Saturday	11 AM – 1 AM	Wednesday	11 AM – 12 AM
Sunday	10 AM – 11 PM	Thursday-Friday	11 AM – 1 AM
		Saturday	3 PM – 1 AM
		Sunday	10 AM – 11 PM

The applicant has indicated that the proposed hours of operation for the outdoor dining area would be until midnight (12 AM) daily for both seasons. It is unclear at this time if the hours include Sunday nights, in which the indoor hours end at 11 PM. Additionally, the Planning Board requested information on the hours of the two nearest bistros, Market North End and Luxe Bar and Grill. These bistro restaurants have hours listed from 11 AM – 12 PM and 11 AM – 11 PM respectively, Monday through Sunday.

3.0 Setback and Height Requirements

Please see the attached zoning compliance summary sheet for details on setback and height requirements. The following bulk, placement and/or height issues are present:

1. The semi-permanent **roughly 1,323** sq. ft. outdoor dining patio is proposed to be constructed almost entirely on public property. Article 4, Section 4.74 (D)(4)(b) states "above grade encroachments 8 ft. and below: permanent architectural features such as columns, pilasters, belt courses, lintels, pediments

and similar features may be approved by the Planning Board to project into the right of way provided they do not create any obstruction and that the encroachment complies with the design review standards set forth in Article 7." Although the dining platform is not considered any of the architectural elements listed above, there are additional projections below 8 ft. in the form of support posts for the proposed awning in the rear. **The Planning Board should consider the approval, modification, or disapproval of the ROW encroachments at or below 8 ft.**

At this time, the applicant has begun the process of executing a lease agreement with the City for the use of this public property, but no such agreement has been completed at this time. **The applicant must enter into a lease agreement for the use of public property for the outdoor dining patio.**

In addition to the encroachments at 8 ft. and below, there are two encroachments that extend 8 ft. and above the public right-of way. The two proposed canopies measure 8 ft. 6 in. and 10 ft. 6 in. from grade in the front and rear respectively. Article 4, Section 4.74 (D)(4)(c) permits these removable elements to encroach into the right-of-way so long as all encroachments with less than 15 ft. of clearance above the sidewalk shall not extend into or occupy more than two-thirds of the width of the sidewalk or 5 ft., whichever is less, and must not interfere with any existing or planned streetscape elements or infrastructure. The rear canopy projects 9 ft. 6 in. into the right of way, but there is no sidewalk present to dictate the projection. The front canopy, however, projects 6 ft. across an existing 6 ft. sidewalk, which does not meet the requirements of the Zoning Ordinance. **The applicant must revise the front canopy projection to measure two-thirds of the width of the sidewalk, or obtain a variance from the Board of Zoning Appeals.**

The applicant has submitted revised plans showing the front canopy projection reduced to 4 ft. The rear canopy projection has been reduced to 5 ft. and has been redesigned without the support posts. Both canopy projections now meet the requirements of Article 4, Section 4.74 (D)(4)(c) of the Zoning Ordinance.

4.0 Screening and Landscaping

- 4.1 Dumpster Screening – The applicant is proposing to utilize two existing dumpsters that are located along the north end of the Parking Lot 6 facility, which is public property. The applicant is proposing to improve the dumpster area by adding a 6 ft. concrete masonry screen walls with a stone cap on two sides, leaving the east and south sides open.

Article 4, Section 4.54 of the Zoning Ordinance requires dumpsters to be screened from view from all adjacent properties by a 6 ft. masonry screen wall with wood gates. However, Section 4.54 (A) allows for flexibility in the materials, size, height and *placement* of walls in order to allow architectural harmony and usable open space and to accomplish a unified design. At this time, the Planning Division recommends that that Planning Board require the applicant to comply with the Zoning Ordinance to the fullest extent with screening on all sides of the dumpsters with wood gates. Therefore, **the applicant must submit revised site plans and details with a fully screened dumpster enclosure with wood gates.**

Additionally, the applicant has not indicated whether or not the restaurant will be utilizing any other common restaurant waste receptacles such as grease disposal or recycling dumpsters. It is the understanding of the Planning Division that the two waste receptacles that the applicant is proposing to utilize are open to use by other businesses, including another restaurant. The Planning Division is not aware of the pickup schedule for these dumpsters, but it would appear as though adding a restaurant use to the area would cause the dumpsters to fill much more rapidly on a regular basis, which would necessitate either additional dumpsters or a more frequent pickup.

This condition is of particular concern due to the dumpsters' proximity to the Rouge River. Any debris overflow would easily be swept by wind or water into the river causing unnecessary and avoidable pollution of this natural resource. **The Planning Board may wish to consider requiring the applicant to add an additional solid waste dumpster, recycling dumpster, and/or grease receptacle to the plans to ensure that the waste receptacles may service the proposed restaurant and other contributors sufficiently.**

The applicant has submitted revised plans with a dumpster enclosure constructed of a 6 ft. painted masonry screen wall with painted wood gates. The applicant has added a grease trap within the enclosure, but has not added any additional trash or recycling dumpsters (proposing to maintain the two existing dumpsters). Additionally, it has come up that there has not been a formal agreement executed by the City and the owner of the dumpster placed in Parking Lot 6 as of yet. Although the proposed dumpster screening meets the requirements of the Zoning Ordinance, the applicant must resolve the issues with the dumpster placement on public property.

4.2 Parking Lot Screening – The subject site is located within the Parking Assessment District. Therefore, no additional off-street parking facility and accompanying screening is required or proposed.

4.3 Mechanical Equipment Screening – The applicant is proposing a new makeup air unit and exhaust fan for the bistro on the rooftop adjacent to 5 additional existing RTU's. The applicant is proposing to add roughly 171 ft. of prefabricated corrugated metal to screen all of the new and existing units. The applicant has submitted specification sheets for the proposed screen wall, but has not submitted specification sheets for the new mechanical units or the height of the proposed screen wall to ensure that the units will be fully screened. **The applicant must submit specification sheets for all new RTU's and the proposed height of the screening material to ensure full screening from public view.**

The applicant has submitted revised plans and specification sheets for the rooftop units that demonstrate the new units as fully screened from view by the proposed 8 ft. prefabricated corrugated metal screen.

4.4 Landscaping – The subject site is currently fully developed with no existing landscaping on site. Although no landscaping is required with the introduction of the new bistro, the applicant has proposed 4 small-scale landscaping installments to "green" the space. On the front of the building, the entrance to the Vinewood is proposed to contain Boston Ivy plantings around the front door. The applicant has not shown any planters on the sidewalk in which the ivy would be planted. Rather, it appears as though there may be a small cutout from the sidewalk at the base of the building where the ivy may be planted and grow through a "pocket" behind the wood entrance cladding. This distinction is very important in this area due to the very slim sidewalks present along the N. Old Woodward frontage. **The walking path along this sidewalk must remain unobstructed, and it would seem as though the small cutouts in the sidewalk would both obstruct the sidewalk (if only for a few inches) and create a poor environment for the ivy to survive.**

The applicant is also proposing some Boston Ivy plantings on the exterior of the concrete masonry units that comprise the new outdoor dining facility at the rear and the existing balcony above. **Within the outdoor dining area, six custom wood planters are proposed with seasonal natural river plantings that include grasses and seasonal flowering riverbank types.**

4.5 Streetscape – There are no new streetscape items proposed as a part of this Special Land Use Permit and Final Site Plan/Design Review application. As noted

above, there is no room for any streetscape improvements on the existing sidewalk such as benches, bike racks or waste receptacles.

5.0 Parking, Loading and Circulation

- 5.1 Parking – The subject site is located within the Parking Assessment District. Therefore, no additional off-street parking facility is required or proposed.
- 5.2 Loading – The lower level tenant space measures 3,372 sq. ft. No off-street loading spaces are required for the less than 5,000 sq. ft. commercial use.
- 5.3 Vehicular Circulation and Access – The vehicular circulation and access is proposed to remain the same as is existing. The subject site is currently accessed by two public parking facilities, one on the N. Old Woodward side and one in the rear in Parking Lot 6.
- 5.4 Pedestrian Circulation and Access – Pedestrians are able to access the new bistro space through a front door on the N. Old Woodward façade as well as a back door accessible to patrons parked in the Parking Lot 6 facility.

6.0 Lighting

The applicant is proposing several lighting additions to the rear of the building, outdoor patio, and signage. The lighting proposed includes 6 gas torches, 7 surface mounted downlights underneath the existing balcony, 2 backlit panels beneath the new awnings, 6 recessed downlights in the winter garden, 1 linear wall washing up light, and 9 underwater lights in 3 proposed fountains.

Type	Location	Color	Light Output
Gas Torches	Edge of patio	Black	N/A
LED Downlights	Under balcony	Black?	?
LED Backlight/Strips	Under canopies	Clear	Up to 450 Lumens
LED Wall Washer	Base of wall panel	Metallic	6491-7286 Lumens
Mini LED Spotlight	Beneath umbrella	Black	4.5 Watt/160 Lumens
Recessed Downlights	Wintergarden	White	11 Watt/850 Lumens
LED Sign Lights	Above patio sign	Black	7 Watt

Article 4, Section 4.21 (D)(1) requires all luminaries to be full cutoff or cutoff, as defined in Section 9.02, and positioned in a manner that does not unreasonably invade abutting or adjacent properties. Exception to cutoff luminaries can be made at the discretion of the Planning Board under any of the following conditions:

- a. The distribution of upward light is controlled by means of refractors or shielding to the effect that it be used solely for the purpose of decorative enhancement of the luminaire itself and does not expel undue ambient light into the nighttime environment.
- b. The luminaire is neither obtrusive nor distracting, nor will it create a traffic hazard or otherwise adversely impact public safety, with appropriate methods used to eliminate undesirable glare and/or reflections.
- c. The luminaire is consistent with the intent of the Master Plan, Urban Design Plan(s), Triangle district plan, Rail District plan and/or Downtown Birmingham 2016 Report, as applicable.
- d. The scale, color, design or material of the luminaire will enhance the site on which it is located, as well as be compatible with the surrounding buildings or neighborhood.
- e. Lighting designed for architectural enhancement of building features (i.e. architectural enhancement lighting). Appropriate methods shall be used to minimize reflection and glare.
- f. The site lighting meets all requirements set forth in this ordinance including, but not limited to, light trespass and nuisance violations.

At this time, the linear wall washing up light located at the base of the decorative wall panel is not full cutoff as defined in Section 9.02. The Planning Board should discuss the lighting concept in relation to the residential areas across the river to the east and the neighboring properties.

Additionally, the applicant has not included a photometric study studying the light intensity levels at the property line, or at 5 ft. beyond the property line as permitted for zero-lot-line buildings. The addition of 31 new light fixtures necessitates a photometric study to confirm appropriate light intensity levels. **The applicant must submit a photometric plan showing the light intensity levels 5 ft. beyond the property line.**

The applicant has now submitted a photometric plan demonstrating the proposed light intensity on the site. Article 4, Section 4.21 (E)(1) of the Zoning Ordinance states that the intensity of light on a site shall not 1.5 maintained foot-candles at any property line that abuts a non-residential zoning district. The light intensity shall be measured at 6' above ground level on a vertical plane. Additionally, the intensity of light on a site which provides a front setback of less than 5 ft. shall be measured from 5 ft. beyond the front property line. The photometric plan submitted shows illumination levels far exceeding 1.5 maintained foot candles on both the front and rear elevations. The light intensity is as high as 10.0 at roughly 6 ft. beyond the front property line at the front and as high as 11.6 in the rear at roughly the same distance.

The applicant must submit a revised photometric plan and associated lighting plan, or obtain a variance from the Board of Zoning Appeals.

7.0 Departmental Reports

7.1 Engineering Division – The Engineering Division has provided the following comments:

- The Engineering Division would like to see the grades of the existing elevations of the ground around the planned work area and all final grades to see how it will affect drainage.
- The applicant may be asked to address the failing retaining wall at the northeast side of the patio during the construction of the patio.
- A Soil Erosion Soil Control permit will be required for any work that disturbs the ground.
- The proposed ramp must be evaluated for ADA compliance.

7.2 Department of Public Services – The Department of Public Services has not submitted and comments at this time. All comments received will be shared with the Planning Board as they are received.

7.3 Fire Department – The Fire Department has not provided any comments at this time. All comments received will be shared with the Planning Board as they are received.

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

7.5 Building Division – The Building Division has provided 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:

- The awning on the N. Old Woodward elevation cannot project over the sidewalk more than two-thirds the width of the sidewalk. (Building Code Section 3202.3.1)
- Encroachments into City Property on the East elevation require City Approval.
- The table and two chairs at the N/W corner of the outdoor dining area appear to encroach into the required length of the landing area of the exit stair door from the tenant space above. The length is required to be 44-inches. (Building Code Section 1010.1.6)
- A guardrail will be required on the open side of the ramp leading up to the exterior dining area where the ramp exceeds 30-inches in height from grade. (Building Code Section 1015.2)
- A fire suppression system may be required if the fire area exceeds the limits in Section 903.2.1.2 of the Building Code.

8.0 Design Review

As noted in the introduction, the overall exterior changes to the building are proposed to be relatively minor in nature. The front of the building will feature an updated entrance for the Vinewood bistro with a new door, wood frame/cladding, and an aluminum folded plate awning. Other changes to the front of the building are the painting of building trim, window frames and the exposed CMU, and a re-shingle of the existing black shingle roof. In the rear, the outdoor dining deck is proposed to be constructed of ~~CMU and exposed aggregate~~ **wood plank decking** with a wire mesh guardrail enclosure. The new entrance in the rear will mimic the front entrance with a new door and awning, and the existing openings in the rear, which formerly contained

windows, are now proposed to contain fixed wood framed bronze screen panels to create the semi-outdoor Winter Garden dining area. A full list of new materials and colors is as follows:

Material	Location	Color
Paint	Front façade building trim, side & rooftop CMU	
Stained Wood	Front door, wood cladding	
Aluminum	Front awning, decorative wall panel	
Concrete Masonry Unit	Rear patio	
Wood Plank Cladding	Patio knee wall	
Wood Decking	Patio, winter garden flooring	
Steel Tubing	ADA ramp handrails	
Welded Wire Mesh	Patio guardrail	
Bronze Mesh	Winter Garden screen panels	
Stained Wood	Rear entry door, mesh panel frames	
Copper Cladding	Ductwork shaft, decorative wall panel	
Canvas	Umbrellas	
Corrugated Metal	RTU screen wall	?
Aluminum	Table tops & chairs	
Glass	New exterior wall behind Winter Garden	?

Signage

The applicant is also proposing 2 new signs as a part of the exterior renovations for the new bistro. The first sign (Sign #1) is located on the front awing/canopy and the second sign (Sign #2) is located on south side of the new patio on the face of the CMU's **wood planks** that comprise the base of the patio. The principal building frontage measures 60 ft., which permits the building up to 60 sq. ft. of signage. The only existing sign on the building is for the first floor tenant, Kohler, which measures 18.5 sq. ft. leaving 41.5 sq. ft. of signage available for other tenants. Sign #1 is proposed to be cut out of the aluminum canopy valence and measures in at 1.3 sq. ft., while Sign #2 is constructed of 8 in. aluminum letters and measures in at 4 sq. ft., which brings the proposed combined sign area to 23.8 sq. ft. ($18.5 + 4 + 1.3 = 23.8$). Both signs are proposed to be illuminated, Sign #1 with internal LED's and Sign #2 with 3 architectural accent lights.

There are several issues with regards to signage. Sign #1's placement on the front canopy requires the sign to conform to the canopy sign rules, which state that the canopy valence may not exceed 18 in. in height, and the total signage may not exceed 33% of the canopy valence length. **The applicant has designed the canopy valence**

at exactly 18 in. in height, and the area of the lettering, at roughly 1.3 sq. ft., is below the 33% maximum required for canopy signs.

Sign #2 and its proposed location on the CMU's wood plank of the dining platform conflicts with Section 1.3 of the Sign Ordinance that states that no sign shall be erected or placed in the public right-of-way. Although the applicant will be seeking a lease from the City for the private use on public property, the property is still considered public and thus may not contain any signage.

Thus, **the applicant must revise the sign plan proposed to meet the requirements of the Sign Ordinance.**

9.0 Required Attachments

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

10.0 Bistro Criteria

Chapter 10, Alcoholic Liquors, section 10-82 provides a limitation on the number of Bistro Licenses that the City Commission may approve, and provides selection criteria to assist the Planning Board and City Commission in evaluating applications for Bistro Licenses. Section 10-82 states:

- (1) New establishments. Two (2) Bistro Licenses may be approved each calendar year to applicants who do not meet the definition of existing establishments as set forth in (a)(1) above. In addition to the usual criteria used by the city commission for liquor license requests, the commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the new establishment applicants, if any, should be approved:

- a. The applicant's demonstrated ability to finance the proposed project.

- b. The applicant's track record with the city including responding to city and/or citizen concerns.
- c. Whether the applicant has an adequate site plan to handle the bistro liquor license activities.
- d. Whether the applicant has adequate health and sanitary facilities.
- e. The establishment's location in relation to the determined interest in the establishment of bistros in the Overlay District and the Triangle District.
- f. The extent that the cuisine offered by applicant is represented in the city.
- g. Whether the applicant has outstanding obligations to the city (ie property taxes, utilities, etc.).

The applicant demonstrated that they will be able to finance the project and maintains a good track record with the City throughout various other property ownerships in the City. The applicant also does not have any outstanding obligations to the City at this time. The bistro plans proposed provide an adequate space to carry out their liquor license activities with proper health and sanitary facilities. The proposed menu that features traditional American cuisine with Mediterranean twists is not over-represented in the area, and it would be the first bistro approved in the northernmost section of Downtown Birmingham.

11.0 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.

In addition, Article 7, Section 7.26 requires applications for a Special Land Use Permit to meet the following criteria:

- (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.

12.0 Recommendation

Based on a review of the site plan submitted, the Planning Division recommends that the Planning Board recommend **APPROVAL** to the City Commission the Special Land Use and Final Site Plan/Design Review application for 720 N. Old Woodward – Vinewood Bistro – with the following conditions:

1. The Planning Board approves/disapproves the outdoor dining patio encroachment into the right-of-way;
2. The applicant must enter into a lease agreement for the use of public property for the outdoor dining patio;
3. The applicant must resolve the issues with the dumpster placement on public property;
4. The applicant must submit a revised photometric plan and associated lighting plan, or obtain a variance from the Board of Zoning Appeals;
5. The applicant must revise the sign plan proposed to meet the requirements of the Sign Ordinance, or obtain a variance from the Board of Zoning appeals; and
6. The applicant must comply with the requests of all City Departments.

13.0 Sample Motion Language (*Final Site Plan & Design Review*)

Motion to recommend **APPROVAL** to the City Commission the Final Site Plan & Design Review for 720 N. Old Woodward – Vinewood Bistro – with the following conditions:

1. The Planning Board approves/disapproves the outdoor dining patio encroachment into the right-of-way;

2. The applicant must enter into a lease agreement for the use of public property for the outdoor dining patio;
3. The applicant must resolve the issues with the dumpster placement on public property;
4. The applicant must submit a revised photometric plan and associated lighting plan, or obtain a variance from the Board of Zoning Appeals;
5. The applicant must revise the sign plan proposed to meet the requirements of the Sign Ordinance, or obtain a variance from the Board of Zoning appeals; and
6. The applicant must comply with the requests of all City Departments.

OR

Motion to **POSTPONE** the Final Site Plan & Design Review for 720 N. Old Woodward – Vinewood Bistro – pending receipt of the following:

1. The Planning Board approves/disapproves the outdoor dining patio encroachment into the right-of-way;
2. The applicant must enter into a lease agreement for the use of public property for the outdoor dining patio;
3. The applicant must resolve the issues with the dumpster placement on public property;
4. The applicant must submit a revised photometric plan and associated lighting plan, or obtain a variance from the Board of Zoning Appeals;
5. The applicant must revise the sign plan proposed to meet the requirements of the Sign Ordinance, or obtain a variance from the Board of Zoning appeals; and
6. The applicant must comply with the requests of all City Departments.

OR

Motion to recommend the **DENIAL** to the City Commission the Final Site Plan & Design Review for 720 N. Old Woodward – Vinewood Bistro – for the following reasons:

1. _____
2. _____
3. _____

14.0 Sample Motion Language (*Special Land Use Permit*)

Motion to recommend **APPROVAL** to the City Commission the Special Land Use Permit for 720 N. Old Woodward – Vinewood Bistro – subject to the conditions of Final Site Plan & Design Review approval.

OR

Motion to **POSTPONE** the Special Land Use Permit for 720 N. Old Woodward – Vinewood Bistro – pending receipt of the following:

1. _____
2. _____
3. _____

OR

Motion to recommend **DENIAL** to the City Commission the Special Land Use Permit for 720 N. Old Woodward – Vinewood Bistro – for the following reasons:

1. _____
2. _____
3. _____

**Zoning Compliance Summary Sheet
Final Site Plan Review
720 N. Old Woodward – Vinewood Bistro**

Existing Site: 2-Story Commercial Building

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

Land Use: Office/Commercial

Existing Land Use and Zoning of Adjacent Properties:

	North	South	East	West
Existing Land Use	Commercial	Office/Commercial	Public Parking	Multiple-Family Residential
Existing Zoning District	O2 (Office Commercial)	O2 (Office Commercial)	PP (Public Parking)	R6 (Multiple-Family Residential)
Overlay Zoning District	D2	D2	N/A	N/A

Land Area: Existing: 0.16 ac.
Proposed: 0.16 ac.

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: N/A
Proposed: N/A

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 ft.
	Proposed:	5 ft. (no changes proposed)
Min. Front + Rear Setback	Required:	N/A
	Proposed:	N/A
Max. Bldg. Height:	Permitted:	56 ft.
	Proposed:	37 ft. (no changes proposed)
Min. Eave Height:	Required:	34 ft.
	Proposed:	Existing
Floor-Ceiling Height:	Required:	N/A
	Proposed:	N/A
Front Entry:	Required:	N/A
	Proposed:	N/A
Absence of Bldg. Façade:	Required:	N/A
	Proposed:	N/A
Opening Width:	Required:	N/A
	Proposed:	N/A
Parking:	Required:	0 off-street spaces (Parking Assessment District)
	Proposed:	0 off- street spaces
Min. Parking Space Size:	Required:	180 sq. ft.
	Proposed:	N/A
Parking in Frontage:	Required:	N/A
	Proposed:	N/A
Loading Area:	Required:	None
	Proposed:	None
Screening:		

Parking: Required: None
Proposed: None

Loading: Required: None
Proposed: None

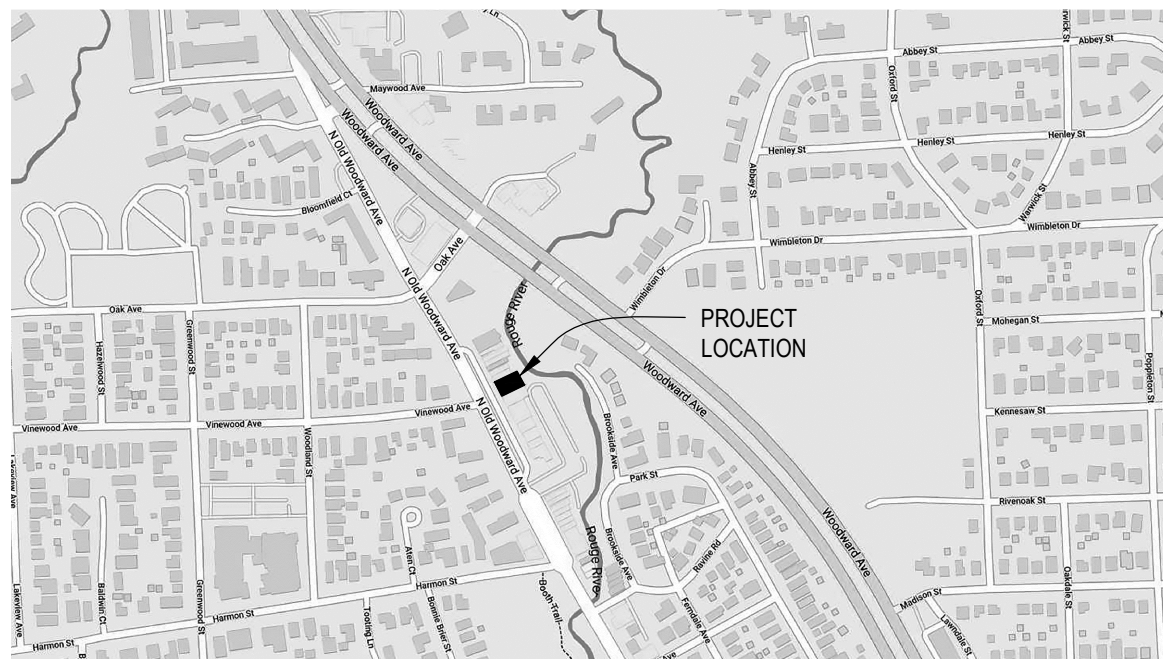
Rooftop Mechanical: Required: Fully screened from public view
Proposed: Corrugated metal panels

The applicant must submit specification sheets for all new RTU's and the proposed height of the screening material to ensure full screening from public view.

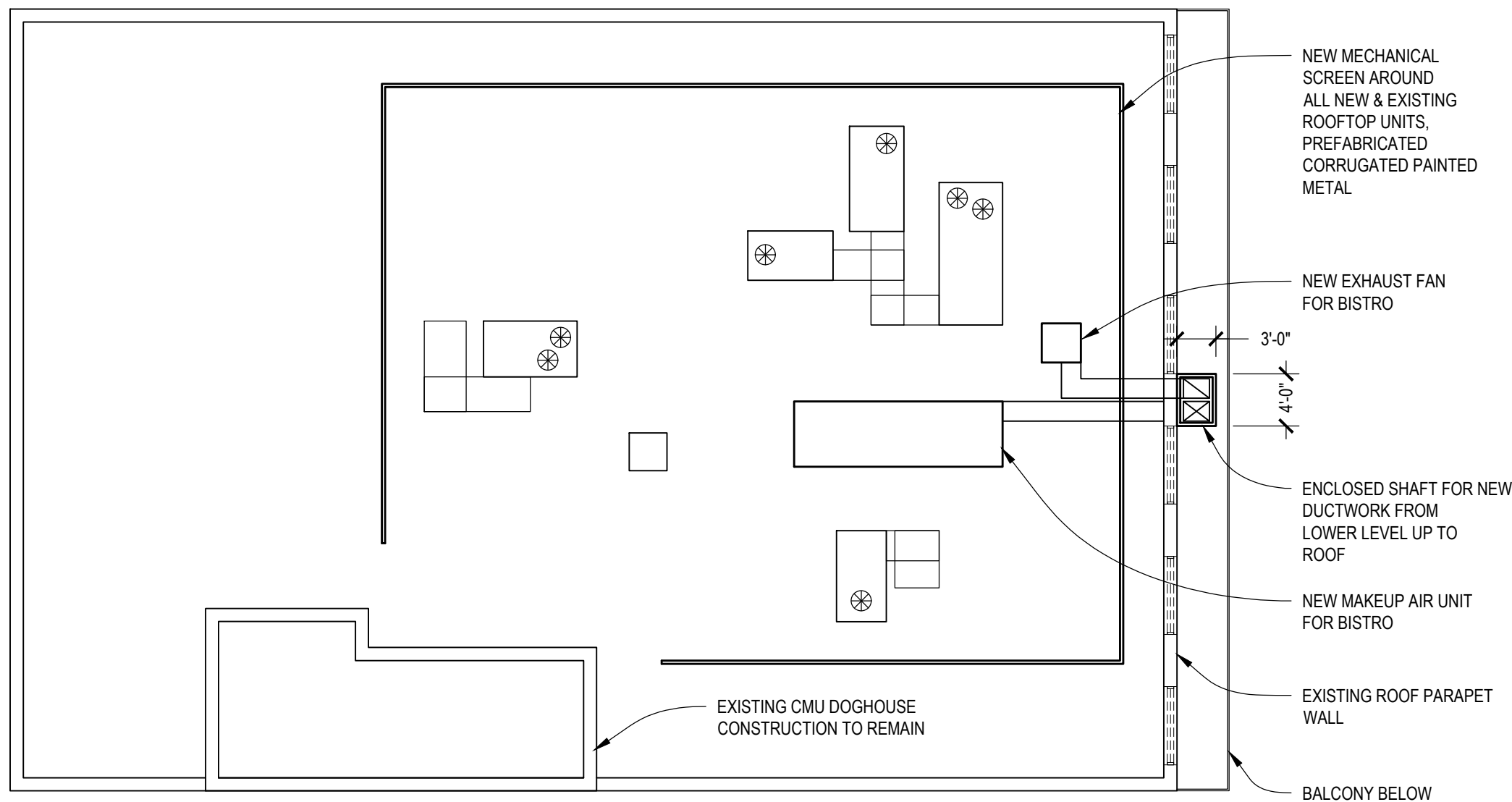
Elect. Transformer: Required: N/A
Proposed: N/A

Dumpster: Required: 6 ft. masonry w/ wood gate
Proposed: 6 ft. masonry, no gate

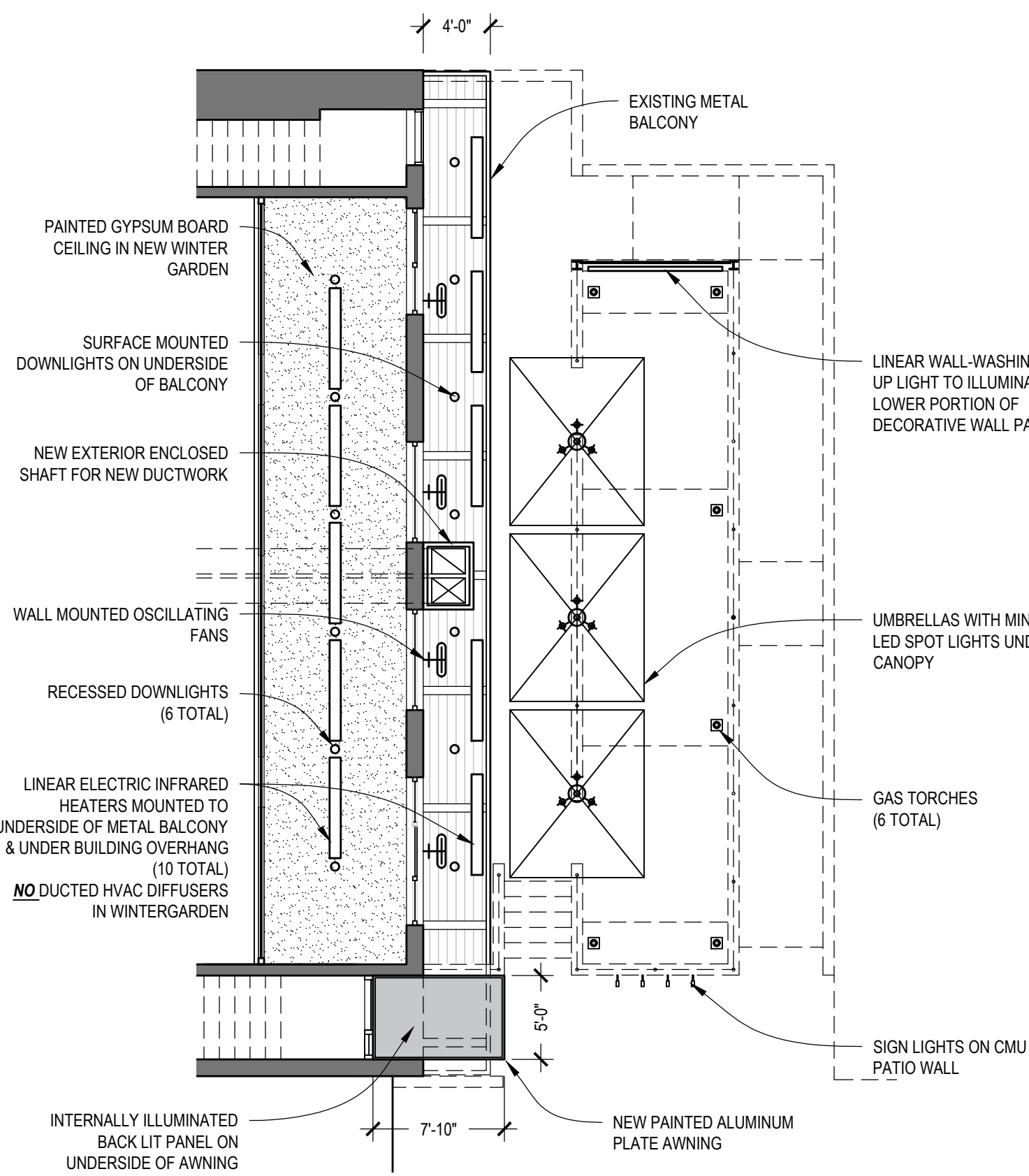
The applicant must submit revised site plans and details with a fully screened dumpster enclosure with wood gates.



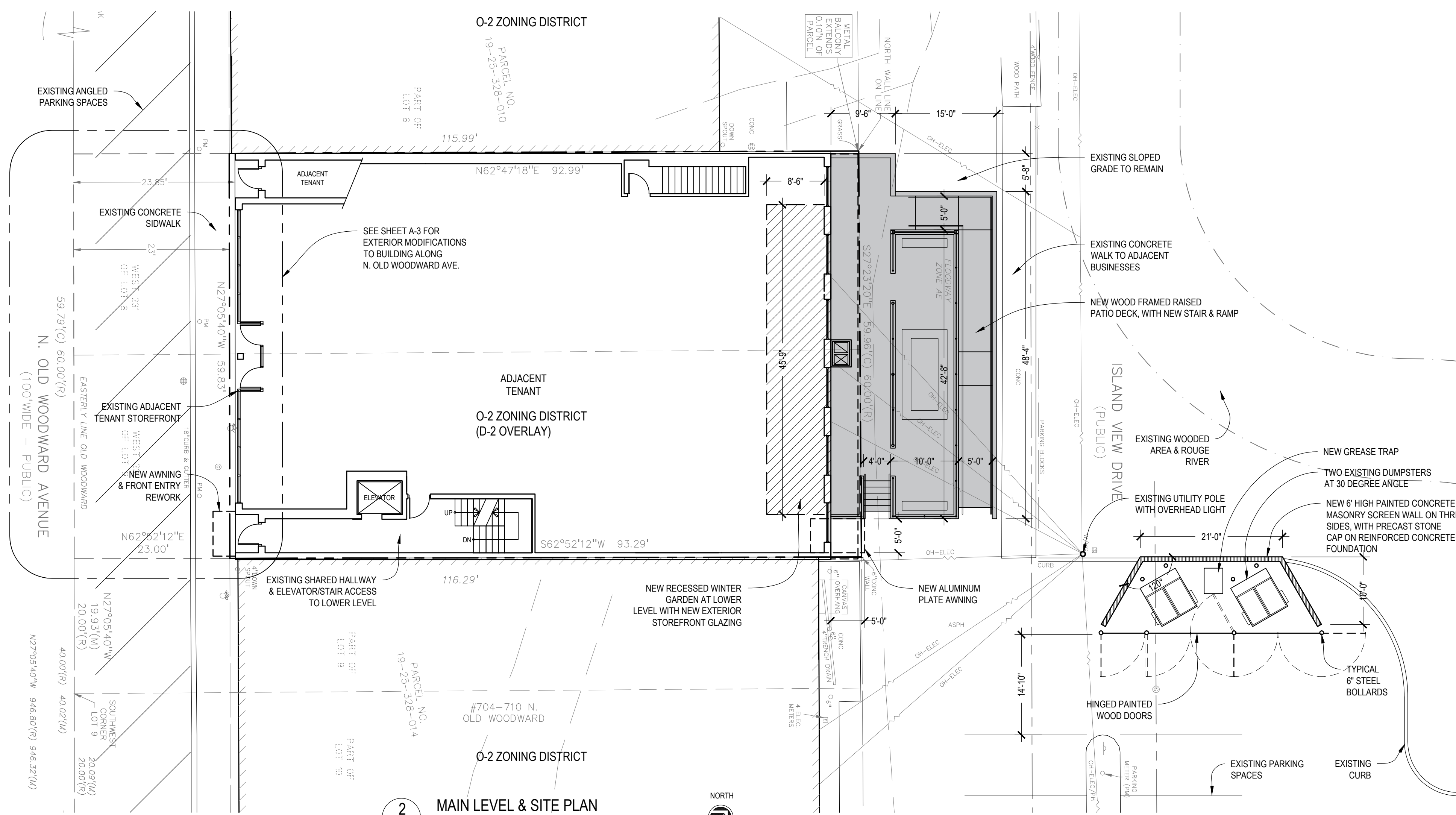
LOCATION MAP
N.T.S.



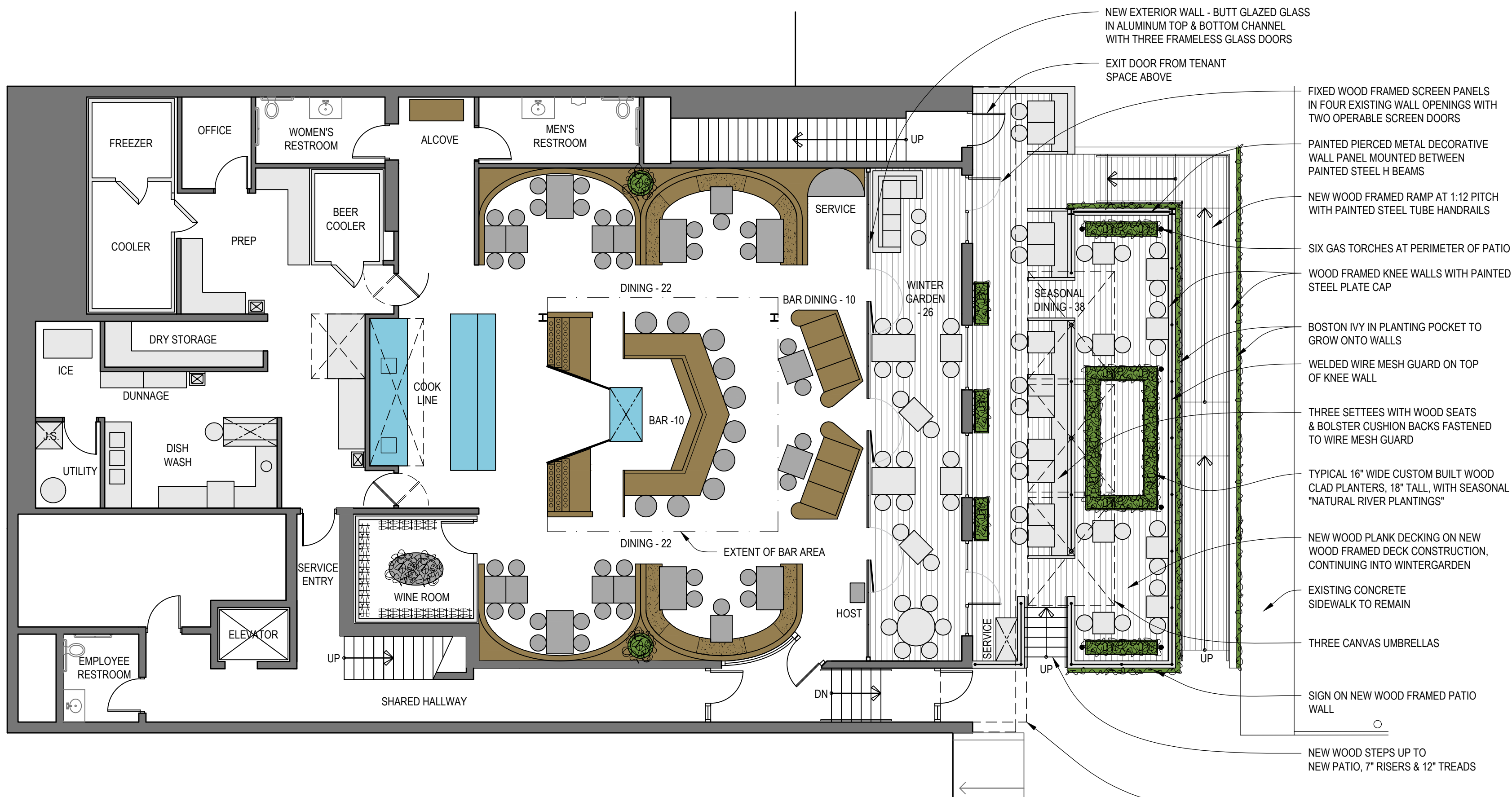
3 ROOF PLAN
scale: 3/32" = 1'-0"



4 PATIO/WINTER GARDEN LIGHTING
scale: 1/8" = 1'-0"



2 MAIN LEVEL & SITE PLAN
scale: 3/32" = 1'-0"



1 LOWER LEVEL FLOOR PLAN
scale: 1/8" = 1'-0"

PROJECT INFORMATION:

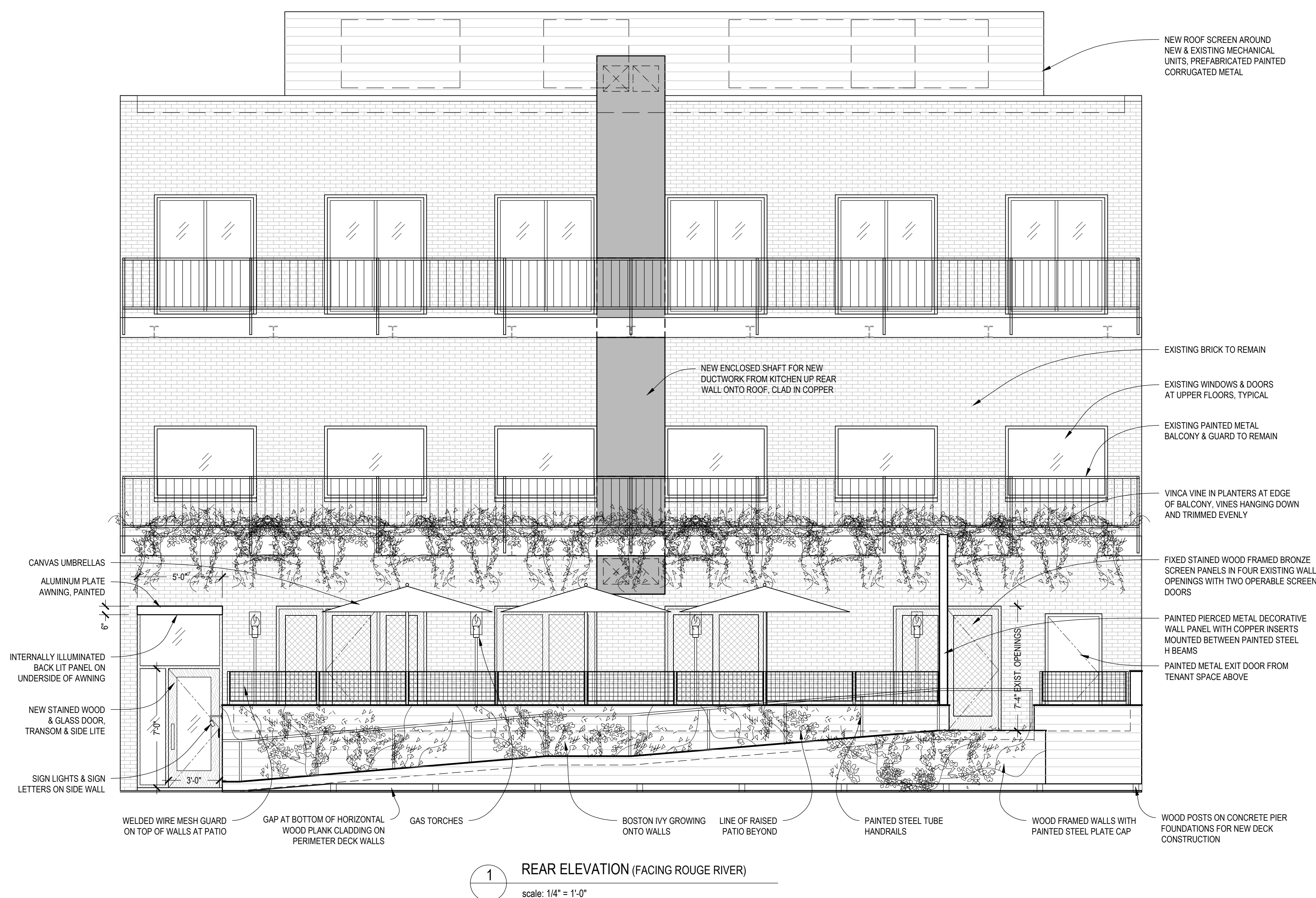
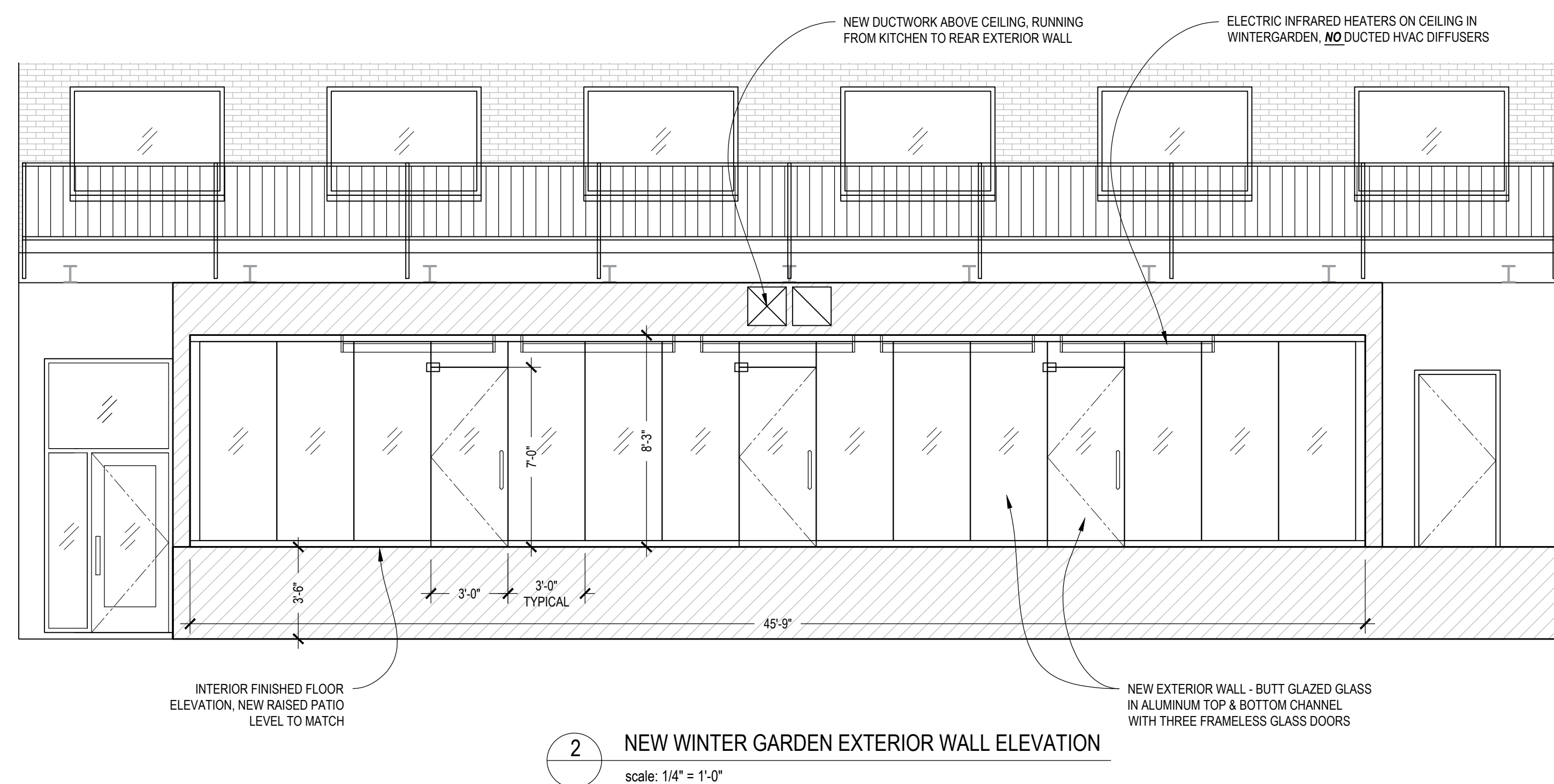
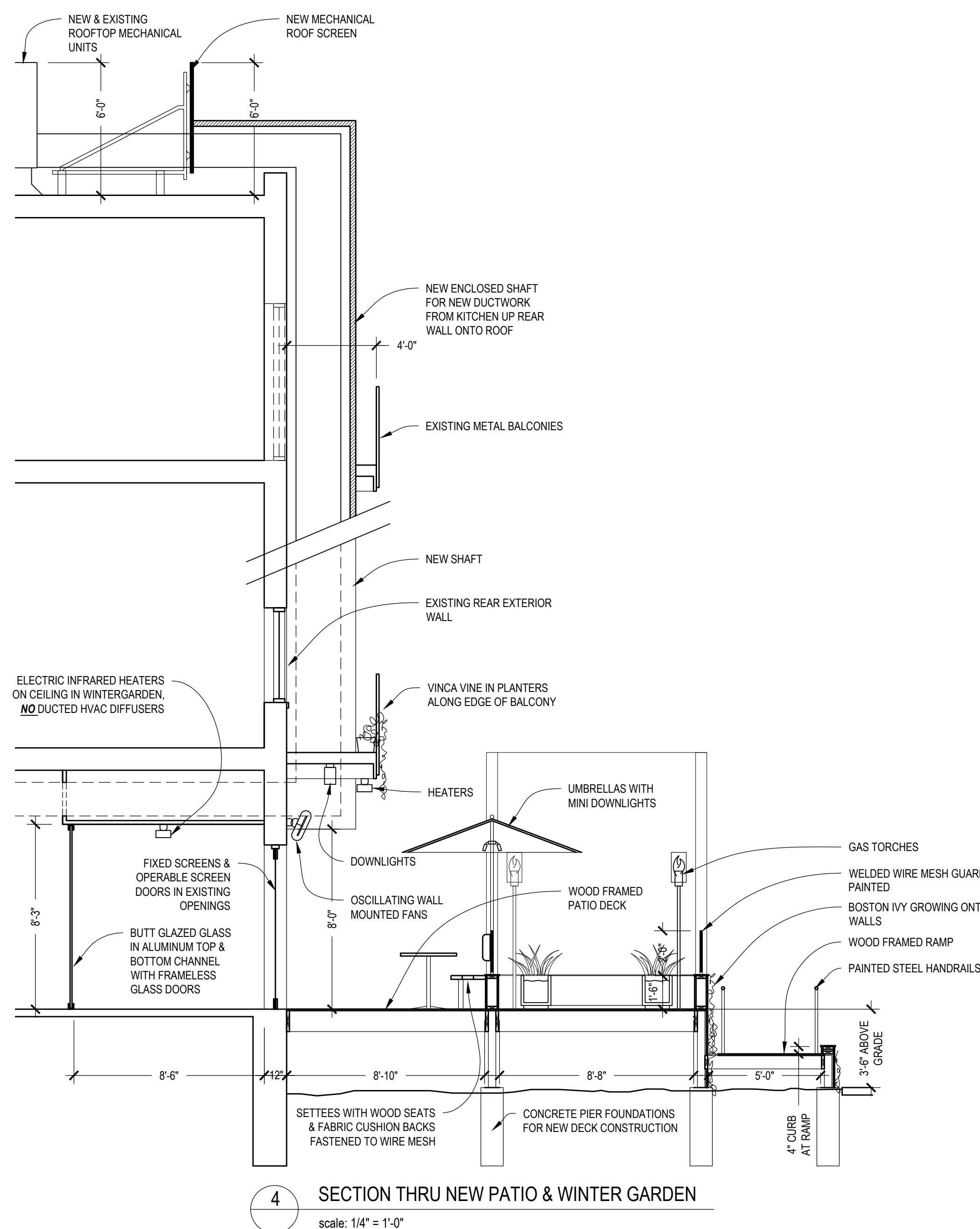
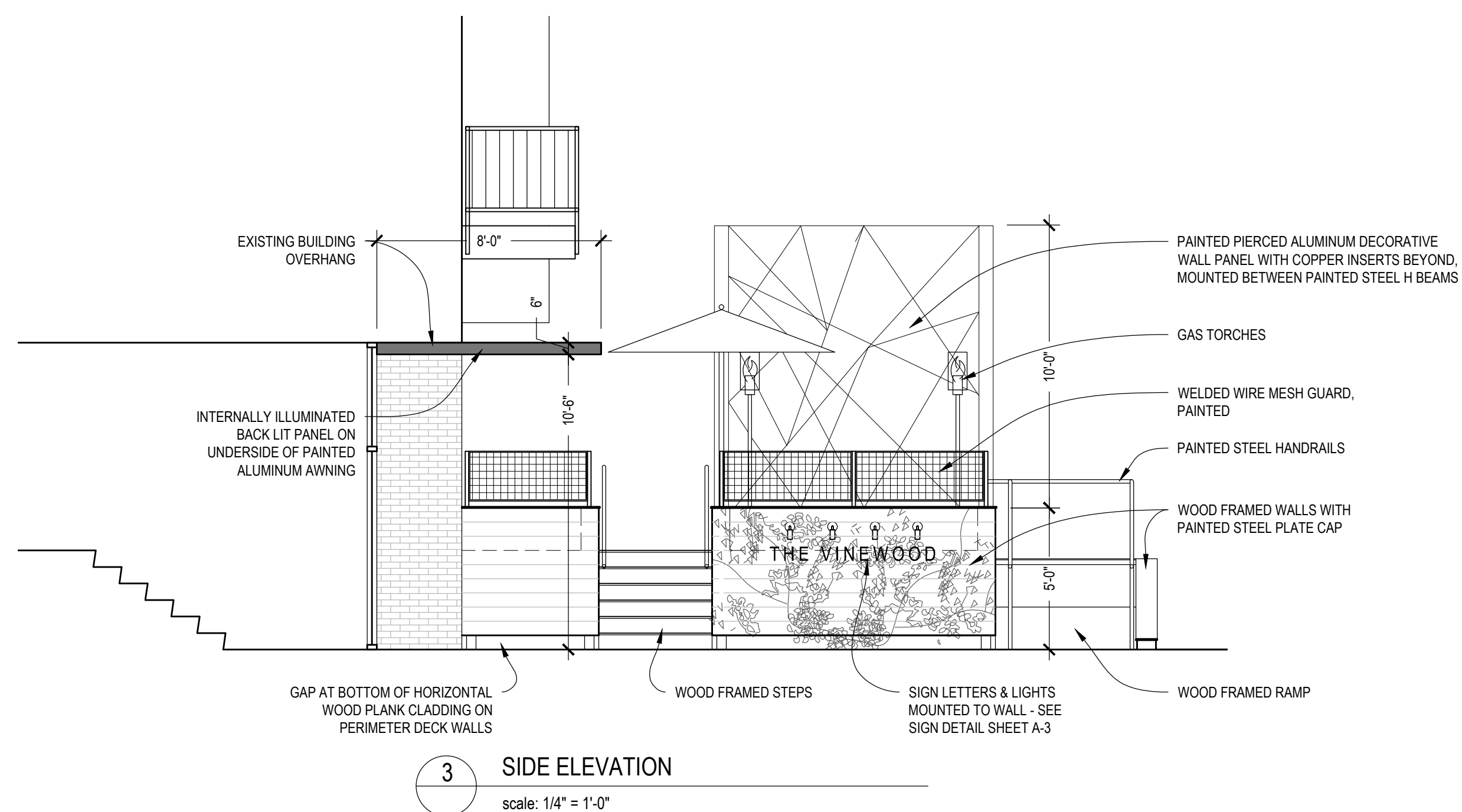
ZONING	O-2, D-2 OVERLAY
CURRENT USE GROUP	B, BUSINESS
PROPOSED USE GROUP	A-2, RESTAURANT

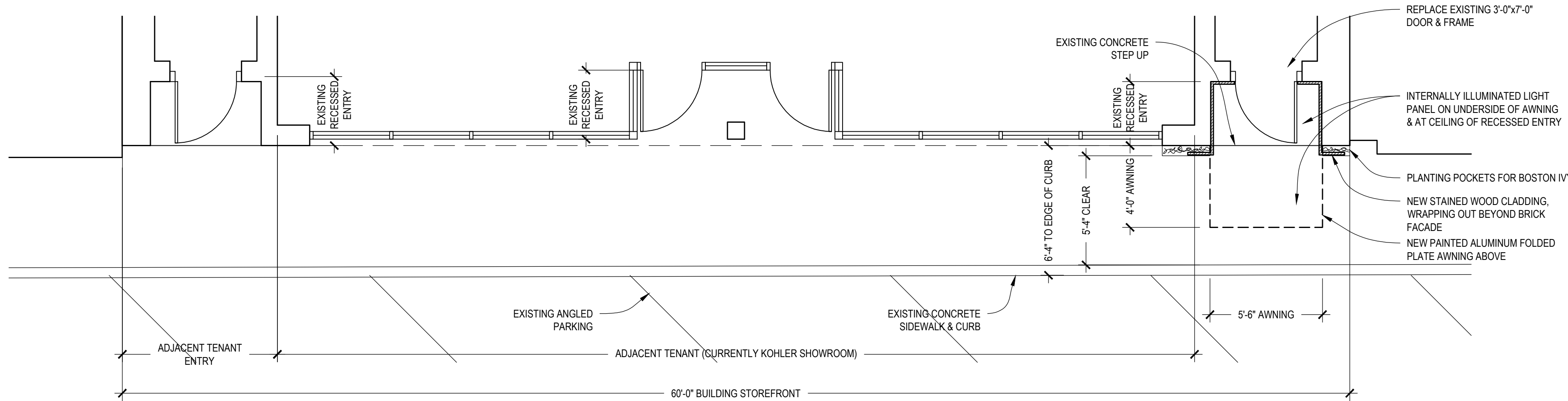
PROJECT AREAS:

INTERIOR LOWER LEVEL =	3,372 SF
WINTER GARDEN =	435 SF
NEW EXTERIOR PATIO =	1,238 SF

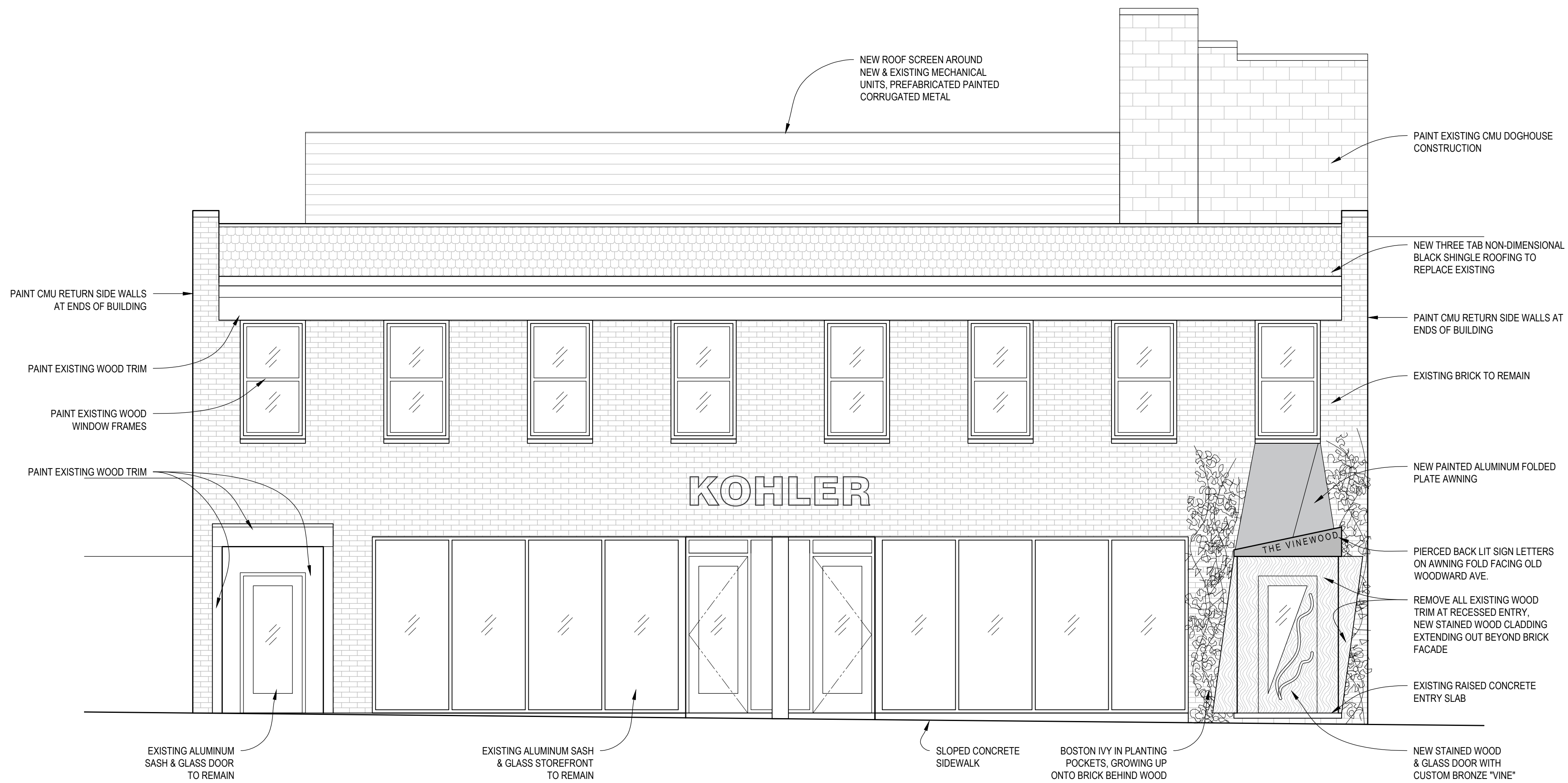
SEATING CAPACITY

INTERIOR	
BAR	10
BAR DINING	10
DINING	44
TOTAL INTERIOR	64
EXTERIOR	
WINTER GARDEN	26
PATIO	38
TOTAL EXTERIOR	64

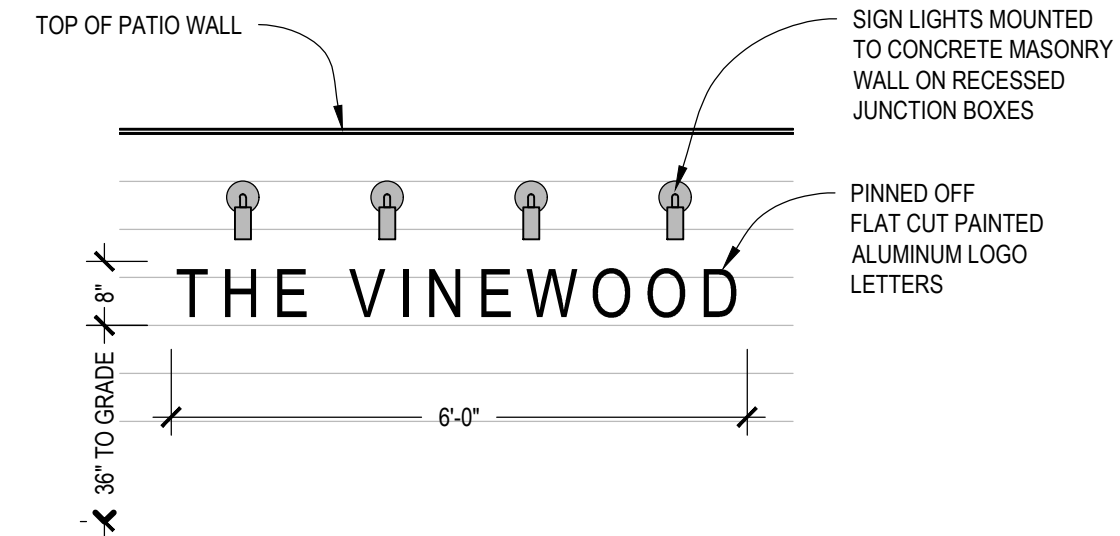




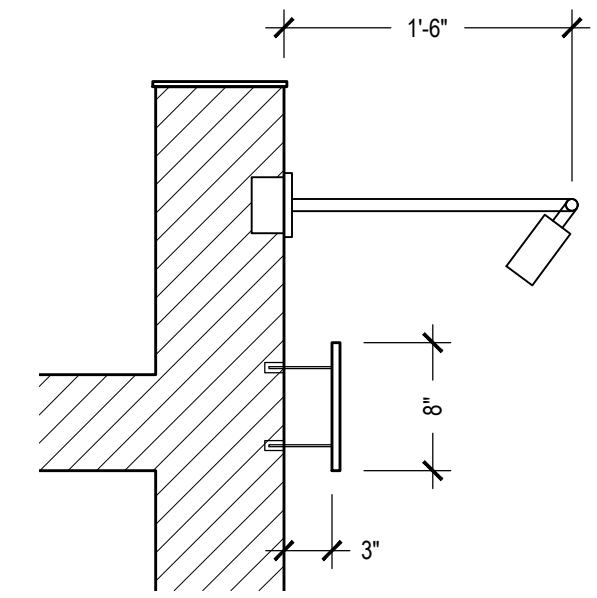
3 FRONT ENTRY PLAN
scale: 1/4" = 1'-0"



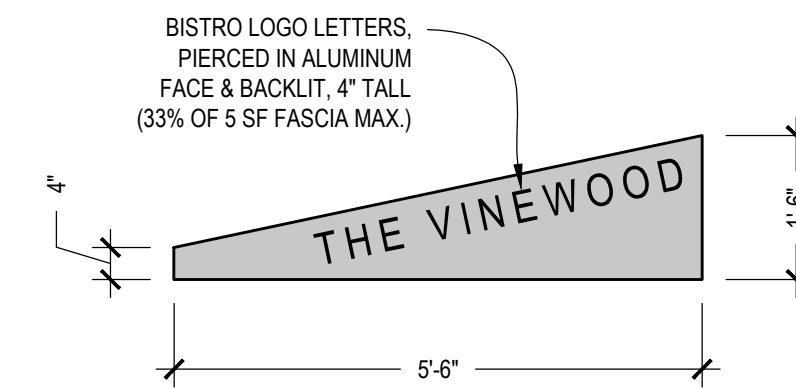
1 FRONT ELEVATION (FACING N. OLD WOODWARD AVE.)
scale: 1/4" = 1'-0"



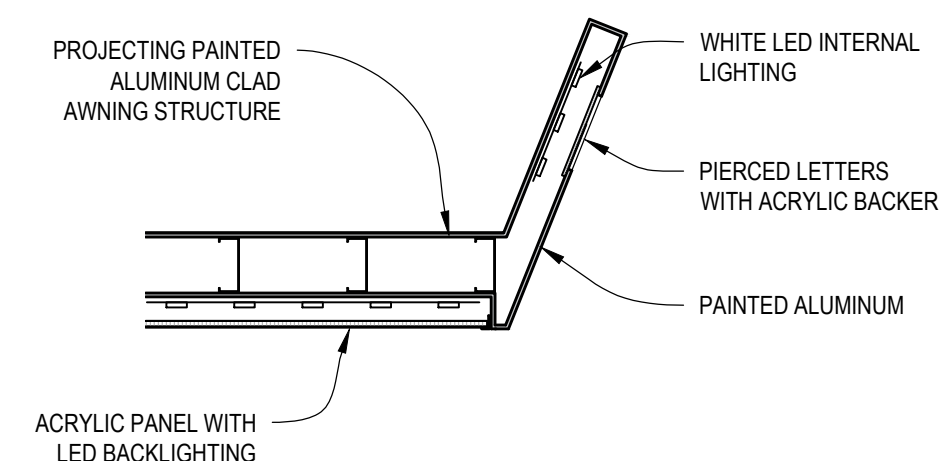
6 REAR SIGN ELEVATION
scale: 1/2" = 1'-0"



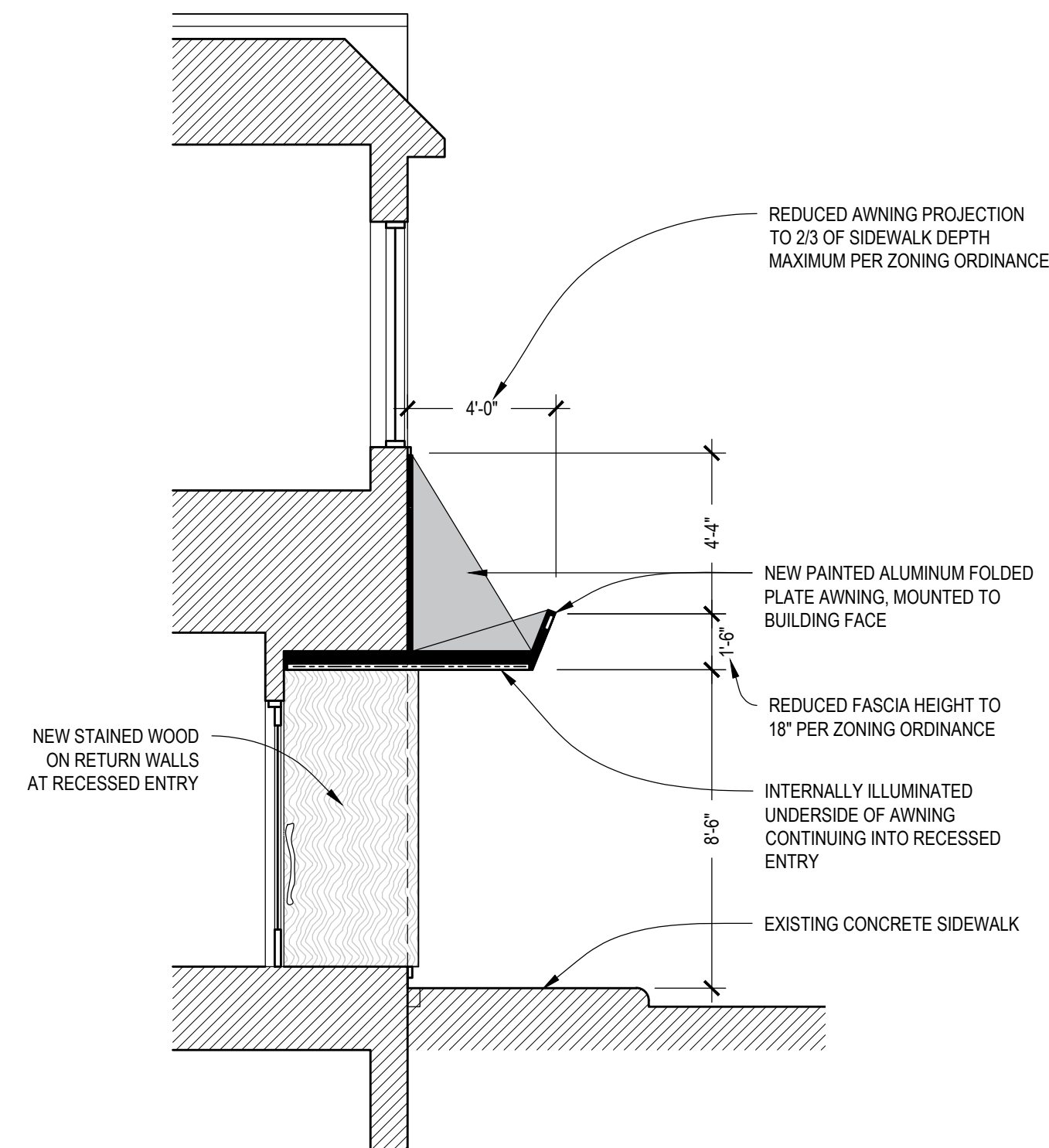
7 REAR SIGN SECTION
scale: 1" = 1'-0"



4 FRONT SIGN ELEVATION
scale: 1/2" = 1'-0"



5 FRONT SIGN SECTION
scale: 1" = 1'-0"



2 SECTION THRU ENTRY
scale: 1/4" = 1'-0"

Project:

THE VINEWOOD
NEW BISTRO IN AN EXISTING SPACE
720 N. OLD WOODWARD AVE., BIRMINGHAM, MI 48009

Seal:

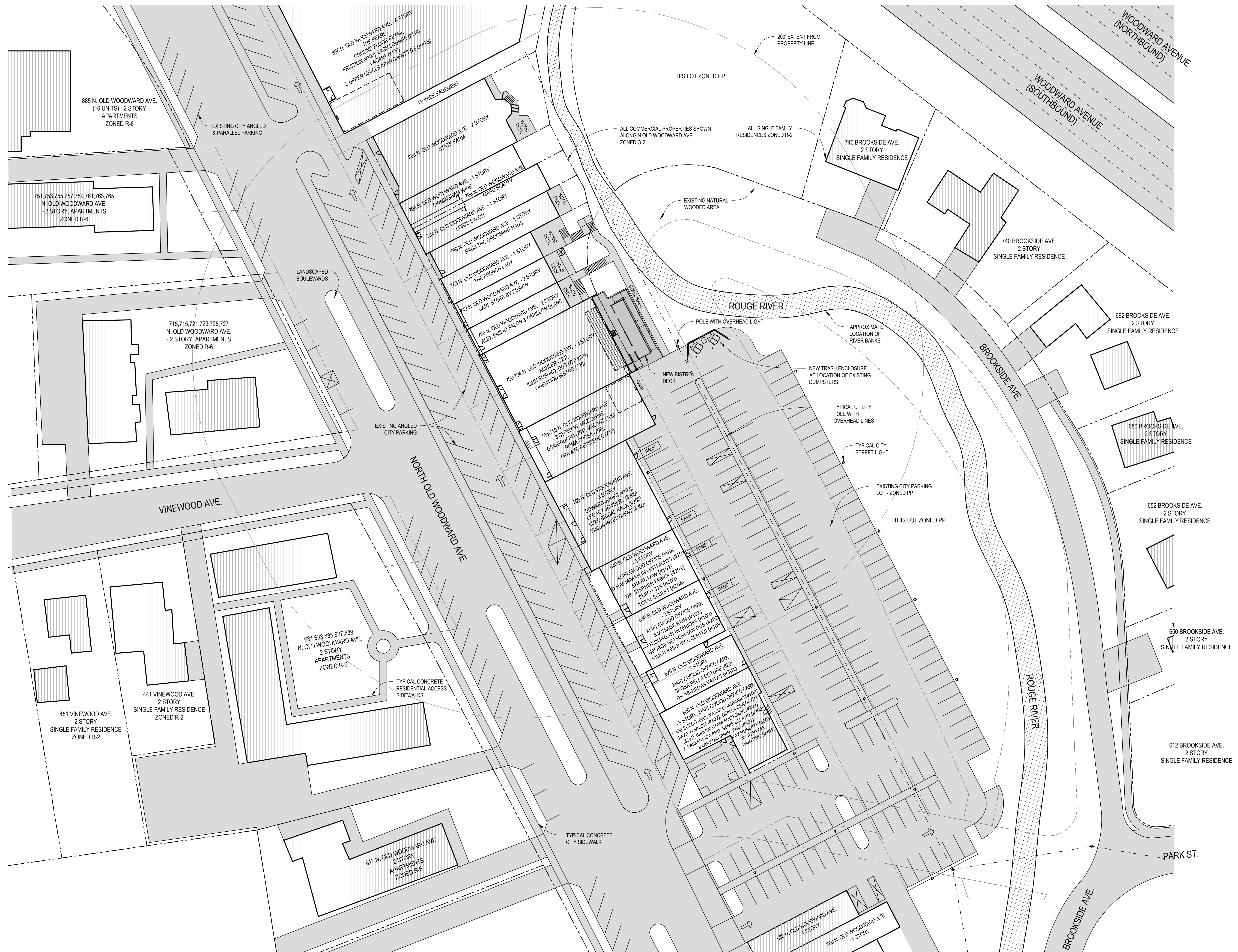
Issue Date:

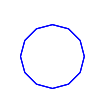
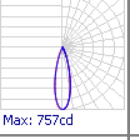
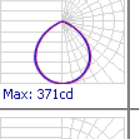
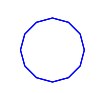
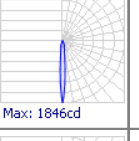
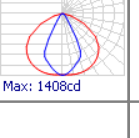

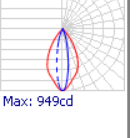
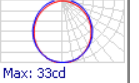
BISTRO SLUP	2/3/21
REVISION	4/6/21

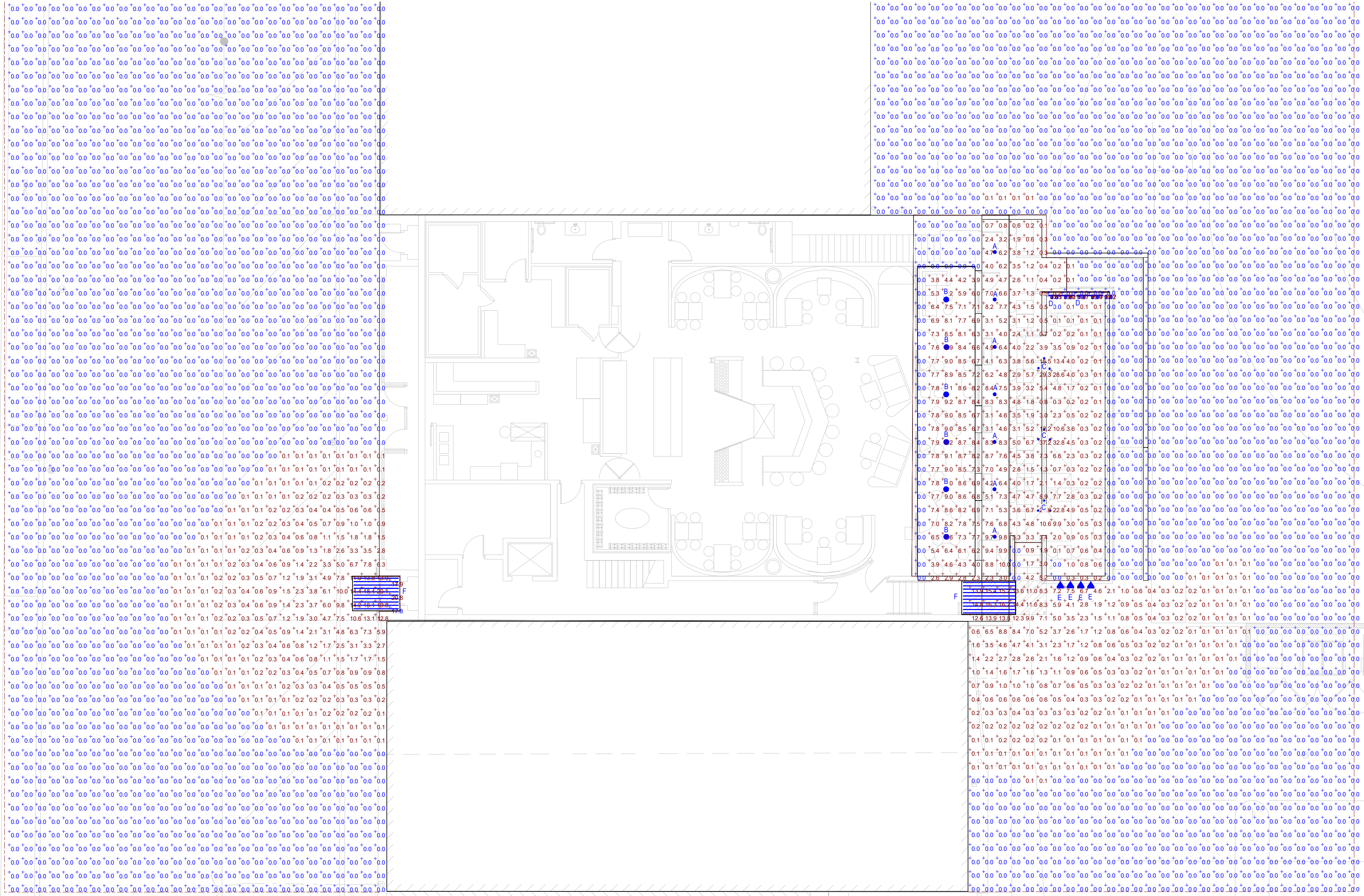
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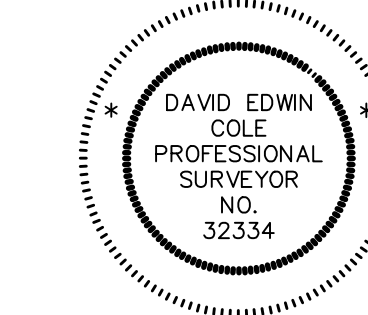
EXTERIOR ELEVATIONS

Sheet Number:



Schedule															
Symbol	Label	Image	QTY	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens per Lamp	LLF	Wattage	Distribution	Polar Plot	Notes
	A		7	Hydrel	PEPIN 3LED16 30K FL	PEPIN LED 30K 407 (4th GEN LED)	LED16 - 6W/407FL/3K WW - 3X Nichia 219 w/Khatoo Optic	1	PEPIN_3LED16_30K_FL.ies	Absolute	1	5.84	4 X 4		
	B		6	Lithonia Lighting	6JBK RD 30K 90CRI	6" Direct Wire LED Recessed Downlight, 3000K CCT, 120V	LED	1	6JBK_RD_30K_90CRI.ies	840	1	10.9	DIRECT, SC-0=1.22, SC-90=1.23		
	C		9	Hydrel	4620 LED WHT53K MVOLT SP	5"DIA. X 8-1/8"H. 4620 SERIES ACCENT LED FIXTURE 6 COOL WHITE LEDS WITH TIGHT SPOT DISTRIBUTION TEMPERED CLEAR FLAT BOROSILICATE GLASS	6 COOL WHITE LEDS WITH TIGHT SPOT DISTRIBUTION	1	4620_LED_WHT53K_MVOLT_SP.ies	162	1	9.95	3 X 3		THIS FIXTURE IS A COMPATIBLE SUBSTITUTE FOR FOCUS INDUSTRIES UNDER UMBRELLA LIGHTS - HEADS TO BE AIMED DOWNWARDS, NOT OUTWARDS
	D		2	Hydrel	4750L 4FT 500LMF 30K MFL	4750L Linear LED Flood 4FT 500LMF 30K MFL		1	4750L_4FT_500LMF_30K_MFL.ies	2350	1	20.98	7 X 5		THIS FIXTURE IS AIMED AT BASE OF DECORATIVE WALL PANEL, NOT UPWARDS
	E		4	B-K LIGHTING, INC.	NS-LED-e66-MFL-13, AR-LED-TR-e66-MFL-13, AR-LED-RM-e66-MFL-13, DS-LED-e66-MFL-13, RM-AR-LED-e66-MFL-13, SN-LED-e66-MFL-13, ST-LED-e66-MFL-13, SF-LED-e66-MFL-13, TF-LED-e66-MFL-13, WS-LED-e66-MFL-13, AW-LED-e66-MFL-13, SW-LED-e66-MFL-13, GO-LED-e66-MFL-13, GO-LED-e66-MFL-13, EC-LED-e66-MFL-13, ED-LED-e66-MFL-13, SM-AR-LED-e66-MFL-13, PM-LED-e66-MFL-13, WM-LED-e66-MFL-13, UL-AR-LED-e66-MFL-13, HP2-LED-e66-MFL-13, CO2-LED-e66-MFL-13, VQ-LED-e66-MFL-13, VS-LED-e66-MFL-13	MACHINED CYLINDRICAL METAL HOUSINGS, 1 BLACK CIRCUIT BOARD WITH 3 LEDS, ONE CLEAR CONICAL PLASTIC OPTIC PER LED WITH FROSTED SURFACE OPPOSITE LED AND SEMI-HEMISPHERICAL RECESSED CENTER TOWARD LED, MOLDED BLACK PLASTIC OPTIC MOUNTING FRAME, CLEAR LINEAR-PRISMATIC FLAT GLASS LENS IN MACHINED CYLINDRICAL BLACK PAINTED METAL LENS FRAME. LENS PRISMS OUT AND VERTICAL.	THREE WHITE LIGHT EMITTING DIODES (LEDS), AIMED AT THE HORIZON.	3	LED-e66-MFL-13-ITL85924.IES	Absolute	1	6.95			THESE SIGN LIGHTS ARE DIRECTED TOWARDS WALL THAT SIGN IS MOUNTED ONTO
	F		130	Juno Lighting	SM2 FR SL412 27K 80CRI	DEEP CHANNEL FROSTED (1FT SECTION)	SL412 20FT 27K 80CRI (1 FT SECTION)	1	SM2_FR_SL412_27K_80CRI.ies	99	1	4.4	DIRECT, SC-0=1.26, SC-90=1.24		THIS FIXTURE IS USED TO SIMULATE CUSTOM INTERNALLY ILLUMINATED PANEL, WITH CONTINUOUS LED STRIPS AT 6" O.C.



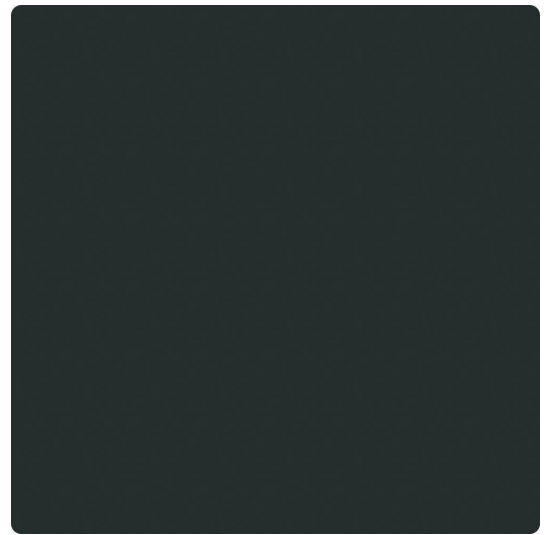


David E. Cole, PS
Agent for Professional Engineering Associates, Inc.
MI. P.S. No. 32334

No.		BY	CHK	DESCRIPTION	DATE												
<div>REVISIONS</div>																	
<div>CAUTION!!</div> <p>THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. THE DRAWING IS NOT A SUBSTITUTE FOR FIELD SURVEY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COMPLETENESS OF ANY CATCHER THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.</p> <p>THE DRAWING AND DESIGN ARE THE PROPERTY OF PROFESSIONAL ENGINEERING ASSOCIATES, INC. THEY ARE SUBMITTED ON THE CONDITION THAT THEY ARE NOT TO BE REPRODUCED, COPIED, OR USED FOR ANY WHOLE OR PART, OR USED FOR FURNISHING INFORMATION TO ANYONE WITHOUT THE WRITTEN CONSENT OF PROFESSIONAL ENGINEERING ASSOCIATES, INC. ALL COMMON LAWS RIGHTS OF COPYRIGHT AND OTHERWISE ARE HEREBY SPECIFICALLY RESERVED. © 2012 PROFESSIONAL ENGINEERING ASSOCIATES, INC.</p> <p>CONTRACTOR/CONTRACTOR AGREES THAT IN ACCORDANCE WITH REGULARLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR ALL WORK CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THAT THE REQUIREMENT SHALL BE MADE TO APPLY CONTRACTORS AND NOT BE LIMITED TO NORMAL SURVEYING AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO OBTAIN, INDEMNIFY AND HOLD HARMLESS FROM AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPT LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.</p>																	
<div>3 FULL WORKING DAYS BEFORE YOU DIG CALL</div> <div>811</div> <p>Know what's below Call before you dig</p> <p>MISS G System, Inc.</p> <p>1-800-482-7771 www.missdig.net (704) 482-7771</p>																	
<div>PROFESSIONAL ENGINEERING ASSOCIATES</div> <p>2430 Rochester Rd. Suite 100 Phone: (248) 689-9030 Fax: (248) 689-1044 website: www.peainc.com</p>																	
<div>MAJOR COMPANIES</div> <p>600 N. OLD WOODWARD SUITE 100 IRON MOUNTAIN, MI 49909</p> <div>ALTA/ACSM LAND TITLE SURVEY</div> <p>720 N. OLD WOODWARD PART OF THE SW 1/4 OF SECTION 25, T.24N., R.10E, CITY OF BIRMINGHAM, OKLAHOMA COUNTY, MICHIGAN</p>																	
<div>ORIGINAL</div> <p>ISSUE DATE: AUGUST 10, 2015</p> <p>PEA JOB NO. 2015-166</p> <p>SCALE: 1" = 10'</p> <p>DRAWING NUMBER:</p> <div>1</div>																	
<div>DES.</div> <table border="1"><thead><tr><th>DES.</th><th>EH</th><th>SUR.</th><th>MS</th><th>P.M.</th><th>DEC.</th></tr></thead><tbody><tr><td colspan="6">C:\WORK FILES\from henn/Venotest\A_Engineered Drawings\CA\10566_1\CA.dwg</td></tr></tbody></table>						DES.	EH	SUR.	MS	P.M.	DEC.	C:\WORK FILES\from henn/Venotest\A_Engineered Drawings\CA\10566_1\CA.dwg					
DES.	EH	SUR.	MS	P.M.	DEC.												
C:\WORK FILES\from henn/Venotest\A_Engineered Drawings\CA\10566_1\CA.dwg																	



BENJAMIN MOORE "PERENNIAL" 405
PAINTED ALUMINUM CANOPY & AWNING,
DECORATIVE PIERCED PANEL



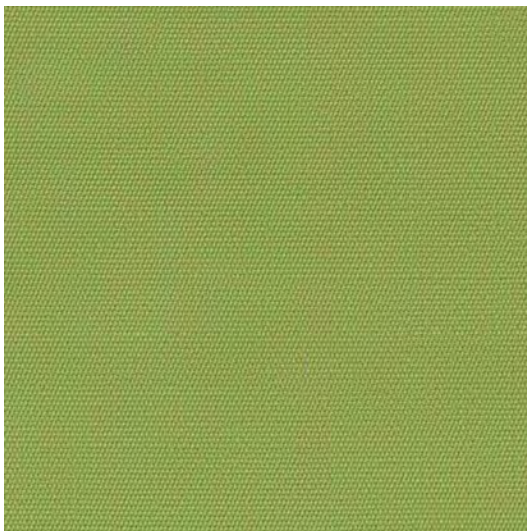
BENJAMIN MOORE "BLACK FOREST GREEN"
HC-187 - PAINTED METAL GUARD & HAND
RAILS, STEEL PLATE CAP



STAINED WOOD TO MATCH LIGHT GREEN
PAINT COLOR, AT FRONT ENTRY



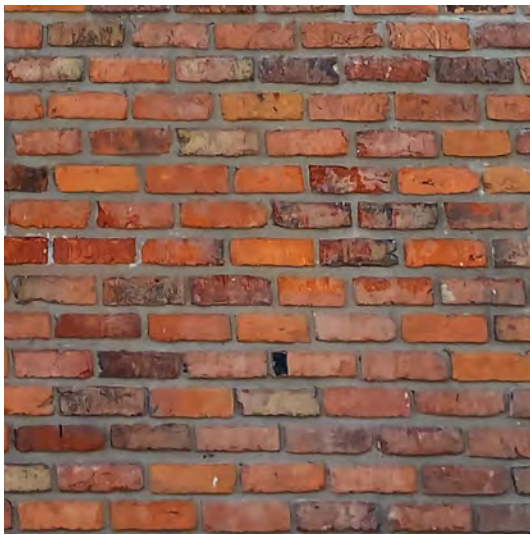
STAINED WOOD TO MATCH DARK GREEN
PAINT COLOR, AT REAR DOORS



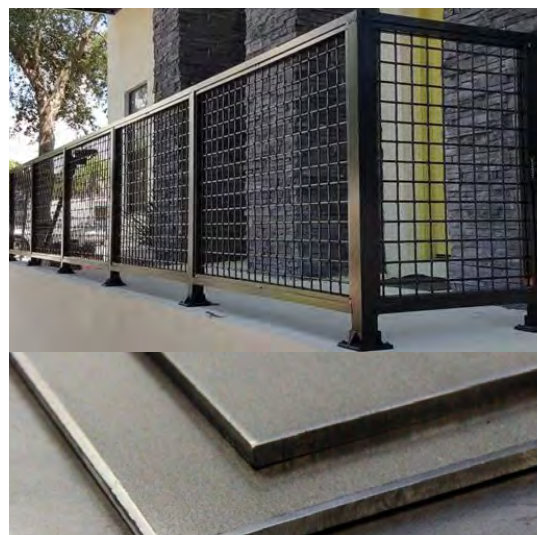
SUNBRELLA "GINKGO"
CANVAS UMBRELLAS



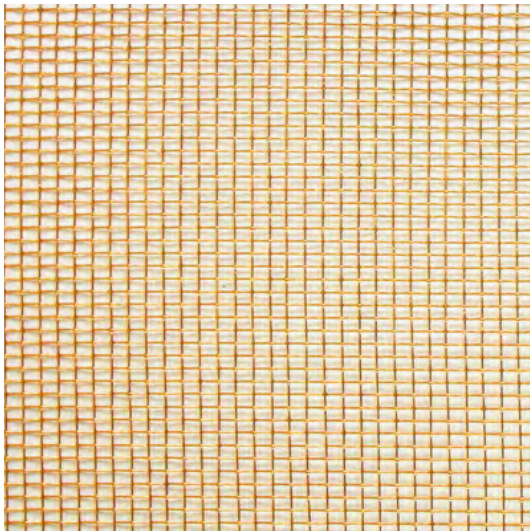
BENJAMIN MOORE "UNIVERSAL BLACK"
2118-10, EXISTING PAINTED
WOOD TRIM



EXISTING BRICK WALLS TO REMAIN



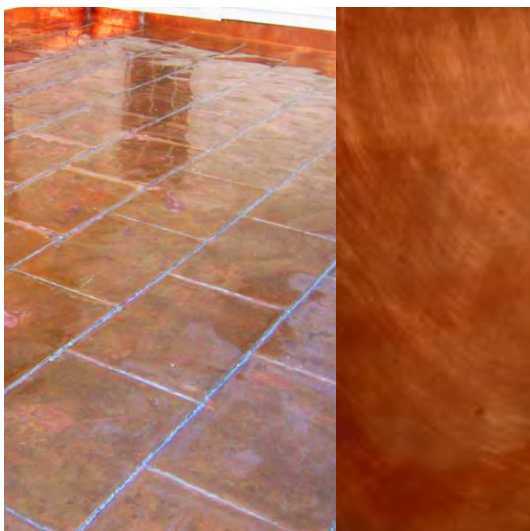
PAINTED METAL WALL CAP &
WIRE MESH GUARD RAIL



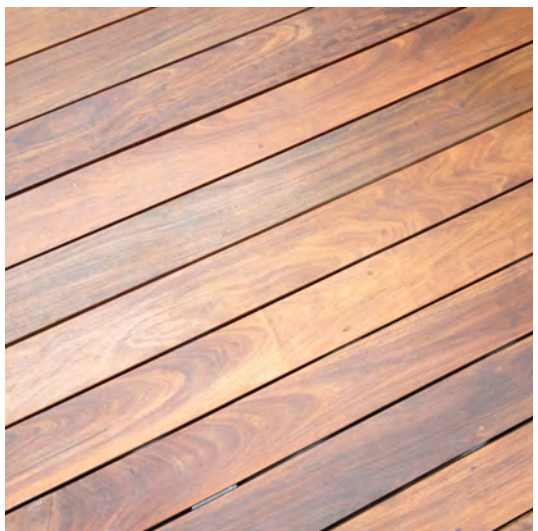
BRONZE SCREEN AT REAR DOORS



HORIZONTAL IPE WOOD PLANK CLADDING
ON PATIO KNEE WALLS, SEALED



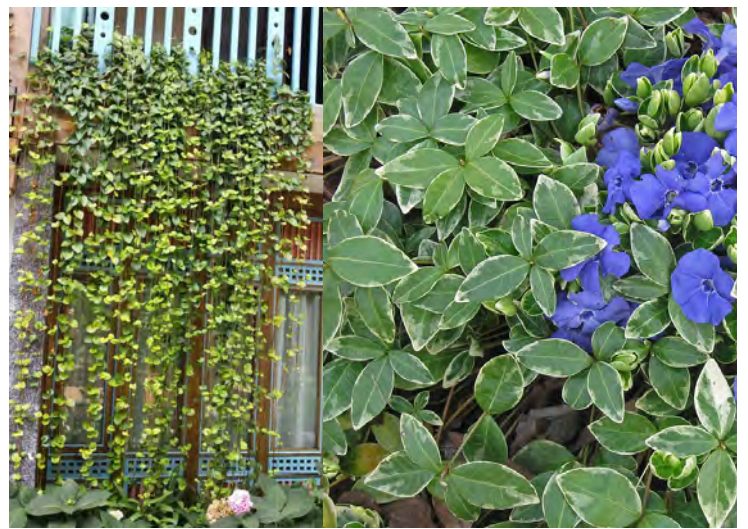
COPPER PANELS,
CLADDING AT DUCT SHAFT ENCLOSURE,
INSERTS AT DECORATIVE PIERCED WALL



IPE WOOD DECKING ON PATIO &
WINTERGARDEN, SEALED



CLIMBING BOSTON IVY
AT PATIO WALLS
& AT FRONT ENTRY



TRAILING VINCA VINE
IN PLANTERS ON REAR BALCONY



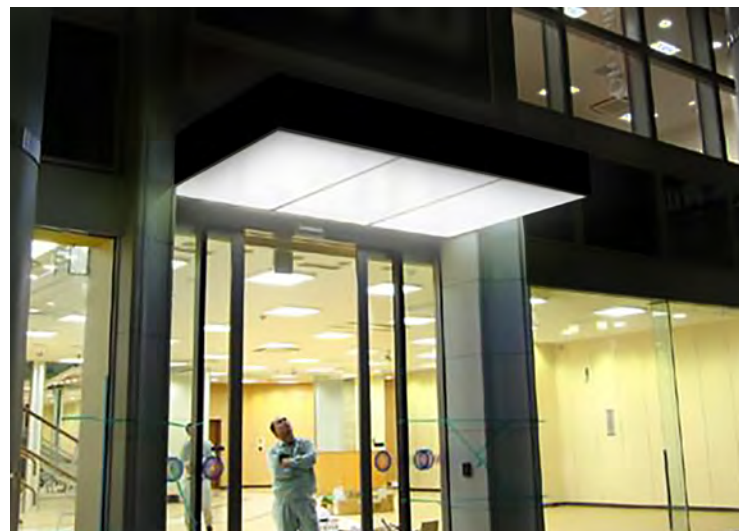
ASSORTED NATIVE GRASSES & SEASONAL FLOWERING RIVER BANK PLANTS,
IN PLANTERS ON PATIO DECK



GAS TORCHES AT PATIO



FRAMELESS GLASS DOORS & BUTT GLAZED
WINDOWS AT REAR WINTERGARDEN WALL



ILLUMINATED PANEL UNDERNEATH
FRONT AWNING & REAR CANOPY

TEMPEST™

GAS TORCHES AND LANTERNS

FIRE IN MOTION

Minimum Clearances To Combustibles

Floor: 2.5" combustible floor to bottom (base) of torch
Walls: 8" measured from glass surface
Ceiling: 26" measured from the torch top (glass frame) with or without the raincap. (Refer to the Owner's Manual for further details)

Gas Rating

	NG	LP
Btus/Hr High	20,000	20,000
Btus/Hr Low	14,000	17,000

Electronic Ignition 24V Model

Install up to six torches on a single transformer and up to five transformers on one 120 volt 15 amp circuit. This can give you up to 30 torches on a single circuit!

Testing

Applicable portions of ANSI Z21.42-2004 "Illuminating Appliances", CAN 1-2.15, CSA 4.96 U.S. (3rd Ed) "Outdoor Gas Fireplace", and AGA 8-96, "Requirement for Gas-Fired Decorative Illuminating Appliances for Outdoor Installation."

FOR YOUR SAFETY:

FOR OUTDOOR INSTALLATION ONLY!

Do not store or use gasoline or other flammable vapors and liquids in the vicinity of this or any other appliance.

WARNING:

Improper installation, adjustment, alteration, service or maintenance can cause injury or property damage. Refer to the owner's information manual provided with this appliance. For assistance or additional information consult a qualified installer, service agency or the gas supplier.



The Electronic Ignition 24V model has the piezoelectric gas valve built into the post. This model can be wired up to 445 feet from the transformer. (See Owner's Manual for details.)

The manual light model features an easy access control panel with piezo igniter for easy lighting and high to low flame control.

PICK THE IGNITION SYSTEM THAT BEST MEETS YOUR NEEDS

ELECTRONIC IGNITION 24V MODEL

The Electronic Ignition model can be used with a light switch, remote control, programmable timer or wired into a SmartHome system. Available in NG and LP.

PIEZO IGNITER MODEL

The manual light model works with a built-in Piezo igniter and easy access control panel. Available in NG and LP.

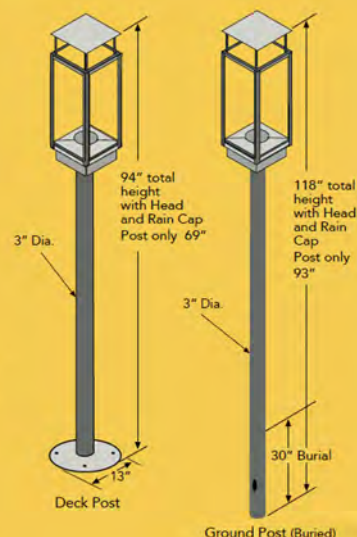


This backyard patio features two Deck Post Tempest torches.

Tempest Torch™

FEATURES YOU'RE GOING TO LOVE

- The Tempest Torch™ and Tempest Lantern™ can be installed in four different ways:
 - Ground Post
 - Deck Post
 - Pillar Mount
 - Wall Mount
- Automatic gas shutoff for added safety if the flame ever goes out.
- Removable rain cap included.
- Tempered glass panels are easy to remove for cleaning and service.
- The Tempest Torch™ features a durable stainless steel frame and burner.
- The Tempest Lantern™ features a durable, high temperature black powder coated frame & cap.
- Available in your choice of natural gas or propane.



www.tempesttorch.com | 7

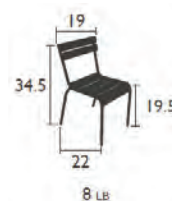
Fermob

4101 - CHAIR

Aluminium tube frame

Backrest and seat made from curved aluminium slats

Stacking: x 10 (stacked height: 48")



Weight: : 23 kg

base : Liquorice steel central column

table top : Reinforced steel sheet: supporting cross-beams beneath

base : Cast iron (13 kg) - Liquorice

Stifled resonance for a more comfortable use

Thicker table top for optimal hold

VERBENA

4102 - ARMCHAIR

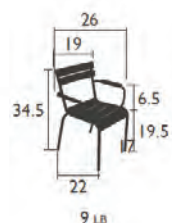
Aluminium tube frame

Backrest, seat and armrests made from curved aluminium slats

Stacking: x 4 (stacked height: 39")

Stacking: x 6 (stacked height: 42")

Stacking: x 8 (stacked height: 38")



ocean master classic

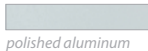
premium parasols

The Ocean Master Classic market style parasol is the culmination of durable engineering, stylish profiles and functional shade design. Manufactured to marine specifications, all Ocean Master parasols feature 100% replaceable parts for easy service and a 15/5-year warranty. Classic beauty. Classic TUUCI.



finish options

standard



polished aluminum

powder coat



textured bright white



sea shell white



espresso



ash grey



hammered bronze



jet black

shapes & sizes



square

ft.	/	m.
5.5'	/	1.65
6.5'	/	2.0
7.5'	/	2.25
*8.5'	/	2.6



octagon

ft.	/	m.
6.0'	/	1.8
7.5'	/	2.25
*9.0'	/	2.75
*10.5'	/	3.2
*11.5'	/	3.6



hexagon

ft.	/	m.
7.0'	/	2.15
*8.5'	/	2.6
*10.0'	/	3.0
*11.0'	/	3.4



rectangle

ft.	/	m.
5' x 8'	/	1.5 x 2.45
*6' x 9'	/	1.8 x 2.75

rectangle

ft.	/	m.
*8' x 12'	/	2.45 x 3.65

finial options



venice
aluminum

TUUCI®



features:

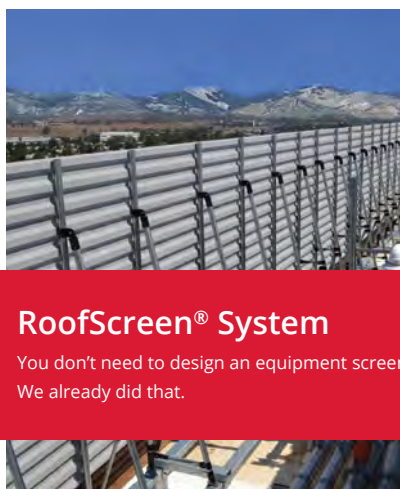
- a. Manual Lift w/ Stainless Steel Security Pin
- b. "Auto-Loc" Marine Pulley Lift System
- c. "Easy Drive" Crank Lift System
- d. Reinforced Strut Joints Construction
- e. Armor-Wall Mast
- f. Reinforced Pocket Construction





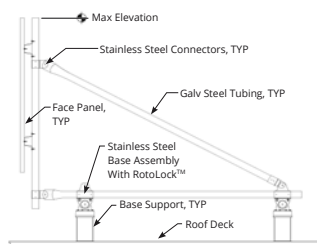
RIBBED PANELS

Economical and very strong with good spanning capability. Available in many styles including perforated and can be oriented vertically or horizontally.



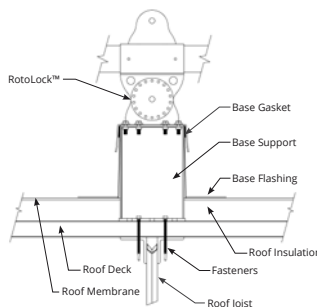
RoofScreen® System

You don't need to design an equipment screen. We already did that.



ROOF ATTACHMENTS YOU CAN TRUST

With the adjustable RotoLock™ feature, integral flashing design and a proven track record, you can have peace of mind using our attachment systems.



ENGINEERED

Full site-specific engineering and shop drawings, with engineer's stamp for any state.



WATERTIGHT

Our brilliantly designed attachments will work with any type of roofing system and will never leak.



WARRANTY

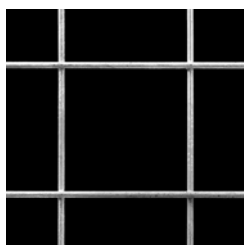
Rest easy knowing you're covered by a 20-year warranty. We don't fool around.

McNICHOLS®

Industrial & Architectural Hole Product Solutions Since 1952.



PAGE 1 OF 1



McNICHOLS® WIRE MESH

Square, Galvanized Steel, Hot Dipped, Welded - Untrimmed, 3" x 3" Mesh (Square), 2.8650" x 2.8650" Opening (Square), 0.135" Thick (10 Gauge) Wire Diameter, 91% Open Area

McNICHOLS® Wire Mesh, Square, Galvanized Steel, Hot Dipped, Mill Finish, Welded - Untrimmed, 3" x 3" Mesh (Square), 2.8650" x 2.8650" Opening (Square), 0.135" Thick (10 Gauge) Wire Diameter, 91% Open Area

ITEM 3403130041 - 48" x 120"

ITEM SPECIFICATIONS

Item Number	3403130041
Product Line	Wire Mesh
Mesh Type	Square
Construction Type	Welded
Primary Material	Galvanized Steel (GV)
Alloy, Grade or Type	Hot Dipped (HD)
Material Finish	Mill Finish
Weave or Trim Type	Welded - Untrimmed
Mesh Size	3" x 3"
Opening Size	2.8650" x 2.8650"
Wire Diameter/Wire Gauge	0.135" Thick (10 Gauge)
Percent Open Area	91%
Weight	0.41 Lbs./Square Foot
Product Form	Sheet
Sizes (Width x Length)	48" x 120"



McNICHOLS® ACCESSORIES

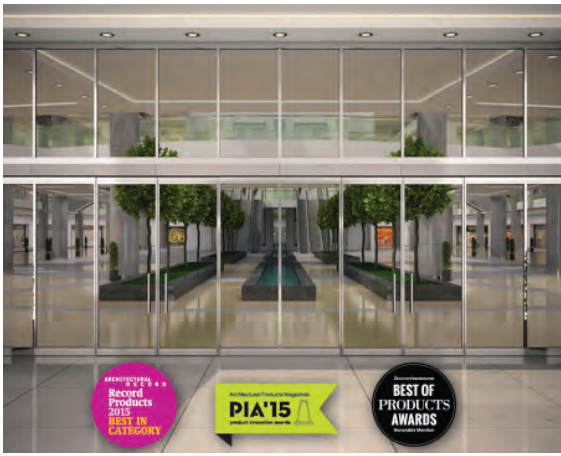
U-Edging, Carbon Steel, Hot Rolled, 14 Gauge (.0747" Thick), Type 438 U-Edging (3/8" Opening x 1" Width)

McNICHOLS® Accessories, U-Edging, Carbon Steel, Hot Rolled, Mill Finish, 14 Gauge (.0747" Thick), Type 438 U-Edging (3/8" Opening x 1" Width), Used to Frame the Edges of Carbon Steel Perforated Metal, Expanded Metal and Wire Mesh

ITEM 4003801410 - 1" x 120"

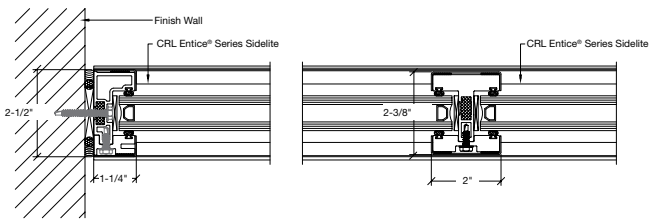
ITEM SPECIFICATIONS

Item Number	4003801410
Product Line	Accessories
Accessory Type	U-Edging
Primary Material	Carbon Steel (CS)
Alloy, Grade or Type	Hot Rolled (HR)
Material Finish	Mill Finish
Gauge/Thickness	14 Gauge (.0747" Thick)
Accessory Profile	Type 438 U-Edging (3/8" Opening x 1" Width)
Opening (Clear Space)	3/8"
Width	1"
Length	120"
Compatible With	Used to Frame the Edges of Carbon Steel Perforated Metal, Expanded Metal and Wire Mesh
Weight	0.56 Lbs./Linear Foot
Product Form	Piece
Sizes (Opening x Width x Length)	3/8" x 1" x 120" (Cut Lengths Available)



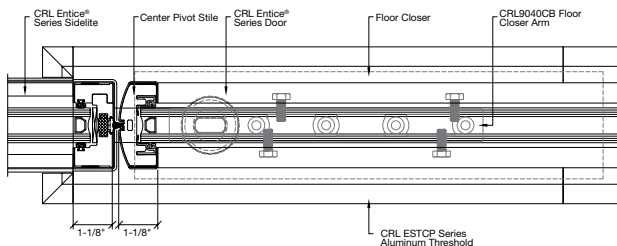
The CRL-U.S. Aluminum Entice® Series Entrance System was created to exceed demanding building code and energy conservation requirements while maintaining an elegant appearance. Entice has very slender vertical lines and the unique ability to support handle hardware on 1" (25 mm) insulating glass with a "floating on air" appearance, making Entice a perfect match for our equally elegant Blumcraft® Access Handles.

- 1-1/8" (29 mm) Ultra Narrow Vertical Stiles and Mullions With a System Depth of Only 2-1/2" (64 mm)
- Accommodates 1" (25 mm) Insulating Glass
- Complete Entrance System Including, Corners, Thresholds, Wall and Doorway Jambs, Vertical Mullions, and Fixed Lite Rails
- Header Adapter Integrates With USAL Storefronts and Curtain Walls
- Meets the requirements of AAMA SFM-1-14
- U-Factors as Low as 0.33
- Meets ASHRAE 90.1 Air Infiltration and Thermal Performance Requirements

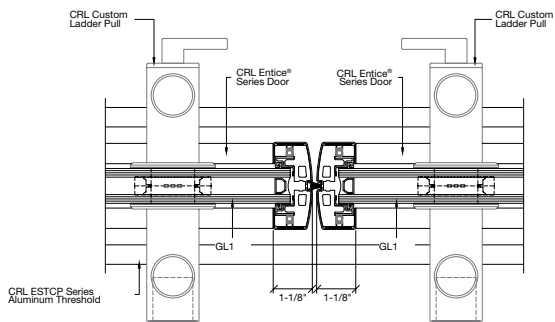


SIDELITE JAMB AT WALL

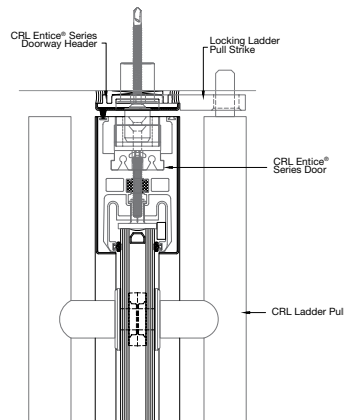
INTERMEDIATE VERTICAL MULLION



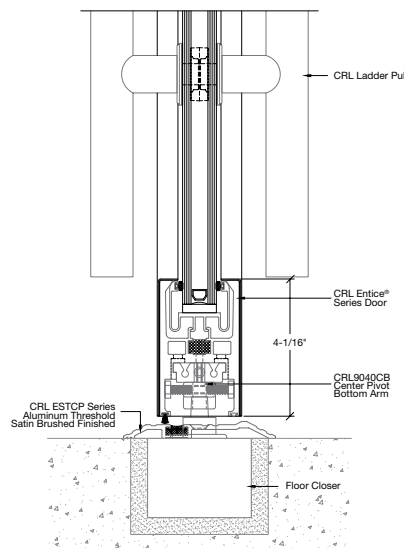
DOOR JAMB AT SIDELITE



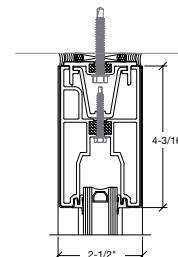
MEETING STILES



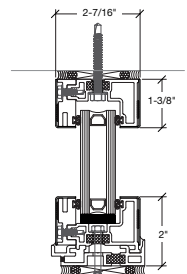
DOOR HEAD



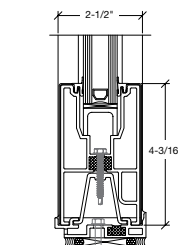
4" DOOR BOTTOM



4" SIDELITE HEAD



LOW PROFILE SIDELITE



4" SIDELITE BOTTOM

NOT TO SCALE | For Specifications, Details, and Testing visit crl-arch.com/ENTICE

CRL PROJECT RESOURCES

ENERGY CODE TOOLS:

- NFRC Bid Reports
- NFRC Label Certificates
- Thermal Performance Glazing Selection Charts
- Area Weighting Calculations
- State Energy Commission Document Coordination

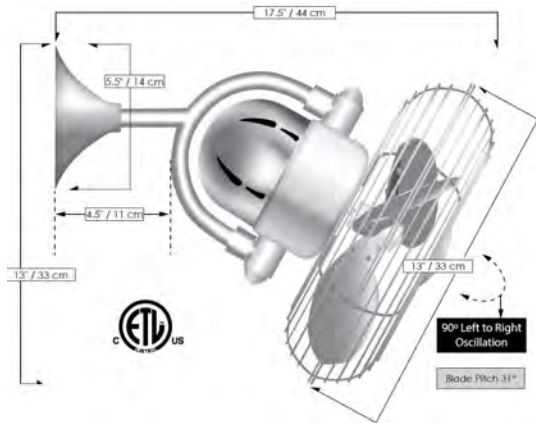
DRAFTING AND DESIGN SERVICES:

- Shop Drawings
- Fabrication Drawings
- 3D Modeling
- Engineering Services
- Project Management

Contact U.S. Aluminum Tech Sales for more information at usalum@crlaurence.com.



shown in
Matte Black



KAYE

FINISH AND BLADE OPTIONS

SKU#		KC-XX (Model+Finish)	
NEW	Finishes	Brushed Nickel	BN
		Matte Black	BK
		Polished Chrome	CR
		Textured Bronze	TB
		Gloss White	WH

TECHNICAL SPECS

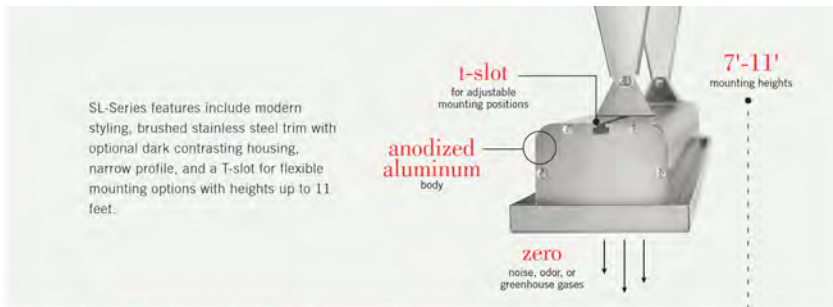
Fan Weight	10.5 lbs
Voltage	110 or 220
Motor Type	AC
Oscillation	Yes
Fan Diameter	13 inches / 33 cm
Fan Height	13 inches / 33 cm
Fan Projection	17.5 inches / 44 cm
Ceiling Mount Overall Drop	17.5 inches / 44 cm
Recommended Mounting Height	Approximately 24 inches / 61 cm from ceiling
Fan Guard	Safety Cage
Blade Pitch	31°
Environment	Damp locations for all finishes Neither coastal, saltwater nor chlorine compatible
Ambience	Soothing White Noise
Safety Certification	ETL / CETL
Warranty	Limited Lifetime

NEW JAN 21, 2020 DOE MOTOR EFFICIENCY DATA

RPM (Low / High)	1213 / 1445
CFM (Low / High)	868 / 1303
Watts (High)	47.68
CFM/Watt (High)	27.32
Blade Pitch	31°

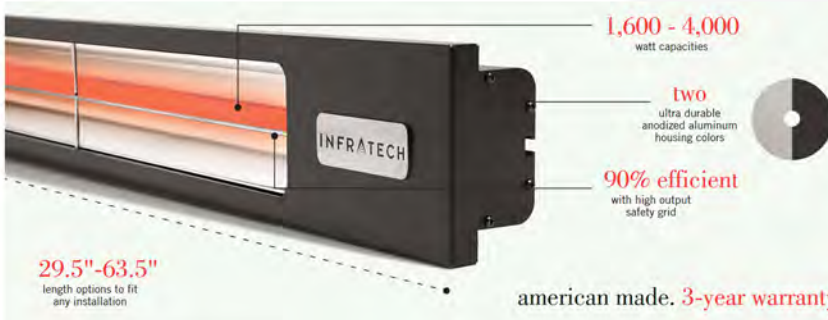
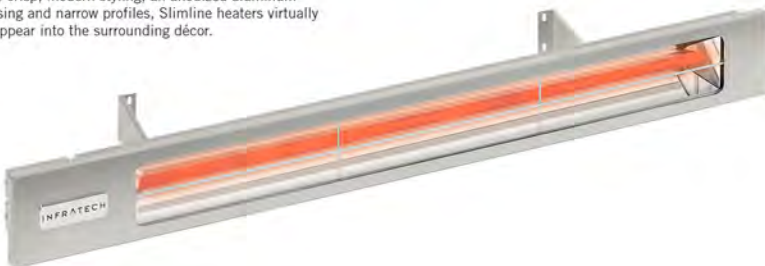
STANDARD EQUIPMENT

Safety cage
Side-mounted wall junction box



sl-series slimline single element heaters

With crisp, modern styling, an anodized aluminum housing and narrow profiles, Slimline heaters virtually disappear into the surrounding décor.



INFRATECH COMFORT



SILVER



ALL BLACK SLIMLINE
SHADOW™



DELTA STAR - SIGN STAR STYLE 'C' LED

IP66 RATED

DATE:

PROJECT:

TYPE:

CATALOG NUMBER LOGIC:



**36" maximum stem length with Power Canopy option.*

***Designed for use with 12 VAC. LED transformer. Requires magnetic low voltage dimmer.*

****Please see Adjust-e-Lume photometry to determine desired intensity.*

*****Accommodates up to 2 lens/shielding media.*

CATALOG NUMBER LOGIC

Example: SN - 30 - C - LED - e65 - SP - A7 - WHW - 12 - 11 - A - PC-TRe20

MATERIAL

Aluminum

SERIES

SN - Sign Star

STEM LENGTH

18" (Standard), 24", 30", 36", *42", or *48"

STYLE

C - Straight Mount

SOURCE

LED - with Integral Dimming Driver**

LED TYPE

e64 - 7W LED/2700K e66 - 7W LED/4000K

e65 - 7W LED/3000K e74 - 7W LED/Amber

OPTICS

NSP - Narrow Spot (13°) MFL - Medium Flood (23°)

SP - Spot (16°) WFL - Wide Flood (31°)

ADJUST-E-LUME OUTPUT INTENSITY***

A9 (Standard), A8, A7, A6, A5, A4, A3, A2, A1

FINISH

Standard Finishes (BZP, BZW, BLP, BLW, WHP, WHW, SAP, VER)

Premium Finish (ABP, AMG, AQW, BCM, BGE, BPP, CAP, CMG, CRI, CRM, HUG, MDS, NBP, OCP, RMG, SDS, SMG, TXF, WCP, WIR)

(Also available in RAL Finishes. See submittal SUB-1439-00)

LENS TYPE****

12 - Soft Focus 13 - Rectilinear

SHIELDING****

11 - Honeycomb Baffle

CAP STYLE

A - 45°

B - 90°

C - Flush

D - 45° Less Weephole (Interior use only)

E - 90° Less Weephole (Interior use only)

F - 90° with Flush Lens

OPTIONS

PC-TRe20 - Power Canopy with TRe20 Electronic Transformer (105-300 VAC. 50/60 Hz. non-dimming)*

UPM - Universal Power Module

B-K LIGHTING

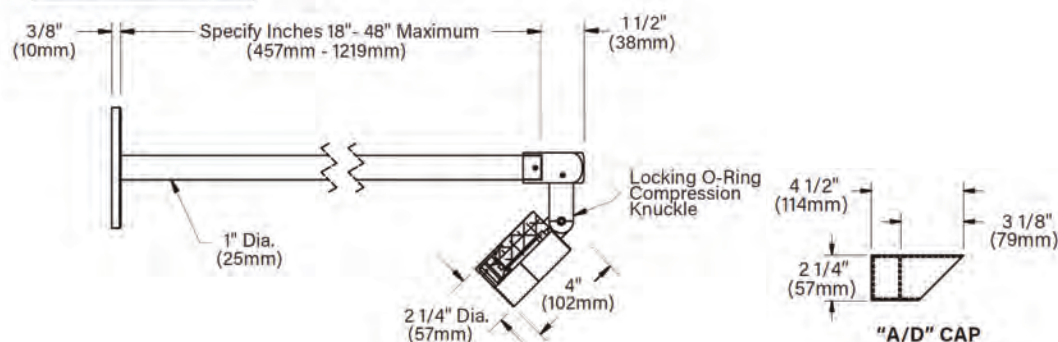
MADE IN THE USA

559.438.5800 | INFO@BKLIGHTING.COM | BKLIGHTING.COM

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12/02/2020 SKU-746
SUB-2270-00

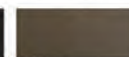
CANOPY - SIDE VIEW



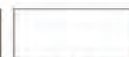
STANDARD FINISHES



Satin Black (BLP)



Satin Bronze (BZP)



Satin White (WHP)



Satin Aluminum (SAP)



Black Wrinkle (BLW)



Bronze Wrinkle (BZW)



White Wrinkle (WHW)



Verde (VER)

Brass LED Umbrella Lights

By Focus Industries

THREE HEADED FIXTURE
UNDER EACH UMBRELLA

LUMENS[®]
LIGHT AND LIVING

Call Us 877.445.4486

Product Options

Finish: Brass , Brass Acid Rust , Brass Acid Verde , Black Acid Treatment

Details

- 3 brass heads, each with independent 360° swivel
- Heavy duty formed brass bracket
- Adjustable from 1 1/4" to 1 3/4" pole sizes
- High impact clear tempered convex glass lens
- High temperature red silicone O-ring
- Life expectancy up to 25,000 hours for LED light
- Black 10 foot SPT-1W lead wire from fixture
- Connects to a 12v landscaping electrical system
- Transformer is necessary but not included
- ETL Listed Damp
- Warranty: 3 years
- Made In USA

Dimensions

Head: Height 3.5", Diameter 1.4"

Mounting Bracket: Diameter 2.5"

Lighting

- 4.5 Watt (160 Lumens) 12 Volt Integrated LED: Lifespan: 50000 hours

Additional Details

Product URL:

<https://www.lumens.com/brass-led-umbrella-lights-by-focus-industries-FOCP97822.html>

Rating: ETL Listed Damp

Product ID: FOCP97822



Notes:

Prepared by:

Prepared for:

Project:

Room:

Placement:

Approval:

Created April 7th, 2021



FEATURES & SPECIFICATIONS

INTENDED USE — The OneUp™ recessed direct-wire LED downlights includes integrated junction box, trim, pre-installed non-metallic push-in connectors, and wago connectors in one package. The OneUp is the most economical means to create a well lit environment with exceptional energy efficiency and near zero maintenance.

CONSTRUCTION — Spun steel, round baffle trim. Integrated galvanized steel junction box with captive door for easy access. Suitable for daisy chaining (pulling wires). Available in 3000K color temperature LEDs.

OPTICS — Round baffle recesses optical system into the ceiling to prevent glare and provide a traditional look. Diffused lens provides even light distribution for general illumination, equivalent to 65W incandescent flood lamp. Wide flood beam angle at >90°. CRI >90. Maintains at least 70% light output for 50,000 hours.

INSTALLATION — Tool-less installation. Secure trim retention with two side-mounted spring clips for easy installation in plaster, sheet rock, or plywood ceilings. Two non-metallic push-in connectors and three wago connectors pre-installed. Rated for Type IC installations. Maximum of 4 No. 12AWG through branch circuit conductor suitable for 90°C permitted in box. Ground wire provided.

ELECTRICAL SYSTEM — LED module with high-efficiency on board driver. Dimming down to 10%. For compatible dimmers, refer to: Compatible dimmers Chart.

Actual wattage may differ by +/-5% when operating at 120V +/-10%.

LISTINGS — ETL certified to US and Canadian safety standards. California T24 compliant. WSEC ASTM E283 for Air-Tight rated with gasket or caulking between fixture trim and ceiling. ENERGY STAR® certified. Wet location listed.

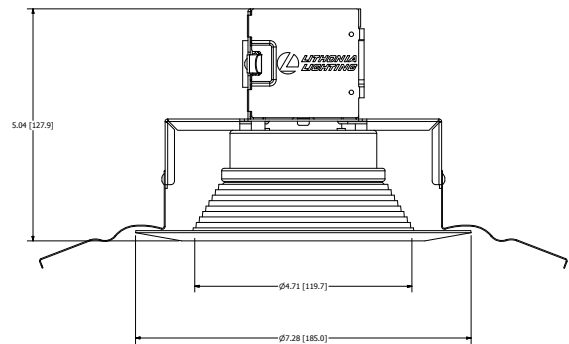
WARRANTY — 5-year limited warranty. Complete warranty terms located at: www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.

Specifications

Aperture:	4-3/4" (119.7)
Overlap Trim:	7-1/4" (184.6)
Height:	5" (127.9)
Ceiling Opening:	6-1/2" (165)
Min Ceiling Thickness:	1/2" (12.7)
Max Ceiling Thickness:	1-1/2" (38.1)

All dimensions are inches (millimeters).



Catalog Number
Notes
Type

Direct-Wire LED Recessed Downlight

6JBK RD

IC
Remodel



ORDERING INFORMATION

For shortest lead times, configure product using **standard options (shown in bold)**.

Example: 6JBK RD 30K 90CRI MW

Series	Shape	CCT/Watts/Lumens ¹	CRI	Finish
6JBK	RD Round	30K 3000K/10.9W/850L	90CRI 90 CRI	MW Matte White

Notes

¹ Total System Delivered Lumens.

Superior Performance and Quality of Light

Juno FlexConnect™ LED luminaires offer superb lighting performance, producing up to 450 lumens per foot of brilliant white light in CCTs of 2200K, 2700K, 3000K, 3500K, and 4000K.

CONTINUOUS LED STRIP
LIGHTS AT 6" O.C. IN CUSTOM
INTERNALLY ILLUMINATED
BOXES UNDER AWNINGS

Onboard Current Regulation – Consistent light output is maintained across the length of the run utilizing current regulators every 6-inches; unlike traditional LED tape that uses resistors which results in voltage drop and light degradation.



Indoor (SL Series, Damp Location)

- 2W/ft. (225 lm/ft.)
- 4W/ft. (425 lm/ft.)
- 12 LEDS per foot

Embedded Connectors – Patent pending, embedded connectors allow Juno FlexConnect to be field-cut in 6-inch increments and reconnected in the field to another strip, electrical feed or connector.



Indoor/Outdoor (SLW Series, IP67 Rated)

- 2W/ft. (220 lm/ft.)
- 4W/ft. (450 lm/ft.)
- 12 or 24 LEDS per foot

Patent Pending Optical Pigment

The proprietary optical pigment utilized in Juno FlexConnect luminaires is truly unique.

This UV-stable pigment maintains color throughout the life of the product and corrects color shift that regularly occurs with other encapsulated strips. CCT color points are maintained within a 3-step MacAdam ellipse, providing the ability to accurately match other architectural lighting within a space. Excellent color rendition is achieved with standard CRI of 80 minimum and CRI of 95 available in the 2700K and 3000K versions. No other flexible linear-lighting system can compare in color and performance to these exceptional luminaires.



Specifications

Weight:	4' 17.5lbs
	2' 12.5lbs

4750L STATIC WHITE

Linear
Design2Ship

AT BASE OF DECORATIVE
WALL PANEL

HIGHLIGHTS

- The The 4750L delivers industry leading durability, performance and lumen output
- Superior water resistance IP67 with Hydrel "Flow-Thru" technology, water flows around the independently sealed integral driver module and sealed LED module
- Aiming integrity with a fully adjustable and rugged knuckle design using Taper-Lock technology
- Long life in the most demanding environments with low copper content housing materials, stainless steel fasteners, and durable powder coat finish options for Coastal Regions and Natatoriums
- 3G vibration rated per ANCI C136.31

5
YEAR
warranty

LED

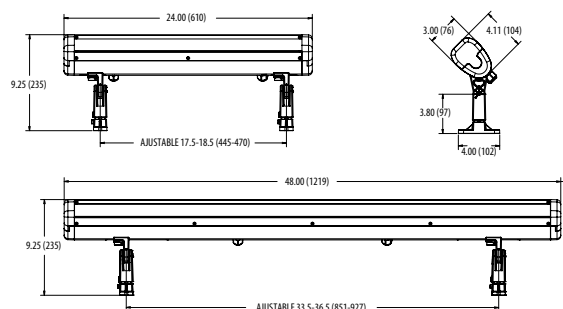
4+
CAPABLE

IP67

DS

DLC
QUALITY
LUMENS

DIMENSIONS

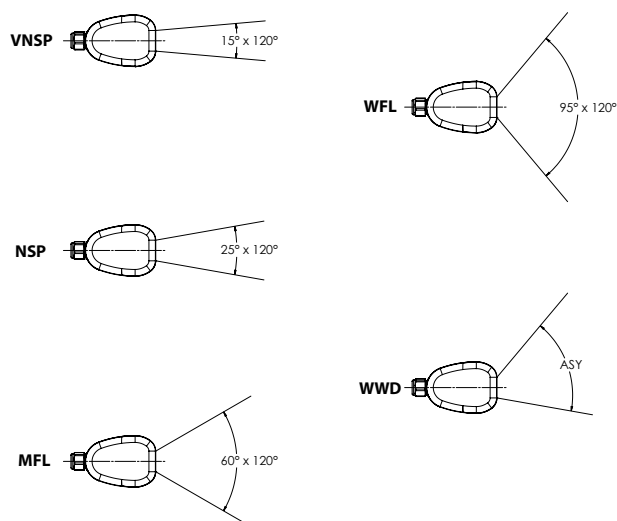


LUMEN PACKAGES

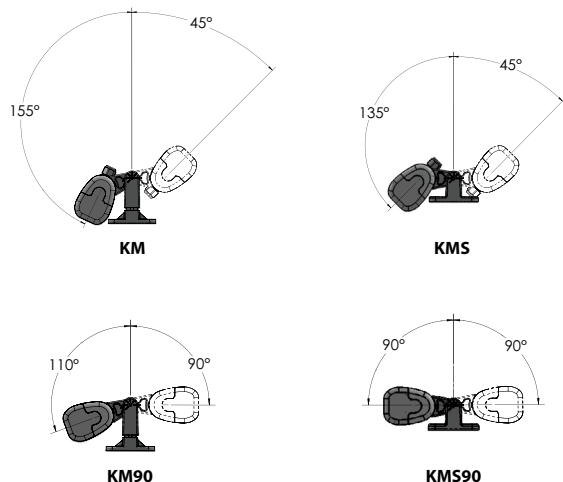
	VNSP	NSP	MFL	WFL	WWD
Delivered Lumens	6491	6646	7200	7286	6592
Watts	64	64	64	64	64
LPW	102	104	113	114	103
Peak Candela	7650	5961	4242	2683	3998

Note: Information based on 4000K @ 2000LMF on 4FT fixture

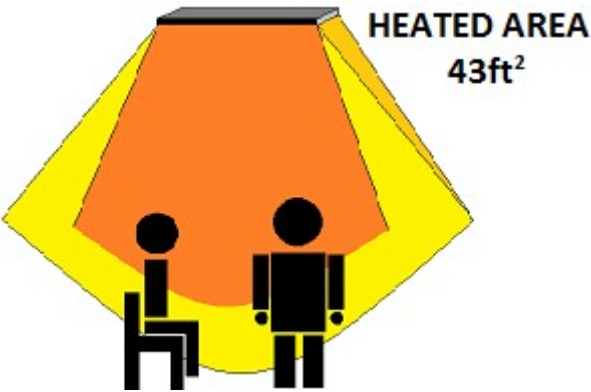
STANDARD DISTRIBUTION



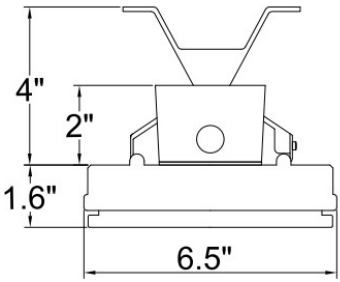
AIMING DETAILS



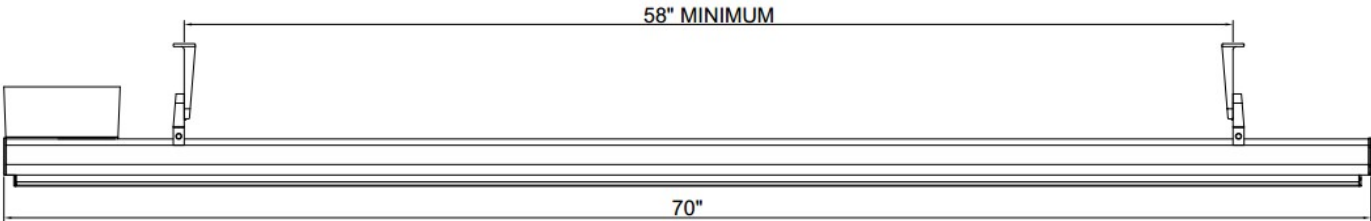
SPECIFICATION SHEET



HEATED AREA	
INDOOR PROTECTED	86 ft ² (6m ²)
OUTDOOR ENCLOSED	69 ft ² (4.8m ²)
OUTDOOR EXPOSED	57 ft ² (4m ²)



END VIEW



PART NAME: **HEATSTRIP RESTAURANT**

DESCRIPTION: High intensity electric radiant heater

PART No: THH3200AUM

POWER: 3200 Watts (11000BTU)

VOLTAGE: 208 volts @ 50 - 60Hz

CURRENT: 15 Amps

DIMENSIONS: 70 x 6.5 x 2"

WEIGHT: 22 lbs

CONNECTION: Gangbox

APPROVALS: CSA/UL E321448

PROTECTION RATING: IP55 From water ingress from all directions

MOUNTING OPTIONS: Suitable for ceiling, wall, beam, fixed umbrella and recess mounting. Also available with drop down poles or suspension kit.

MOUNTING HEIGHT:

MINIMUM 82" (2.1m)

OPTIMUM 90 to 105" (2.3 to 2.7m)

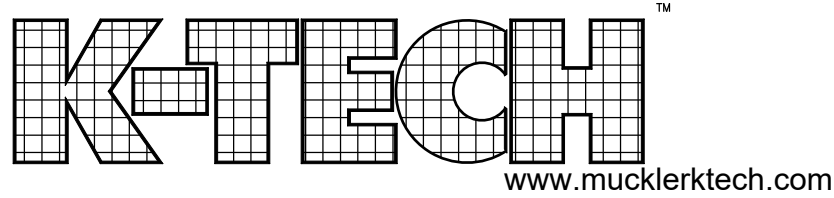
Use drop down kit or suspension kit if higher

Note: See the Product Manual for more detail



FAN #5 EA3-D750-G18-MPU - HEATER (MUA)
1. DIRECT GAS FIRED HEATED MAKE UP AIR UNIT WITH 18" BLOWER AND 18" BURNER.
2. INTAKE HOOD WITH EZ FILTERS
3. DOWN DISCHARGE - AIR FLOW RIGHT -> LEFT
4. COOLING INTERLOCK RELAY. 24VAC COIL. 120V CONTACTS. LOCKS OUT BURNER CIRCUIT WHEN AC IS ENERGIZED.
5. MOTORIZED BACK DRAFT DAMPER 30" X 30" FOR SIZE 3 STANDARD & MODULAR HEATER UNITS W/EXTENDED SHAFT, STANDARD GALVANIZED CONSTRUCTION, 3/4" REAR FLANGE, LOW LEAKAGE, NFBUP-S ACTUATOR INCLUDED
6. LOW FIRE START. ALLOWS THE BURNER CIRCUIT TO ENERGIZE WHEN THE MODULATION CONTROL IS IN A LOW FIRE POSITION.
7. GAS PRESSURE GAUGE, 0-35", 2.5" DIAMETER, 1/4" THREAD SIZE
8. GAS PRESSURE GAUGE, -5 TO +15 INCHES WC, 2.5" DIAMETER, 1/4" THREAD SIZE
9. 15-TON, 3 CIRCUIT (5/5/5) MODULAR PACKAGED COOLING OPTION FOR SIZE 3 DF/EH MODULAR PACKAGED UNIT. INCLUDES CONDENSER, DX COIL, FILTER/DRYER KIT, HARD START KIT, THERMAL EXPANSION VALVE, R410A REFRIGERANT, AND REFRIGERANT PIPING. (5,400 TO 7,000 CFM) NOT BUILT WITH OPPOSITE SIDE CONTROLS OR OPPOSITE AIRFLOW DIRECTION. CONDENSERS REQUIRE SEPARATE 208V, 3 PHASE POWER SUPPLY UNLESS ORDERED WITH SINGLE POINT CONNECTION. COIL = 3EZ1002B
10. DOWNTURN PLENUM FOR SIZE 3 COOLING COIL MODULE - REQUIRED FOR DOWN DISCHARGE COOLING COIL APPLICATIONS
11. DX COOLING INTAKE AIR THERMOSTAT AND RELAYS MOUNTED IN UNIT - SET POINT FOR THERMOSTAT SHOULD BE 85°F.
12. SEPARATE 120VAC WIRING PACKAGE FOR MAKE-UP AIR UNITS. OPTION MUST BE SELECTED WHEN MOUNTING VFD IN PREWIRE PANEL OR WITH DCV PACKAGE. PROVIDES SEPARATE 120VAC INPUT TO SUPPLY FAN. THIS 120V SIGNAL MUST BE RUN BY ELECTRICIAN FROM DCV TO MUA SWITCH.
13. SUPPORT SHELL FOR SIZE 3 MODULAR PACKAGE UNIT FOR THIRD CONDENSER. INCLUDES CONTROL VESTIBULE. INCLUDES CONDENSER SUPPORTS. DOES NOT INCLUDE RETURN AIR OR INLET AIR DAMPER.

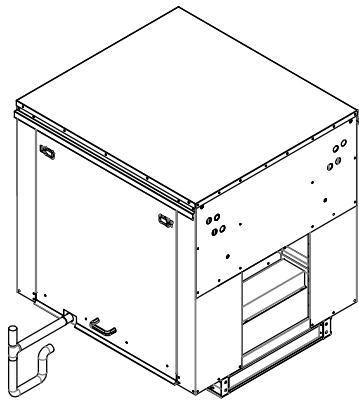
*NOTE: SUPPLY DUCT MUST BE INSTALLED TO MEET SMACNA STANDARDS. A MINIMUM STRAIGHT DUCT LENGTH MUST BE MAINTAINED DOWNSTREAM OF UNIT DISCHARGE AS OUTLINED IN AMCA PUBLICATION 201. DO NOT RELY ON UNIT TO SUPPORT DUCT IN ANY WAY. FAILURE TO PROPERLY SIZE DUCTWORK MAY CAUSE SYSTEM EFFECTS AND REDUCE PERFORMANCE OF THE EQUIPMENT. SUGGESTED STRAIGHT DUCT SIZE IS 24" x 24"



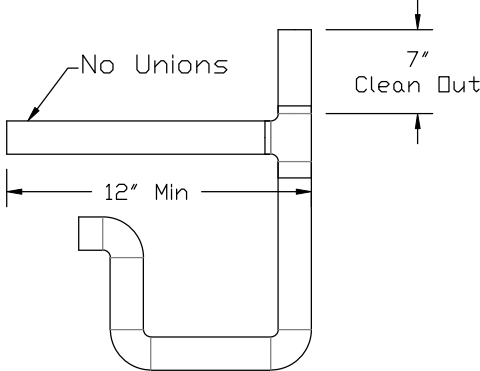
NEW MAKE UP AIR UNIT
ON ROOF



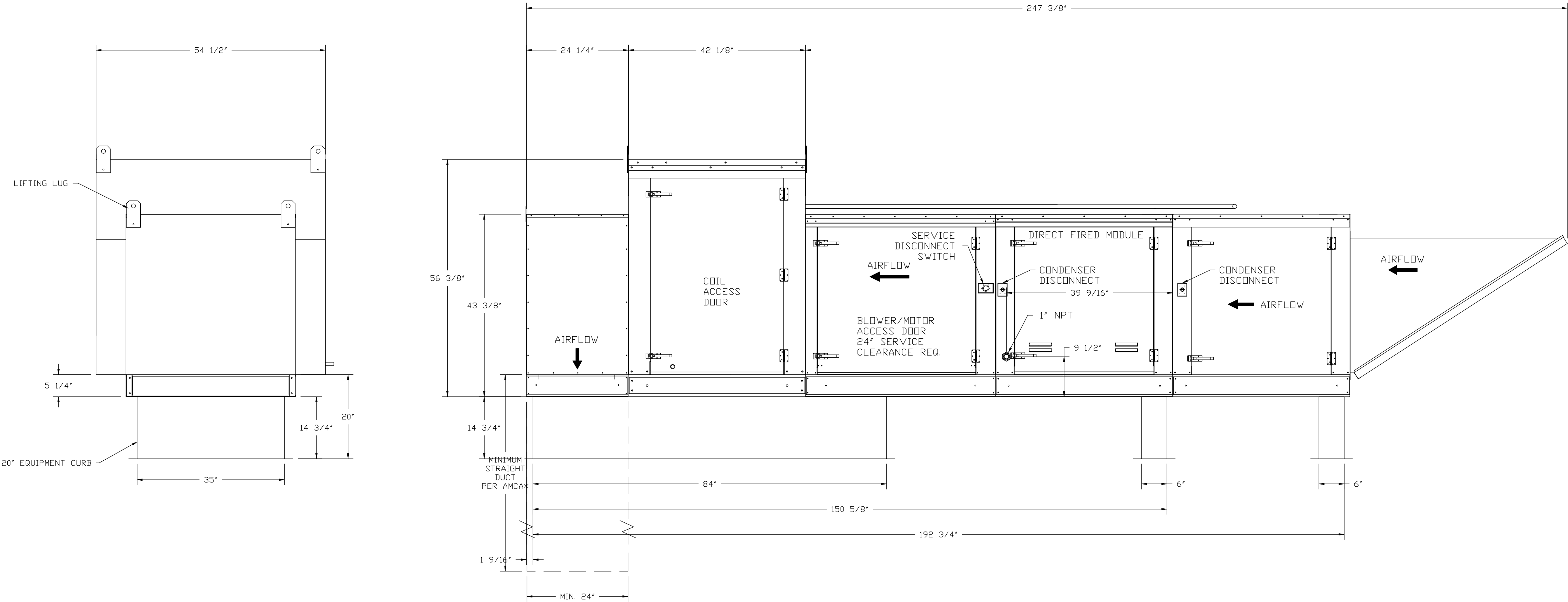
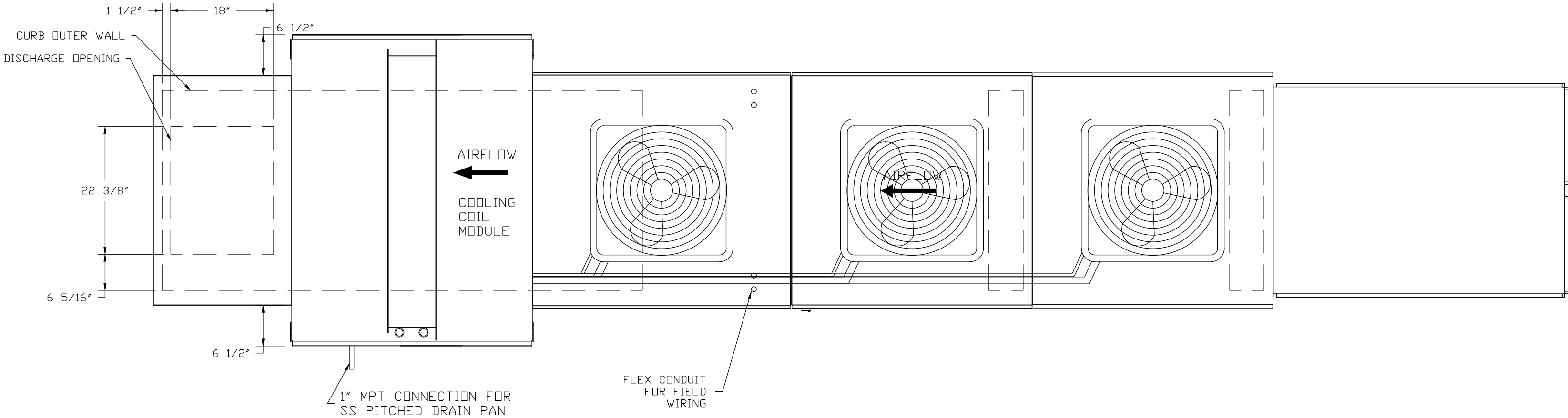
Typical Drain Trap Install

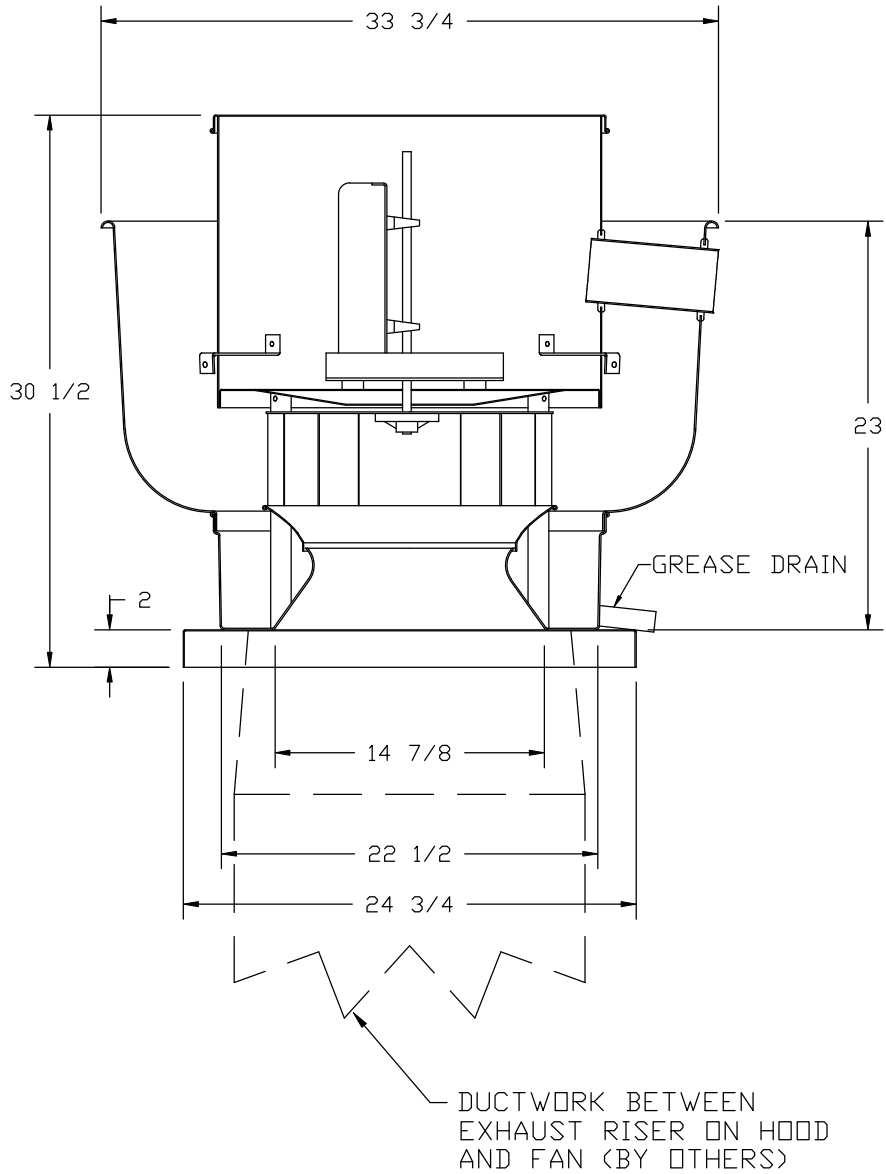


Recommended Cooling Coil
Drain Trap Configuration



- Notes:
- 1) 1" diameter PVC Pipe only
 - 2) Use only low profile couplings
 - 3) Add clean out as shown





FEATURES:

- ROOF MOUNTED FANS
- RESTAURANT MODEL
- UL705 AND UL762 AND ULC-S645
- AMCA SOUND AND AIR CERTIFIED
- WIRING FROM MOTOR TO DISCONNECT SWITCH
- WEATHERPROOF DISCONNECT
- HIGH HEAT OPERATION 300°F (149°C)
- GREASE CLASSIFICATION TESTING

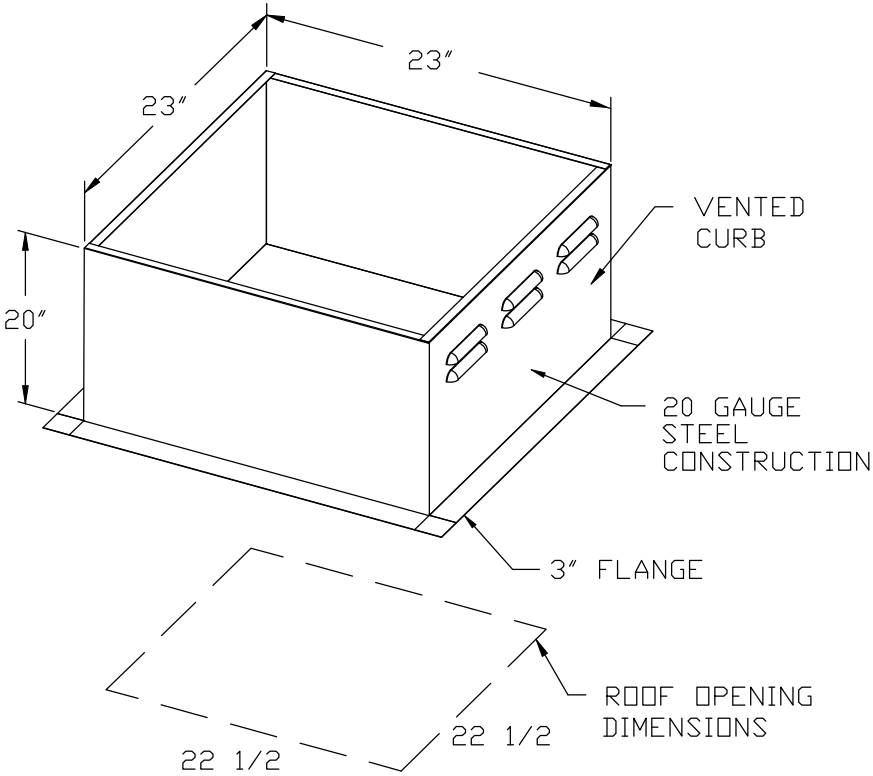
NORMAL TEMPERATURE TEST
EXHAUST FAN MUST OPERATE CONTINUOUSLY WHILE EXHAUSTING AIR AT 300°F (149°C) UNTIL ALL FAN PARTS HAVE REACHED THERMAL EQUILIBRIUM, AND WITHOUT ANY DETERIORATING EFFECTS TO THE FAN WHICH WOULD CAUSE UNSAFE OPERATION.

ABNORMAL FLARE-UP TEST
EXHAUST FAN MUST OPERATE CONTINUOUSLY WHILE EXHAUSTING BURNING GREASE VAPORS AT 600°F (316°C) FOR A PERIOD OF 15 MINUTES WITHOUT THE FAN BECOMING DAMAGED TO ANY EXTENT THAT COULD CAUSE AN UNSAFE CONDITION.

OPTIONS

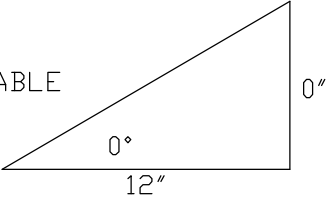
GREASE BOX.

NEW EXHAUST FAN
ON ROOF



PITCHED CURBS ARE AVAILABLE FOR PITCHED ROOFS.

SPECIFY PITCH:
EXAMPLE: 7/12 PITCH = 30° SLOPE



TYPICAL ROOFTOP HVAC UNIT

Unit Model #: **ZJ120S24R2D5BAA2A2**

System: **ZJ120S24R2D5BAA2A2**

Cooling Performance

Total gross capacity	130.0 MBH
Sensible gross capacity	96.0 MBH
Total net capacity	120.7 MBH
Sensible net capacity	86.7 MBH
Efficiency (at ARI)	12.00 EER
Integrated eff. (at ARI)	14.60 IEER
Ambient DB temp.	95.0 °F
Entering DB temp.	80.0 °F
Entering WB temp.	67.0 °F
Leaving DB temp.	57.8 °F
Leaving WB temp.	56.7 °F
Power input (w/o blower)	9.00 kW
Sound power	83 dB(A)

Refrigerant

Refrigerant type	R-410A
Sys1	7 lbs 12 oz
Sys2	7 lbs 10 oz

Gas Heating Performance

Entering DB temp.	60 °F
Heating output capacity (Max)	192 MBH
Supply air	4000 CFM
Heating input capacity (Max)	240 MBH
Leaving DB temp.	104.4 °F
Air temp. rise	44.4 °F
SSE	80.0 %
Stages	2

Supply Air Blower Performance

Supply air	4000 CFM
Ext. static pressure	0.6 IWG
Addl. Unit Losses (Options/Accessories)	0.58 IWG
Blower speed	1181 RPM
Max BHP of Motor (including service factor)	3.45 HP
Duct location	Bottom
Motor rating	3.00 HP
Actual required BHP	2.94 HP
Power input	2.74 kW
Elevation	0 ft.
Drive type	BELT
Requires field-supplied drive	true

Electrical Data

Power supply	208-3-60	230-3-60
Unit min circuit ampacity	50.9 Amps	50.9 Amps
Unit max over-current protection	60 Amps	60 Amps

Dimensions & Weight

Hgt	51 in.	Len	89 in.	Wth	59 in.
Weight with factory installed options	1335 lbs.				

Clearances

Right	12 in.	Front	36 in.	Rear	36 in.
Top	72 in.	Bottom	0 in.	Left	36 in.

Note: Please refer to the tech guide for listed maximum static pressures



10 Ton

- JCI Pro units are manufactured at an ISO 9001 registered facility and each rooftop is completely computer-run tested prior to shipment.

Unit Features

- Two Stage Cooling
- 240 MBH Input Stainless Steel, Two Stage Gas Heat
- Unit Cabinet Constructed of Powder Painted Steel, Certified At 750 Hours Salt Spray Test (ASTM B-117 Standards)
- Full perimeter base rails with built in rigging capabilities
- Scroll Compressor[s]
- Dry Bulb Low Leak Economizer w/Barometric Relief and Power Exhaust and Hoods (Bottom or Horizontal End Return Only) with Economizer Fault Detection & Diagnostic (Meets ASHRAE 90.1-2013, IECC 2015, California Title 24, AMCA 511).
- Slide-out Blower/3 HP Belt Drive Motor Assembly
- Unit Ships with 2" Pleated Filters (MERV 8)
- Solid Core Liquid Line Filter Driers
- Replacement Filters: 4 - (24" x 20"). Unit accepts 2" or 4" wide filters.
- Non-Powered Convenience Outlet
- HACR Circuit Breaker/Disconnect
- Short Circuit Current: 5kA RMS Symmetrical
- Single Point Power Connection
- Through-the-Curb and Through-the-Base Utility Connections
- Phase Monitor
- Micro-Channel "all-aluminum" condenser coil, Copper tube/aluminum fin evaporator coil
- Composite Drain Pan - Front Connection
- Tool-free maintenance with features like hinged doors for all-access panels, slide-out blower and blower motor tray

BAS Controller

- IntelliSpeed control of the VFD based on stages of cooling. Provides Single Zone VAV Fan Operation as defined by ASHRAE 90.1 section 6.4.3.10.
- Smart Equipment Controller including Discharge Air, Return Air, and Outdoor Air Temperature Sensors.

Standard Unit Controller: Smart Equipment Control Board

- Safety Monitoring - Monitors the High and Low-Pressure Switches, the Freezestats, the Gas Valve, if Applicable, and the Temperature Limit Switch on Gas and Electric Heat Units. The Unit Control Board will Alarm on Ignition Failures, Safety Lockouts and Repeated Limit Switch Trips.

Warranty

- One (1) Year Limited Warranty on the Complete Unit
- Five (5) Year Warranty - Compressors and Electric Heater Elements
- Fifteen (15) Year Limited Warranty - Stainless Steel Heat Exchanger

R O N A N D R O M A N

April 7, 2021

Mr. Nick Dupuis
Plan Reviewer, City of Birmingham

Re: 720 N. Old Woodward – Vinewood Bistro (Lower Level in Kohler Building)

Dear Mr. Dupuis,

This letter addresses issues raised during the February 24th Planning Commission meeting at which time the project was postponed.

Since then, we have made revisions to the following items which should remove them from being contentious:

1. We have reduced the projection and valance height of the front canopy at Old Woodward to be compliant with the zoning ordinance.
2. We have reduced the projection and eliminated the ground mounted post which was not on our property at the rear entry canopy
3. We have noted the mechanical equipment screen height and included cut sheets for the proposed tallest rooftop equipment (the make up air unit).
4. We have added a new drawing showing all adjacent structures within 200 feet of the bistro and adjacent parking lot.
5. We have completed and added a photometric study plan

In addition to these specific technical requirements, a number of issues were raised by the commission which are addressed below:

Wintergarden configuration and use

The proposed wintergarden is an outdoor space where the exterior wall is comprised of permanently installed bronze screens and bronze screened man doors, with a new all glass wall with operable doors between the bistro interior and the Wintergarden. This space shall be heated with infrared electric heaters and will not utilize the HVAC system supplying the interior of the Bistro.

The screening allows for the opening of the glass wall doors between the Bistro and the Wintergarden when weather permits meeting Health Department requirements for preventing insects from entering the building. We are not proposing at any point to add any Isinglass or solid glass infills at the propose screen walls, and would propose to make that a condition of use.

The 26 proposed seats in the Wintergarden along with the proposed 38 seasonal

seats on the exterior portion of patio total 64 outdoor seats which are within the limit established by the Bistro ordinance.

The Wintergarden itself provides for the opportunity to apply for extended patio use for the 26 seats as a separate application available to all patios which is granted based on each specific location of patio in the City.

The building owner has adequate space in other floors of this building, and other spaces in the buildings he owns south of this project to store all outdoor furnishings requiring to be brought in daily.

Proximity of garage entry adjacent to proposed Bistro entry

Because of the configuration of grade at the neighboring south building garage entry, we believe there is less life safety concern with the cars entering this door due to the slow speed required to approach the grade then exists at the patios along Old Woodward where cars pull into angled spaces at speed, potentially overriding the curb and engaging patrons on sidewalk patios.

If the Planning Commission feels the need, we can add a guard component to prevent a pedestrian from engaging the change of grade.

Dumpster location and screening

We have studied the placement, configuration, enclosure and frequency of trash management for this project and the other businesses sharing this dumpster location. Currently, this project owner also owns the trash management company providing service there now.

The existing dumpsters leave a 13 ft 8 in clear drive, our solution provides for a 15 ft wide lane, allows for simpler servicing of the units, provides screening all around and accommodates a grease trap and ancillary storage space for cardboard which we have witnessed being stored at that area.

We shall work with the city to pursue any other required permits for the placement and use of this dumpster location.

Based on existing use and pickup schedule of twice weekly, we can increase the frequency of pickup to 3 times weekly or every other day as may be required based on the impact of the Bistro.

Deliveries

The typical Fedex and UPS deliveries expected for the Bistro are no different than that associated with the other businesses adjacent to this project, and the frequency is expected to be less than the adjacent businesses as they do not typically utilize those carriers for day to day business needs.

The delivery of food and dry good product will be scheduled to occur earlier daily as the operations of the restaurant require it. There will be no late night deliveries.

Clarification of number of seats and their location

This project proposes the following seats per the submitted plans:

Interior Seats	64
Wintergarden Patio Seats	26
Exterior Patio Seats	38

This results in 64 interior seats, and 64 patio seats.

Location of proposed outdoor patio

We believe strongly that the appropriate location for the patio associated with this Bistro belongs at the “storefront” of the bistro, and not dislocated on North Old Woodward. We interpret the intent of the Bistro Ordinance as providing seating in storefront windows with continuing the dynamic with the outdoor seating component. A freestanding patio on N. Old Woodward would be difficult to service and would be contrary to our interpretation of the ordinance.

We believe that the interest the City Commission expressed in this location for the Bistro promotes the proposed location of the patio.

With the changes to the construction of the patio noted in the paragraph following, we have also eliminated the fountains with lighting, and configured the patio with a built-in planter which will limit the number of patrons at the easternmost edge of the patio at its proposed location at the storefront of the Bistro.

Building within the AE floodplain/floodway

We have reviewed the State of Michigan Permit Requirements for building in the Floodplain and have revised our proposed construction of the entire rear patio and ramp area to be a wood framed structure with an IPE deck. As such we believe we can meet the requirements for permit approval with structural piers not interfering with floodwater flows. We also understand the flood insurance needs associated with building in the Floodplain.

This solution also provides for a simpler approach to the lease negotiation with the City for the proposed property on which the patio is proposed, allowing for simpler removal of the structure upon completion of the term of the lease.

The proposed use of wood also responds to the natural setting along the river.

Other Considerations:

We have visited this site during evening hours and have found that the most obtrusive component as viewed from the neighboring residential area is the existing pole mounted sodium vapor light lighting the northern end of the parking lot, and numerous pedestrian scaled city lights along the back of the building.

Signage Location:

We propose to pursue a variance for the sign location on the to be leased area for the patio. We believe this is the most reasonable location for the sign, and that its

removal would be required at the end of the term of the lease. The unique conditions of the project and the ability to provide for a subtle sign that would not set precedent as it would be tied to the lease makes the most sense. We will pursue a separate variance for this location.

Hours:

The owners shall address final operating hour considerations on hearing staff's information requested by Mr. Boyle on the operating hours of the 2 nearest bistros.

We look forward to continuing our dialogue with the commission, and hope the information provided above helps clarify the technical issues associated with this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Roman Bonislowski". The signature is fluid and cursive, with a large initial "R" and "B".

Roman Bonislowski, R.A.

Ron and Roman, Inc.

cc. Brian Najor
Christ Backos

R O N A N D R O M A N

Vinewood Bistro – April 6, 2021

Site Plan Review

Itemized List of Revisions

Front awning – reduced projection & valance height to be compliant with zoning ordinance

Rear canopy – reduced projection & eliminated ground mounted posts

Trash enclosure – revised layout to increase functionality

Roof screen – noted screen height & included cut sheets for heights of new equipment

Photometrics – added new photometric plan sheet to show proposed new light levels

Surrounding site – added new adjacent properties site plan, showing structures within 200' of bistro, and adjacent parking lot

Rear patio construction – revised construction method to wood deck framing on pier foundations rather than masonry walls with concrete slabs, as a better approach to new construction in the flood plain

Updated cut sheets – new wood decking, revised infrared heater, rooftop equipment, revised light fixtures, revised plantings

Narrative – included new narrative speaking to Planning Board's concerns discussed at previous meeting









PD Ecker said the applicant would have to request another variance from the BZA because all granted variances are tied to the specific submitted plans as a condition of approval.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

Motion by Ms. Whipple-Boyce

Seconded by Mr. Boyle to recommend approval to the City Commission of the applicant's request for a Special Land Use Amendment for Birmingham Pub restaurant at 555 S. Old Woodward with the following conditions: (1) The Planning Board designates the Bowers elevation as the principal building frontage ~~or the applicant reduces the overall building signage by 47.76 sq. ft.~~; (2) The applicant remove the proposed illumination from the building identification sign on Woodward Avenue or obtain a variance from the Board of Zoning Appeals; (3) Applicant provide all material, color and lighting specifications for all signage; and (4) Applicant execute a revised contract with the City of Birmingham outlining the nature of the proposed operation of Birmingham Pub and approving the use of the existing Economic Development liquor license under the new name Birmingham Pub.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

2. 720 N. Old Woodward – Vinewood Bistro (Lower Level in Kohler Building), Special Land Use Permit request and Final Site Plan and Design Review to consider approval of Vinewood, a new bistro proposed at the rear of the building, including the service of alcoholic liquor.

CP Dupuis reviewed the item.

Chair Clein noted the Board received two emails from residents of Brookside, across the Rouge River from the proposed Vinewood Bistro. The emails were from Drew Detling and Kristen Tait, both expressing concerns about the proposed plans. He noted the emails would be included in the March 10, 2021 Planning Board agenda packet.

Brian Najor, co-applicant, Roman Bonislowski, architect, Ron Rea, architect, and Chris Bakos, restaurateur and co-applicant, were present on behalf of the application.

Mr. Bonislowski explained:

- The garage door opening at the north end of building will be removed and turned into a screen;

- There will be an infrared linear gas tube heating component in the building;
- The building will have fire sprinklers throughout;
- The rooftop mechanical will be screened;
- The proposed ducting architecture in the back of the building is because Kohler cannot have new shafts built through it;
- The grade differential outside the garage in the rear of the building means cars can only enter/exit very slowly;
- The rear canopy will be redesigned without the freestanding column;
- The part of the patio furthest from the building will be not engaged at all, with plans to sink it a bit to dampen the noise;
- There will be adequate space to take in the outdoor furniture at night in the off-season; and,
- There will be a separate natural gas radiant heater in the outdoor space, but nothing coming off of the interior HVAC into the outdoor space.

PD Ecker noted that the applicant could do off-season outdoor dining as long as they secure a permit from the City and bring in the outdoor furniture every night.

Chair Clein said the design was beautiful. He said he was supportive of the rear sign aesthetically but would defer to legal considerations on that. He asked what the applicant could do to address some of the nearby residents' concerns.

Mr. Bonislowski said that the foliage blocks a lot of the sound and light in spring and summer. The planned outdoor lighting is minimalist. He said they could add more greenery along the metal partition screening along the ramp, which faces Brookside to the east. He said the applicant team would be averse to putting any greenery between the outdoor dining and the river since part of the charm is seeing the river. He said their plans also keep the seats closer to the building rather than further out towards the ramp in order to maintain the distance from Brookside as much as possible.

Public Comment

Helene Fertal, owner/operator of Birmingham Wine, spoke largely in favor of the application. Her concerns were the often overfull dumpsters behind the building, and the grease trap given issues with flooding in the immediate area.

Kristen Tait, resident of Brookside, provided a brief overview of the concerns previously expressed in the email she submitted to the Board. She said that noise would be her biggest concern. She said that she is able to see and hear clearly across the river in all seasons. She also clarified that even when the foliage comes in, it still does not block her views into Vinewood's proposed outdoor seating area, and vice-versa.

Rob Kamenec, Brookside resident, said he was deeply concerned about the prospect of increased noise from Vinewood especially with the proposed closing hours of 1 a.m. He observed that staff would be staying after 1 a.m. to finish cleaning and closing, meaning that the noise would necessarily occur even after 1 a.m.

Mr. Share said that one evening the prior week he had been walking by Social Kitchen at 8 p.m. when the temperature was not above freezing. He said the outdoor seating area at Social was very crowded. He asked for some assurance from the applicant that the winter garden at Vinewood will not replicate some of the issues the City has faced from the outdoor seating at Social.

Some Board members asked for some clarifications of the plans in addition to the ones specified by CP Dupuis in his report. Those requests for clarifications included:

- Information about how deliveries will be handled;
- A floor plan that makes the number of seats and their location clear;
- Comments on the plans from City departments, including and especially the Fire Department; and,
- Consideration of the appropriate dumpster configuration due to the proximity of the river.

Ms. Whipple-Boyce said that two dumpsters are not enough behind Vinewood, and said she has often seen trash on the placed outside the dumpster. She recommended Mr. Najor consider a compacting dumpster for the rear of the building. She said she would not recommend adding a third dumpster. She advised the applicant team to have a conversation with the building owner to the south in order to make sure that Vinewood's plans do not conflict with the rear garage door used by the condominium owner on the top floor of that building. She said she was in favor of the winter garden idea as long as it is well-maintained.

Mr. Koseck expressed concerns about the outdoor seating not activating the street, which he stated was a significant aim of the bistro ordinance. He said that having the seating in the back could make it hard to police. He also said the logistics of trash pick-up, deliveries and cleaning would be made more difficult by the entrance in the back.

Mr. Jeffares noted that when bistro options were reviewed by the Commission at their October 26, 2020 meeting, Mr. Najor proposed two bistros: Vinewood and a bistro in the center of town that would have activated the street. He highlighted the fact that the Commissioners advanced the plans for Vinewood, even with the understanding that the outside seating would not be on the street, because it seemed like a unique opportunity to have seating by the river.

Mr. Williams, Mr. Jeffares, and Mr. Boyle expressed concern about making sure that the proposed hours do not adversely affect the residents across the river.

Mr. Williams recommended that staff return with information on the hours of operation for Market North and Luxe Bistro, the two nearest bistros, to see how those hours compare to the hours proposed for Vinewood.

Mr. Boyle said reviewing noise or other complaints for the two aforementioned bistros might clarify Vinewood's potential impact on the residents across the river since those two bistros abut residential area.

Mr. Koseck and Mr. Jeffares expressed concern about the high number of total proposed seats since the application was coming in as a bistro and not as a Class C license.

Mr. Emerine noted that the area behind the building is a regulated floodway, and that raising the ground elevation would require additional permits.

PD Ecker stated that information had been communicated to the applicant team.

Motion by Mr. Boyle

Seconded by Mr. Williams to postpone the discussion regarding 720 N. Old Woodward – Vinewood Bistro – to the April 14, 2021 Planning Board meeting.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

Motion by Mr. Williams

Seconded by Mr. Share to suspend the rules for the April 14, 2021 Planning Board meeting to allow the review of site plans.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

Mr. Jeffares noted the City should take a look at the lighting in Lot Six to see whether that can be better screened so as not to adversely affect the residences across the river.

02-30-21

G. Miscellaneous Business and Communications:

a. Communications

b. Administrative Approval Correspondence

After a brief review of the proposal from CP Dupuis, the Planning Board told Randy Dickow they had no initial hesitations about the Mad Hatter moving into the vacant space next door to their current location in order to expand their access to space for outdoor dining.

In reply to Mr. Jeffares, Mr. Dickow said he would remove the two gazebos currently in front of the Mad Hatter as soon as possible.

CP Dupuis then presented a brief proposal from Brooklyn Pizza that would include two outdoor dining pods.

Mr. Williams and Mr. Boyle said they did not like the proposed pod to the north.

City Of Birmingham
Regular Meeting Of The Planning Board
Wednesday, April 14, 2021

Held Remotely Via Zoom And Telephone Access

E. Special Land Use Permit and Final Site Plan and Design Review

1. 720 N. Old Woodward, Vinewood Bistro (Lower Level in Kohler Building), Special Land Use Permit and Final Site Plan and Design Review request to consider approval of Vinewood, a new bistro proposed at the rear of the building, including the service of alcoholic liquor (Postponed from February 24, 2021).

CP Dupuis presented the item.

In reply to Board inquiries, Planning Staff stated:

- Given the dimensions, there should not be an issue with a vehicle making a turn in the rear even if the two closest spots have vehicles in them. The Engineering Department reviewed the plans, including that aspect, and did not flag it as an issue. Only one vehicle would be able get through at a time.
- There is nothing in the ordinance that would prevent the use of painted gypsum board as part of the exterior.
- The rear of the building could be considered to have a 'pedestrian passage' as required by Item E in the bistro ordinance since there is a sidewalk lined by entrances to the buildings. It might also not qualify as a 'pedestrian passage' since the aforementioned entrances are not accessible to the public.
- While the ordinance would not prevent this bistro from being located in the front of the building, it might not be desirable since it would result in the loss of a parking spot.
- In contrast with previous years, the Commission did not request that the bistros be returned to them ranked in terms of priority.

Mr. Koseck said that if the rear of the building were considered a pedestrian passage then the rear facade would need to have 70% glazing. He said he did not believe the plans as proposed met the spirit or intent of the bistro ordinance, which is to create dialogue between the interior and exterior.

Roman Bonislowski spoke on behalf of the applicant. He stated:

- The proposed lighting would only slightly extend the existing lighting. The lighting would need to remain as-proposed in order to maintain sufficient safe lighting for the patio. The lighting would meet the zero condition at the edge of the ramp. A shield component could be added to the top of the wall to trap light. The lights in the front of the building could be reduced.
- The applicant team is fully aware of the permitting requirements for floodwater areas.
- The rear of the building should be described as a pedestrian path.

Chair Clein stated that all emails from the public were received by both Staff and the Board.

Public Comment

Kristen Tait, Drew Detling, and Kristen Bongiovanni, residents of Brookside Street, spoke against many aspects of the Vinewood bistro proposal due to the impact it could have on their enjoyment of their properties. The main concerns mentioned were noise, hours of operation, the size of the proposed restaurant and the strain it would put on the area's parking.

Ms. Tait noted that in her email she meant to write 'Maplewood' and not 'Merrillwood'. She also suggested that the City should focus more on moving bistros and other establishments into vacancies in the downtown area instead of into the neighborhoods.

John Roselli spoke as the owner of the adjacent building. He said he was concerned about retaining his residential tenant on the upper floor of the building due to the hours of operation, likely parking difficulties, potential noise issues and pedestrian safety in the rear of the building. He said the dumpsters were consistently neglected by the owner and stated that he has cleaned around them hundreds of times in his fifteen years of ownership of the building.

The Chair returned the conversation to the Board.

Mr. Boyle expressed concern about the potential environmental impact of the proposal on the Rouge River.

Mr. Share observed that the applicant would not be able to move forward with operation unless a permit is secured from EGLE.

Both Mr. Share and Ms. Whipple-Boyce stated that the rear of the building was not a pedestrian passage. They also agreed that while the 'winter garden' aspect of the plans was creative, it was not outdoor space. Both concurred that the project would not meet the intent of the bistro ordinance in terms of activating the street.

Mr. Share also expressed concerns regarding the potential noise, dumpster issues, and pedestrian conflict with vehicles accessing the adjacent building.

Chair Clein and Mr. Koseck both agreed that while they appreciated many aspects of the project there were too many misalignments between the current proposal, the proposed location, and the bistro ordinance.

Chair Clein commented that the likelihood of the project receiving the necessary permits to operate in the floodplain was low and the cost would be high. He said he was aware that was a permitting issue and not a site plan one. He said the proposal would be more appropriate if it were located elsewhere in the City.

Motion by Mr. Share

Seconded by Mr. Koseck to recommend denial to the City Commission the Special Land Use Permit for 720 N. Old Woodward – Vinewood Bistro – because the proposal fails to satisfy the spirit and intent of the Zoning Ordinance as required in Section 7.26 and 7.27, specifically the outdoor enclosure issue of 3.04(c)(10)(h), and the 'no permanent structure requirement' of Section 3.04(c)(10)(i), as well as floodplain, dumpster, pedestrian interaction and storefront issues.

Mr. Koseck said the seating limits in the bistro ordinance were a key part of its appeal and efficacy. He noted that the area in the rear of 720 N. Old Woodward would be difficult to police. He also noted that even if the Planning Board did endorse the proposed plans the applicant would still have to appear before the Board of Zoning Appeals for a number of variance requests.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

Motion by Mr. Share

Seconded by Mr. Koseck to recommend denial to the City Commission the final site plan and design review for 720 N. Old Woodward – Vinewood Bistro – because the proposal fails to satisfy the spirit and intent of the Zoning Ordinance as required in Section 7.26 and 7.27, specifically the outdoor enclosure issue of 3.04(c)(10)(h), and the 'no permanent structure requirement' of Section 3.04(c)(10)(i), as well as floodplain, dumpster, pedestrian interaction and storefront issues.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None



Special Land Use Permit Application – Bistro Planning Division

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

1. Applicant

Name: -see second sheet
Address: _____

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

3. Applicant's Attorney/Contact Person

Name: -see second sheet
Address: _____

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

2. Property Owner

Name: -see second sheet
Address: _____

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

4. Project Designer/Developer

Name: ROMAN BONISLAWSKI / RON & ROMAN
Address: 116 E. FRANK ST.
BIRMINGHAM, AL 38209
Phone Number: 248-202-3710
Fax Number: _____
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: 710 N. OLD WOODWARD
BACK SIDE OF BUDG FACING CREEK
Name of development: N.A.
Sidwell #: N.A.
Current Use: POTENTIAL STORAGE OR BUSINESS
Proposed Use: A-1 ASSEMBLY BISTRO
Area of Site in Acres: _____
Current zoning: D2 OVERLAY D2
Is the property located in the floodplain? YES
Name of Historic District Site is Located in: N.A.
Date of Historic District Commission Approval: N.A.

Date of Application for Preliminary Site Plan: _____
Date of Preliminary Site Plan Approval: _____
Date of Application for Final Site Plan: 2/3/21
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? NO
Date of Application for SLUP: _____
Date of SLUP Approval: _____
Date of Last SLUP Amendment: _____



Special Land Use Permit Application – Bistro

Planning Division

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

1. Applicant

Name: Christ Backos - Brian Najor

Address: 600 N. Old Woodward, Suite 100, Birmingham, MI 48009

Phone Number: 248-433-7000

Fax Number: 248-433-0900

Email address: kim@najorcompanies.com

3. Applicant's Attorney/Contact Person

Name: Paul Addis

Address: 18 First Street, Mt Clemens MI

Phone Number: 586-212-5227

Fax Number: 586-221-4140

Email address: paddis@michiganjustice.com

2. Property Owner

Name: Maplewood 720, LLC

Address: 600 N. Old Woodward, Suite 100, Birmingham, MI 48009

Phone Number: 248-433-7000

Fax Number: 248-433-0900

Email address: kim@najorcompanies.com

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 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: _____

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: _____

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

REWORK EXIST. SPACE & CITY OWNED PARCEL INTO NEW BISTRO W/
NEW OUTDOOR STAIRS, RAMP & PLANTINGS W/ GAS TIKI TORCHES, FOUNTAINS,
GUARDS, SCREEN ENCLOSED PORCH, BAR/RESTAURANT KITCHEN WITH
NEW EXHAUST & MAKE UP AIR DUCTING ENCLOSED ARCHITECTURALLY
ON REAR OF BUILDING WITH NEW ROOFTOP MECHANICAL EQUIPMENT
& EQUIPMENT SCREEN WALL ON ROOF, ADDING ENCLOSURE TO TRASH
RECEPTACLES, & NEW SIGNAGE & ARCHITECTURAL TREATMENT OF
EXISTING N. OLD WOODWARD BLDG ENTRANCE.

8. Buildings and Structures

Number of Buildings on Site: 1

Height of Buildings & # of Stories: APPROX 24' @ OLD WOOD.

Use of Buildings: RETAIL & OFFICE.

Height of Rooftop Mechanical Equipment: 5 FT HIGH.

9. Floor Use and Area (in Square Feet)

Structures:

Restaurant Space: 3,372 SF.

Office Space: EXIST.

Retail Space: EXIST.

Number of Residential Units: N.A.

Rental or Condominium? N.A.

Total Floor Area: 3,372.

10. Proposed Bistro Operation

Number of Indoor Seats: 64

Number of Outdoor Seats: 64

Entertainment Proposed: NO

Previous LCC Complaints? N.A.

Number of Tables along Street Façade: 2 BOOTHS 8 SEATS

Type of Cuisine: REAR.

Bar Area? YES

Number of Seats at Bar: 10

Full Service Kitchen? YES

Percentage of Glazing Proposed: 100% @ NEW INNER WALL

Years of Experience in Birmingham: N.A.

Years of Experience Outside Birmingham: N.A.

11. Required and Proposed Setbacks

Required Front Setback: 0

Required Rear Setback: 0

Required Total Side Setback: 0

Proposed Front Setback: 0

Proposed Rear Setback: 0

Proposed Total Side Setback: 0

12. Outdoor Dining Facility

Location (sidewalk right-of-way or on-street parking space):

REAR SCREEN PORCH & CITY LEASE PROP.

Hours of Operation:

Width of unobstructed sidewalk between door and café? (5 ft. required):

Platform Proposed: N.A.

Trash Receptacles: IN SERVICE STATION.

Number of Tables/Chairs: 26 TABLES/64 CHAIRS.

Material of Tables/Chairs:

Tables Umbrellas Height & Material: METAL & CANVAS.

Number and Location of Parking Spaces Utilized:

CITY PARKING LOT.

Screenwall Material: WEIDED WIRE MESH.

Enclosure Material: @ TRASH, PAINTED CMU 6' H.

13. Required and Proposed Parking

Required number of parking spaces: N.A.

Location of parking on site: ADJACENT CITY LOT & @

Screenwall material: EXIST OLD NEW WOODWARD.

Shared Parking Agreement? N.A.

Location of parking off site: N.A.

Height of screenwall: N.A.

14. Landscaping

Location of landscape areas: OUTDOOR @ EAST

END OF OUTDOOR PATIO W/ LAWN,
& PLANTED FLOWER BOXES ALONG
REAR SCREEN ENCLOSED WALL -
PLANTED WITH ENGLISH IVY (NOT
PROPOSED TO GROW ONTO BRICK) &
PLANTERS ON DECK ABOVE W/
VILCA MINOR PLANTINGS.

Proposed landscape material: SEE DESCRIPTION

@ LEFT.

15. Streetscape

Sidewalk width: EXIST 5' REAR WALK.
Number of benches: N.A.
Number of planters: N.A.
Number of existing street trees: N.A.
Number of proposed street trees: N.A.
Streetscape plan submitted? N.A.

Description of benches or planters: N.A.
Species of existing trees: N.A.
Species of proposed trees: N.A.

16. Loading

Required number of loading spaces: N.A.
Typical angle of loading spaces: N.A.
Screenwall material: N.A.
Location of loading spaces on site: ADJACENT PARKING LOT.

Proposed number of loading spaces: N.A.
Typical size of loading spaces: N.A.
Height of screenwall: N.A.
Typical time loading spaces are used: N.A.

17. Exterior Waste Receptacles

Required number of waste receptacles: 1
Location of waste receptacles: @ CURRENT LOCATION
Screenwall material: PAINTED CMU.

Proposed number of waste receptacles: EXIST CITY SHARED TRASH
Size of waste receptacles: 6'
Height of screenwall: 6'

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: 1 NEW
Type of rooftop units: MAKE-UP AIR UNIT.
Screenwall material: CORRUG. PAINTED METAL.
Location of screenwall: ROOF SURROUNDING EXIST & NEW EQUIP.

Location of all rooftop units: PER ROOF PLAN
Size of rooftop units (L•W•H): NEW ± 4'x6'x5'H.
Percentage of rooftop covered by mechanical units: MIN.
Height of screenwall: 5'H.
Distance from rooftop units to all screenwalls: MIN 3'

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: 8
Size of light fixtures (L•W•H): 6"φ x 12"H.
Maximum wattage per fixture: 90 ERLV (13 W LED)
Light level at each property line: 0

Type of light standards on building: CYLINDER DOWNLIGHTS & REPLACE 1 RECESSED.
Height from grade: ± 10'
Proposed wattage per fixture: EQUAL TO 90 WATTS INCANDESCENT

21. Site Lighting

Number of light fixtures: (3) IN POOL LIGHTS
Size of light fixtures (L•W•H): -
Maximum wattage per fixture: -
Light level at each property line: 0

Type of light fixtures: IN POOL, & TIKI TORCHES.
Height from grade: @ GRADE & @ 7' @ TORCH.
Proposed wattage per fixture: -
Holiday tree lighting receptacles: YES :

22. Adjacent Properties

Number of properties within 200 ft. THE ENTIRE BLOCK EXCLUDING 620 N. OLD WOODWARD

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: -see attached Date: _____

Print Name: _____

Signature of Applicant: -see attached Date: _____

Print Name: _____

Signature of Architect:  Date: 2/3/21

Print Name: ROMAN BONISLAWSKI, R.A.

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

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

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

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

Signature of Owner: _____

Date: 2/3/21

Print Name: _____

Brian Najor

Signature of Applicant: _____

Date: _____

Print Name: _____

Signature of Architect: _____

Christ Backos

Date: 2/3/21

Print Name: _____

Christ Backos

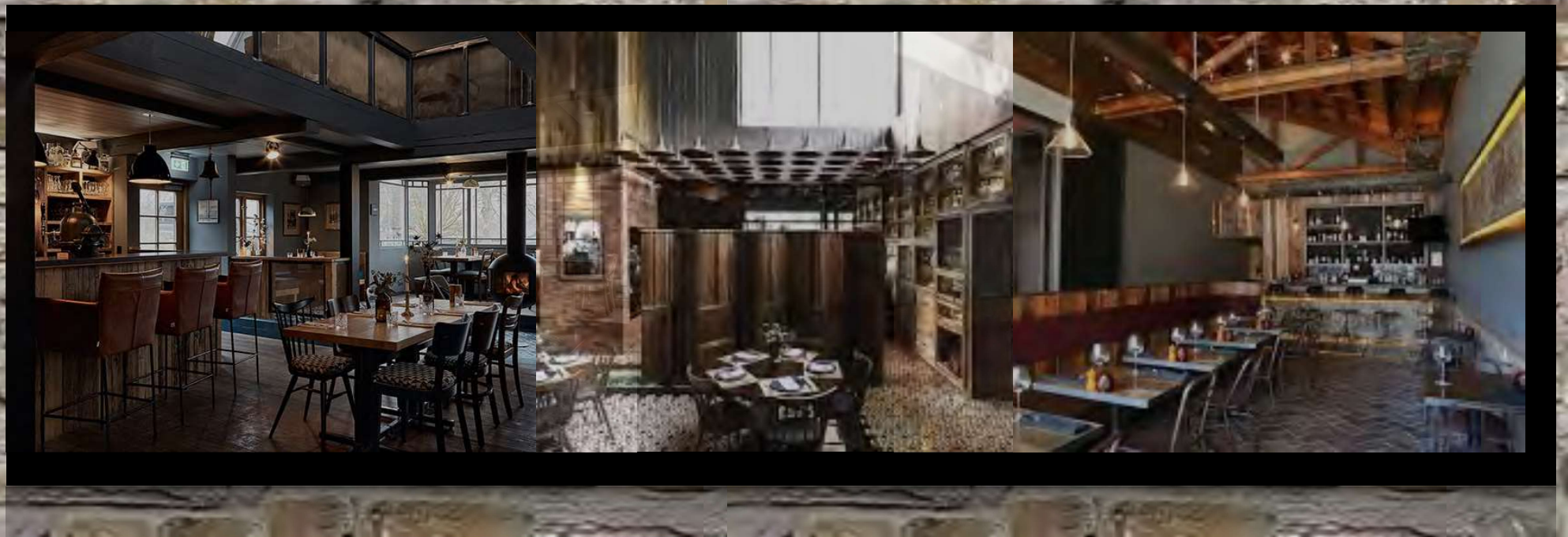
Office Use Only

Application #: _____ Date Received: _____ Fee: _____

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

Vinewood

Kitchen & Cocktails



Starters

Crispy Calamari
lemon . parsley . chili aioli

Prime Meatballs
burrata . Parmesan . heirloom tomato Marinara . arugula pesto



King Crab Bruschetta
lemon butter . parsley . dill

Tuna Tartar
avocado . yuzu . homemade tortilla chips

Oysters on the half shell
yuzu granita . spicy cocktail



Chicken Nachos
homemade tortilla chips . cheddar jack . black bean queso . jalapeños . black olives . lettuce . salsa verde . sour cream . guacamole

Chips and Cheese
homemade tortilla chips . black bean queso . salsa verde

Deviled Eggs
king crab . caviar

Baked Fontina Dip
olive oil . rosemary . thyme . garlic . crostini . homemade tortilla chips

Steamed Mediterranean Mussels
spicy heirloom tomato marinara . garlic crostini

Sweet Potato French Fries
homemade ranch . honey mustard



Jumbo Shrimp Cocktail
spicy cocktail

Buffalo wings
blue cheese dressing . celery sticks



Crock of Pimento Cheese
crackers . celery sticks . carrot sticks

Salads

Imported Burrata
king crab . Heirloom Tomato . Arugula . Crostini . olive oil . balsamic

Shredded Kale
grilled chicken oregano . mushrooms . bacon . parmesan . herb vinaigrette

Steak Salad
tenderloin tips . iceberg . romaine . cucumber . tomatoes . green beans . hardboiled eggs . fingerling potatoes . blue cheese . herb vinaigrette

Classic Greek
grilled chicken oregano . imported feta . tomatoes . cucumbers . kalamata olives . roasted beets . olive oil . lemon

Roasted Beet
whipped goat cheese . pistachio . arugula . crostini . dijon mustard vinaigrette

Ora King Salmon Cobb
roasted corn . tomato . bacon . avocado . homemade ranch

Cauliflower Crunch
grilled chicken oregano . feta . apples . pistachios . dried cranberries . mint . parsley . dijon mustard vinaigrette

Soups

Vegetarian Chili
Potato cheddar
Spicy Sausage Lentil



Entree

8oz Creekstone filet
garlic & rosemary butter . roasted fingerling potatoes . sautéed green beans

Steak & Frites
16 oz bone in ribeye
special seasoning . rosemary sea salt french fries . sweet potato fries or greek fries

Spaghetti with Prime Meatballs
Heirloom tomato marinara . imported burrata (make it spicy!)

Chicken Parmesan
spaghetti with heirloom tomato marinara (make it spicy!)



Grilled Chicken Oregano
Tzadziki . greek fries

Ora King Salmon
Roasted corn and avocado salsa . wilted spinach



Fish and Chips
fresh fried halibut . rosemary sea salt french fries . homemade tartar sauce

Chicken Finger Platter
homemade ranch . honey mustard . rosemary sea salt french fries

Lamb Chops
greek fries . mini greek salad



Sides

Roasted Fingerling Potatoes
Sautéed Green Beans
Steamed Broccoli
Sweet Potato Fries
Rosemary Sea Salt Fries
Greek fries
Cauliflower Au Gratin



Sandwiches

Philly Cheesesteak
thin sliced tenderloin . peppers . onions . mushroom . provolone
rosemary sea salt french fries

Baja Fish Tacos
Fried Halibut . salsa verde . homemade tortilla chips . guacamole

Pimento Cheese Stuffed Burger
lettuce . tomatoes . chili aioli
rosemary sea salt french fries

Cheddar Burger
hand-packed patty . cheddar . caramelized onions
rosemary sea salt french fries



Desserts

Butter Cake
vanilla ice cream . homemade whipped cream

Loukamaides
cinnamon . honey

Homemade Oreo Ice Cream Cake

Belgian Chocolate Soufflé Cake
Vanilla ice cream . homemade whipped cream

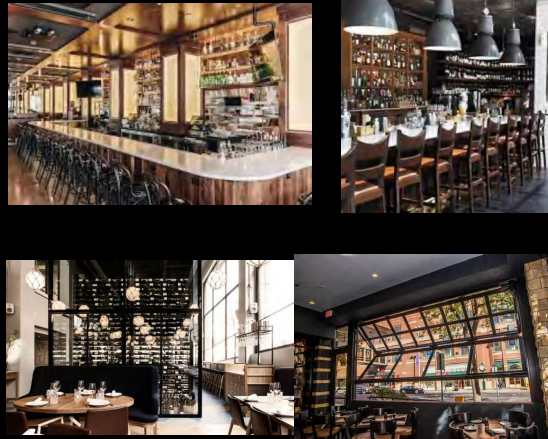


Kids Menu

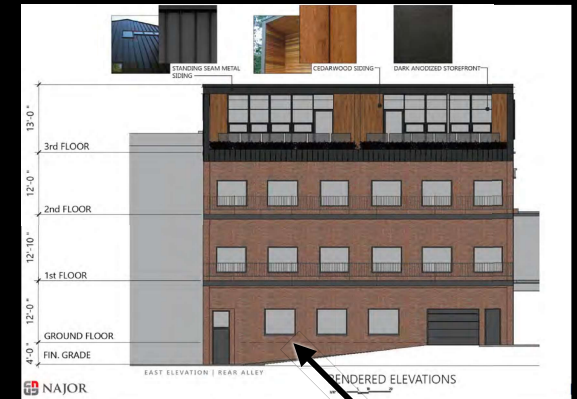
Fish and Chips
Kids Burger and Fries
Salmon and Steamed Broccoli
Chicken Fingers and Fries with Homemade Ranch
Spaghetti and Meatballs
Baked Cauliflower Au Gratin with Sautéed Green Beans

Vinewood Kitchen and Cocktails is a modern casual American restaurant, which features a wide selection of menu items with a hint of clean mediterranean influence, focusing on healthy options with a twist. Designed specifically for the Birmingham clientele, we source the highest quality ingredients to provide the very best in our industry. The full service bar offers unique craft beers, fine wine, and scratch cocktails. Our core philosophy is to provide outstanding service and food in a casual but still upscale atmosphere. Our goal is to become Birmingham's go-to neighborhood restaurant with something for everyone.

Owner/Operator Christ Backos has been in the food business for over 25 years. He has owned and operated full service restaurants, bars, and banquet facilities over that span of time. He currently owns and operates Ernie's Medditeranian Room which is an upscale mediteranian concept and banquet facility in Clinton Township. He also owns and operates three Leo's Coney Island Franchises in Macomb County, The Detroit Food Company which is a full service off premise catering company, and the Fresh Food Kitchen which is a meal prep food delivery service. For this project, he has collaborated with executive chef Sarah Nahas Hormi, a graduate of the New York Culinary Institute. She is a culinary producer for the show Chopped, Chopped Jr. & Chopped Sweets on the Food Network.



Our vision for the interior is modern meets rustic. A warm but sophisticated vibe that is family friendly, a true neighborhood restaurant.



Proposed lower level space where garage doors or accordian windows would open to the outside.

**724 N. Old Woodward
Birmingham, MI 48009**



Proposed Floor Plan



ARCHITECTURAL
STAINLESS
INC.

DESIGNED BY: ASI
DRAWN BY: ASI
CHECKED BY: ASI
DATE: 11/11/11

Vinewood Kitchen & Cocktails

BIRMINGHAM, MI

SEATING-BAR: (10) PERSONS
SEATING-DINING: (44) PERSONS

PLAN APPROVED FOR EQUIPMENT

DATE:

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FS-1

Financially, after 20 plus years in the food business and having a great deal of success and currently owning multiple loacations, myself and my business partner and landlord Brian Najor will both be making capital contributions to build out the proposed space.



720 N. Old Woodward Ave.

Legend

Oak Ave

N Old Woodward Ave

1

Woodward Ave

Vinewood Ave

Park St

Brookside Ave

Google Earth





720
N Woodward

UNAUTHORIZED
PARKING WILL BE
TOWED AWAY AT
OWNERS RISK.
NO ADULTS ALLOWED.
2ND AND 3RD FLOORS

724





NAJOR
FOR LEASE
248.431.7000
www.najor.com

KOHLER

724

JOHN M. SUSHKO, D.D.S.
FRIENDLY DENTAL OFFICE

720

720
MAPLEWOOD OFFICE PARK

		Restaurant Seating			Indoor Hours of Operation							
Restaurant Name	Address	Indoor	Outdoor	Total	S	M	T	W	T	F	S	Outdoor Ends
Adachi Sushi	325 S. Old Woodward	65	67	132	11:30 am - 10 pm	11:30 am - 10:30 pm			11:30 am - 11:30 pm			12:00 am
Bella Piatti	167 Townsend	62	28	90	11:00 am - 12:00 am							12:00 am
Birmingham Sushi Café	377 Hamilton Row	65	24	89	11:00 am - 9:30 pm	11:00 am - 10:30 pm			11:00 - 11:00 pm			12:00 am
Bistro Joe's	34244 Woodward	64	60	124	8:00 am - 9:30 pm							12:00 am
Churchills Bistro & Cigar Bar	116 S. Old Woodward	63	12	75	Never provided							12:00 am
Elie's Mediterranean Grill/Bar	263 Pierce	64	24	88	Never provided							12:00 am
Forest Grill	735 Forest	64	30	94	11:00 am - 12:00 am							12:00 am
La Strada Café	243 E. Merrill	65	14	79	8:00 am - 3:00 pm	7:00 am - 10:00 pm			7:00 am - 11:00 am			12:00 am
Luxe Bar & Grill	525 N. Old Woodward	59	12	71	11:00 am - 11:00 pm							12:00 am
Mad Hatter Café	185 N. Old Woodward	58	24	82	9:00 am - 10:00 pm				9:00 am - 11:00 pm			10:00 pm
Maple Road Taproom (Whole Foods)	2100 E. Maple	36	33	69	8:00 am - 10:00 pm							10:00 pm
Market North End	474 N. Old Woodward	64	44	108	11:00 am - 12:00 am							12:00 am
Pernoi	310 E. Maple	65	26	91	Special Events Only		5:00 pm - 11:00 pm					12:00 am
Salvatore Scallopini	505 N. Old Woodward	64	34	98	11:00 am - 12:00 am						9:30 am - 12:00 am	12:00 am
Social Kitchen & Bar	225 E. Maple	64	86	150	9:30 am - 12:00 am	11:00 am - 12:00 am				9:30 am - 12:00 am		12:00 am
Tallulah Wine Bar & Bistro	155 S. Bates	64	42	106	11:00 am - 12:00 am							12:00 am
Toast	203 Pierce	65	59	124	8:00 am - 4:00 pm	7:00 am - 3:00 pm		7:00 am - 8:00 pm		8:00 am - 9:00 pm		Same as Business
Townhouse	180 Pierce	50	64	114	Never provided							12:00 AM

Fwd: 720N. Old Woodward - Vinewood Bistro

Drew Dettling <dsdettling@comcast.net>
To: ndupuis@bhamgov.org

Wed, Feb 24, 2021 at 11:04 AM

Nicholas

Below is an email I just sent Jana. I'm pretty sure it's too late to distribute to Planning Board members for tonight's meeting (if you could get it in their hands, that would be great). But I did want them to know that Brookside residents do have an opinion.

Drew Dettling

Begin forwarded message:

From: Drew Dettling <dsdettling@comcast.net>
Subject: 720N. Old Woodward - Vinewood Bistro
Date: February 24, 2021 at 10:52:05 AM EST
To: jecker@bhamgov.org

Jana

I'm writing to voice my opposition to the Vinewood Bistro, which will be the subject of a Special Land Use Permit and Final Site Plan and Design Review hearing tonight before the Planning Board. I apologize in advance for the tardiness of this letter, but I've been out of town and just received the hearing notice yesterday.

By way of background, I live at 740 Brookside Ave. My home is directly across Parking Lot #6 and the Rouge River from the proposed Bistro. As you know, Brookside Ave is a quiet residential dead-end street of single family homes. I have significant concerns about the hours of operations, light and noise 'pollution' and kitchen odors of the proposed Bistro. The homes on Brookside sit at higher elevations from the street and the foliage along the river provides minimal screening from Lot #6 (even in the summer). The proximity of the proposed Bistro to our homes is roughly equivalent to having your house sitting on the play structure in Booth Park, facing Market Northend. The light, noise and odors from Vinewood will significantly detract from our ability to enjoy the peace and quiet of our homes. It will also significantly detract from the value of our homes. Since the developer / operator of Vinewood has not yet specified the hours of operation, I'm assuming the worst case; they will want to be open until 1am, similar to Luxe. This is not tenable.

Regarding the situation with the dumpsters, the current dumpsters in Lot #6 fill rapidly, requiring collection 2-3 times per week. The dump trucks typically pick up at 6am, further disturbing our peace and quiet. With the addition of Vinewood, either more dumpsters or more frequent collection will be needed. And since the dumpsters sit right next to the river, any overflow of kitchen waste will create a bad environmental situation, not to mention the need for additional pest and rodent control.

I understand the intent of the Bistro Ordinance is to activate the streetscape and promote a more pedestrian oriented environment, by requiring outdoor dining. 'Bistros must have tables located in the storefront space lining any street, or pedestrian passage'. Vinewood's outdoor dining abutting Parking Lot # 6 stretches the definition of street or pedestrian passage to the breaking point. I don't understand the purposed of 'activating' a surface parking lot. If Vinewood wanted to comply with the spirit of the Ordinance, they would find a way to place the Bistro so it's outdoor dining fronted on Old Woodward.

To the best of my knowledge, no Bistro in Birmingham has an entrance, signage and outdoor dining facing single family residential housing. I think that is for a reason; protect and respect the single

family neighborhoods. Prior Planning Board and Bistro owner decisions have respected that intent. Approving Vinewood as proposed would break with that precedent and open the possibility for further deterioration of our neighborhoods. I thought the City's recent strategic planning effort was placing more emphasis on the neighborhoods. I don't believe approving Vinewood is honoring the intent of the strategic plan.

Respectfully,

Drew Dettling
740 Brookside Ave.

Parking issues in North Old Woodward

1 message

kshama Jay <kshamajay@gmail.com>

Wed, Apr 14, 2021 at 2:26 PM

To: ndupuis@bhamgov.org

Cc: EMG Property Admin <propertyadmin@emgcondo.com>, Dennis Gistingner <dgistingner@gmail.com>, Kristin Bongiovanni <kbongi@gmail.com>, kshama Jay <kshamajay@gmail.com>

Good Afternoon,

I have been informed that the township has a planning Board meeting to discuss an addition of a new Restaurant and Bar in the Kohler Building off North Old Woodward Avenue. While this is great for the township, the parking needs to be addressed and considered a priority before entertaining approval of new businesses. As a homeowner and resident of the North end, I was on a zoom call last year when the city and planning board voted to approve the extension of luxe Bistro and Bar. I asked the question then and will ask it again, **what is the city doing to assure that the planning includes parking as well?**

We have a private parking area that is constantly occupied and used by patrons of the different restaurants, not sure how we can stop this. The city's parking ordinance states that this is a private lot. I have reached out to the owners of Luxe as well to help with the logistics of the current foot traffic and vehicle traffic. The flat lot across the area where the farmers market takes place needs to be updated to incorporate the traffic that is expected with these expansions or maybe the city as other ideas to help alleviate the congestion.

We need more traffic police in the area, FYI ,it is a good source of revenue for the city. We can provide the vehicles that are legally allowed to park in the area (we plan on using a parking decal). Bottom line is that the businesses in the area do not help as the city does not follow through on what is expected to keep the peace. As the city of Birmingham expands its commerce it would be prudent to ensure the safety of the residents while improving the infrastructure to match its expansion.

Thank you for your time and I look forward to hearing from you and/or the city of Birmingham.

Kshama Jayasuriya
kshamajay@gmail.com



Nicholas Dupuis <ndupuis@bhamgov.org>

new restaurant

Lori Karbal <lorikarbal@gmail.com>
To: ndupuis@bhamgov.org

Wed, Apr 14, 2021 at 1:00 PM

I am a business owner at 560 North Old Woodward. Please do not put in a restaurant down here. We finally have parking here after so many years of problems. Also, the noise in the neighborhood.

Thank you

Lori Karbal
560 North Old Woodward
Birmingham, Michigan 48009

Dear members of the Birmingham Planning Board:

I am writing in regard to the proposed bistro “Vinewood Bistro” at 720 N Old Woodward. This is proposed for the back lot of Parking Lot No. 6, behind the Merrillwood building & associated buildings to its north. My properties, 692 and 724 Brookside Ave., are across the Rouge to the east and look directly onto the lot and building. I disagree with the proposal and urge the Board to deny the application for the following reasons:

1. Increased noise & traffic
2. Increased light pollution
3. Location
4. Restaurant density/saturation, especially with regards to traffic & parking

To begin, let me provide some physical context to help support this comment of Nicholas Dupuis’: *“[T]here are single family residences across the river that may be affected by any noise or light emanating from the proposed patio.”*¹

Because my properties are on a substantial hill and are much higher than the level of Lot 6, they have a direct view down onto this area. After the 2018 extension of the lot and removal of trees/brush on the west side of the Rouge, which was preceded by the loss of many elm trees due to the emerald ash borer, there is now very little natural shielding. As a result, I can see everything that goes on in the lot and often what happens inside the buildings. This clear sightline is, of course, heightened during winter. From my upstairs windows I have an even more unobstructed view.

The landscaping planted after the 2018 lot extension is not thriving; as I look out of my window, 5 of the 12 evergreens I see are brown and dying/dead. During the spring thaws and large rain events the lot often is partially underwater. While plantings at the south end of the parking lot were chosen with inundation in mind, the remainder of the plantings obviously were not. Thus, shielding from mature evergreens in the landscaping is less likely and is at least several more years into the future. Because of the hill and driveways, I cannot use landscaping on my own properties to shield my view (to cover my upstairs windows, trees need to grow at least 50 feet, something only achieved by three existing 100-year old oaks).

Regarding the bistro itself, I have four main objections:

¹ Memorandum of February 24, 2021 from Nicholas Dupuis, City Planner, to Jana Ecker, Planning Director, as included in the Full Agenda of the February 24, 2021 Planning Board meeting, page 81.

1. INCREASED NOISE POLLUTION & TRAFFIC

As I stated above, there is very little shielding my properties from Lot 6 and its buildings. Luckily, during the day there is minimal noise, as the lot is used mainly by employees and short-term visitors to the businesses. At night, noise is from patrons of Market North End, Luxe, & Salvatore Scallopine; at times this can get quite raucous, but it is rare that those patrons park directly across from me. Regardless, I hear car doors, engines, the occasional car alarm, and even loud conversations. I can even set my watch by the schedule of the office cleaners, who dispose of their trash in the dumpsters and then idle their engines around midnight Monday-Saturday.

A bigger noise impact is indeed from the dumpsters (at both ends of the lot) which are emptied most days between 6 and 7:30am; the accompanying bangs and wall-shaking thuds are heard and felt quite clearly. More intrusive yet is the Farmer's Market; for 6 months (May to October), every Sunday it often gets loud enough that I cannot drown out the noise with music (played inside my home with the windows closed).²

With the exception of petitioning the Farmer's Market organizers to limit/eliminate amplified music (both recorded and live), I have accepted that these noises are part of living in what is now an urban environment. I am no stranger to city life, having lived in various downtowns during my graduate school years, and accept that sounds like dumpsters emptying and car doors are part of the city soundscape. However, with each additional noise source the enjoyment of living in my house diminishes, and I fear the value of my property will drop further. The increased traffic noise from Woodward has already affected the assessment of my property, as evidenced from the bank appraisal done last year during the course of refinancing my home equity loan.³

With Vinewood Bistro operating in this location, more noise will be constant all day long, seven days a week. Judging from behavior of diners at the three established night-time restaurants in this city block, patrons will not merely dine inside/on the patio but will also congregate around cars and on the walkways. In addition to the public hours, restaurant staff will be prepping early and cleaning up late – an impact often overlooked by planners. I do not see a staff break room on the plans, so I expect that staff will take breaks in the parking lot, much like they do in the alleys behind other Birmingham restaurants. In addition, also in the early hours deliveries will be made and dumpsters emptied more frequently and/or in greater quantity.

² An exception was the 2020 season, as the market was drive-through only that year and as a result, was hardly noticeable.

³ "[A] potentially adverse noise" because the property "is adjacent to a busy road (in the rear)...[T]his has been considered to have an effect on value or marketability". *CoreLogic Valuation of 692 Brookside Ave from March 25 and May 15 2020*.

I take this time to mention the chance for increased vermin. Rats are endemic to cities; I do not expect Birmingham to be exempt. However, we have been fortunate in my neighborhood to escape large-scale infestation.⁴ While much of this can be attributed to good garbage handling and yard maintenance, there is also the fact that the majority of the waste deposited in Lot 6's dumpsters is not from food.

2. INCREASED LIGHT POLLUTION

As detailed above, a large amount of natural shielding/buffer between Lot 6 and Brookside has been lost in recent years. With the installation of new street lamps in the lot, plus the construction of the Pearl and consequent reduction in mature trees at the north end of Brookside, my properties are now never dark. Blackout curtains in the bedrooms are necessary to block out enough light to allow the rooms to be somewhat conducive to sleep. The twinkling of the red lights from the newer parking meters has also added to the light pollution reaching my properties. We cannot afford to have more light reach us on Brookside – not only from the bistro but from the headlights of the cars of bistro patrons.

3. LOCATION

The entire back of Lot 6, and especially the new extension, are in a Special Flood Hazard Area (SFHA) as designated by FEMA⁵ (see also the attached map). In fact, the entire Merrillwood complex and the back half of buildings to its north – **including this proposed bistro location** - are in in the SFHA, with the majority of the back of Lot 6 designated further as Regulatory Floodway. This alone should be enough to dissuade the Planning Board from approving this application.

Natural flooding is common in this area, both from spring thaws and from heavy rain events. Further development/use of the area should be discouraged.

This is the back of 720-790 Woodward in March 2020:

⁴ The exception, of course, is Market North End; in recent years I have seen rats on occasion when walking on Ravine at dawn/dusk, and cannot help but think they are the direct result of the dumpsters behind that restaurant.

⁵ <https://msc.fema.gov/portal/search?AddressQuery=692%20Brookside%20Ave%2048009#searchresultsanchor> .

See also:

https://msc.fema.gov/arcgis/rest/directories/arcgisjobs/nfhl_print/agolprintb_gpserver/jbd5c654db52c4c2f9477e75f402e1796/scratch/FIRMETTE_31170d74-ed41-47a0-bfdf-8b6c911784e2.pdf



In February of 2019 (as seen from Brookside Ave)



February 2017:



February 2016 (This is a still from a 3-minute video):



4. RESTAURANT DENSITY/SATURATION

While the zoning of this portion of Old Woodward does allow for use as a bistro, within 1 block there are already 3 (soon to be 4) dining establishments that are open at night and serve alcohol. Three additional daytime cafes are also open. Had the Planning Board and the City Commissioners really wanted to expand the bistro dining opportunities in this area, there would have been an optimal chance to do so when The Pearl was proposed and built. Instead, there is now concern over the parking impact a 2-table juice bar will have – what will the impact be of a full-service lunch & dinner bistro serving alcohol? Isn't it contradictory to discourage a juice bar with its quick service and short visits at the same time you encourage an establishment that will have lengthier visits and 64 patrons?

The vehicle and pedestrian traffic at the corners of Ravine/Old Woodward and Harmon/Old Woodward is already heavy at night and on the weekends. Rare is the day/night that I use Ravine to exit/access my neighborhood. Between delivery trucks in the morning on Ravine and in the center of Old Woodward, jaywalkers at all times, and drivers who idle waiting for the perfect parking spot, the area has become increasingly risky to drivers. The perennial problem of protecting pedestrians crossing Old Woodward has yet to be solved, and I fear the day a serious (or, god forbid, fatal) accident occurs from a distracted driver. The area is utilized enough and, in my opinion, would not benefit from the additional of yet another bistro.

Based on the October 26, 2020 City Commission meeting minutes, another location in Downtown Birmingham has been also proposed for a similar concept bistro by the same owner. This location is a much more suitable property to consider, especially considering the recent closure of several restaurants in the same area. As the current pandemic continues to ravage the hospitality industry, I believe it would be prudent to encourage redevelopment of empty properties in Downtown, rather than forcing a restaurant onto a new location.

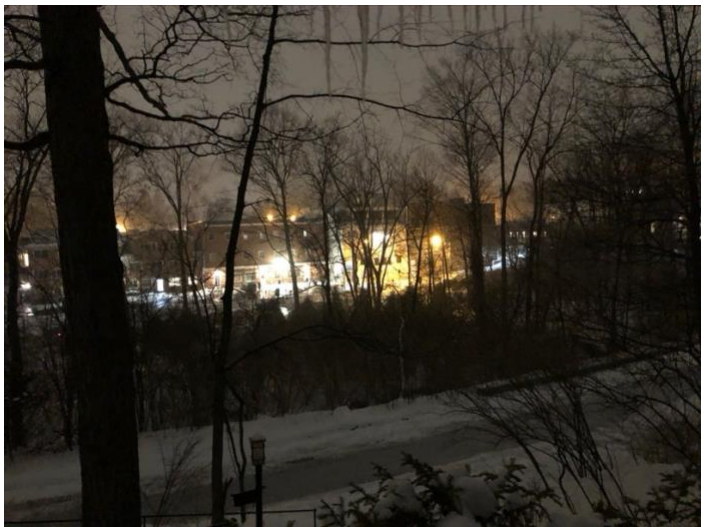
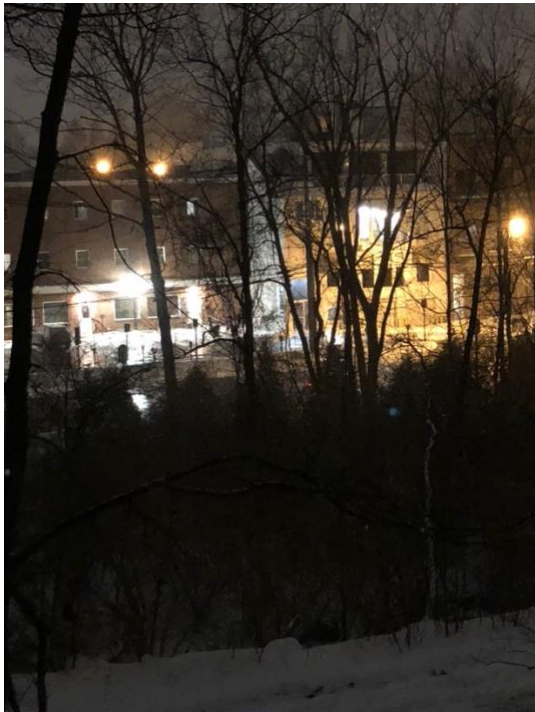
My family has lived on Brookside since 1942, I grew up here, and I moved back more than twenty years ago. I feel lucky to be still living and working here. Part of the attraction of living in my neighborhood is the seclusion from the commercial portion of Birmingham. In fact, Little San Francisco (or The Ravines, the proposed new name) is desirable because it is not just close to Old Woodward and Downtown Birmingham but is uniquely private and intimate as well. The proposed bistro does not enhance these features but instead intrudes unnecessarily into a quiet residential area.

Thank you for taking the time to consider my comments.

Sincerely,
Kristen Tait

I encourage the Planning Board members to visit my street (and climb up my stairs) to see my view for themselves. However, in case that is not feasible, here are several photos that approximate the right scale:





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April 13, 2021

Via Email

Members of the Birmingham Planning Board

**RE: 720 N. Old Woodward
The Vinewood**

Dear Members:

We are writing to you on behalf of a number of concerned citizens in the Brookside/Little San Francisco area. On their behalves we ask that you deny the SLUP and Design Review Application for the Vinewood, because:

- The Application does not meet either the intent or spirit of the Bistro Ordinance.
- The Winter Garden is prohibited by the Ordinance.
- Noise and Light Pollution will increase significantly.
- The outdoor raised platform is a permanent structure necessitating a lease of public property, placement of dumpster enclosure and makes no accommodation for seasonable flooding
- The Application fails to take into account the additional parking impact.

While certain city commissioners seemed to be initially intrigued by the possibility of riverside dining, the detrimental impacts on the neighborhood outweigh any potential dining experience or benefit to the community.

1. **The Application Meets Neither the Intent Nor the Spirit of the Bistro Ordinance.**

Bistros were and are intended to activate the street scape. This proposal does neither. It is simply the backside of a multi-tent building. The very northerly end of Lot 6 – the location in no way activates Woodward or any pedestrian passageway.

Moreover, the Bistro Ordinance requires, “the elevated, ADA Compliant, defined platforms must be erected on the street adjacent to the Bistro” (emphasis added).

2. **The Winter Garden is Prohibited by the Ordinance**

The Winter Garden, no matter how described is prohibited by the ordinance. Either it is indoor dining and, therefore, its twenty-eight (28) seats exceed sixty-four (64) seats already proposed as indoor; or as proposed is an “enclosure facilitating year around dining outdoors and prohibited by Article 3 of the Ordinance.

The Winter Garden, per the Applicant’s Plans (Sheets A-1 and A-2) is indoor dining. It is fully recessed (8’ 6”) into the existing building, surrounded by brick walls at the north and south ends, the proposed “New Exterior Wall – butt glazed glass in aluminum top and bottom channel with three frameless glass doors” and the brick stations of the existing exterior wall. It has a drywall ceiling with recessed lights and heat.

By the definitions of MDHHS and MIOSHA over the last year of COVID, it is indoor dining. We can find no building code definition which would define it otherwise.

Even assuming some stretch of an argument that the screens on the east wall make it somehow “outdoor” dining, it is not permitted per condition (i) of the Section 3.04 (C) (10) of the zoning ordinance.

Article 3, Section 3.04 (C) (10) condition; (i) provides “enclosures facilitating year round dining outdoors are not permitted”

Of equal concern would be enforcing the Applicant’s compliance if the Winter Garden were approved. As Ms. Ecker’s memo states:

“Enforcement beyond the permitted outdoor dining season (April – October) would be difficult due to the patio and winter garden placement at the rear and lower level of the building, which is not visible from the street, and may not even be evident from any ease vantage point in Parking Lot 6.”

3. **Noise and Light Pollution will Increase Significantly.**

The noise created by delivery trucks, garbage trucks, service vehicles, restaurant operations, post-closing cleaning and trips to the dumpsters, will be nearly twenty four hours a day, seven days a week. Delivery trucks servicing the restaurant begin early in

the morning; well before opening time. Garbage pickup in town begins at sunrise and is consistently between 6:00 a.m. and 8:00 a.m. With the Applicant's proposed hours the only possible quiet time each day is, at best, the four (4) hours of 2:00 a.m. and 6:00 a.m. The proposed elevated platform and the geography of the valley would exacerbate, not alleviate, the noise generated by the restaurant. To demonstrate the proximity to Brookside, we attached photos taken the morning and afternoon of April 13, 2021.

The proposed photometric lighting plan has a light intensity nearly 8 times greater than allowed by the Ordinance. Ms. Ecker's memo states:

"The applicant has now submitted a photometric plan demonstrating he proposed light intensity on the site. Article 4, Section 4.21 (E)(1) of the Zoning Ordinance stats that the intensity of light on a site shall not 1.5 maintained foot-candles at any property line that abuts a non-residential zoning district. The light intensity shall be measured at 6' above ground level on a vertical plane. Additionally, the intensity of light on a site which provides a front setback of less than 5 ft. shall be measured from 5 ft. beyond the front property line. The photometric plan submitted shows illumination levels far exceeding 1.5 maintained foot candles on both the front and rear elevations. The light intensity is as high as 10.0 at roughly 6 ft. beyond the front property line at the front and as high as 11.6 in the rear at roughly the same distance".

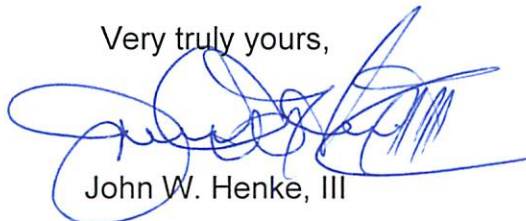
We understand from a lighting engineer, these are light levels similar to a very bright lit parking garage.

4. The Application Makes No Mention of the Parking Impact.

The parking issues of the City are well-documented. Adding a 128-seat restaurant to the north end of town simply exacerbates an already an abysmal situation.

Based upon the foregoing, as well as the other issues articulated by the Planning Division, we respectfully request the Application be denied.

Very truly yours,



John W. Henke, III

JWHIII:lac

















MEMORANDUM

Planning Division

DATE: May 13th, 2021

TO: Thomas M. Markus, City Manager

FROM: Brooks Cowan, City Planner

APPROVED: Jana Ecker, Planning Director

SUBJECT: Public Hearing for a lot split of 695 W. Brown Street, Parcel# 19-36-151-001

INTRODUCTION:

The owner of the property known as 525 W. Brown Street is seeking to split the southern portion of their property and create a new lot facing Watkins Street. The subject property is 36,127 square feet and is located on the south side of Brown Street between Southfield Road and Watkins Street.

BACKGROUND:

The subject property is zoned R-8 Multi-family which permits up to 8 single-family attached units depending on the lot size. Single-family attached units are required to be side-by-side and cannot be stacked on top of one another. The property currently consists of eight single-family attached units facing Brown Street and over 10,000 square feet of open space in the southern section of the property which is the area the applicant is requesting to split from the existing parcel.

525 W. Brown (formerly 525 Southfield) received Final Site Plan approval to construct an 8-unit single-family attached development from the Planning Board on February 28th, 2018. The applicant has indicated an interest to split the southern portion of their lot in order to sell that portion of the R8 zoned property. As of now, the current lot has reached its maximum number of single-family attached units. Obtaining a lot split would permit a single family home or attached single-family homes to be constructed on the newly formed lot facing Watkins given its current zoning.

City staff would like to mention that 525 W. Brown submitted their condominium documentation for the master deed to Oakland County in 2018 indicating a "general common area" for the northern portion of the property. Instead of maintaining the original lot and creating Parcel ID #s for the general common area and each individual condo, the county created a "balance parcel" that sits outside of the common element area, and in effect split the parcel and created a new lot. However, the county cannot approve a lot split in Birmingham without City Commission approval. Since that time, the review process for all new parcel IDs has been updated to require review and approval from the Planning Department before new parcel IDs can be finalized. The City will require the County to undo the lot split for the "balance parcel" if the City Commission does not approve the lot split application.

The Subdivision Regulation Ordinance (Chapter 102, Section 102-53) requires that the following standards be met for approval of a lot division.

- (1) *All lots formed or changed shall conform to minimum Zoning Ordinance Standards for the zone district in which the property is located.*

Both parcels that result from the lot split would conform to minimum Zoning Ordinance standards as set out in Article 02, Section 2.19 of the Zoning Ordinance for the R-8 Zoning District. **Any single family home or single family-attached development for the proposed lot will be required to go through Planning Board review and obtain approval from the Planning Board due to the R8 zoning designation.**

In regards to lot area, the proposed split would reduce the size of 525 W. Brown from 36,127 square feet to 25,649 square feet in size. The resulting size of the Watkins lot is proposed to be 10,478 square feet. Both resulting parcels at 525 W. Brown and Watkins Street would be in excess of the required 3,000 square feet per dwelling unit. 525 W. Brown has 8 dwelling units which is the maximum number of units allowed. **The resulting parcel on Watkins would have a maximum of 3 dwelling units given its size.** Single-family attached dwelling units are required to be side-by-side and cannot be stacked on top of one another. There are no lot coverage or minimum open space requirements in the R8 Zone, **therefore the proposed lots satisfy all lot area requirements.**

In regards to setbacks, the R8 Zone requires the front setback to be the average of residential buildings within 200 feet on the same street, otherwise 25 feet. The average front setback within 200 feet is 22.67 feet which is indicated on the building footprint for the proposed Watkins lot. The front setback of 525 W. Brown is 16.5 feet and is unchanged since approval from the Planning Board in February of 2018. A rear setback of 20 feet is required for both properties. 525 W. Brown indicates a 22.7 foot rear setback, while the building envelope for the proposed Watkins lot indicates a 20 foot rear setback.

The R8 zone requires a side setback minimum of 10 feet for corner lots and 7 feet for interior lots. 525 W. Brown Street will maintain its 10 foot side set back, while the building envelope for the proposed Watkins lot indicates a 7 foot setback. The R8 zone also requires 14 feet or 25% of total lot width whichever is larger, between principal residential buildings on adjacent lots. The lot width for the proposed Watkins property is 59.84 feet, therefore the building envelope on the proposed Watkins lot must be setback 14.96 feet from the buildings to the north and south. The plans indicate a distance between of 16.9 feet from the house to the south and 29.7 between the building to the north. **Thus, the proposed lots satisfy all setback requirements.**

In regards to maximum building height, the R8 Zone allows buildings up to 30 feet and 2.5 stories. The 525 W. Brown development is 30 feet in height as approved by the Planning Board in 2018. The City has yet to receive a site plan for a development on the proposed Watkins lot, however any attached single-family development proposed for this lot will be required to obtain approval from the Planning Board and will be required to be 30 feet in height or less.

It is of note that the houses to the south of the proposed Watkins lot are zoned R2 and have a maximum height of 30 feet for lots greater than 9,000 square feet, 28 feet for lots between 6,000 and 9,000 square feet, and 26 feet for lots less than 6,000 square feet as a comparison for heights in the R8 versus R2 zones.

Accordingly, no non-conformities would be created on either of the resulting parcels as a result of the proposed split.

- (2) *All residential lots formed or changed by the division shall have a lot width, as defined in chapter 126, of not less than the average lot width of all lots on the same street within 300 feet of the lots formed or changed **and within the same zone district**.*

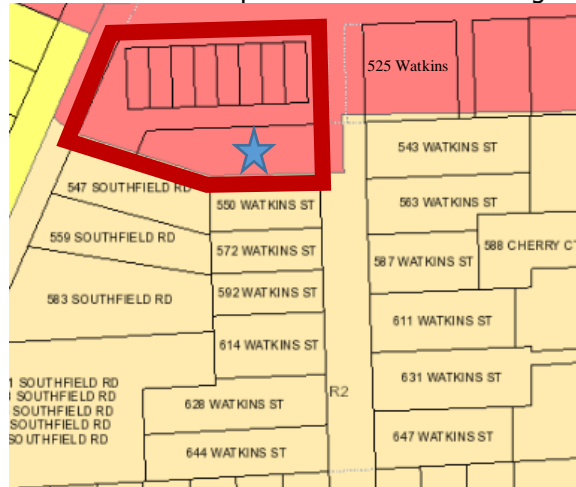
There is one R8 zoned property with frontage on Watkins Street for comparison - it is across the street to the east of the subject property at 525 Watkins and has a lot width of 103 feet. Given the criteria of Section 102-53(2), resulting lots in the R8 zone along Watkins cannot be less than 103 feet. **The applicant is proposing a lot width of 59.84 feet and therefore does not satisfy this requirement because it is less than the average lot width of 103 feet for properties within 300 feet on the same street and the same zone.**

Given that the proposed lot is adjacent to R2 single-family zoned properties to the south on Watkins, staff requested the applicant include the lot widths of the neighboring R2 zoned properties to provide a comparison of the lot width for the proposed Watkins lot versus its neighboring R2 zoned lots. The average lot width of R2 zoned properties within 300 feet is 56.81 feet, while the applicant has proposed a new lot width of 59.84, exceeding the average of the neighboring R2 zone by 3 feet. **While the application does not have to meet the average of the adjacent R2 zoned lots, the proposed lot split would be consistent with the neighboring single-family R2 zoned lots if it were rezoned to R2 – Single Family.**

Accordingly, the application does not appear to satisfy this requirement at this time. The applicant is amenable to conditions of approval that require the lot to only be developed in accordance with the R2 single-family zoning standards. If the City Commission is not willing to pursue such a condition, the Planning Division recommends that the applicant apply to rezone the property to R2 and go through the rezoning process with the Planning Board and City Commission. Should the Commission decide to proceed with a lot split approval, it is recommended that a condition be added that the applicant will be required to obtain rezoning.

The applicant is also amenable to a lot split approval with the condition that the lot be limited to 2 single-family attached units instead of 3 units as the lot's size within the R8 zone would permit. The case for such a compromise is that there is only one other R8 zoned property on the street for comparison which could be considered an unfair sample size. The applicant has requested to discuss such a compromise during the Commission meeting.

(Transition from the R8 Zone in pink to the R2 Zone along Watkins Street)



- (3) *The division will not adversely affect the interest of the public and of 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 of appropriate development of adjacent land or buildings will not be hindered, nor the value thereof impaired.*
 - b. *The effect of the proposed division upon any flood plain areas, wetlands or other natural features and the ability of the applicant to develop buildable sites on each resultant parcel without unreasonable disturbance of such natural features.*
 - 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 Watkin lot has a similar width and area to the surrounding properties and is zoned for a maximum height that is similar to the neighboring properties. For comparison, there are seven single family homes on the subject's block of Watkins with a lot width of 60 feet or greater which is larger than the proposed lot width of 59.84. The building envelope permits a 46 foot wide development which is similar to a number of homes on the block. **The building envelope and maximum height of the proposed lot facing Watkins does not appear to hinder the development of adjacent properties, nor diminish their values.**

The subject property is not located within the floodplain or soil erosion limit of a recognized stream, river, lake or other water body. The site does not appear to exhibit evidence of regulated wetlands or endangered species of flora and fauna. **The proposed lot split and property transfer will not affect any natural features on the site.**

The proposed lot split will not negatively affect the supply of light and air to adjacent properties. It will not negatively affect the capacity of essential public facilities. City departments have no objections to the proposed lot split.

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 525 W. Brown Street seeking public comment on the proposal.

SUMMARY:

The Planning Division recommends that the City Commission cancel the public hearing and that the applicant applies to rezone the property to R2 – Single Family if they wish to continue pursuing the lot split. Rezoning the subject area to R2 - Single family will ensure that all lot split requirements of the Municipal Code are met due to the average lot width of the neighboring R2 zoned lots on Watkins. If the applicant pursues a rezoning to R2, the Planning Division recommends the lot split hearing be re-set for the same meeting date as the hearing for the rezoning.

The Planning Division does not recommend approval of a lot split with the condition that the subject property be limited to the development standards of R2-Single Family. A rezoning would be more formal and would ensure consistent enforcement for future administrations.

The Planning Division also does not recommend a special condition of approval for the lot split that limits the proposed lot to a maximum of 2 single-family attached units. However, the City Commission may wish to have a discussion regarding lot split/combo cases with a small number (such as one) of comparable lot widths within 300 feet to factor in for the lot width limit requirement.

ATTACHMENTS:

Surveys

Application & attachments

Letter from resident

Letter to resident from potential buyer

Oakland County PIN and Balance Parcel approval documents

Public Comment Letter Received

SUGGESTED ACTION:

To cancel the public hearing and direct the applicant to pursue a rezoning of the subject property to R2-Single Family in order to meet the lot split requirements of the Municipal Code;

OR

To approve the lot split with the condition that the proposed lot be restricted to development standards of the R2 – Single Family Zone;

Or

To approve the lot split with the condition that the resulting parcel be limited to a maximum of two single-family attached units;

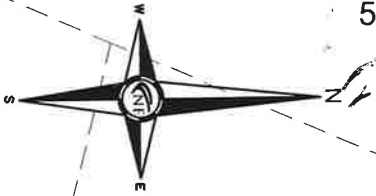
Or

To deny the lot split.

Parcel Split Survey

525 SOUTHFIELD ROAD, BIRMINGHAM, MI

P.I.N.: 19-36-151-001



SOUTHFIELD ROAD (66' WIDE-PUBLIC)
N24°05'00"E 121.83' (M)

LOT 2

P.I.N.: 19-36-151-002

N70°53'41"W 152.28' (M) 153.60'(R)

LOT 12

LOT 1

LOT 13

BIRD & STANLEY'S ADDITION
(LIBER 3, PAGE 7)

ASSESSOR'S PLAT NO. 1
(LIBER 45, PAGE 42)

P.I.N.: 19-36-151-001

LOT 14

LOT 12

P.I.N.: 19-36-151-006

S88°04'32"W(M) 119.00'(R&M)

LOT 13

N88°05'27"E 208.67'(M) 202.10'(R)

BROWN ROAD (60' WIDE)

W. 48' OF LOT 15

S01°35'27"E 164.08' (M)

WATKINS STREET (50' WIDE)



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

PREPARED FOR:

TOWN BUILDING
COMPANY

SCALE
1" = 30'

DATE
02-26-2021

DRAWN
K.N.

REVISED: 03-19-2021

JOB NO. SHEET
J636 1 of 4



Parcel Split Survey

525 SOUTHFIELD ROAD, BIRMINGHAM, MI

P.I.N.: 19-36-151-001

LEGAL DESCRIPTION - (PARENT PARCEL)

LAND SITUATED IN THE COUNTY OF OAKLAND, CITY OF BIRMINGHAM, STATE OF MICHIGAN, IS DESCRIBED AS FOLLOWS:

LOTS 12, 13, 14, AND WEST 48 FEET OF LOT 15; BIRD AND STANLEY'S ADDITION, AS RECORDED IN LIBER 3, PAGE 7 OF PLATS, OAKLAND COUNTY RECORDS; AND LOTS 1 AND 13, ASSESSOR'S PLAT NO. 1, AS RECORDED IN LIBER 45, PAGE 42 OF PLATS, OAKLAND COUNTY RECORDS.

TAX ID NO. 19-36-151-001

ADDRESS: 525 SOUTHFIELD ROAD, BIRMINGHAM, MI 48009-1620

CONTAINING: 36,127 SQUARE FEET OR 0.83 ACRES OF LAND

LEGAL DESCRIPTION - (PARCEL A)

LAND SITUATED IN THE COUNTY OF OAKLAND, CITY OF BIRMINGHAM, STATE OF MICHIGAN, IS DESCRIBED AS FOLLOWS:

PART OF LOTS 1 AND 13 OF ASSESSOR'S PLAT NO. 1 AS RECORDED IN LIBER 45 OF PLATS, ON PAGE 42, OAKLAND COUNTY RECORDS AND ALL OF LOTS 12 THROUGH 14 AND THE WEST 48 FEET OF LOT 15 OF BIRD AND STANLEY'S ADDITION, AS RECORDED IN LIBER 3 OF PLATS, ON PAGE 7, OAKLAND COUNTY RECORDS ALL BEING PART OF THE NORTHWEST 1/4 OF SECTION 36, TOWN 2 NORTH, RANGE 10 EAST, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 12; THENCE NORTH 88 DEGREES 05 MINUTES 27 SECONDS EAST ALONG THE SOUTH LINE OF BROWN ROAD (60 FEET WIDE), 208.67 FEET (RECORDED AS: 202.10 FEET) TO A POINT ON THE WEST LINE OF WATKINS STREET (50 FEET WIDE); THENCE SOUTH 01 DEGREES 35 MINUTES 27 SECONDS EAST ALONG SAID WEST LINE OF WATKINS STREET, 104.24 FEET; THENCE SOUTH 88 DEGREES 05 MINUTES 27 SECONDS WEST, 184.94 FEET; THENCE SOUTH 23 DEGREES 45 MINUTES 36 SECONDS WEST, 32.47 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 1; THENCE NORTH 70 DEGREES 53 MINUTES 41 SECONDS WEST ALONG SAID SOUTHERLY LINE OF LOT 1, 66.93 FEET TO A POINT ON THE EASTERLY LINE OF SOUTHFIELD ROAD (66 FEET WIDE); THENCE NORTH 24 DEGREES 05 MINUTES 00 SECONDS EAST ALONG SAID EASTERLY LINE OF SOUTHFIELD ROAD, 121.83 FEET TO THE POINT OF BEGINNING.

CONTAINING 25,649 SQUARE FEET OR 0.59 ACRES OF LAND.

LEGAL DESCRIPTION - (PARCEL B)

LAND SITUATED IN THE COUNTY OF OAKLAND, CITY OF BIRMINGHAM, STATE OF MICHIGAN, IS DESCRIBED AS FOLLOWS:

PART OF LOTS 1 AND 13 OF ASSESSOR'S PLAT NO. 1 AS RECORDED IN LIBER 45 OF PLATS, ON PAGE 42, OAKLAND COUNTY RECORDS, BEING A PART OF THE NORTHWEST 1/4 OF SECTION 36, TOWN 2 NORTH, RANGE 10 EAST, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 13; THENCE SOUTH 88 DEGREES 04 MINUTES 32 SECONDS WEST, 119.00 FEET; THENCE NORTH 70 DEGREES 53 MINUTES 41 SECONDS WEST, 85.35 FEET; THENCE NORTH 23 DEGREES 45 MINUTES 36 SECONDS EAST, 32.47 FEET; THENCE NORTH 88 DEGREES 05 MINUTES 27 SECONDS EAST, 184.94 FEET; THENCE SOUTH 01 DEGREES 35 MINUTES 27 SECONDS EAST, 59.84 FEET TO THE POINT OF BEGINNING.

CONTAINING 10,478 SQUARE FEET OR 0.24 ACRES OF LAND.



NOWAK & FRAUS ENGINEERS

46777 WOODWARD AVE.

PONTIAC, MI 48342-5032

TEL. (248) 332-7931

FAX. (248) 332-8257

PREPARED FOR:

TOWN BUILDING
COMPANY

SCALE

N.T.S.

DATE

02-26-2021

DRAWN

K.N.

JOB NO.

J636

SHEET

2 of 4

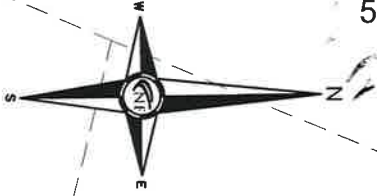


REVISED: 03-19-2021

Parcel Split Survey

525 SOUTHFIELD ROAD, BIRMINGHAM, MI

P.I.N.: 19-36-151-001



SOUTHFIELD ROAD (66' WIDE-PUBLIC)

LOT 2

P.I.N.: 19-36-151-002

ZONED: R2

N70°53'41"W 66.93'

10' BLDG. SETBACK

N24°05'00"E 121.83'

10' BUILDING SETBACK

S23°45'36"W 32.47'

N23°45'36"E 32.47'

N70°53'41"W 85.35'

20' BUILDING SETBACK

LOT 1

PARCEL B

ASSESSOR'S PLAT NO. 1
(LIBER 45, PAGE 42)

ZONED: R2

LOT 12

P.I.N.: 19-36-151-006

EX. HSE No. 550

S88°04'32"W 119.00'

ZONED: R8

LOT 13

7' BUILDING SETBACK

7' BUILDING SETBACK

N88°05'27"E 184.94'

S88°05'27"W 184.94'

20' BUILDING SETBACK

BIRD & STANLEY'S
ADDITION
(LIBER 3, PAGE 7)

ZONED: R8

LOT 14

EXISTING BUILDING
No. 615-685

W. 48' OF LOT 15

16.5' BUILDING SETBACK

N88°05'27"E 208.67'

BROWN ROAD (60' WIDE)

S01°35'27"E 59.84'

S01°35'27"E 104.24'

WATKINS STREET (50' WIDE)



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

PREPARED FOR:

TOWN BUILDING
COMPANY

SCALE
1" = 30'

DATE
02-26-2021

DRAWN
K.N.

REVISED: 03-19-2021

JOB NO.
J636

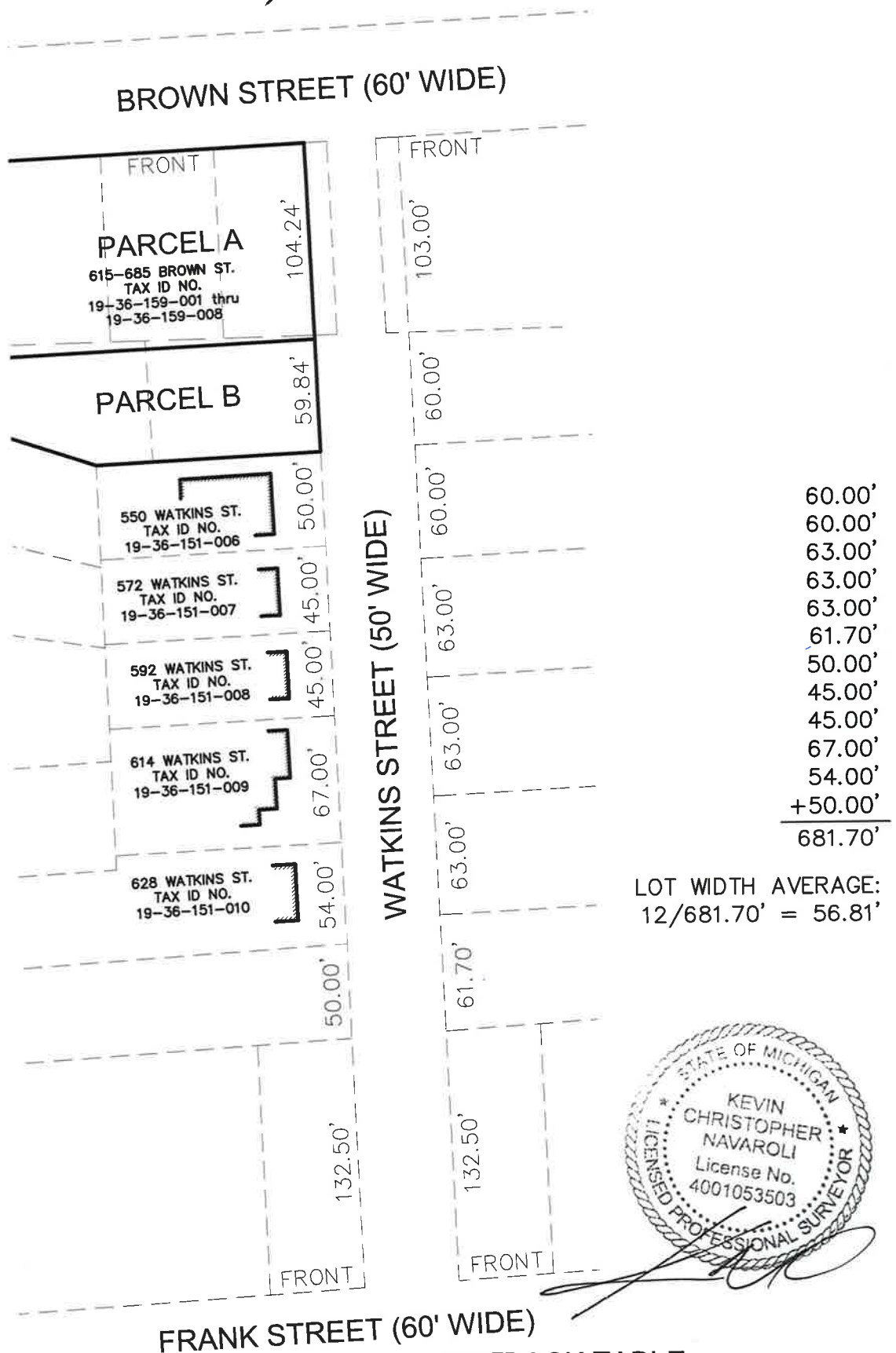
SHEET
3 of 4



Parcel Split Survey

525 SOUTHFIELD ROAD, BIRMINGHAM, MI

P.I.N.: 19-36-151-001



FRANK STREET (60' WIDE)

SETBACK TABLE

615-685 Brown St.	10.00' Front Setback
550 Watkins St.	25.93' Front Setback
572 Watkins St.	26.13' Front Setback
592 Watkins St.	23.54' Front Setback
614 Watkins St.	25.43' Front Setback
628 Watkins St.	25.02' Front Setback

Total of Setbacks= 136.05'
Average 136.05' / 6 = 22.67'

REVISED: 03-19-2021



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

PREPARED FOR:

TOWN BUILDING
COMPANY

SCALE
1" = 80'

DATE
02-26-2021

DRAWN
K.N.

JOB NO.
J636

SHEET
4 of 4



Division of Platted Lots Application Planning Division

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

1. Applicant

Name: Chris Broccovich
Address: 115 Maxwell
Phone Number: (248) 425-4399
Fax Number: (248) 591-0021
Email address: Broccovich@Sbcglobal.net

3. Applicant's Attorney/Contact Person

Name: _____
Address: _____
Phone Number: _____
Fax Number: _____
Email address: _____

5. Project Information

Address/Location of Property: (695 W. Brown) - BG
525 Southfield Rd.
Birmingham, MI 48009
Sidwell #: _____
Parcel #: _____
Current Zoning: _____

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. Footprints of proposed development(s) including proposed building envelope(s) with front, side and rear setbacks clearly marked;
- II. One (1) digital copy of plans;

2. Property Owner

Name: LB LAND LLC
Address: 5000 E Grand River Ave
Howell, MI 48843
Phone Number: 810-599-3881
Fax Number: _____
Email address: KKaminsky@championchev.com

4. Project Designer/Developer

Name: _____
Address: _____
Phone Number: _____
Fax Number: _____
Email address: _____

Legal Description: _____

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

Lot Split

CITY OF BIRMINGHAM
Date 03/22/2021 3:45:56 PM
Ref 00178281
Receipt 549899
Amount \$40.00

(I), (We), the undersigned, do hereby request to divide 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: 3/9/21

Print Name: L.B. Land CCC Leonard Nadolski

Signature of Applicant: _____

Date: _____

Print Name: _____

Office Use Only

Application#: _____

Date Received: _____

Fee: _____

Date of Approval: _____

Date of Denial: _____

Reviewed By: _____

e-recorded

LIBER 50497 PAGE 330

0053602

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.
Reviewed By: PO

Mar 24, 2017

5.00 E-FILE

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

2016 Not Examined

LIBER 50497 PAGE 330
\$21.00 DEED - COMBINED
\$4.00 REMONUMENTATION
\$5.00 AUTOMATION
\$26,875.00 TRANSFER TX COMBINED
03/24/2017 04:46:45 PM RECEIPT# 34100
PAID RECORDED - Oakland County, MI
Lisa Brown, Clerk/Register of Deeds



WARRANTY DEED

Corporate(Platted/Condominium)

Drafted By:

Wayne S. Segal
Dawda Mann, PLC
39533 Woodward Avenue, Suite 200
Bloomfield Hills, MI 48304

Return To:

LB Land LLC
5000 E Grand River Ave.
Howell, MI 48843

Send Tax Bills To:

LB Land LLC
5000 E Grand River Ave.
Howell, MI 48843

Recording Fee: \$ 30.⁰⁰
File Number: 769138 -B4

State Transfer Tax: \$23,437.50
County Transfer Tax: \$3,437.50

Tax Parcel No.: 19-36-151-001

Know All Persons by These Presents: That **Vasileff Holdings LLC, a Michigan limited liability company**
whose address is 1992 Redding, Birmingham, MI 48009

Convey(s) and Warrant(s) to **LB Land LLC, a Michigan limited liability company**
whose address is 5000 E Grand River Ave., Howell, MI 48843

the following described premises situated in the City of **Birmingham**, County of **Oakland**, State of Michigan, to wit:

(SEE ATTACHED EXHIBIT A)

More commonly known as: **525 Southfield Road, Birmingham, MI 48009**

For the full consideration of: **three million one hundred twenty five thousand** Dollars (\$3,125,000.00)

Subject To:

Existing building and use restrictions, and easements and rights of way of record



First American Title Insurance Company

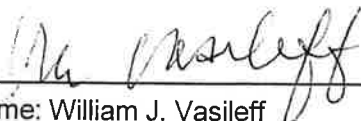
First American Title 3


(Attached to and becoming a part of Warranty Deed dated: March 13, 2017 between Vasileff Holdings LLC, a Michigan limited liability company, as Seller(s) and LB Land LLC, a Michigan limited liability company, as Purchaser(s).)

Dated this March 13, 2017.

Seller(s):

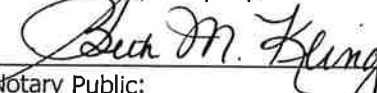
Vasileff Holdings LLC, a Michigan limited liability company

By: 
Name: William J. Vasileff
Title: Manager

By: 
Name: Catherine K. Vasileff
Title: Manager

State of Michigan
County of Oakland

The foregoing instrument was acknowledged before me this March 13, 2017 by William J. Vasileff and Catherine K. Vasileff, Managers of Vasileff Holdings LLC, a Michigan limited liability company.


Notary Public: BETH M. KLING
Notary County/State: / NOTARY PUBLIC, STATE OF MI
County Acting In: COUNTY OF MACOMB
Commission Expires: MY COMMISSION EXPIRES Jun 14, 2022
ACTING IN COUNTY OF Oakland

(Attached to and becoming a part of Warranty Deed dated: March 13, 2017 between Vasileff Holdings LLC, a Michigan limited liability company, as Seller(s) and LB Land LLC, a Michigan limited liability company, as Purchaser(s).)

EXHIBIT A

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

Lots 12, 13, 14 and West 48 feet of Lot 15, BIRD AND STANLEY'S ADDITION, according to the plat thereof as recorded in Liber 3 of Plats, page 7, Oakland County Records AND Lots 1 and 13, ASSESSOR'S PLAT NO 1, according to the plat thereof as recorded in Liber 45 of Plats, page 42, Oakland County Records.

Tax Parcel Number: 19-36-151-001

February 24, 2021

Birmingham Planning Board
151 Martin St.
Birmingham, MI 48009



RE: Rejection of proposed town homes facing Watkins St.

To Whom It May Concern:

I respectfully request your denial of approval of the Rock Building Company's plan to use this lot to build unknown town homes facing Watkins Street. This lot is surrounded by single family homes and the proposed plan includes a 2 car parking garage and 14-20 extra off-street parking "none of which are in the front yard" as stated in his letter. This must be an error as this would be a ridiculous amount of parking for two town homes. Does "not in the front yard" imply that an enormous 20 car parking lot would be paved in back of the town homes? Such a parking lot would clearly extend to the property line of my home at 547 Southfield Road. I urge the Board to deny for this reason, as well as the following.

- First, Rock Building Company failed to provide adequate notice. They put one letter in my mailbox on February 23, 2021. This letter was the only correspondence received from Rock to date. It is important to note that the date of the letter was February 17, 2021 and the letter erroneously stated that it was the second communication. I am concerned that this misrepresentation is an attempt to thwart any public comment to oppose approval of the town homes on the property by the Planning Board a mere two days later. The owner has already met with the Planning Board without notice of the hearing to the neighborhood for comments and perspective.
- Second, this exact request was before the Planning Board 18 months ago, and the Planning Board voted to turn down a two-unit town home on this site. That proposal was rejected for many reasons including the fact that the builder of the Westbrown town homes promised (in order to secure approval for the Westbrown project) that a single-family home would be built on this lot. He cannot circumvent this promise simply by passing the lot onto a third party. That rejection was also based on the inability to build two town homes on this site and maintain proper setbacks from the existing property lines and that the town homes were not a part of the fabric of a single-family home community.
- Third, Rock Building Company has suspiciously not presented *any* plans nor have they provided any design proposal to show that two large town homes can fit on the parcel and remain compliant with the required ordinances and setbacks. *The last proposal was denied because it was not possible to erect two*

town homes on this site. Furthermore, Rock has failed to provide any rational basis as to why the proposed two town homes, each with a two-car garage, also needs a 14-20 car parking behind the building. Clearly this is not fitting with single-family home neighborhood. The only possible explanation for needing 20 additional parking is to sell parking spaces.

- Finally, the building of the proposed town homes and the large parking lot would have a dramatic impact on the proportion of impervious surfaces in that block and that threatens the integrity of the surrounding homes and each parcel's ability to effectively drain water. Currently we are able to drain our water away from our yard and keep our finished basement dry. However, we are concerned that the elimination of the promised single-family home will necessarily force more water to our property than we may be able to effectively drain.

As the letter states, the Birmingham Planning Board cares about Birmingham and the neighborhoods and its people. We respectfully request the Birmingham Planning Board support us, as taxpayers, to take action to protect the value of our homes. As committed by this Board, an upscale single-family home would protect the value of all of the surrounding homes and keep those properties safe from additional water strain.

Thank you very much for your consideration.

Robert VanHees Maria VanHees

Robert and Maria VanHees

**Rock Building Co., Inc.
4632 GOODISON PLACE DR.
ROCHESTER, MI 48306**

FEBRUARY 17, 2021

DEAR WATKINS NEIGHBOR,

MY NAME IS TOM SARACINO. I AM WRITING YOU WITH REGARDS TO THE PROPERTY ON WATKINS TO THE SOUTH OF THE NEW BROWN ROAD CONDOMINIUM PROJECT THAT WAS RECENTLY CONSTRUCTED. MY BUSINESS PARTNER AND I ARE IN THE PROCESS OF PURCHASING THE PROPERTY FROM THE OWNERS, DEVELOPERS, AND BUILDERS OF THAT PROJECT; AND OTHER THAN THAT, WE ARE NOT AFFILIATED WITH THEM IN ANY WAY.

THE PROPERTY HAS A ZONING DESIGNATION OF R8 SINGLE FAMILY ATTACHED; OTHERWISE STATED, SINGLE FAMILY UNITS WHICH ARE ATTACHED AT SIDE WALLS (TOWNHOME STYLE), NOT ATTACHED VERTICALLY. THERE ARE SEVERAL REQUIREMENTS WHICH RESTRICT R8 ZONING AND YOU CAN READ THEM ALL IN THE ZONING ORDINANCE WHICH CAN BE FOUND ONLINE AT THE CITY WEBSITE.

THE BIRMINGHAM PLANNING BOARD IS MADE UP OF KNOWLEDGEABLE, INTELLIGENT, DISCERNING INDIVIDUALS WHO CARE VERY MUCH ABOUT BIRMINGHAM, THE NEIGHBORHOODS, AND THE PEOPLE OF THE CITY. THEY ARE NOT JUST PLANNERS, BUT WATCHDOGS FOR YOU. HOWEVER, IT IS IMPORTANT THAT YOU UNDERSTAND THE PLANNING BOARD MEMBERS ARE OBLIGATED TO VOTE TO APPROVE ANY PROPOSAL FOR THAT PROPERTY THAT ADEQUATELY MEETS R8 ZONING.

THE PROPERTY WE ARE PURCHASING HAS A SQUARE FOOT AREA OF 10,800SF WHICH WILL ALLOW FOR 3 ATTACHED UNITS. THE INDIVIDUAL UNITS COULD BE AS SMALL AS 900SF OR AS LARGE AS CAN BE UNLESS RESTRICTED BY OTHER REQUIREMENTS. THE TOTAL COMBINED BUILDING COULD BE AS LARGE AS 10,500SF (OR POSSIBLY MORE) IF THE FOOTPRINT AND HEIGHT RESTRICTIONS ARE WITHIN REQUIREMENTS. THERE ARE ONLY 2 OFF-STREET PARKING PLACES REQUIRED PER UNIT. ESSENTIALLY, SOMEONE WHO PURCHASES THIS PROPERTY COULD DESIGN AN UNATTRACTIVE 3-UNIT BUILDING OF MORE THAN 10,000SF MADE OF UNATTRACTIVE POOR-QUALITY MATERIALS AND ONLY NEED TO PROVIDE 6 OFF-STREET PARKING PLACES. IF IT COMPLIES WITH THE R8 ZONING, THE PLANNING BOARD WOULD HAVE TO HOLD THEIR NOSES AND VOTE TO APPROVE THE PROJECT.

I WANT TO ASSURE YOU THAT WE WILL NOT DO THAT. IT IS OUR INTENT TO **BUILD ONLY** A TWO UNIT (APPX. 3500SF EACH) VERY HIGH-END BUILDING WITH IMPRESSIVE FACADES **USING** QUALITY MATERIALS FOR THE CUSTOM RESIDENCES. IT WILL CERTAINLY BE AN EXTREMELY ATTRACTIVE BUILDING APPROPRIATE FOR THE NEIGHBORHOOD WITH 2-CAR GARAGES IN THE REAR AND WILL ALLOW FOR 14 TO 20 OFF STREET PARKING PLACES, NONE OF WHICH ARE IN THE FRONT YARD. WE ARE VERY CONSCIENTIOUS ABOUT THE NEIGHBORHOODS IN WHICH WE BUILD, AND WE WILL KEEP THE JOBSITE CLEAN DURING CONSTRUCTION WHILE KEEPING THE DISRUPTIONS MINIMAL.

CURRENTLY, IT IS OUR INTENT TO PROCEED WITH THE PURCHASE. IF WE SHOULD DECIDE NOT TO BUY THE PROPERTY, I HAVE NO DOUBTS THAT SOMEONE ELSE WILL, AND MOST LIKELY PROCEED WITH A PROJECT THAT BEST SUITS THEIR OWN POCKETBOOK. WE TAKE A LOT OF PRIDE IN OUR PROJECTS. OUR BUILDING WILL BE PERFECT FOR THE NEIGHBORHOOD AND I CAN ASSURE YOU NO ONE ELSE WILL DO IT NICER.

OUR DECISION TO PURCHASE MUST BE MADE BY FEBRUARY 25TH. THIS IS THE 2ND LETTER WE HAVE DISTRIBUTED TO THE NEIGHBORHOOD. IF YOU HAVE ANY QUESTIONS OR CONCERNS, PLEASE CONTACT ME AS QUICKLY AS POSSIBLE.

KINDEST REGARDS,



THOMAS A. SARACINO
OWNER, ROCK BUILDING Co., INC.
810-217-0802

PHONE 810-217-0802 FAX 248-652-4106

ROCKBUILDINGCOMPANY@GMAIL.COM

TO: City, Village or Township Personnel

FROM: Land Descriptions, Mike Glynn

DATE: November 20th, 2018

RE: Westbrown Condominium – OCCP # 2257

Upon receipt of the new development mentioned above, I have written descriptions and assigned parcel numbers to each new lot, unit, general common area and any balance parcels that may have occurred as a result of this split. Attached you will find a recap of the new development on the Condominium or Subdivision Control Sheet. In addition, you will find a Land Description Delete Sheet that indicates the parcels deletions and additions that are necessary for processing this split. Also included in the packet is a Condo/Plat Parcel Split/Division Form that indicates the parent parcels involved, number of lot or units created along with the number of balance parcels and general common element or park areas created by the development. There is a New Child information form for each child parcel being created. This form is filled out with the proposed parcel number, developer's name and mailing address and the description for each new child parcel. Review this information and if you would like any changes to be made they should be indicated on this form. If you would like property addresses entered at this time they may be entered into the site address area.

Please review the information carefully and indicate any desired changes. If you have any questions regarding this information do not hesitate to call me at 248-975-4451. When you have finished your review email or mail the forms with any changes along with this signed letter to me at:

Oakland County Equalization Division
Land Descriptions Department
250 Elizabeth Lake Road, Suite 1000W
Pontiac, MI 48341-0431

You may keep any copies or drawings that may be attached for your reference.

Please sign below indicating that you are aware that the local unit of government is responsible for administration and enforcement of the Land Division Act and the Condominium Act. Also, your signature gives the approval to input the new parcel numbers as submitted.

Teresa Kloberean 11/20/18
Please sign and date here

Job # (08) 19-36-151-001
(To be entered by OCLD personnel)

CONDO/PLAT PARCEL SPLIT/DIVISION FORM

CVT Code

08

CVTNAME

CITY OF BIRMINGHAM

Name of Condominium or Plat

WESTBROWN CONDOMINIUM

OCCP #

2257

Tax Parcel PINs of Parent Parcels:

08	-	19	-	36	-	151	-	001
08	-		-		-		-	
08	-		-		-		-	
08	-		-		-		-	
08	-		-		-		-	
08	-		-		-		-	
08	-		-		-		-	
08	-		-		-		-	
08	-		-		-		-	
08	-		-		-		-	
08	-		-		-		-	
08	-		-		-		-	

Number of Units/Lot created: 8

This Condominium/Plat has 1 balance parcels.

This Condominium/Plat has 1 GCE, park or open areas that have been assigned parcel numbers.

Total Number of New Child Parcels created: 10

Condominium Control Sheet

OCCP # :

Condo Type:

NAME:

CITY/TWP:

CVT Code:

Building Condo Low PIN #:

UNIT	BLDG	Child PIN	Parent PIN	Status
		(New)	(From)	
1		19-36-159-001	19-36-151-001	
2		19-36-159-002	19-36-151-001	
3		19-36-159-003	19-36-151-001	
4		19-36-159-004	19-36-151-001	
5		19-36-159-005	19-36-151-001	
6		19-36-159-006	19-36-151-001	
7		19-36-159-007	19-36-151-001	
8		19-36-159-008	19-36-151-001	
GCE		19-36-159-009	19-36-151-001	

NEW CHILD PARCEL FORM

Parcel ID No:	(08) 19-36-159- 001
----------------------	---------------------

Addressee:	L.B. Land, LLC

Site Address:	

Postal Address:	115 Maxwell Ave.
	Royal Oak, MI 48067

Description:	
1	T2N, R10E, SEC 36
2	OAKLAND COUNTY
3	CONDOMINIUM PLAN NO 2257
4	WESTBROWN CONDOMINIUM
5	UNIT 1
6	L 52369 P 396
7	11-20-18 FR 151-001

NEW CHILD PARCEL FORM

Parcel ID No:	(08) 19-36-159-002
----------------------	---------------------------

Addressee:	L.B. Land, LLC

Site Address:	

Postal Address:	115 Maxwell Ave.
	Royal Oak, MI 48067

Description:	
	1 T2N, R10E, SEC 36
	2 OAKLAND COUNTY
	3 CONDOMINIUM PLAN NO 2257
	4 WESTBROWN CONDOMINIUM
	5 UNIT 2
	6 L 52369 P 396
	7 11-20-18 FR 151-001

NEW CHILD PARCEL FORM

Parcel ID No:	(08) 19-36-159- 003
----------------------	---------------------

Addressee:	L.B. Land, LLC

Site Address:	

Postal Address:	115 Maxwell Ave.
	Royal Oak, MI 48067

Description:	
1	T2N, R10E, SEC 36
2	OAKLAND COUNTY
3	CONDOMINIUM PLAN NO 2257
4	WESTBROWN CONDOMINIUM
5	UNIT 3
6	L 52369 P 396
7	11-20-18 FR 151-001

NEW CHILD PARCEL FORM

Parcel ID No:	(08) 19-36-159- 004
----------------------	---------------------

Addressee:	L.B. Land, LLC

Site Address:	

Postal Address:	115 Maxwell Ave.
	Royal Oak, MI 48067

Description:	
1	T2N, R10E, SEC 36
2	OAKLAND COUNTY
3	CONDOMINIUM PLAN NO 2257
4	WESTBROWN CONDOMINIUM
5	UNIT 4
6	L 52369 P 396
7	11-20-18 FR 151-001

NEW CHILD PARCEL FORM

Parcel ID No:	(08) 19-36-159-005
----------------------	--------------------

Addressee:	L.B. Land, LLC

Site Address:	

Postal Address:	115 Maxwell Ave.
	Royal Oak, MI 48067

Description:	
1	T2N, R10E, SEC 36
2	OAKLAND COUNTY
3	CONDOMINIUM PLAN NO 2257
4	WESTBROWN CONDOMINIUM
5	UNIT 5
6	L 52369 P 396
7	11-20-18 FR 151-001

NEW CHILD PARCEL FORM

Parcel ID No:	(08) 19-36-159-006
----------------------	--------------------

Addressee:	L.B. Land, LLC

Site Address:	

Postal Address:	115 Maxwell Ave.
	Royal Oak, MI 48067

Description:	
1	T2N, R10E, SEC 36
2	OAKLAND COUNTY
3	CONDOMINIUM PLAN NO 2257
4	WESTBROWN CONDOMINIUM
5	UNIT 6
6	L 52369 P 396
7	11-20-18 FR 151-001

NEW CHILD PARCEL FORM

Parcel ID No:	(08) 19-36-159-007
----------------------	--------------------

Addressee:	L.B. Land, LLC

Site Address:	

Postal Address:	115 Maxwell Ave.
	Royal Oak, MI 48067

Description:	
1	T2N, R10E, SEC 36
2	OAKLAND COUNTY
3	CONDOMINIUM PLAN NO 2257
4	WESTBROWN CONDOMINIUM
5	UNIT 7
6	L 52369 P 396
7	11-20-18 FR 151-001

NEW CHILD PARCEL FORM

Parcel ID No:	(08) 19-36-159- 008
----------------------	---------------------

Addressee:	L.B. Land, LLC

Site Address:	

Postal Address:	115 Maxwell Ave.
	Royal Oak, MI 48067

Description:	
1	T2N, R10E, SEC 36
2	OAKLAND COUNTY
3	CONDOMINIUM PLAN NO 2257
4	WESTBROWN CONDOMINIUM
5	UNIT 8
6	L 52369 P 396
7	11-20-18 FR 151-001

NEW CHILD PARCEL FORM

Parcel ID No:	(08) 19-36-159- 009
----------------------	---------------------

Addressee:	L.B. Land, LLC

Site Address:	

Postal Address:	115 Maxwell Ave.
	Royal Oak, MI 48067

Description:	
1	T2N, R10E, SEC 36
2	OAKLAND COUNTY
3	CONDOMINIUM PLAN NO 2257
4	WESTBROWN CONDOMINIUM
5	GEN COM ELE
6	TO BE ASSESSED WITH
7	ALL UNITS IN CONDO
8	L 52369 P 396
9	11-20-18 FR 151-001

NEW CHILD PARCEL FORM

Parcel ID No:	(08) 19-36-151-027
----------------------	---------------------------

Addressee:	L.B. Land, LLC

Site Address:	

Postal Address:	115 Maxwell Ave.
	Royal Oak, MI 48067

Description:	
1	T2N, R10E, SEC 36
2	ASSESSOR'S PLAT NO. 1
3	PART OF LOTS 1 AND 13
4	ALL DESC AS
5	BEG AT SE COR OF SD LOT 13,
6	TH S 88-04-32 W 119 FT,
7	TH N 70-53-41 W 85.35 FT,
8	TH N 23-45-36 E 31.36 FT,
9	TH N 88-05-27 E 185.41 FT,
10	TH S 01-35-27 58.84 FT
11	TO BEG 0.24 A
12	11-20-18 FR 001

CVT Name:	CITY OF BIRMINGHAM
Job Number:	(08) 19-36-151-001

	Date	Initials
Description/Mapping:	11/20/2018	MSG
Typing/Scanning:	11/21/18	MSG
Final Check:		

LAND DESCRIPTION DELETE SHEET

	PARENT	CHILD
1	19-36-151-001	19-36-151-027
2	19-36-151-001	19-36-159-001
3	19-36-151-001	19-36-159-002
4	19-36-151-001	19-36-159-003
5	19-36-151-001	19-36-159-004
6	19-36-151-001	19-36-159-005
7	19-36-151-001	19-36-159-006
8	19-36-151-001	19-36-159-007
9	19-36-151-001	19-36-159-008
10	19-36-151-001	19-36-159-009

(08) 19-36-151-001

CVT:	City of Birmingham	PIN:	(08) 19-36-151-001
Status:	Active	Parcel Type:	Land
Add Date:		Delete Date:	
		Last Activity:	8/24/2018 4:52:50 PM

Parcel ID	Description
1	T2N, R10E, SEC 36
2	BIRD & STANLEY'S ADD
3	LOTS 12, 13 & 14, ALSO
4	W 48 FT OF LOT 15, ALSO
5	LOTS 1 & 13 OF
6	ASSESSOR'S PLAT NO 1

Primary Mailing Address	Site Address Indicator	Addressee(s)	Address
<input checked="" type="checkbox"/>		★LB Land LLC	5000 E Grand River Ave Howell MI 48843-9101
	🏠	★LB Land LLC	695 W Brown St Birmingham MI 48009-1620

CVT	PIN	Parcel Type	Status
08	99-00-006-193	Business Account	Inactive
08	99-01-006-859	Business Account	Inactive
08	99-00-016-127	Business Account	Inactive
08	99-00-018-063	Business Account	Active

3/17/17 new ownership per PTA rec'd 3/15/17. prr
 8/24/18 changed site address from 525 Southfield per address change notification per Building Official Bruce Johnson. prr

Address Info Legend

☒ = Primary Mailing
 🏠 = Primary Site
 🏠 = Extra Site
 ★ = Primary
 ◆ = Secondary
 ● = Care Of
 ⚙ = Other
 Black = Individual
 Brown = Organization
 Green = Trust

**Verify Delinquent Taxes**

CVT/PIN

1. 08 ☒ 19-36-151-001**No Delinquent Taxes.****Address:** 695 W Brown St**Tax Description:**

T2N, R10E, SEC 36

BIRD & STANLEY'S ADD

LOTS 12, 13 & 14, ALSO

W 48 FT OF LOT 15, ALSO

LOTS 1 & 13 OF

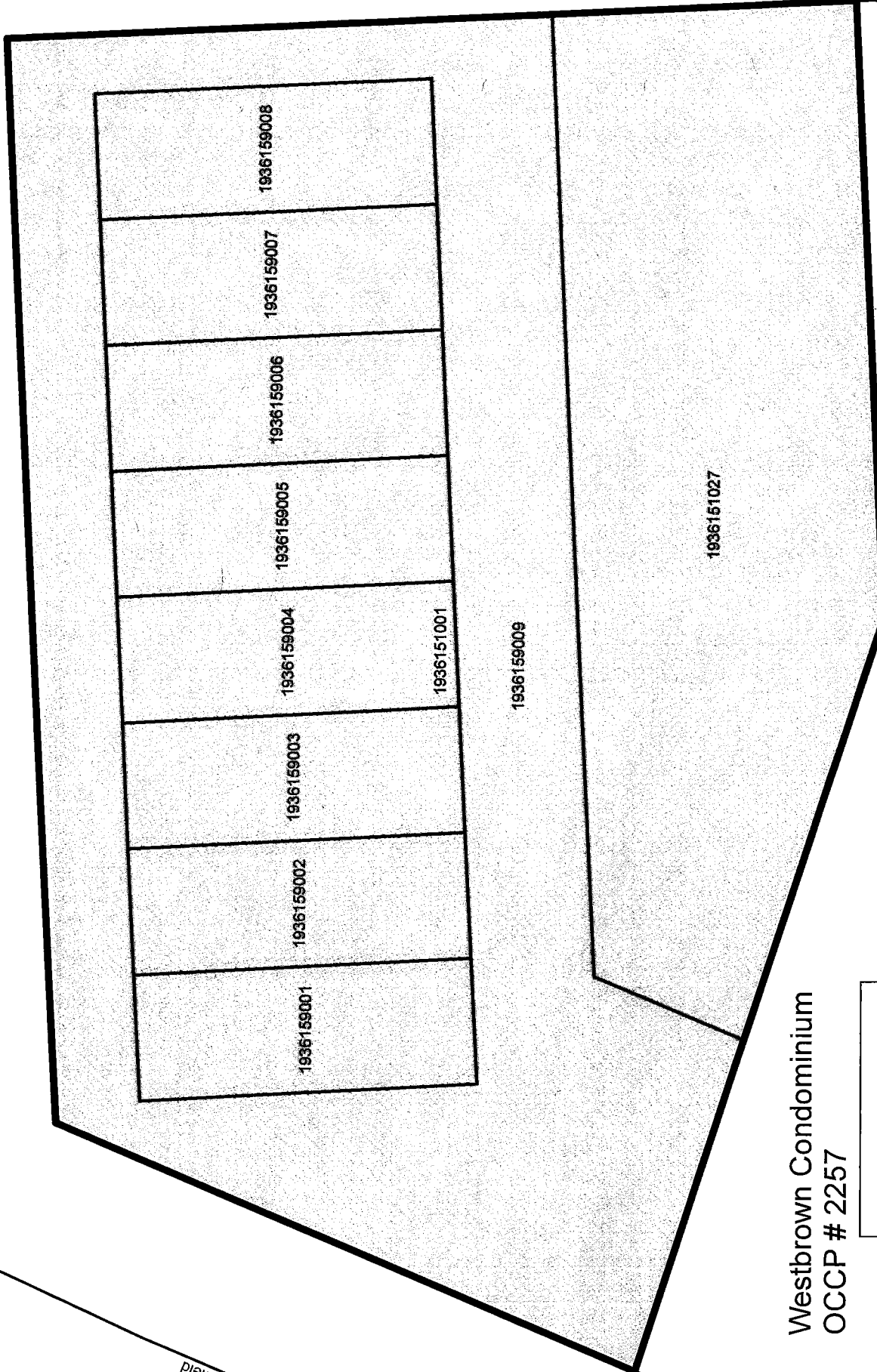
ASSESSOR'S PLAT NO 1

Back

Watkins



Brown

Southfield



Westbrowne Condominium
OCCP # 2257

Legend

-  Proposed Parcels
-  Current Tax Parcel

May 17, 2021

Dr. & Mrs. Martin F McGough
543 Watkins Street
Birmingham, Michigan 48009

To Birmingham City Commission,

We would like to address the request before the Commission for a lot split for the property known as 525 W Brown. We live directly across from the proposed new parcel in a single-family home zoned R-2 and have lived here since 1998. Approving the lot split will create an R-8 parcel allowing 3 dwelling units directly across from an R-2 single family residence on a narrow residential street with parking allowed only on one side.

The WestBrown project, which sits on the current "parent" parcel, has proven to be the problem to the street and neighborhood that we, the residents of Watkins, predicted and expressed during hearings before the Planning Board in 2018. These 8 townhouses, with their on-going state of construction, have created issues with parking for contractors, delivery trucks, visitors, and workers (i.e. landscapers, repair workers, etc.). Watkins Street at Brown (and our driveway) experience issues with blocked traffic frequently.

It is our opinion that this corner in Birmingham is now over-built with these 8 townhouses. There is no parking on Southfield, no parking on Brown, and parking on only one side of Watkins. Adding 3 additional dwelling units/townhouses to an over-built parcel only exacerbates a problem of the Westbrown developer's own making. These parking issues were not unknown and were repeatedly raised by the residents on Watkins. It is not our responsibility to "fix" the parking issues so the new owner of split lot can construct a 14-20 car parking lot (see attached letter from Rock Building); this is not a solution for a narrow residential street and this specifically addresses item (3)a regarding standards to be met (location and nature of vehicular ingress or egress). Watkins Street can't handle any additional traffic at this corner so close to Brown St.

We ask you to reject the lot split. The Memorandum from Brooks Cowan dated April 20th states that "as of now, the current lot has reached its maximum number of single family attached units". And so be it. The development needs to be over. The street and neighborhood can't take it, from a safety, livability, and density perspective. The southern parcel needs to remain part of the original parcel, as purchased and known by the current owner. And perhaps the current 2 residents, and hopefully all future residents of the Westbrown, would appreciate the certainty of some green space, in addition to not over-building the lot.

Sincerely,


Marty and Colleen McGough

PUBLIC COMMENT RECEIVED

**ROCK BUILDING Co., INC.
4632 GOODISON PLACE DR.
ROCHESTER, MI 48306**

FEBRUARY 11, 2021

DEAR WATKINS NEIGHBOR,

MY NAME IS TOM SARACINO, AND I AM WRITING YOU WITH REGARDS TO THE PROPERTY ON WATKINS TO THE SOUTH OF THE NEW BROWN ROAD CONDOMINIUM PROJECT THAT WAS RECENTLY CONSTRUCTED. MY BUSINESS PARTNER AND I ARE IN THE PROCESS OF PURCHASING THE PROPERTY FROM THE OWNERS, DEVELOPERS, AND BUILDERS OF THAT PROJECT; AND OTHER THAN THAT. WE ARE NOT AFFILIATED WITH THEM IN ANY WAY.

THE PROPERTY HAS A ZONING DESIGNATION OF R8 WHICH MOST BASICALLY STATED IS CONSIDERED SINGLE FAMILY ATTACHED; OTHERWISE STATED. SINGLE FAMILY UNITS WHICH ARE ATTACHED AT SIDE WALLS (TOWNHOME STYLE), NOT ATTACHED VERTICALLY. THERE ARE SEVERAL REQUIREMENTS WHICH RESTRICT R8 ZONING AND YOU CAN READ THEM ALL IN THE ZONING ORDINANCE WHICH CAN BE FOUND ONLINE AT THE CITY WEBSITE.

THE BIRMINGHAM PLANNING BOARD IS MADE UP OF KNOWLEDGEABLE, INTELLIGENT, CARING INDIVIDUALS WHO CARE VERY MUCH ABOUT BIRMINGHAM, THE NEIGHBORHOODS, AND THE PEOPLE. THEY ARE THE WATCHDOGS FOR YOU. BUT IT IS IMPORTANT THAT YOU UNDERSTAND THAT THE PLANNING BOARD MEMBERS ARE OBLIGATED TO VOTE TO APPROVE ANY PROPOSAL FOR THAT PROPERTY THAT ADEQUATELY MEETS ALL REQUIREMENTS OF R8 ZONING.

THE PROPERTY WE ARE PURCHASING HAS A SQUARE FOOT AREA OF 10,800SF WHICH WILL ALLOW FOR 3 ATTACHED UNITS. THE INDIVIDUAL UNITS COULD BE AS SMALL AS 900SF OR AS LARGE AS CAN BE UNLESS RESTRICTED BY OTHER REQUIREMENTS. THERE ARE ONLY 2 OFF-STREET PARKING PLACES REQUIRED PER UNIT. ESSENTIALLY, SOMEONE WHO PURCHASES THIS PROPERTY COULD DESIGN AN UNATTRACTIVE 3-UNIT BUILDING MADE OF INEXPENSIVE MATERIALS AND ONLY NEED TO PROVIDE 6 OFF-STREET PARKING PLACES. IF IT COMPLIES WITH THE R8 ZONING, THE PLANNING BOARD WOULD HAVE TO HOLD THEIR NOSES AND VOTE TO APPROVE THE PROJECT.

I WANT TO ASSURE YOU THAT WE WILL NOT DO THAT. IT IS OUR INTENT TO BUILD ONLY A TWO UNIT VERY HIGH-END BUILDING WITH IMPRESSIVE FACADES USING QUALITY MATERIALS FOR THE CUSTOM RESIDENCES. IT WILL CERTAINLY BE AN EXTREMELY ATTRACTIVE BUILDING APPROPRIATE FOR THE NEIGHBORHOOD WITH 2-CAR GARAGES IN THE REAR AND WILL ALLOW FOR 14 TO 20 OFF STREET PARKING PLACES, NONE OF WHICH ARE IN THE FRONT YARD. WE ARE VERY CONSCIENTIOUS ABOUT THE NEIGHBORHOODS IN WHICH WE BUILD, AND WE WILL KEEP THE JOBSITE CLEAN WHILE KEEPING THE DISRUPTIONS TO A MINIMUM.

CURRENTLY, IT IS OUR INTENT TO PROCEED WITH THE PURCHASE. IF WE SHOULD DECIDE NOT TO PURCHASE, I HAVE NO DOUBTS THAT SOMEONE ELSE WILL MAKE THE PURCHASE AND THEY WILL MOST LIKELY PROCEED WITH A PROJECT THAT BEST SUITS THEIR OWN POCKETBOOK. WE TAKE A LOT OF PRIDE IN OUR PROJECTS. OUR BUILDING WILL BE PERFECT FOR THE NEIGHBORHOOD AND I CAN ASSURE YOU NO ONE ELSE WILL DO IT NICER. PLEASE FEEL FREE TO CONTACT ME AT ANY TIME AT 810-217-0802 WITH ANY QUESTIONS OR CONCERNS YOU MAY HAVE.

KINDEST REGARDS,



THOMAS A. SARACINO
OWNER, ROCK BUILDING Co., INC.
810-217-0802

PHONE 810-217-0802 FAX 248-652-4106

ROCKBUILDINGCOMPANY@GMAIL.COM



Alex Bingham <abingham@bhamgov.org>

Fwd: Public Comment for City Commission Agenda Item

3 messages

Tom Markus <tmarkus@bhamgov.org>
To: Alex Bingham <abingham@bhamgov.org>

Wed, May 19, 2021 at 9:02 AM

Attached is the letter for attachment to the public hearing agenda item.

Sent from my iPhone

Begin forwarded message:

From: COLLEEN MCGOUGH <mcgough88@comcast.net>
Date: May 19, 2021 at 9:00:04 AM EDT
To: Tom Markus <tmarkus@bhamgov.org>
Subject: Re: Public Comment for City Commission Agenda Item

Thank you Tom. The letter is attached.

Colleen McGough
Birmingham, MI 48009
248-808-4410

On 05/18/2021 9:23 PM Tom Markus <tmarkus@bhamgov.org> wrote:

If you would like just email your letter to me and I will place it in the agenda with that agenda item.

Sent from my iPhone

On May 18, 2021, at 7:08 PM, COLLEEN MCGOUGH
<mcgough88@comcast.net> wrote:

Tom-

My husband and I wish to submit public comment regarding the proposed lot split at Brown and Watkins to be discussed at the City Commission meeting May 24. I have a hard copy letter I would like to have included in the full agenda packet. The drop boxes outside city hall say for "Ballots" and "Treasury Payments". Is there somewhere I can drop this letter? It will take too long to mail at this point.

I will also be emailing the commission members individually (to hopefully avoid open meeting violations) and attaching a copy of the letter.

Colleen McGough
543 Watkins
Birmingham, MI 48009
248-808-4410



Doc - May 18 2021 - 4-25 PM.pdf
1100K

Alex Bingham <abingham@bhamgov.org>
To: Jana Ecker <Jecker@bhamgov.org>

Wed, May 19, 2021 at 9:15 AM

[Quoted text hidden]

--

Alexandria D. Bingham

City Clerk

City of Birmingham

151 Martin Street

Birmingham, MI 48009

(248) 530-1802 Office Direct

(248) 530-1080 Fax

abingham@bhamgov.org

Important Note to Residents

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



Doc - May 18 2021 - 4-25 PM.pdf
1100K

Tom Markus <tmarkus@bhamgov.org>
To: Alex Bingham <abingham@bhamgov.org>

Fri, May 21, 2021 at 9:27 AM

Alex place my email chain to you and Colleen in the packet as well.

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

From: **Tom Markus** <tmarkus@bhamgov.org>

[Quoted text hidden]

[Quoted text hidden]



Doc - May 18 2021 - 4-25 PM.pdf
1100K



MEMORANDUM

Planning Division

DATE: May 13th, 2021

TO: Thomas M. Markus, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Public Hearing for a lot combination of 385 & 353 Fairfax, Parcel# 19-26-451-018 and Parcel # 19-26-451-019

INTRODUCTION:

The owner of the properties known as 353 & 385 Fairfax is proposing to combine two lots into one. 385 Fairfax is currently 79.97 feet wide by 159.75 feet deep and 353 Fairfax is 79.95 feet wide by 159.75 feet deep. The proposed lot combination would result in a lot width of 159.92 feet and a lot area of 25,546.7 square feet.

BACKGROUND:

The owner of both properties would like to combine lots in order to build an addition to their home and have an expanded side yard and backyard with a patio and recreational space for their kids. The lot at 353 Fairfax is currently vacant.

The applicant is aware that the lot combination does not meet the requirements of Municipal Code Section 102-82 for lot width and lot area as well as the Zoning Ordinance Section 4.74(C) requirement for distance between neighboring structures. The applicant is also aware that they will have to go to the Board of Zoning Appeals and obtain a variance for distance between neighboring structures before the lot combination can be finalized. **The applicant has indicated they would like to review the lot combination with the City Commission and discuss special conditions of approval for municipal code requirements prior to applying for the Board of Zoning Appeals.**

The applicant is also considering a lot split for a portion of the 353 Fairfax property and selling it to the neighbor to the south as a potential option. Doing so would realign the lot boundaries to reduce the proposed lot combination width and area for 353 & 385 Fairfax and allow them to satisfy Municipal Code requirements. Municipal Code Section 102-4 permits City Commission to waive lot combination requirements in instances where the Commission determines that enforcement might cause unnecessary difficulties, and Section 102-84 allows the City Commission to impose conditions of approval for lot combinations. **The applicant would like to discuss the possibilities of a waiver or special conditions for a lot combination versus pursuing an additional lot split with an understanding that they still must satisfy all Zoning Ordinance requirements and obtain a variance for distance between structures.**

The Subdivision Regulation Ordinance (Chapter 102, Section 102-83) requires that the following standards be met for approval of a lot division.

- (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.*

With regard to character of the area, the subject site is surrounded by single family lots in the North Quarton neighborhood. Lots along the subject block of Fairfax generally consist of dimensions that are 80 feet wide by 160 feet long. There is only one double lot within 500 feet which is located at the northwest corner of Pine Street and Suffield. There are no interior double lots within 500 feet. **The combination of two interior lots does not appear to be consistent with the surrounding area as there are no comparable instances of double interior lots within 500 feet.**

Both of the subject lots are zoned R1 – Single Family Residential. 385 Fairfax received construction approval for a single lot home in 2018 which meets all zoning criteria in relation to its existing lot. The home at 353 Fairfax was demolished in 2020 and is the lot where the applicant is proposing to extend their home.

In regards to lot area, R1 requires a minimum lot area of 9,000 square feet while the proposed lot combination area is 25,546.7 square feet. The maximum lot coverage for R1 is 30% which results in a maximum coverage of 7,664 square feet for the proposed lot combination. The applicant is proposing an extension that would total 5,054 square feet and only 19.8% lot coverage, therefore satisfying the lot coverage requirement. R1 has a minimum open space of 40% which must be upheld when expanding driveways, patios, pools, and other impervious surfaces. **Thus the lot combination satisfies the lot area requirements.**

With regard to setbacks, a minimum of 39.4 feet is required to the front and 30 feet is required for the rear, while 41.1 to the front and 39 feet to the rear lot line is provided, therefore satisfying the front and rear setback requirements. The required total side setback is 39.98 feet while 72.05 feet is proposed which also satisfies the side setback requirements.

The proposed lot combination does not satisfy the Zoning Ordinance setback requirements for distance between buildings. Article 4, Section 4.74(C) of the Zoning Ordinance requires that each residential lot provide a minimum distance between principal residential buildings on adjacent lots of 14 feet or 25% of the lot width, whichever is greater. The proposed lot combination would create a lot width of 159.92 feet, therefore requiring a distance of 39.98 feet between each neighboring structure to the north and to the south. **The subject house at 385 Fairfax is only 31.28 feet from the house to the north at 425 Fairfax which is short of proposal's requirement by 8.7 feet, therefore the applicant must obtain a variance from the Board of Zoning Appeals before a lot combination can be finalized.** **The Planning Division believes the probability of obtaining such a variance to be low because the hardship is self created. The house currently meets the ordinance as-is. Expanding the lot width to 160 feet creates the non-conformity. Given the current distance between structures value of 31.28 ft, the widest the applicant could make their lot is 125 feet and still be in**

conformity with the distance between structure requirements.

With regard to applicable master plans, the 1980 Future Land-Use Plan recommends single-family residential use which is what is being proposed.

Accordingly, the proposal does not appear to satisfy this requirement.

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

The average lot width within 300 feet on the same street is 79.2 feet, therefore the lot combination cannot exceed 158.4 feet to satisfy this requirement. The proposed lot width is 159.92 feet which exceeds the requirement by 1.5 feet. **Accordingly, the proposal does not satisfy this requirement. The applicant would like to discuss a waiver or special conditions versus splitting off a small portion of 353 Fairfax and selling it to the neighbor in order to satisfy this requirement.**

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

The average lot area within 300 feet on the same street is 12,469.5 square feet, therefore the lot combinations cannot exceed 24,939 square feet. The proposed lot area is 25,546.7 square feet which exceeds the maximum lot area requirement by 607.7 square feet. **Accordingly, the proposal does not satisfy this requirement. The applicant would like to discuss a waiver or special conditions versus splitting off a small portion of 353 Fairfax and selling it to the neighbor in order to satisfy this requirement.**

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

The combination of two interior lots does not appear to be consistent with the existing rhythm and pattern of development as there are no comparable instances of double interior lots within 500 feet. **Accordingly, the proposal does not appear to satisfy 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 either property, therefore the proposal satisfies 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.

The proposed lot combination does not appear to hinder development nor impair the value of adjacent land or buildings.

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

The proposed lots are not located within any floodplain and do not contain wetlands or significant natural features.

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, nor impact the capacity of essential public facilities.

Accordingly, the proposal satisfies this requirement.

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 353 & 385 Fairfax seeking public comment on the proposal.

SUMMARY:

The Planning Division recommends that the City Commission cancel the public hearing and allow the applicant to amend their application where all requirements for the lot combination are met. As it currently stands, the proposed combination of 385 & 353 Fairfax does not meet requirements #1, #2, #3, and #4 of the lot combination requirements. Given the distance between structures at 385 Fairfax and the neighbor to the north at 425 Fairfax, the widest lot width the applicant can obtain while meeting all requirements of the Zoning Ordinance is approximately 125 feet, which is 45 feet more than what they currently have at 385 Fairfax (80 ft). Expanding up to 125 feet would also satisfy the lot width and lot area requirements for lot combinations in the Municipal Code.

The applicant would like to discuss special conditions of approval for the lot width and lot area requirements of the municipal code, or selling a small portion of 353 Fairfax to satisfy requirements 2 & 3. If the resulting lot width is greater than 125 feet, the applicant would still have to pursue a variance for distance between structures. The possibility of a variance being granted by the Board of Zoning Appeals for distance between structures is very low given that the issue is self created by pursuing a larger lot width. **The Planning Division does not recommend special conditions of approval. It is possible for the applicant to expand their lot width from 80 feet to approximately 125 feet, which is an additional 45 feet, and meet all requirements for a lot combination. If the applicant wishes to pursue a larger lot, the Planning Division recommends that the applicant amend their proposal.**

ATTACHMENTS:

Survey and plans
Letter from applicant
Letter from attorney
Application and attachments
Presentation from applicant
Letters of support from neighbors

SUGGESTED ACTION:

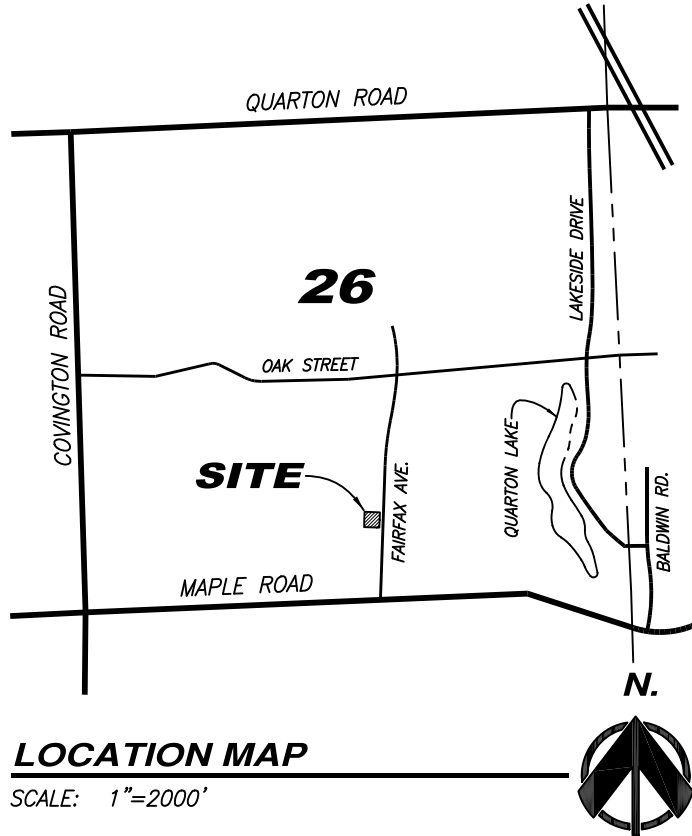
To cancel the public hearing and direct the applicant to amend their proposal to meet all requirements of the lot combination requirements before returning to City Commission for approval. A public hearing will be re-set once City staff receives proposed plans that satisfy all lot combination requirements;

OR

To cancel the public hearing and direct the applicant to go to the Board of Zoning Appeals and pursue a variance for distance between structures. A public hearing will be re-set if the applicant successfully obtains the necessary variance.

COMBINATION SURVEY

CERTIFIED TO: DAVID RUBY



COMBINED PROPERTY DESCRIPTION:

LOT 49 AND LOT 50, "QUARTON LAKE ESTATES SUBDIVISION NO. 2", A SUBDIVISION OF LOTS 1 TO 184 INCLUSIVE OF QUARTON LAKE ESTATES SUBDIVISION, VILLAGE OF BIRMINGHAM (NOW CITY OF BIRMINGHAM), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 32 OF PLATS, PAGE 40 OF OAKLAND COUNTY RECORDS.

BENCHMARKS

CITY BENCHMARK #19
ELEVATION = 767.49 (CITY DATUM)
TOP OF BRASS MONUMENT ON THE
NORTHEAST CORNER OF OAK STREET
AND CHESTERFIELD AVENUE.

SITE BENCHMARK
ELEVATION = 763.78 (CITY DATUM)
SET CUT NAIL IN WEST FACE OF 36"
MAPLE TREE ON THE WEST SIDE OF
FAIRFAX AVENUE 23 FEET NORTH OF
THE NORTH LINE OF SUBJECT PROPERTY.
36" MAPLE IS LOCATED WEST OF
SIDEWALK AND WEST OF EDGE OF
ASPHALT PAVEMENT OF FAIRFAX AVENUE.

FLOOD NOTE

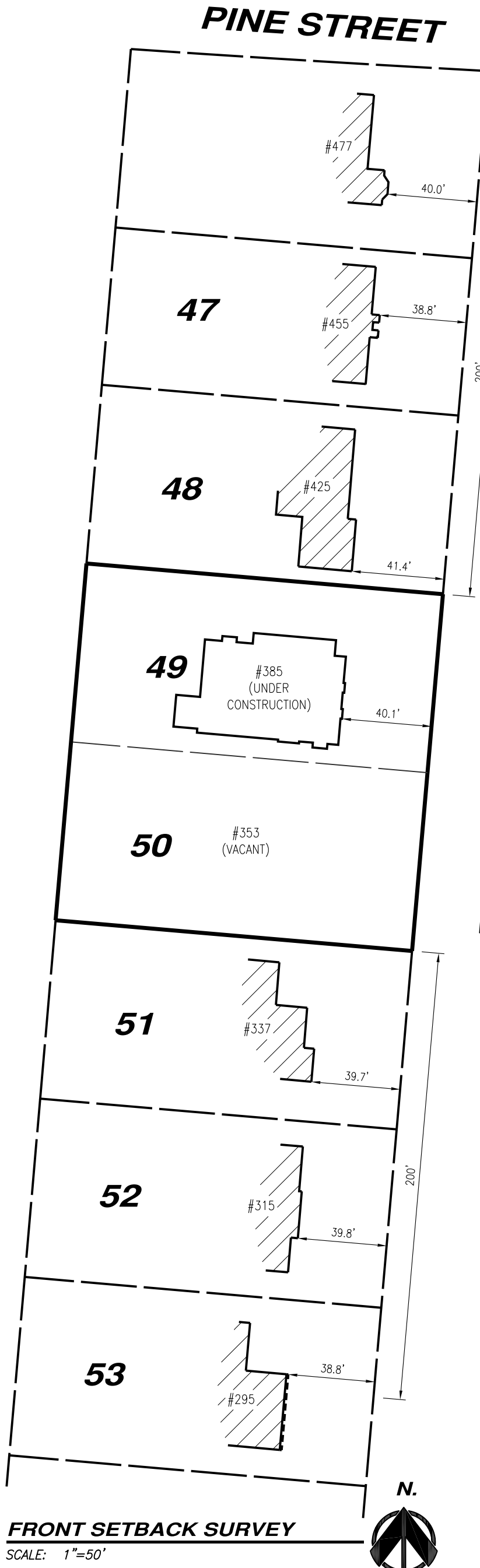
SUBJECT PROPERTY IS NOT LOCATED
WITHIN ANY FLOOD PLAIN AS PER
FLOOD INSURANCE RATE MAP NUMBER
26125C0536F, DATED SEPTEMBER 29,
2006, AS PUBLISHED BY THE FEDERAL
EMERGENCY MANAGEMENT AGENCY.

PARCEL AREA

COMBINED PARCEL AS SURVEYED:
TOTAL = 25,546.74 SQUARE FEET
= 0.586 ACRE

BASIS OF BEARING

SOUTH 04° 56' 30" WEST, BEING THE
WESTERLY RIGHT OF WAY LINE OF
FAIRFAX AVENUE AS PLATTED.



FRONT SETBACK SURVEY

SCALE: 1"=50'

LOT 13

LOT 48

LOT 49

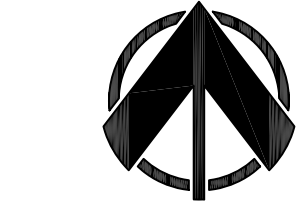
LOT 12

LOT 50
(VACANT)

LOT 11

LOT 51

NORTH



SCALE: 1"=10'

LEGEND

- FOUND MONUMENT AS NOTED
- SET 1/2" REBAR WITH CAP. #46724
- PARCEL BOUNDARY
- PLATTED LOT LINE
- ADJACENT PARCEL
- EXISTING BUILDING
- EXISTING BUILDING OVERHANG
- EXISTING BRICK PAVERS
- EXISTING PAVEMENT AS NOTED
- EXISTING FENCE

FAIRFAX AVENUE
60' WIDE RIGHT OF WAY
ASPHALT PAVEMENT

SURVEYOR'S NOTES

- A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.
- ZONING - R1, SINGLE FAMILY RESIDENTIAL.
- AVERAGE FRONT SETBACK AS SURVEYED = 39.75'.
- ALL PROPERTY SPLITS/COMBINATIONS REQUIRE PRIOR CITY, TOWNSHIP, COUNTY, AND/OR STATE APPROVAL.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY HEREIN DESCRIBED. THE ELEVATIONS SHOWN HEREON ARE BASED ON A FIELD SURVEY AND THE DRAWING HEREON DELINEATED IS A CORRECT REPRESENTATION OF THE SAME.

Shane Patrick Azbell

SHANE PATRICK AZBELL
LICENSED PROFESSIONAL SURVEYOR, STATE OF MICHIGAN
LICENSE NO. 4001046724

CONTRACTOR'S NOTE

The location of existing underground utilities are shown in an approximate way only. The contractor shall determine the exact location of all existing utilities before commencing work. He agrees to be fully responsible for any and all damages which might be occasioned by the failure to exactly locate and preserve any and all underground utilities.

3 WORKING DAYS
BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171
(TOLL FREE) for the location of underground utilities

The contractor shall be responsible for adhering to all applicable local, state, and federal standards, specifications, and guidelines for construction.

COMBINATION SURVEY

CLIENT:
MR. DAVID RUBY
740 BIRD AVENUE
BIRMINGHAM, MI 48009
(248) 365-0893

REVISIONS:
2-9-21 REVISED PER CLIENT.



SEAL

SHEET

1 OF 1

MUNICIPAL REVIEW NUMBERS:

JOB NO: 20-136
DATE: 3/23/21
DRAWN BY: S.A.
CHECKED BY: S.A.

PART OF THE SOUTHEAST 1/4 OF SECTION 26,
CITY OF BIRMINGHAM, OAKLAND CO., MI

COMBINATION SURVEY

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COMBINATION SURVEY

CLIENT:
MR. DAVID RUBY
740 BIRD AVENUE
BIRMINGHAM, MI 48009
(248) 365-0893

REVISIONS:
2-9-21 REVISED PER CLIENT.



SEAL

SHEET

1 OF 1

MUNICIPAL REVIEW NUMBERS:

COMBINATION SURVEY

CLIENT:
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740 BIRD AVENUE
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SHEET

1 OF 1

MUNICIPAL REVIEW NUMBERS:

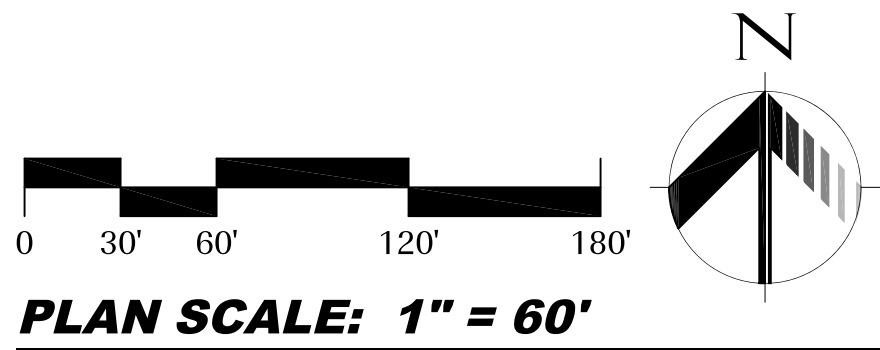
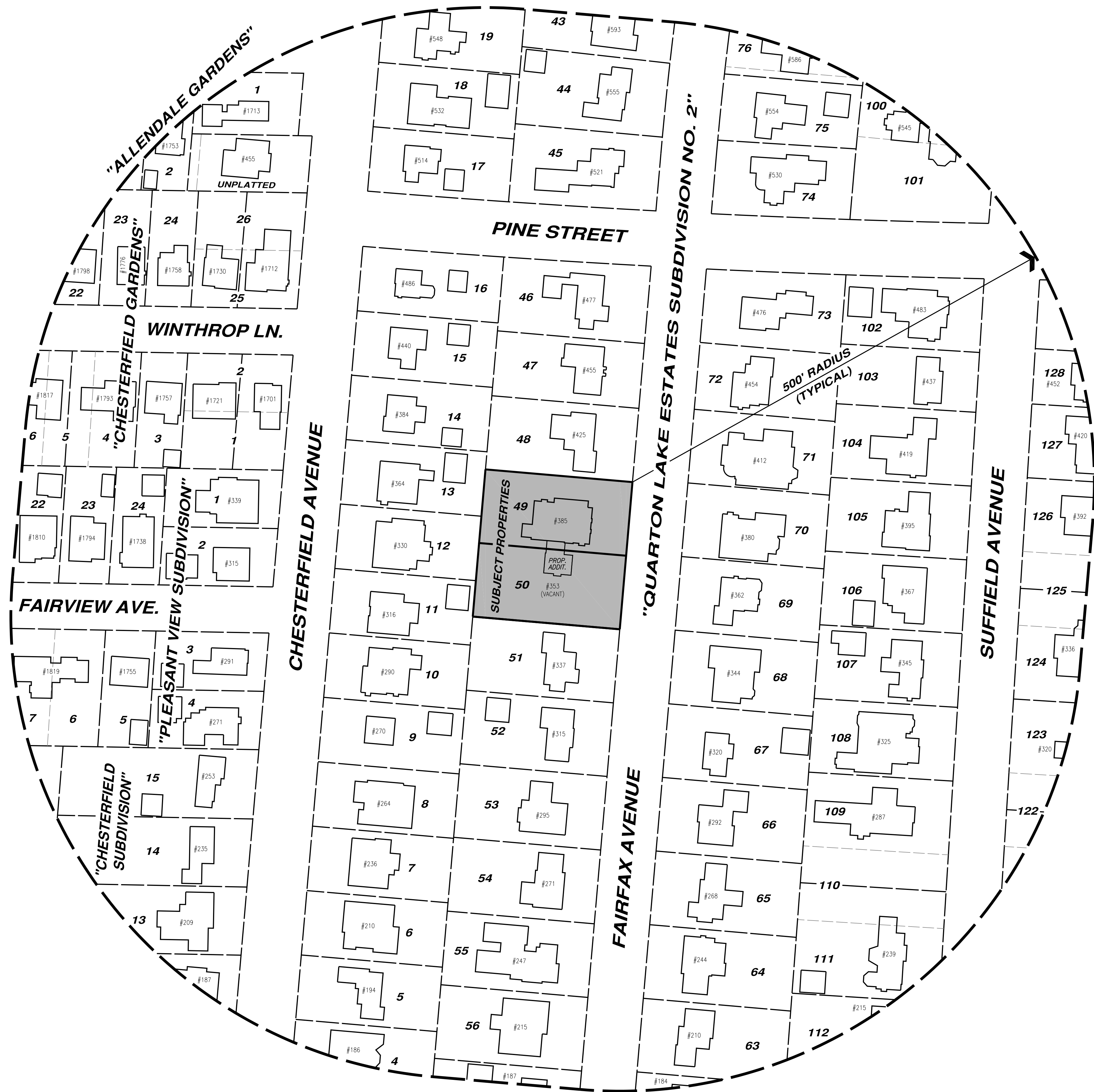
COMBINATION SURVEY

CLIENT:
MR. DAVID RUBY
740 BIRD AVENUE
BIRMINGHAM, MI 48009
(248) 365-0893

REVISIONS:
2-9-21 REVISED PER CLIENT.



SEAL



SHEET:

1

MUNICIPAL REVIEW NUMBERS:

OF: 2

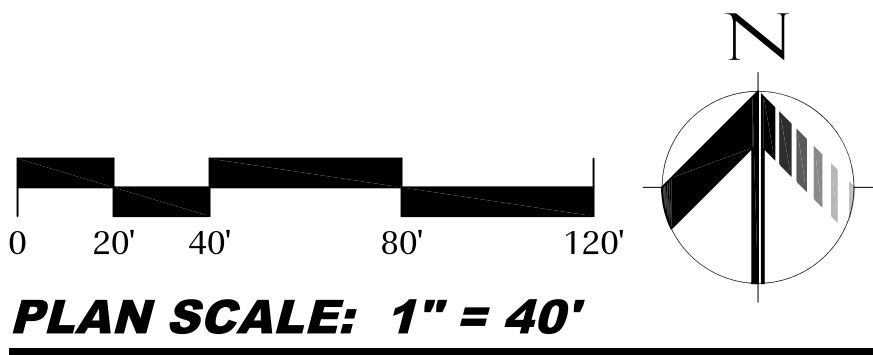
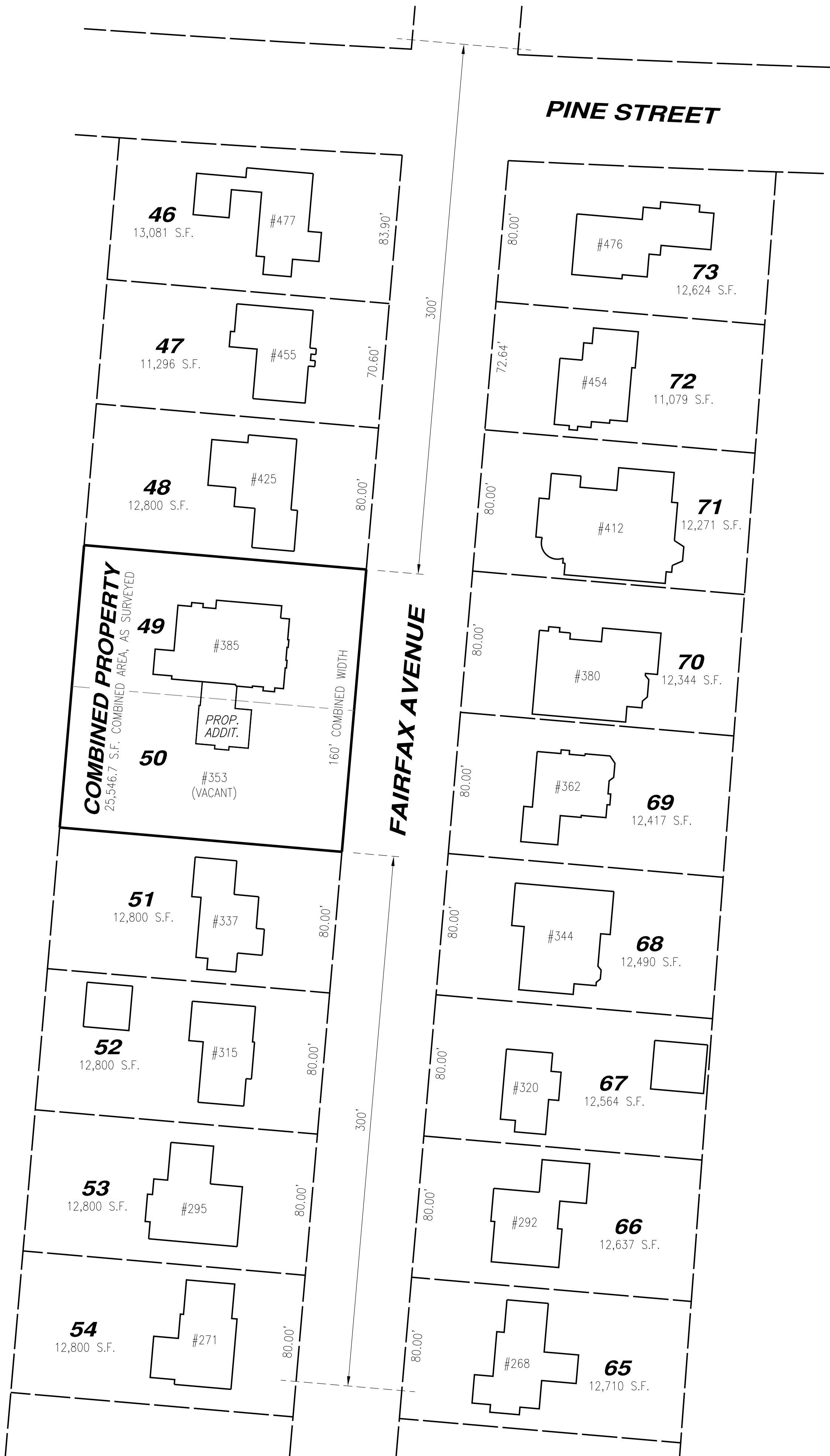
PLAN:
500' Radius Plan

PROJECT:
Proposed Lot Combinations
#353 & #385 FAIRFAX AVENUE
PARCELS 19-26-451-018 & -019
PART OF THE SOUTHWEST 1/4 OF SECTION 26, T2N, R10E,
CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

HORIZON
ENGINEERING, LLC
CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING
P.O. Box 182158, Shelby Township, Michigan 48318
Phone 586.453.8097 Fax 586.580.0053



SEAL:
CLIENT: MR. DAVID RUBY
740 BIRD AVENUE
BIRMINGHAM, MI 48069
(248) 362-6885
REVISIONS:
JOB NO: 20-107
DATE: 8-28-21
DRAWN BY: N.P.R.



LOT DATA SUMMARY

LOT NUMBER	RECORD LOT WIDTH	RECORD LOT AREA
46	83.90'	13,081 S.F.
47	70.60'	11,296 S.F.
48	80.00'	12,800 S.F.
51	80.00'	12,800 S.F.
52	80.00'	12,800 S.F.
53	80.00'	12,800 S.F.
54	80.00'	12,800 S.F.
65	80.00'	12,710 S.F.
66	80.00'	12,637 S.F.
67	80.00'	12,564 S.F.
68	80.00'	12,490 S.F.
69	80.00'	12,417 S.F.
70	80.00'	12,344 S.F.
71	80.00'	12,271 S.F.
72	72.64'	11,079 S.F.
73	80.00'	12,624 S.F.

LOT WIDTH COMPARISON:
AVERAGE LOT WIDTH = 79.20'
2X AVERAGE LOT WIDTH = 158.40'
PROPOSED LOT WIDTH FOR COMBINED PROPERTY = 160.00' RECORD
(159.92' AS SURVEYED)

LOT AREA COMPARISON:
AVERAGE LOT AREA = 12,469.5 S.F.
2X AVERAGE LOT AREA = 24,939 S.F.
PROPOSED LOT AREA FOR COMBINED PROPERTY = 25,546.7 S.F.

REVISIONS:

CLIENT: MR. DAVID RUBY
740 BIRD AVENUE
BIRMINGHAM, MI 48009
(248) 366-6685



SEAL:

HORIZON
ENGINEERING LLC
CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING
P.O. Box 182158, Shelby Township, Michigan 48318
Phone 586.453.8097 Fax 586.580.0053

PROJECT:

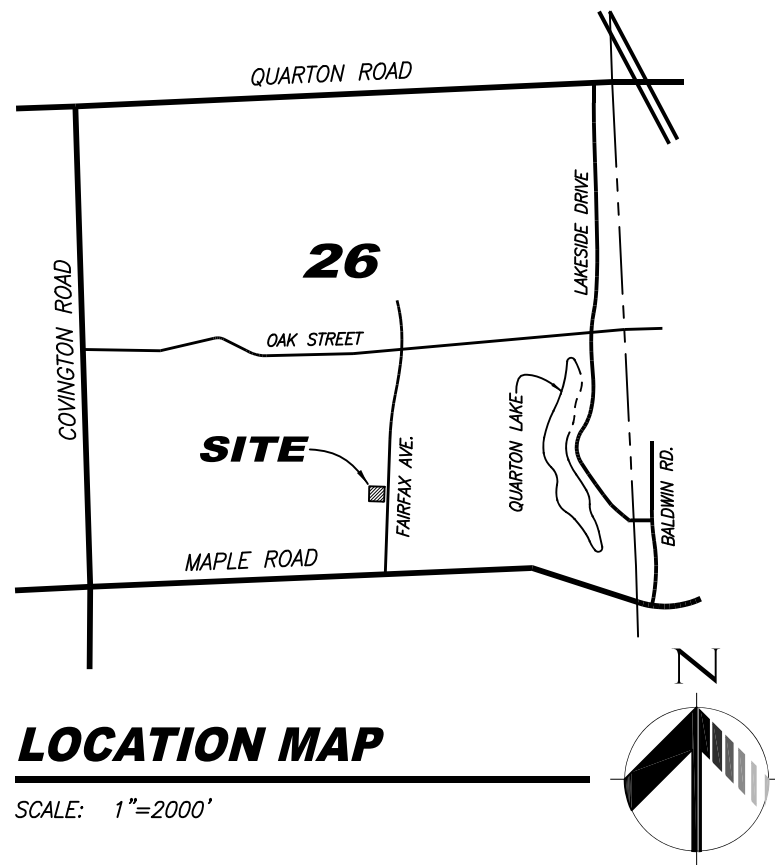
Proposed Lot Combinations
#353 & #385 FAIRFAX AVENUE
PARCELS 19-26-451-018 & -019
PART OF THE SOUTHWEST 1/4 OF SECTION 26, T2N, R10E,
CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

PLAN:

300' Block Plan

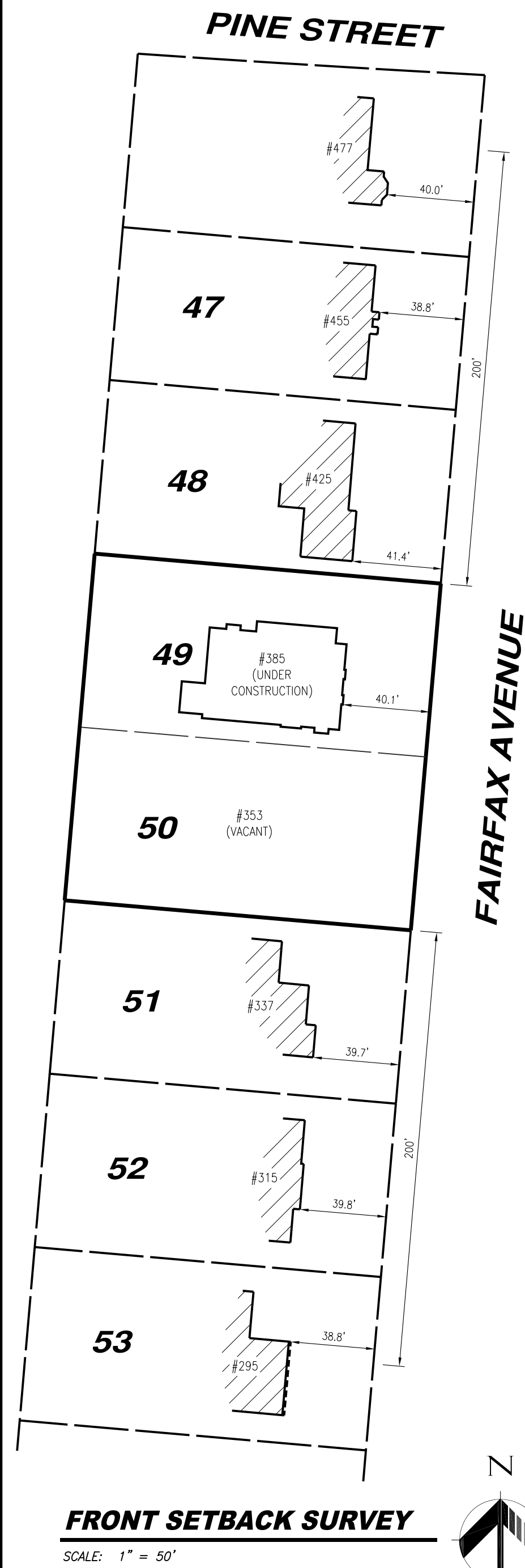
SHEET:

2 OF **2**
MUNICIPAL REVIEW NUMBERS:

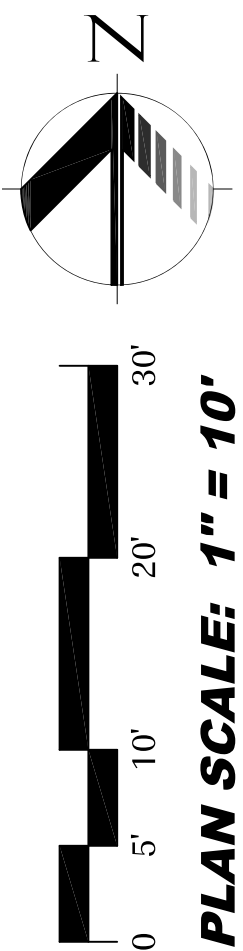


PROPERTY DESCRIPTION

LOT 49 AND LOT 50, "QUARTON LAKE ESTATES SUBDIVISION NO. 2", A SUBDIVISION OF LOTS 1 TO 184 INCLUSIVE OF QUARTON LAKE ESTATES SUBDIVISION, VILLAGE OF BIRMINGHAM (NOW CITY OF BIRMINGHAM), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 32 OF PLATS, PAGE 40 OF OAKLAND COUNTY RECORDS.



- SITE CRITERIA
- ZONING: R-1, SINGLE FAMILY RESIDENTIAL
 - AVERAGE FRONT SETBACK AS SURVEYED = 39.75'
 - FRONT SETBACK PROVIDED FOR HOME UNDER CONSTRUCTION = 40.1'
 - REQUIRED REAR SETBACK = 30'
 - REAR SETBACK PROVIDED FOR HOME UNDER CONSTRUCTION = 39.4'
 - REQUIRED MINIMUM COMBINED FRONT AND REAR SETBACK = 55'
 - PROVIDED COMBINED FRONT AND REAR SETBACK = 79.5'
 - REQUIRED MINIMUM SIDE SETBACK = 5'
 - REQUIRED MINIMUM SIDE SETBACK, ONE SIDE = 10% OF LOT WIDTH = 155.92' x 10% = 15.59'
 - PROVIDED MINIMUM SIDE SETBACK = 24.5'
 - REQUIRED TOTAL SIDE SETBACK = 25% OF LOT WIDTH = 155.92' x 25% = 38.98'
 - PROVIDED TOTAL SIDE SETBACK = 72.05'
 - REQUIRED DISTANCE BETWEEN STRUCTURES = 38.98'
 - PROVIDED DISTANCE BETWEEN STRUCTURES = 31.28' NORTH; 61.75' SOUTH
 - COMBINED PARCEL AREA AS SURVEYED: 25,546.74 S.F. (0.586 ACRE)
 - LOT COVERAGE ALLOWED = 30% = 7,664 S.F.
 - LOT COVERAGE PROPOSED (HOUSE, ADDITION, AND POOLHOUSE) = 5,054 S.F. (19.8%)



PROJECT: Lot 49 & Lot 50
"Quarton Lake Estates Sub. No. 2"
#353 & 385 FAIRFAX AVENUE
PARCEL NO. 19-26-451-018 & -019
PART OF THE S.E. 1/4 OF SECTION 26, T.2N, R.10E,
CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

PLAN: PROPOSED SITE PLAN

SHEET: 1 OF 1

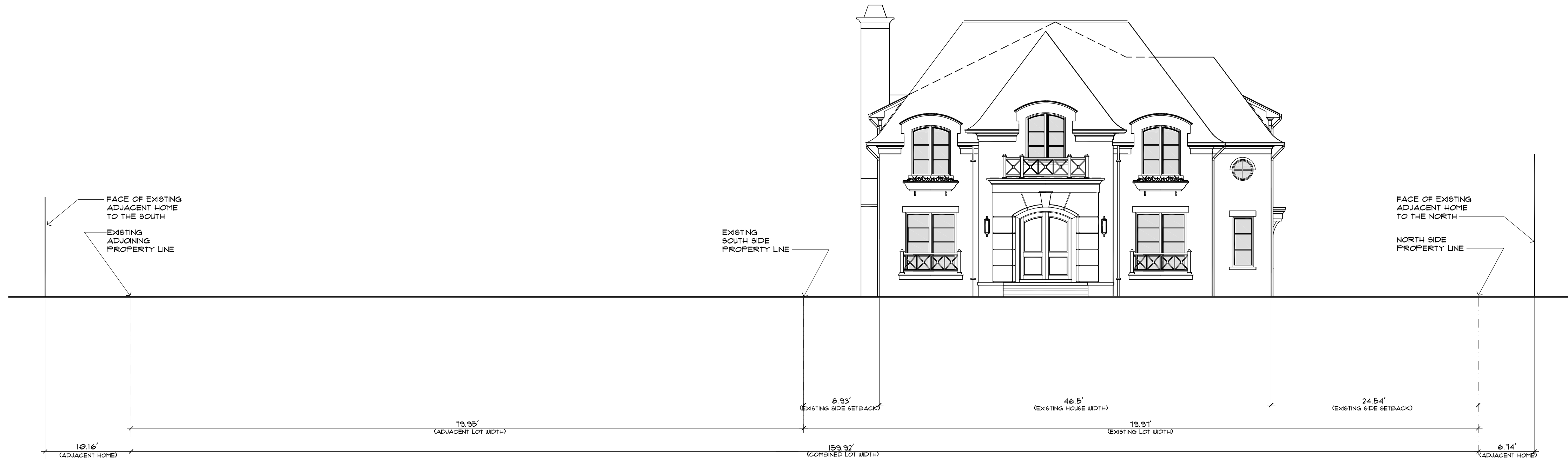
MUNICIPAL REVIEW NUMBERS:

CLIENT: MR. DAVID RUBY
740 BIRD AVENUE
BIRMINGHAM, MI 48069
(248) 366-6885

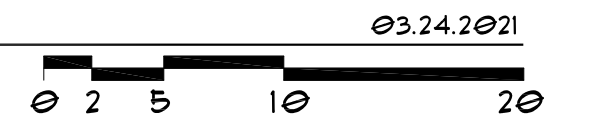
JOB NO: 17-161
DATE: 3-28-21
DRAWN BY: N.P.R.

SEAL: HORIZON ENGINEERING LLC
CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING
P.O. Box 182158, Shelby Township, Michigan 48318
Phone 586-453-8097 Fax 586-580-0053

REVISIONS:

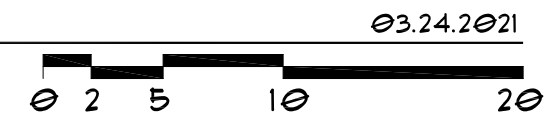


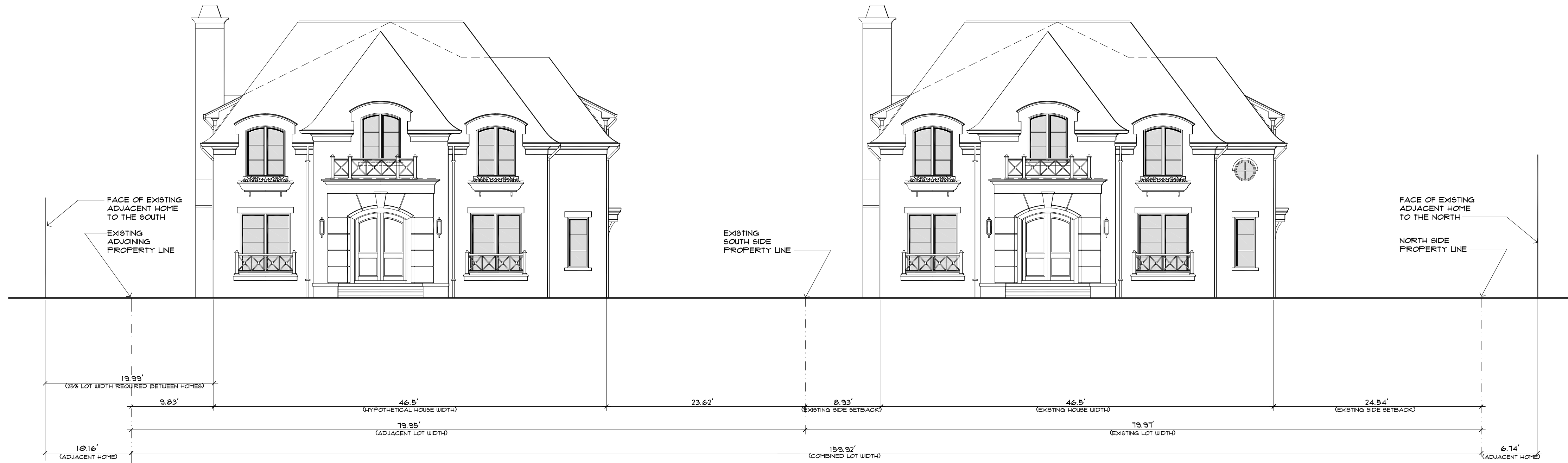
EXISTING FRONT (EAST) ELEVATION





PROPOSED LOT COMBINATION FRONT (EAST) ELEVATION





HYPOTHETICAL (EAST) ELEVATION 03.24.2021

0 2 5 10 20

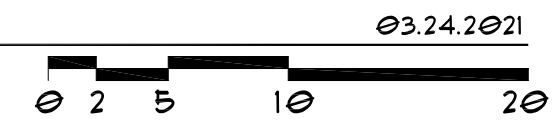
EXISTING FRONT (EAST) ELEVATION 03.24.2021

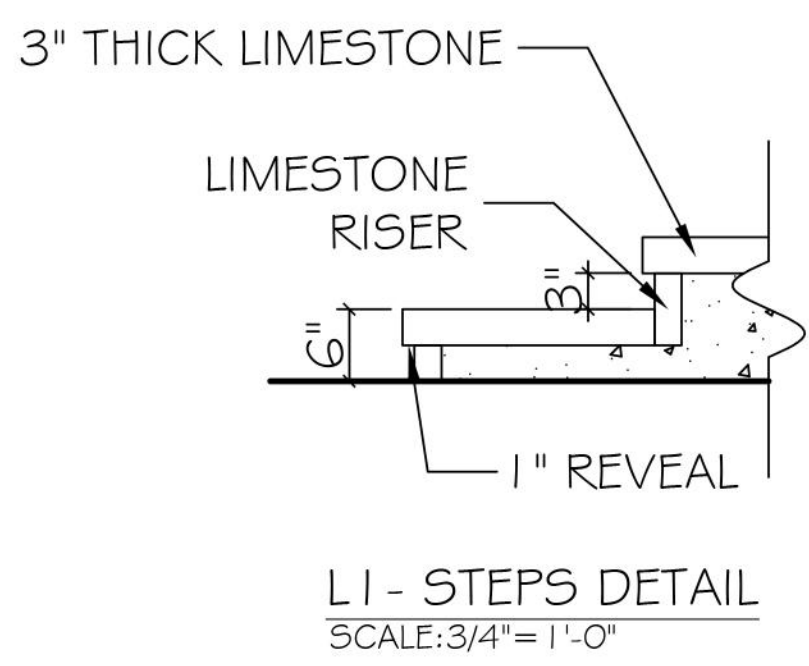
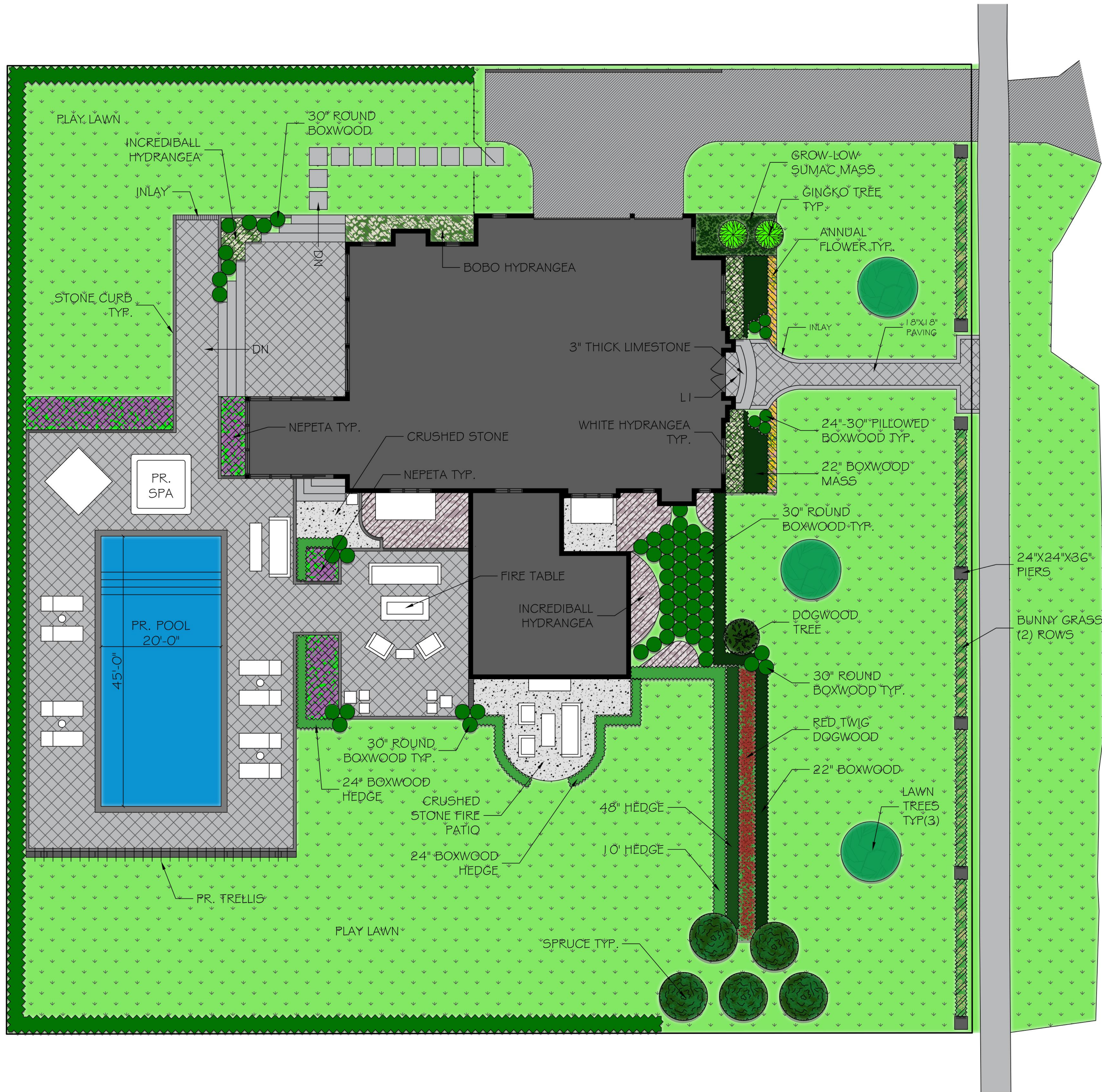
0 2 5 10 20





PROPOSED LOT COMBINATION LEFT SIDE (SOUTH) ELEVATION





BIRMINGHAM, MI
P: (248)391-3095
F: (248)887-9291

PROJECT:

RUBY RESIDENCE

385 FAIRFAX AVE
BIRMINGHAM, MI

DATE & REVISIONS:

NOVEMBER 24, 2020
JANUARY 14, 2021

SCALE & NORTH ARROW:

SCALE: 1/8" = 1'-0"

Know what's below. Call before you dig.

SHEET TITLE:

LANDSCAPE PLAN

SHEET NO:

L-1

DESIGNED BY:

M.M.

DRAWN BY:

C.A.

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March 26, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 353 and 385 Fairfax Lot Combination Application

Dear City of Birmingham Planning Department and City Commission:

My name is David Ruby and I have lived in the city of Birmingham since 1994. My mother and I moved to 1707 Stanley Blvd. when I was 12 years old and I immediately fell in love with my new home and neighborhood. I attended Covington Middle School and graduated from Seaholm High School in 1999. I went away to college and briefly lived in Chicago; however, my plan was always to return home to Birmingham. In 2007, I landed a great job which allowed my dream of returning to Birmingham to come true. I rented for a few years around town before purchasing my first home in 2010; a single-family house at 740 Bird Ave. I did this with my then fiancé, now my wife, Marisa Ruby. For 11 years we have called Bird Ave. home. It has been a magical place for us, where we have expanded our family to include three precious little boys, Lennon Ruby, born September 2018, and identical twins, Jonah and Ashton Ruby, born May 2020. Our intention is to raise our boys in Birmingham, send them through the Birmingham school system, and teach them to love and appreciate this city as much as we do.

We have always loved the Quarton Lake Estates neighborhood, and in 2018 we began to search for homes for sale that would allow us to move there and send our son to Quarton Elementary School. In July of 2019, with only one child, we purchased 385 Fairfax from Hunter Roberts Homes, with the intent to build an approximately 4,900 sq. ft. home. We began construction December 2019. However, our plans evolved, as did our family, with the unexpected gift of twins. In September 2020, we were pleasantly surprised when 353 Fairfax, the adjacent lot just south of our new build, was listed for sale. With our now family of five, we jumped at the opportunity to be able to have an extra yard for our three boys to run and play in. After further consideration and discussion, we decided that with a small addition to the interior space of our house, we would be able to build our absolute dream home that we could live in forever.

We are respectfully requesting the approval from the city of Birmingham to combine 353 Fairfax and 385 Fairfax into one lot. With this combination, we envision adding a small interior bump-out addition to the south side of our house, increasing the home's footprint by approximately 920 square feet. We would also improve the property by adding an outdoor space with a beautifully landscaped yard, a swimming pool, and a safe usable area for our three young boys to run and play sports away from the street. This combination will give us a space where we will be able to create beautiful memories and enjoyment with our family and friends for the rest of our lives. Our promise is to use architecture and landscaping to uphold and respect the beauty, flow and spirit of this neighborhood we hold so dear.

Upon approval, we will work closely with the Community Development Department and pull all necessary permits to ensure our plans meet all required standards.

Please find enclosed the application forms, proof of ownership and tax information, surveys, presentation of our plans, architectural plans, landscaping plans, and letters of support from our neighbors.

Thank you for reviewing our materials and for your consideration.

Best Regards,

David Ruby and Marisa Ruby



Williams Williams Rattner & Plunkett, P.C.
Attorneys and Counselors

380 North Old Woodward Avenue
Suite 300
Birmingham, Michigan 48009

Tel: (248) 642-0333
Fax: (248) 642-0856

www.wwrplaw.com

Richard D. Rattner
rdrr@wwrplaw.com

March 25, 2021

By Email

Planning Board
City of Birmingham
151 S. Martin Street
Birmingham, MI 48009
Attn: Jana Ecker

Re: Application to Combine Platted Lots at 353 and 385 Fairfax, Birmingham, MI
("Application")

Dear Ms. Ecker and Members of the Planning Board:

We submit this letter in support of the property owners, David and Marisa Ruby ("Owners"), and their Application to combine the platted lots commonly known as 353 and 385 Fairfax, Birmingham, in the R1 single family residential district (the "Subject Property").

Mr. and Mrs. Ruby first purchased 385 Fairfax from Hunter Roberts Homes, a local builder that had started constructing a new home in conformity with the requirements of the R1 district on the lot. During the construction of the home and after the purchase of 385 Fairfax, the next-door neighbors at 353 Fairfax placed their home for sale, and Mr. and Mrs. Ruby purchased that property. The Owners have been working with an architect on design plans for an addition to the new home already under construction for a modest addition on the south side of house. The addition would cross the northly lot line of 353 Fairfax, requiring the lot combination and would not otherwise change the footprint of the new home. See the survey enclosed with this letter at attachment 1. Whether the Owners build the addition or not, they already have demolished the house on 353 Fairfax and intend to use the area for outdoor living and greenspace.

The Application meets the spirit and intent of the standards of approval of the Ordinance, Section 102-83, as discussed below.

Ordinance Sec. 102-83 – Standards for approval

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

The requested lot combination of 353 and 385 Fairfax will result in a combined parcel consistent with the character of the neighborhood. The proposed addition off the south side of the new home extends the footprint of the house onto 353 Fairfax by approximately 28 feet and leaves the remainder of 353 Fairfax as beautifully landscaped outdoor living area. The owners intend to principally use the lot at 353 Fairfax for a professionally landscaped outdoor living area with greenspace, a patio, and pool. See the design concept plan enclosed with this letter at attachment 2. The size of the home with the addition will be consistent with other homes in the area and the lot combination will add a landscaped greenspace to the neighborhood. The Owners' proposed lot combination will result in a finished home and yard very similar to those at 239 Suffield, 287 Suffield and 545 Suffield, all within 500 feet of the Subject Property.

The owners understand there may be a need for a variance from the Board of Zoning Appeals once the lots are combined due to the setbacks of the R1 district when applied to the combined lot for the setback on the northside of 385 Fairfax. An important fact to acknowledge, however, is the house at 385 Fairfax exists today and was under construction when it was purchased by Mr. and Mrs. Ruby and it is a conforming structure under the R1 district requirements. The Owners are not proposing any modifications to the existing north façade of the house.

(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 average lot width of the lots within 300 feet on the same street are 79.20 feet. The lots of the Subject Property are both 80-feet wide. The combined lot width, therefore, calculates to be 18 inches wider than the average (158.40 feet). This is a de minimus difference from the average and does not vary from the spirit and intent of this standard of approval. This is borne out when considering the number of lots within 300 feet on the same street and their width. There are 16 lots within 300 feet of the Subject Property. *Fourteen* of the 16 lots are 80-feet wide or wider, the same as the Subject Property. Two atypical lots are less than 75 feet wide. The combining of 385 and 353 Fairfax will not result in a combined lot appearing greater than twice the average lot on the street.

(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.

Because of the two atypically small lots located in this area of Fairfax Street which are less than 75 feet in width, twice the average lot area is 24,940 square feet. The Subject Property when combined is 25,600 square feet. A de minimus difference from the average of 660 square feet is not visually noticeable and does not vary from the spirit and intent of this standard of approval.

(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 Owners are not seeking to significantly expand the building envelope of the combined lots. The Owners' plan for the combined lots is not to double the size of the existing home, rather simply to add an addition and ancillary outdoor living space to the lot at 353 Fairfax. This is very similar to the homes on combined lots within 500 feet on Suffield. The new home at 385 Fairfax was already under construction when the Owners purchased it and is similar in size and architecture to the stately homes of the neighborhood. Further, there are at least 3 properties within 500 feet of the Subject Property with similarly combined lots, 287, 239 and 545 Suffield. This area of Birmingham is replete with large lots, large homes, mature trees, and luscious greenery. Fairfax Street also is home to large lots of approximate widths of 160 feet, such as 795 Fairfax north of the Subject Property. The Owners' proposed design of the combined lots is consistent with the rhythm and pattern of development within 500 feet and does not create an anomaly in this neighborhood.

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

There are no unpaid taxes or special assessments related to the Subject Property.

(6) The combination will not adversely affect the interest of the public or the abutting property owners.

The location of the house will remain as it is today, with an addition on the south side of the house, which encroaches into the 353 Fairfax lot by approximately 28 feet. There will be no significant modifications to ingress and egress from Fairfax Street. The requested lot combination will have no effect on the use and development of adjacent properties. The newly

constructed home with its professionally landscaped outdoor living area should result in an increase in property value for these lots.

No natural features will be detrimentally affected by the lot combination. In fact, the Owners' proposed plan for the combined lots removes the hardscape of the house that was located at 353 Fairfax and replaces it primarily with a landscaped natural feature improving drainage, lessening density, lessening demand on public water and sewer systems, and increasing the amount of air and light available to the adjacent properties.

Conclusion

The Application to combine the lots of the Subject Property satisfies the spirit and intent of Ordinance Section 102-83(1) – (6). The Owners proposed addition to the existing house and ancillary outdoor living amenities are consistent with the neighborhood. We respectfully request the Planning Board to recommend the approval of the lot combination to the City Commission.

Very truly yours,

WILLIAMS WILLIAMS RATTNER & PLUNKETT, PC

Richard D. Rattner

Richard D. Rattner



Combination of Platted Lots Application

Planning Division

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

1. Applicant

Name: David and Marisa Ruby
Address: 740 Bird Ave
Birmingham, MI 48009
Phone Number: 248 505-0893
Fax Number:
Email address: druby@gemstonecommunities.com

2. Property Owner

Name: David and Marisa Ruby
Address: 740 Bird Ave
Birmingham, Michigan 48009
Phone Number: 248 505-0893
Fax Number:
Email address: druby@gemstonecommunities.com

3. Applicant's Attorney/Contact Person

Name: As Above
Address:
Phone Number:
Fax Number:
Email address:

4. Project Designer/Developer

Name: Patrick Dyke
Address: 2553 Meade Court
Ann Arbor, MI 48105
Phone Number: 248-321-4444
Fax Number:
Email address: pdcllc@gmail.co

5. Project Information

Address/Location of Property: 385 and 353 Fairfax
Birmingham, Michigan 48009
Sidwell #:
Parcel #: 08-19-26-451-018 and 08-19-26-451-019
Current Zoning: R1

Legal Description:

353 Fairfax - T2N, R10E, SEC 26 SUB OF LOTS 1 TO 184 INCL OF QUARTON LAKE ESTATES SUB LOT 50
358 Fairfax - T2N, R10E, SEC 26 SUB OF LOTS 1 TO 184 INCL OF QUARTON LAKE ESTATES SUB LOT 49

6. Required Attachments

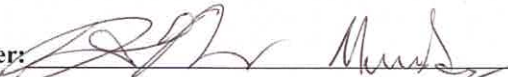
- I. Two (2) copies of a *registered* land survey showing:
 - i. All existing and proposed platted lot lines;
 - ii. Legal descriptions of proposed lots;
 - iii. Locations of existing/surrounding structures for at least 500 ft. in all directions;
 - iv. Footprints of proposed development including proposed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

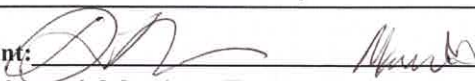
7. Details of the Proposed Development (attach separate sheet if necessary)

We respectfully request approval from the City of Birmingham to combine parcel 08-19-26-451-019 (lot 50) and parcel 08-19-26-451-018 (lot 49) to become one lot and address 385 Fairfax Avenue for the purpose of improving the property by building a small bump out addition, an outdoor patio space with fire place, a pool and a sport court. Please see enclosed a copy of our plans.

(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: 3/24/21
Print Name: David and Marisa Ruby

Signature of Applicant:  Date: 3/24/21
Print Name: David and Marisa Ruby

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



Notice Sign Rental Application Community Development

1. Applicant

Name: David and Marisa Ruby
Address: 385 Fairfax
Birmingham, MI 48009
Phone Number: 248 505-0893
Fax Number:
Email address: druby@gemstonecommunities.com

2. Property Owner

Name: Same as applicant
Address:
Phone Number:
Fax Number:
Email address:

3. Project Information

Address/Location of Property: 385 and 353 Fairfax
Name of Development: Lot Combination
Area in Acres: .586 acres

Name of Historic District, if any:
Current Use: Residential
Current Zoning: R1

4. Date of Board/Commission Review

City Commission:
Planning Board:
Historic District Commission:
Design Review Board:

Board of Zoning Appeals:
Board of Building Trades Appeals:
Housing Board of Appeals:
Other:

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: 8/29/21

Office Use Only

Application#: Date Received: Fee:
Date of Approval: Date of Denial: Reviewed By:



FEE SCHEDULE

Application	Fees
Administrative Approval	\$100
Administrative Sign Approval	\$100
Board of Zoning Appeals* <ul style="list-style-type: none"> Single Family Residential All Other Zoning Districts 	\$310 \$510
Community Impact Study Review*	\$2,050
Design Review*	\$350
Division/Combination of Platted Lots	\$200 X 2
Historic District Review* <ul style="list-style-type: none"> Single Family Residential All Other Zoning Districts 	No Charge \$350
Public Notice Sign <ul style="list-style-type: none"> Notice Sign Rental Returnable Sign Bond 	\$50 \$100 ➔ \$150 total
Preliminary/Final Site Plan Review <ul style="list-style-type: none"> R4 – R8 Zoning District Nonresidential Districts 	\$850, plus \$50 per dwelling unit \$1,050, plus \$50 per acre or portion of acre
Special Land Use Permit* <ul style="list-style-type: none"> Plus Site Plan Review Plus Design Review Plus Publish of Legal Notice Plus Sign Rental and Deposit 	\$800 \$1,050 \$350 \$450 \$150 ➔ \$2,800 total
Special Land Use Permit Annual Renewal	\$200
Temporary Use Permit	\$100
Zoning Compliance Letter	\$50

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

X

Certified True Copy

WARRANTY DEED

File No.: 19-12038-3

THE GRANTOR, Sowden Properties, LLC, a Michigan Limited Liability Company

whose address is: 962 Puritan Avenue, Birmingham, MI 48009

conveys and Warrants to David Ruby and Marisa Ruby, husband and wife

whose address is: 740 Bird Avenue, Birmingham, MI 48009

The following described premises situated in the *City of Birmingham, County of Oakland, and State of Michigan*, and more particularly described as follows:

Lot 49 of Subdivision of Lots 1 to 184, inclusive, of QUARTON LAKE ESTATES SUBDIVISION, according to the plat thereof, as recorded in Liber 32 of Plats, Page 40, Oakland County Records.

Tax Parcel No.: 19-26-451-018

Commonly known as: 385 Fairfax St., Birmingham, MI 48009

for the sum of **SIX HUNDRED SIXTY SIX THOUSAND AND 00/100 Dollars (\$666,000.00)**

Subject to existing building and use restrictions, easements, and zoning ordinances, if any

Dated: July 31, 2019

Sowden Properties, LLC, a Michigan Limited Liability Company

By: 

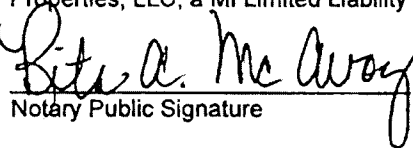
Thomas M. Sowden, Sole Member

STATE OF

COUNTY OF

Michigan
Charlevoix

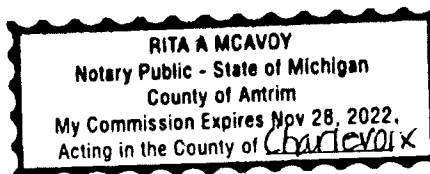
Acknowledged before me on the 31st day of July, 2019 by Thomas M. Sowden, Sole Member of Sowden Properties, LLC, a MI Limited Liability Company, for the company.


Notary Public Signature

Notary Name

Notary public, State of _____, COUNTY OF _____

My Commission Expires:



Recording Fee \$30.00

Transfer Tax \$4,995.00

County Revenue Stamps \$732.60

Drafted by:

Sowden Properties, LLC
962 Puritan Avenue
Birmingham, MI 48009

When recorded return to:

David Ruby and Marisa Ruby



CISLO TITLE COMPANY

Title Insurance & Escrow Services

www.cislotitle.com

WARRANTY DEED

(Page One of a Two Page Warranty Deed)

The Grantor, John W. Schmieding
Whose Address is 434 Putter Point Ct., Naples, FL 34103

Conveys and warrants to David Ruby and Marisa Ruby, husband and wife
Whose Address is 740 Bird Avenue, Birmingham, MI 48009

The following described premises situated in the City of Birmingham, Oakland County, State of Michigan:

Lot 50, of Subdivision of Lots 1 through 184, inclusive, of Quarton Lake Estates Subdivision, as recorded in Liber 32, Page 40 of plats, Oakland County Records.

More commonly known as: 353 Fairfax Street, Birmingham, MI 48009

Tax Item No.: 08-19-26-451-019

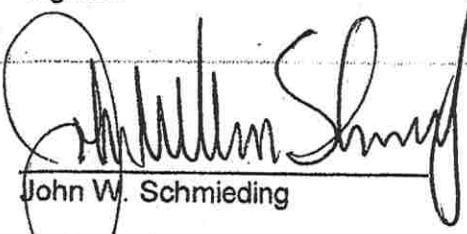
For the Sum of \$660,000.00 Six Hundred Sixty Thousand and 00/100 Dollars

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

Subject to building and use restrictions easements and zoning ordinances of record, if any.

Dated: September ^{23rd mg} 25, 2020

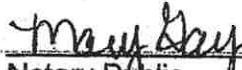
Signed:


John W. Schmieding

State of Florida

County of Collier

This foregoing instrument was acknowledged before me this ^{23rd mg} 25th day of September, 2020 by John W. Schmieding


Notary Public
Collier County, Florida

My Commission Expires: 10/8/2020

Drafted by: John W. Schmieding
353 Fairfax Street, Brimingham, MI 48009

Return to: David Ruby
~~353 Fairfax Street, Brimingham, MI 48009~~

File No.: 117991





Step 1: Select Payments Step 2: Review and Submit Step 3: Confirmation and Receipt

Step 3: Confirmation and Receipt

Result: Payment Authorized
Confirmation Number: 87117305

Your payment has been authorized successfully and payment will be processed.

The City of Birmingham thanks you for your payment. Thank you for using our bill payment services.

Please save or print a copy of this receipt for record keeping purposes.

My Bills

Description	Amount
Winter Tax payment of \$2,960.39 on Parcel Number 08-19-26-451-019	\$2,960.39
Subtotal:	\$2,960.39
Convenience Fee:	\$0.00
Total Payment:	\$2,960.39

Customer Information

First Name: DAVID
Last Name: RUBY
Address Line 1: 353 FAIRFAX AVE
Address Line 2:
City: BIRMINGHAM
State: Michigan
Zip Code: 48009-1274
Phone Number: 2485050893

Email Address: druby@gemstonecommunities.com

Payment Information

Payment Date: 01/11/2021

Check Routing Number: 041001039

Check Account Number: *****275

Account type: Checking

Print

Finished

2020 DECEMBER TAX STATEMENT - RETURN THIS PORTION WITH YOUR REMITTANCE

REMIT TO: CITY OF BIRMINGHAM - TAXES • P.O. BOX 671732, DETROIT, MI 48267-1732

Allow at least 10 days when mailing

63008 1926451018 4 000288802

TOTAL	PENALTY	TOTAL PAID
2,888.02		



DUE DEC. 1, 2020 - FEB. 16, 2021

RUBY, DAVID
RUBY, MARISA
740 BIRD AVE
BIRMINGHAM MI 48009-2064

MAKE CHECK PAYABLE TO:
CITY OF BIRMINGHAM

Please include phone number
or email on check

PARCEL I.D. NUMBER

08-19-26-451-018

WARNING: Check your Parcel I.D. No. before paying your TAXES. You are responsible if you pay on wrong parcel.

CITY OF BIRMINGHAM 2020 DECEMBER TAX STATEMENT

FISCAL YEARS

O.C. PARKS & REC. • ZOO AUTHORITY H.C.M.A.
10-1-2020 to 9-30-2021 1-1-2021 to 12-31-2021
PARTIAL BIRMINGHAM SCHOOLS • O.C.P.T.A. • ART AUTHORITY
7-1-2020 to 6-30-2021

DUE DECEMBER 1, 2020 - FEBRUARY 16, 2021
3% PENALTY AFTER FEBRUARY 16, 2021

**PAYMENTS BY MAIL WILL BE RECORDED ON THE DATE
RECEIVED, NOT ON THE DATE POSTMARKED.**

RUBY, DAVID
RUBY, MARISA
740 BIRD AVE
BIRMINGHAM MI 48009-2064

Property Address:
385 FAIRFAX AVE

PARTIAL DESCRIPTION OF PROPERTY

T2N, R10E, SEC 26 SUB OF LOTS 1 TO
184 INCL OF QUARTON LAKE ESTATES
SUB LOT 49

401 RESIDENTIAL IMPROVED

BEGINNING MARCH 2nd, 2021 all unpaid 2020 taxes must be paid to the Oakland County Treasurer's office, 1200 N. Telegraph, Pontiac, MI 48341, with additional penalties. During the month of March, a revised statement from the City Treasurer must accompany your remittance to the County Treasurer.

RETAIN THIS LOWER PORTION FOR YOUR RECORDS.
YOUR CANCELLED CHECK IS YOUR RECEIPT.

CODE #	*P.R.E. TAX BASE	PARCEL I.D. NUMBER / SCHOOL DIST.	
32862	0	08-19-26-451-018	63010
*% DECLARED AS P.R.E.	*NON-P.R.E. TAX BASE	TAXABLE VALUE	STATE EQUALIZED VALUE
0%	266,590	266,590	266,590
TAX DESCRIPTION		RATE PER \$1,000	AMOUNT
COUNTY		0.56040	149.39
OCPTA		0.98510	262.61
SCHOOL OPERATING		9.00000	2399.31
SCHOOL SUPPLEMNT		3.39160	0.00
ZOO AUTHORITY		0.09650	25.72
SCHOOL OPER FC		9.00000	0.00
ART INSTITUTE		0.19130	50.99
ADMIN FEE		0.00000	0.00
*P.R.E. = Principal Residence Exemption			
Property taxes are levied on the Taxable Value. The State Equalized Value is provided on this document for your information only and represents 50% of the market value of your property.			
IMPORTANT INFORMATION - SEE REVERSE SIDE.			

SPECIAL
ASSESSMENTS

TOTAL	PENALTY	TOTAL PAID
2,888.02		

Checks accepted only as a conditional payment. If not honored by bank, tax is unpaid and subject to unpaid tax penalties.

08-19-26-451-018

If owner or taxpayer mailing address for this property has changed, please contact the City of Birmingham at 248-530-1899 or mail to: 151 Martin Street, P. O. Box 3001, Birmingham, MI 48012-3001.

RETAIN THE LOWER PORTION FOR YOUR RECORDS.
DETACH THIS UPPER PORTION AND RETURN WITH YOUR PAYMENT IN THE ENCLOSED RETURN ENVELOPE.
POSTAGE REQUIRED. PLEASE ALLOW AT LEAST 10 DAYS WHEN MAILING.

WINTER TAXES

The December 2020 tax bill represents taxes to be collected for partial Birmingham Public Schools, 100% O.C. Parks & Rec., H.C.M.A., SMART, Zoo Authority, and Art Authority.

DUE DATE

Payments made in person or by mail must be physically received by the Treasurer on or before February 16, 2021 to avoid penalty.

LATE PAYMENTS

After February 16, 2021 a 3% penalty will be applied to the unpaid tax. Payments by mail will be recorded on the date received, not on the date postmarked.

Beginning March 2, 2021 all unpaid 2020 taxes must be paid to the Oakland County Treasurer's Office, 1200 North Telegraph Road, Pontiac, MI 48321, with additional penalties. During the month of March, a revised statement from the City Treasurer must accompany your remittance to the County Treasurer.

The last day in 2020 to pay property taxes, in person, at the City of Birmingham Treasurer's office is Wednesday, December 30, 2020.

The City is unable to accept partial or installment payments on the December tax bill.

Your cancelled check is your receipt. Checks are accepted only as conditional payment. If not honored by the bank, tax is unpaid and subject to unpaid tax penalties. A \$25 fee will be assessed on all returned checks.

PERSONAL PROPERTY

Personal Property is assessed as of tax day, December 31, 2019. Businesses in existence on tax day are responsible for the full amount of the July 2020 and December 2020 tax bills.

PAYMENT OPTIONS

The following options are available for tax payments. Please see enclosed Payment Option Information Sheet for details.

- Mail
- In Person
- Drop Box
- Online Banking
- Phone - Credit Card:
Convenience Fee of 3%, 1-855-780-5989
- Internet - Credit Card:
Convenience Fee of 3%, Bhamgov.org/paymybill
- Internet - Electronic Check: Bhamgov.org/paymybill

24 HOUR TAX HOTLINE

Property tax information is available on the *Oakland County 24 Hour Tax Hotline* by dialing 248-858-0025 or toll free number, 1-888-600-3773. To access tax information, you will need to enter your 10 digit parcel ID number. There is no charge for this service.

City of Birmingham • Treasury

Phone › 248-530-1890 • Fax › 248-530-1070

www.bhamgov.org

04Dec	↙	bill pay:city of birmingham 08-19- vb4c1hpp - electronic payment sent Bill Pay	-\$2,888.02
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Date	Amount of this Bill Pay
Friday, December 4, 2020	\$2,888.02

How this will appear on your statement

BILL PAY:CITY OF BIRMINGHAM 08-19- VB4C1HPP

The Combination of 385 and 353 Fairfax

Presented by the Ruby's - David, Marisa, Lennon, Ashton and Jonah



March 2021

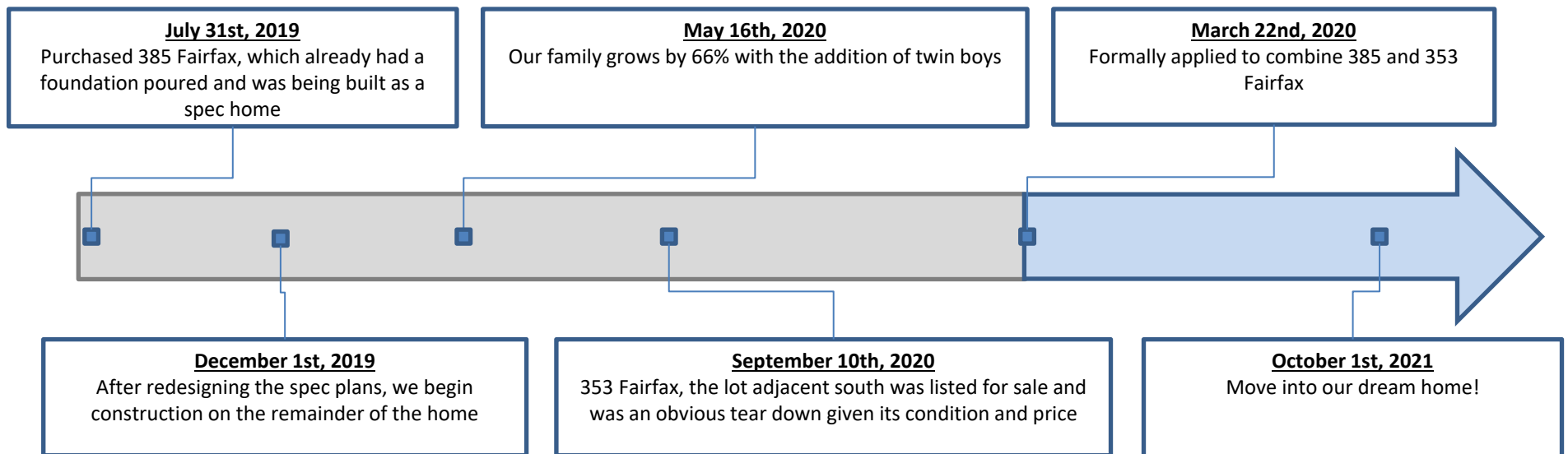
Executive Summary

We are seeking to combine our two lots to allow us to add a small addition to the southern part of our home, as well as accessory structures such as a patio, swimming pool, pool house, fireplace, and sport court.

- This lot combination is beneficial for our family, the neighborhood, and the city of Birmingham. It provides our family the opportunity to build our dream home, it provides the neighbors with beautiful, scenic greenery and relief from additional big foot homes, which they have providing overwhelming support, and it provides the city with additional tax revenue.
- We are constructing a home that is consistent in character and presence of others in our neighborhood.
- The combined lot will give our young children a safer and larger space to play.
- Our combined lot width would match the width of other lots in our neighborhood, specifically, 795 Fairfax, 545 Suffield, 550 Suffield, 710 Suffield and 1234 Suffield.
- We have included an analysis of how our proposal fits within Section 102-83 of the Birmingham city code, the standards for lot combination approvals in Birmingham.
- We have included 41 letters from neighbors supporting our plan, including our adjacent neighbors to the north and the south, 10 neighbors on our block of Fairfax and, and 19 neighbors within 500 feet of our lot.

Timeline

Below is a timeline of relevant events during our construction process. It is important to take into consideration the timing of events when considering our application. Our intention was never to buy two lots, combine and then build. We purchased 385 Fairfax after construction had already started. We were deep into our building process when 353 Fairfax went up for sale.



Analysis of Sec. 102-83

Sec. 102-83. Standards for approval

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.
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.
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.

Response

1. *The combination will result in a lot that is consistent with the character of the area. There are numerous lots of similar size within a few blocks as noted in the executive summary. Our existing home conforms to all zoning requirements.*
 2. *Because of two slightly narrower lots within a 300 foot radius our combination would be 1.60 feet wider than the allowable width. This is merely 1.0% less than the allowable width. We are requesting that the commission make an exception because of how close we are to meeting the standard.*
 3. *Our proposed lot area is 660 square foot larger than twice the average lots within a 300 feet radius. This exceeds the city's threshold by just 2.6%. We are requesting that the commission make an exception because of how close we are to meeting the code. The city commission approved the combination of 1680 and 1698 S. Bates in April 2020 notwithstanding that the combined lot is 9.8% more than the city code.*
-

Analysis of Sec. 102-83 (cont'd)

Sec. 102-83. Standards for approval

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.
5. Any due or unpaid taxes or special assessments upon the property have been paid in full.
6. The combination will not adversely affect the interest of the public or the abutting property owners.

Response

4. *The combination will result in building envelopes on the combined parcels that are consistent with the existing pattern of development. (See page 7). Our proposed building envelope is similar to many others within a 500 feet radius. The home we are proposing to build is consistent with the size of other homes in our neighborhood. In addition, our proposed lot coverage is approximately 20% of the lot, far less than the city code allows (30%). (See page 7). Furthermore, as evidenced of our commitment to keeping our home consistent with the rhythm of our neighborhood we are amenable to adding set back restrictions to limit future development that would not be consistent with the neighborhood.*
5. *All taxes and assessments have been paid in full.*
6. *The proposed combination is viewed favorably by our abutting property owners as evidenced by the letters of support from our adjacent neighbors. Furthermore, we have received in letters of support of our plan from 35 neighbors. We believe that our plan elevates the neighborhood by turning a vacant lot into a beautifully landscaped yard that ties into its home. In addition, the proposed change to the southern elevation is substantially more tasteful and architecturally pleasing. And now that 353 is a vacant lot, the southern elevation of our home is exposed for all to see.*

Front Elevation

The original southern elevation of 385 Fairfax was designed with the concept that there was a neighbor directly south. With the acquisition of 353 Fairfax as our side yard the home no longer properly flows with how we will use the property. In addition, given the city code, we would not be able to add accessory structures such as a pool or a sport court without a variance. The lot combination solves these issues. We are planning to use approximately 840 square feet (8.75%) of the adjacent lot to build an addition onto our existing home to add flow and continuity to how we will use the property. The addition provides us the ability to build more windows and access to the focal point of our outdoor living space, while maintaining a home that is consistent with the neighborhood. As you can see below, our proposed home does not significantly increase its footprint or create a home that is distasteful or inconsistent with the other homes in the neighborhood. It leaves a substantial space between the structure and the property line to the south. Also, the addition is set back from the existing front façade of the home further minimizing its footprint.



Proposed Front Elevation

Southern Elevation

With the additional lot we would like to create a more presentable southern elevation as it is now plainly visible to the neighborhood. The existing elevation was designed with the thought that there would be a neighbor directly south. Now that 353 Fairfax is a vacant lot the existing elevation looks bare and uneven with the neighborhood. By adding the addition, we can create a beautiful and tasteful appearance to anyone traveling north on Fairfax.



Existing Southside Elevation



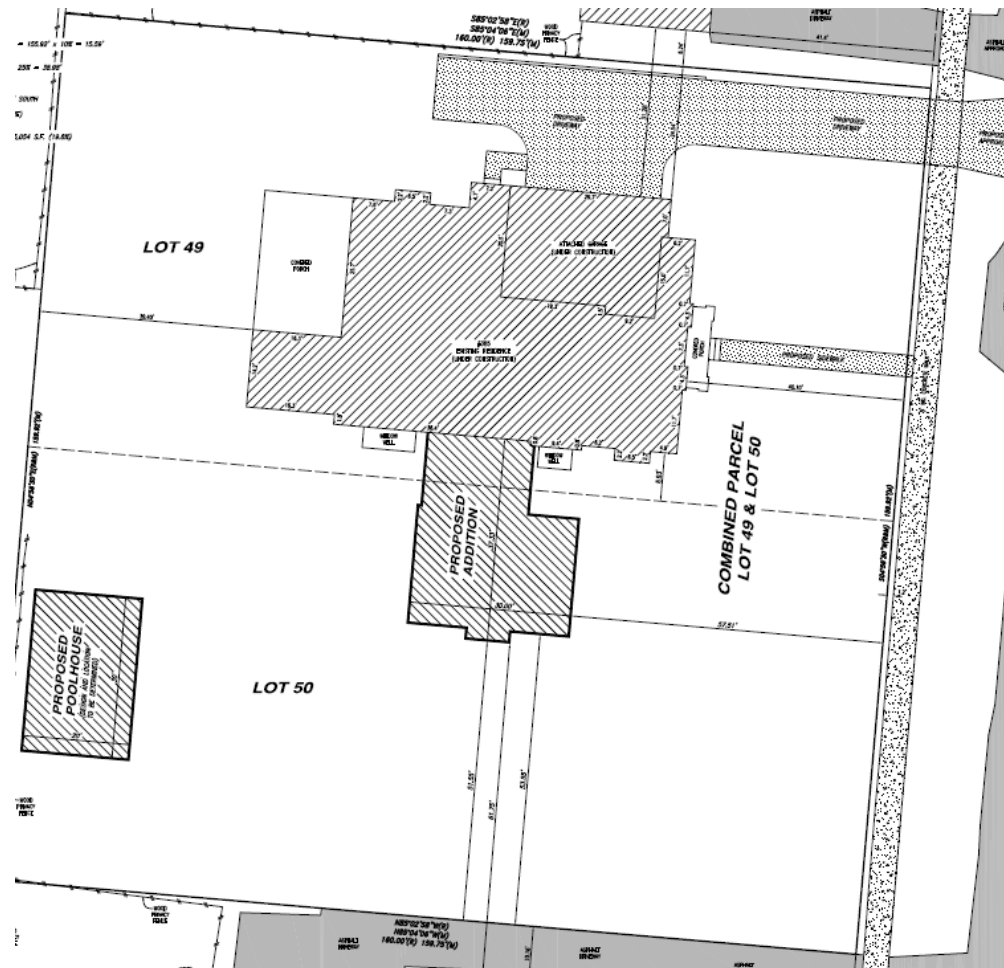
Proposed Southside Elevation

Site Plan

We are using very little of the total lot coverage and maintaining a building envelope that is tasteful and consistent with the neighborhood. Our proposed lot coverage is approximately 19%, which is significantly less than the city limit of 30%.

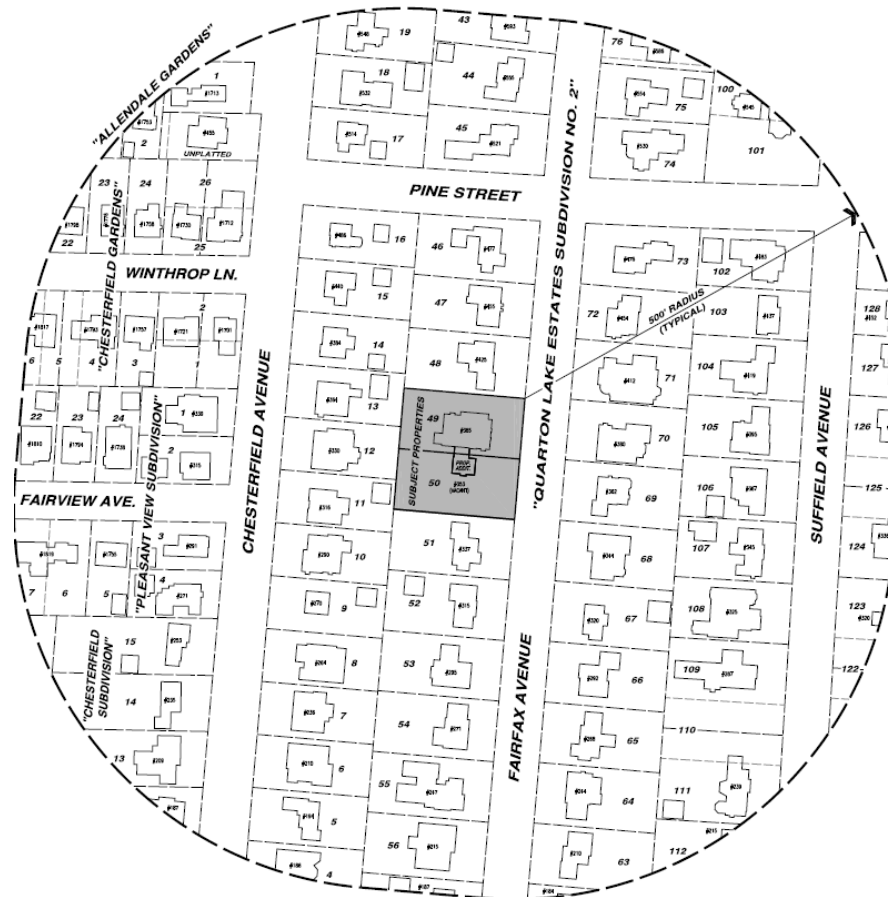
In addition, we would be open to further restricting our setbacks to give the city confidence that we would not continue to add on or build a structure that is not consistent with the rhythm of the neighborhood.

Proposed Site Plan



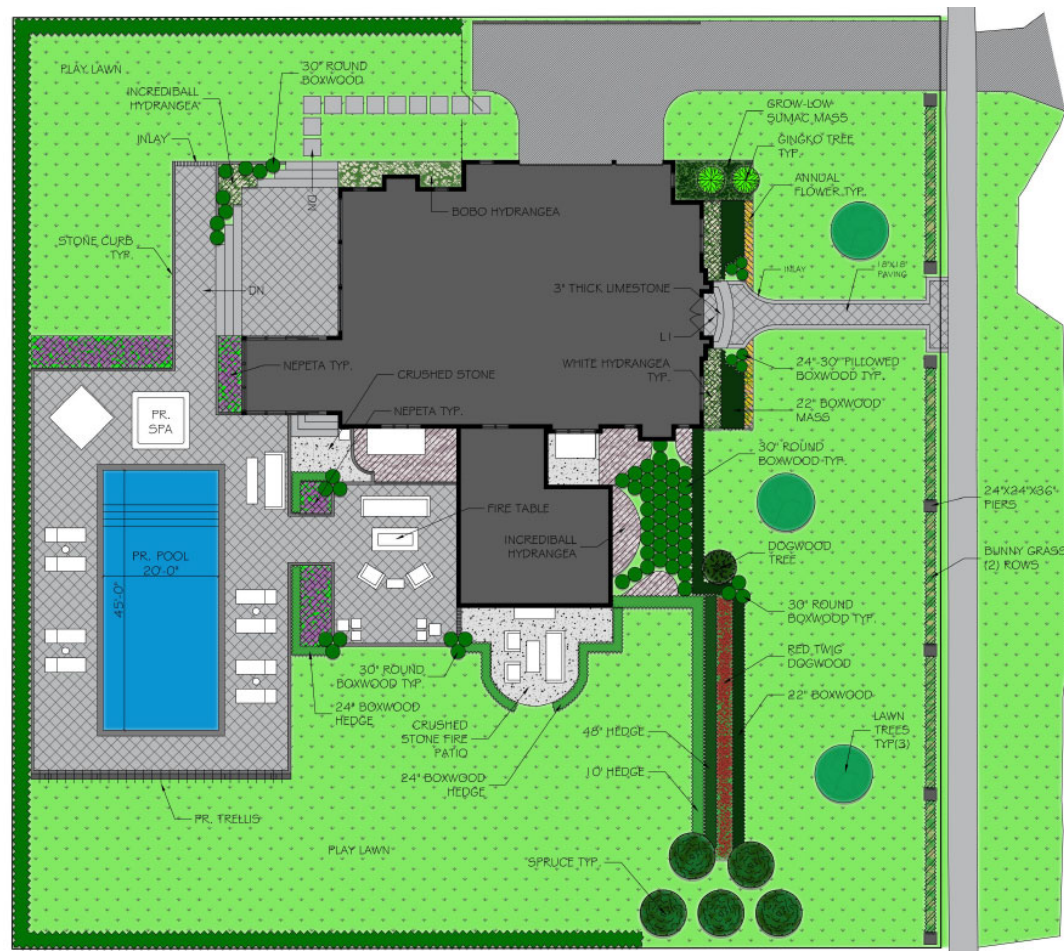
Building Envelope and Lot Coverage

As shown below, the bump out addition only slightly modifies the building envelope and is consistent with many other lots within a 500 feet radius. We are only proposing using approximately 19% of the lot coverage, which is significantly less than the 30% lot coverage city limitation.



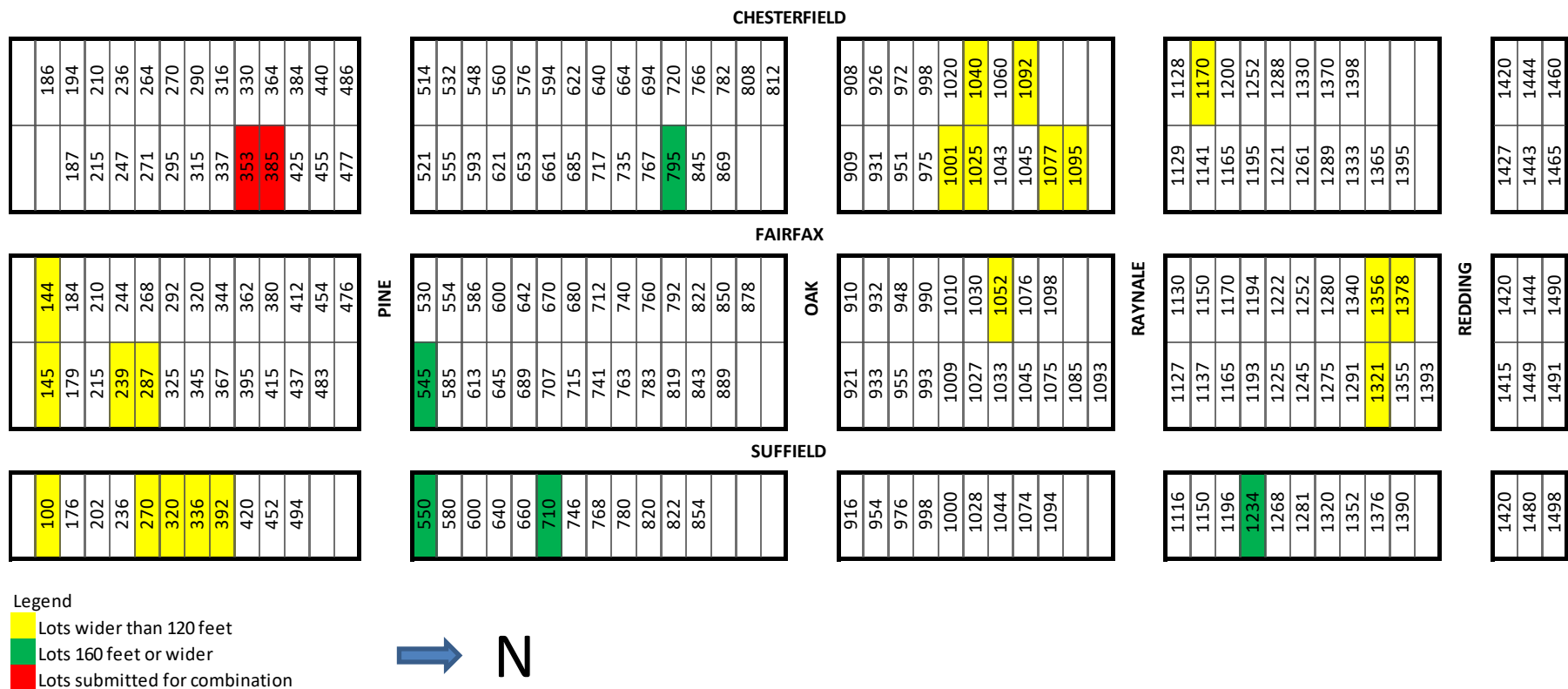
Initial Landscaping Plan

We have engaged the highly respected firm of Mosher & Associates to design our landscaping plan. Matt and I went to Seaholm together and we trust Matt to design a plan that is tasteful and consistent with the rhythm of the neighborhood. Below is an initial draft of what it may look like.



Neighborhood Analysis

Our proposed lot would be the same width as the four lots north of Pine on Fairfax and Suffield highlighted in green below. We have found 25 lots within our street and the two-parallel adjacent streets, Chesterfield and Suffield, that are wider than standard as a result of some sort of lot combination.



Nearby Outsized Lots

Below are examples of nearby lots with similar spirit and intent of our proposal



239 Suffield



100 Suffield

Nearby Outsized Lots (Cont'd)



287 Suffield



795 Fairfax

Nearby Outsized Lots (Cont'd)



567 Chesterfield



550 Suffield

Nearby Outsized Lots (Cont'd)



545 Suffield



710 Suffield

Nearby Outsized Lots (Cont'd)



336 Suffield



392 Suffield

Nearby Outsized Lots (Cont'd)



320 Suffield

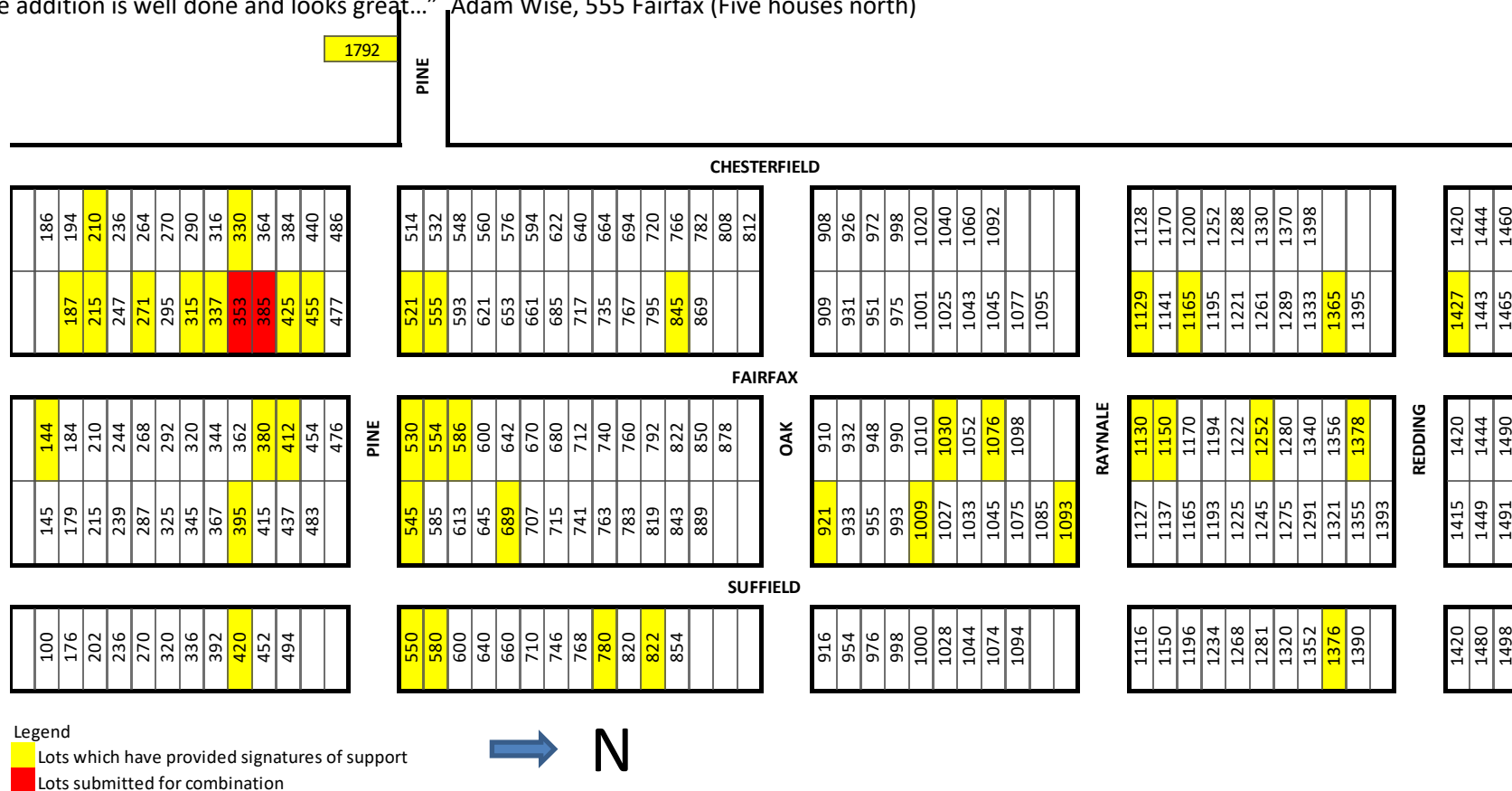


270 Suffield

Letters of Support

Below is a map of residents in our neighborhood who have provided their signatures in support of our plan. In total we have 40 letters signed including all lots adjacent to our lots. In addition, we have 10 signatures of support from residents on our block and 19 signatures of support from residents within 500 feet of our lots. Some of the quotes in response to our proposal from neighbors directly impacted by our plans include:

- “This is going to really elevate the neighborhood and will be a great place for the kids...” Jesse Henderson, 337 Fairfax (Adjacent neighbor)
- “We have no objection to your proposed construction project as shown in your blueprint, it looks beautiful.” Emily Tait, 412 Fairfax (Across the street)
- “The addition is well done and looks great...” Adam Wise, 555 Fairfax (Five houses north)



_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

Dear City Commission and Planning Department:

I support the Ruby's plan to combine their properties at 385 and 353 Fairfax for the purpose of expanding their outdoor space, adding a small bump-out addition, and providing their children a safe place to play. Their proposal for improvements to the yard, including a pool, patio space, a small sports court, and an outdoor fireplace feature is reasonable and should be approved.

Thank you,

Name:

Jori Becker

Address:

Birmingham, MI 48009

144 Fairfax

Signature:

Dennis Becker

Date:

3-17-21

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.


Dear City Commission and Planning Department:

I support the Ruby's plan to combine their properties at 385 and 353 Fairfax for the purpose of expanding their outdoor space, adding a small bump-out addition, and providing their children a safe place to play. Their proposal for improvements to the yard, including a pool, patio space, a small sports court, and an outdoor fireplace feature is reasonable and should be approved.

Thank you,

Name: Tim Christy

Address: 187 Fairfax
Birmingham, MI 48009

Signature: 

Date: 3/20/21

3/24, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

Dear City Commission and Planning Department:

I support the Ruby's plan to combine their properties at 385 and 353 Fairfax for the purpose of expanding their outdoor space, adding a small bump-out addition, and providing their children a safe place to play. Their proposal for improvements to the yard, including a pool, patio space, a small sports court, and an outdoor fireplace feature is reasonable and should be approved.

Thank you,

Name:

Adam Orley

Address:

Birmingham, MI 48009

210 Chesterfield Ave

Signature:

Adam Orley

Date:

3/24/21

March 16, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.


Dear City Commission and Planning Department:

I support the Ruby's plan to combine their properties at 385 and 353 Fairfax for the purpose of expanding their outdoor space, adding a small bump-out addition, and providing their children a safe place to play. Their proposal for improvements to the yard, including a pool, patio space, a small sports court, and an outdoor fireplace feature is reasonable and should be approved.

Thank you,

Name: Deena Bahri, Matt Tindall

Address: 215 Fairfax St
Birmingham, MI 48009

Signature: 

Date: 3/16/2021

3/16, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

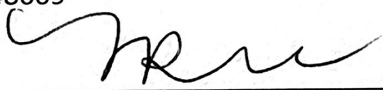
Dear City Commission and Planning Department:

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Thank you,

Name: Petrina Roberts

Address: 271 Fairfax
Birmingham, MI 48009

Signature: 

Date: 3/16/21

3/17/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.


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Thank you,

Name: Jacob Shapiro

Address: 315 Fairfax, Birmingham
Birmingham, MI 48009

Signature: 
8D2746B165E14EF...

Date: 3/17/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

Dear City Commission and Planning Department:

I support the Ruby's plan to combine their properties at 385 and 353 Fairfax for the purpose of expanding their outdoor space, adding a small bump-out addition, and providing their children a safe place to play. Their proposal for improvements to the yard, including a pool, patio space, a small sports court, and an outdoor fireplace feature is reasonable and should be approved.

Thank you,

Name: Amy Jacobson

Address: 330 Chesterfield
Birmingham, MI 48009

Signature: A. Jacobson

Date: 3/25/21

3/17/2021
_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

Dear City Commission and Planning Department:

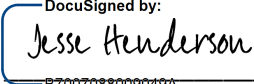
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Thank you,

Name: Jesse Henderson

Address: 337 Fairfax

Birmingham, MI 48009

Signature: 
_____B7007068009049A...

Date: 3/17/2021

march 17, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.


Dear City Commission and Planning Department:

I support the Ruby's plan to combine their properties at 385 and 353 Fairfax for the purpose of expanding their outdoor space, adding a small bump-out addition, and providing their children a safe place to play. Their proposal for improvements to the yard, including a pool, patio space, a small sports court, and an outdoor fireplace feature is reasonable and should be approved.

Thank you,

Name: Melissa Burt-Ellis ? John Ellis

Address: 380 Fairfax St
Birmingham, MI 48009

Signature: Melissa Burt-Ellis 

Date: 3/17/2021

3/24, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

Dear City Commission and Planning Department:

I support the Ruby's plan to combine their properties at 385 and 353 Fairfax for the purpose of expanding their outdoor space, adding a small bump-out addition, and providing their children a safe place to play. Their proposal for improvements to the yard, including a pool, patio space, a small sports court, and an outdoor fireplace feature is reasonable and should be approved.

Thank you,

Name: Leigh-Ann Szabo

Address: 395 Suffield Ave.
Birmingham, MI 48009

Signature: Leigh-A Szabo

Date: 3/24/21

3/24/2021
_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

Dear City Commission and Planning Department:

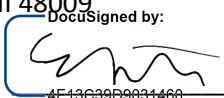
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Thank you,

Name: Emily Tait

Address: 412 Fairfax

Birmingham, MI 48009

Signature:  _____
DocuSigned by:
4E19C39D9831460...

Date: 3/24/2021

3/20/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

Dear City Commission and Planning Department:

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Thank you,

Name: Andrew McCuiston

Address: 420 Suffield Ave., Birmingham MI 48009

Birmingham, MI 48009

Signature: DocuSigned by:


F5AECC7D68124FA...

Date: 3/20/2021

March 17, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

Dear City Commission and Planning Department:

I support the Ruby's plan to combine their properties at 385 and 353 Fairfax for the purpose of expanding their outdoor space, adding a small bump-out addition, and providing their children a safe place to play. Their proposal for improvements to the yard, including a pool, patio space, a small sports court, and an outdoor fireplace feature is reasonable and should be approved.

Thank you,


Name:

ROBERT COURCY

Address:

425 FAIRFAX ST
Birmingham, MI 48009

Signature:



Date:

MARCH 17, 2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

Dear City Commission and Planning Department:

I support the Ruby's plan to combine their properties at 385 and 353 Fairfax for the purpose of expanding their outdoor space, adding a small bump-out addition, and providing their children a safe place to play. Their proposal for improvements to the yard, including a pool, patio space, a small sports court, and an outdoor fireplace feature is reasonable and should be approved.

Thank you,

Name:

DON BESEK

Address:

Birmingham, MI 48009

455 FAIRFAX

Signature:

Donald Bessek

Date:

3/21/21

Mar 20, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

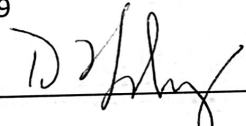
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Thank you,

Name: DAVID LYDY

Address: 521 FAIRFAX ST.
Birmingham, MI 48009

Signature: 

Date: March 20, 2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

Dear City Commission and Planning Department:

I support the Ruby's plan to combine their properties at 385 and 353 Fairfax for the purpose of expanding their outdoor space, adding a small bump-out addition, and providing their children a safe place to play. Their proposal for improvements to the yard, including a pool, patio space, a small sports court, and an outdoor fireplace feature is reasonable and should be approved.

Thank you,

Name: Christine Creighton

Address: 530 Fairfax St
Birmingham, MI 48009

Signature: Christine Creighton

Date: 3/20/21

3/23/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

Dear City Commission and Planning Department:

I support the Ruby's plan to combine their properties at 385 and 353 Fairfax for the purpose of expanding their outdoor space, adding a small bump-out addition, and providing their children a safe place to play. Their proposal for improvements to the yard, including a pool, patio space, a small sports court, and an outdoor fireplace feature is reasonable and should be approved.

Thank you,

Name: David Hall

Address: 545 Suffield Ave
Birmingham, MI 48009

Signature: 0E22E67A8A994E2...

Date: 3/23/2021

3/16/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

Dear City Commission and Planning Department:

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Thank you,

Name: Susie Sillman

Address: 550 suffield
Birmingham, MI 48009

Signature: A8FEC72880E14FF...

Date: 3/16/2021

3/17/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

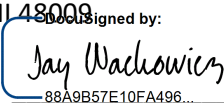
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Thank you,

Name: Jay Wachowicz _____

Address: 554 Fairfax Birmingham, MI 48009 _____
Birmingham, MI 48009

Signature:  _____
88A9B57E10FA496...

Date: 3/17/2021 _____

3/17/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

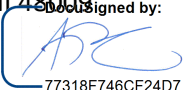
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Thank you,

Name: Adam Wise _____

Address: 555 Fairfax St, Birmingham, MI 48009 _____
Birmingham, MI 48009

Signed by: _____
Signature:  _____
77318F746CF24D7...

Date: 3/17/2021 _____

3/22/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

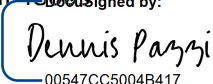
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Thank you,

Name: Dennis Pazzi

Address: 580 Suffield Avenue
Birmingham, MI 48009

Signature: 00547CC5004B417...

Date: 3/22/2021

3/17/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

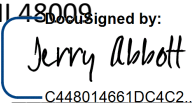
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Thank you,

Name: Jerry Abbott

Address: 586 Fairfax St
Birmingham, MI 48009

Signature: C448014661DC4C2...

Date: 3/17/2021

3/17/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

Dear City Commission and Planning Department:

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Thank you,

Name: Jeff weber

Address: 689 Suffield Ave
Birmingham, MI 48009

Signature:  Signed by: 8EDF0AB9CD8C421...

Date: 3/17/2021

3/23/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.


Dear City Commission and Planning Department:

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Thank you,

Name: Keith Lewis

Address: 780 Suffield
Birmingham, MI 48009

Signature: 739FE055E62C499...

Date: 3/23/2021

3/17/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

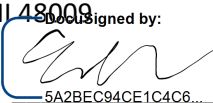
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Thank you,

Name: Liz Curnutte

Address: 822 Suffield Ave
Birmingham, MI 48009

Signature: 5A2BEC94CE1C4C6...

Date: 3/17/2021

3/17/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.


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Thank you,

Name: Jennifer Jennings

Address: 845 Fairfax
Birmingham, MI 48009

Signature: FD521A9345D0465...

Date: 3/17/2021

3/25/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

Dear City Commission and Planning Department:

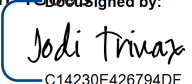
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Thank you,

Name: Jodi Trivax

Address: 909 Fairfax

Birmingham, MI 48009

Signature:  _____
C14230E426794DF...

Date: 3/25/2021

3/19/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

Dear City Commission and Planning Department:

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Thank you,

Name: Pete Joelson

Address: 921 Suffield Ave
Birmingham, MI 48009

Signature:  AD0C4481193649A...

Date: 3/19/2021

3/23/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

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Thank you,

Name: Mark Lewis

Address: mark Lewis
Birmingham, MI 48009

Signature: 8FDE7FB7597B4B5...
DocuSigned by:
Mark Lewis

Date: 3/23/2021

3/22/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

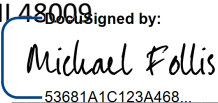
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Thank you,

Name: Michael Follis _____

Address: 1030 fairfax st _____
Birmingham, MI 48009

Signature:  _____
53681A1C123A468...

Date: 3/22/2021 _____

3/24/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

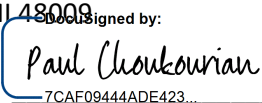
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Thank you,

Name: Paul Choukourian

Address: 1076 Fairfax St.
Birmingham, MI 48009

Signature: 7CAF09444ADE423...

Date: 3/24/2021

3/16/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

Dear City Commission and Planning Department:

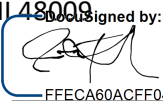
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Thank you,

Name: Jenni Knight

Address: 1093 suffield Avenue

Birmingham, MI 48009

Signature:  Signed by:

FFECA60ACFF0496...

Date: 3/16/2021

3/22/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

Dear City Commission and Planning Department:

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Thank you,

Name: Jaime Peykoff

Address: 1130 Fairfax Birmingham, MI 48009
Birmingham, MI 48009

Signature:  AB962A29C32D40D...

Date: 3/22/2021

3/19/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

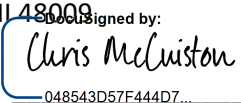
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Thank you,

Name: Chris McCuiston

Address: 1150 Fairfax St. Birmingham, 48009
Birmingham, MI 48009

Signature: 048543D57F444D7...

Date: 3/19/2021

3/17/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

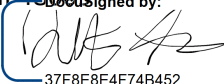
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Thank you,

Name: JEFFREY J SCHOSTAK

Address: 1165 Fairfax
Birmingham, MI 48009

Signed by: 
Signature: 37F8E8E4F74B452...

Date: 3/17/2021

3/20/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

Dear City Commission and Planning Department:

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Thank you,

Name: Jodie Kaufman Davis

Address: 1252 Fairfax Street

Birmingham, MI 48009

Signature: Signed by:


4A32AD1CE484410...

Date: 3/20/2021

3/16/2021, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

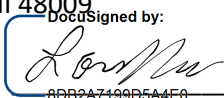
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Thank you,

Name: Laura Drouillard

Address: 1365 Fairfax
Birmingham, MI 48009

Signature:  DocuSigned by:
8DB2A7199B5A4E8...

Date: 3/16/2021

3/24/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

Dear City Commission and Planning Department:

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Thank you,

Name: Bree Slavik

Address: 1376 Suffield Avenue
Birmingham, MI 48009

Signature: 0EC8DB21A012434...

Date: 3/24/2021

3/16/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.


Dear City Commission and Planning Department:

I support the Ruby's plan to combine their properties at 385 and 353 Fairfax for the purpose of expanding their outdoor space, adding a small bump-out addition, and providing their children a safe place to play. Their proposal for improvements to the yard, including a pool, patio space, a small sports court, and an outdoor fireplace feature is reasonable and should be approved.

Thank you,

Name: Jordan Bolton

Address: 1378 Fairfax Street
Birmingham, MI 48009

Signature: 489A4789AD1A49D...

Date: 3/16/2021

3/16/2021
_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

Dear City Commission and Planning Department:

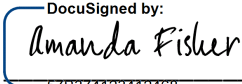
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Thank you,

Name: Amanda Fisher

Address: 1427 Fairfax

Birmingham, MI 48009

Signature: 

Date: 3/16/2021

3/24/2021

_____, 2021

City of Birmingham
151 Martin St.
PO Box 3001
Birmingham, MI 48012

RE: 385 and 353 Fairfax Ave.

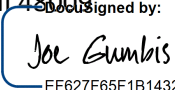
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Thank you,

Name: Joe Gumbis

Address: 1792 Pine St.
Birmingham, MI 48009

Signature:  EF627F65F1B1432...

Date: 3/24/2021

DATE: May 18, 2021

TO: Thomas M. Markus, City Manager

FROM: Paul A. Wells, Fire Chief

SUBJECT: Woodward Dream Cruise

INTRODUCTION:

The continuation of the COVID-19 pandemic has caused us to review and evaluate our City sponsored events for this summer in regard to concerns for the public's health and safety. All City events were canceled last summer and some large events have already been canceled for 2021.

The annual Woodward Dream Cruise event is held with the support of neighboring communities along the Woodward corridor. Several communities, including Birmingham, have shared concerns with this event continuing in the current environment.

At this time, a resolution is being proposed to formalize the City's position and concern with allowing the Woodward Dream Cruise event to continue in August 2021.

BACKGROUND:

The Woodward Dream Cruise event is managed through a non-profit corporation, Woodward Dream Cruise (WDC), Inc., comprised of community representatives along the Woodward corridor and representatives from Oakland County, as well as private sector media partners. This body has handled the promotion and organization of this multi-community event over the years.

This year, with the continuation of COVID-19 and the uncertainty of engaging with large crowds, the ability to hold this annual event has come into question. Certainly, the canceling of this event for a second year would be a disappointment to many who relish in this annual celebration of car culture and this has caused some reluctance to cancel the event. Conversely, attracting over one million people to an event during a worldwide pandemic is the reality we face. Planning for this event will continue if a formal cancelation is not announced. In order to declare our position regarding whether to participate in this event, it is important for prompt action by the City. A resolution has been proposed for the cancelation of the City of Birmingham's participation in the annual Woodward Dream Cruise event for 2021 and encouragement for the WDC to cancel the event entirely.

LEGAL REVIEW:

N/A

FISCAL IMPACT:

If the event did not proceed, the related expenses would not be incurred. In 2019, expenses were \$29,042.98 which included police and fire patrols, public services set up and clean up, building-related inspections, etc. Additionally, event revenues would also not be collected. Sponsorship revenues related to the event include about \$50,000 and a contribution from WDC, Inc. of about \$3,000.

If the effective promotion of a cancelation is not conducted, a large portion of the expenses would still be incurred for needed police and fire services to manage the large crowds.

PUBLIC COMMUNICATIONS:

If the Commission adopts this resolution, then the City's Communications Department would prepare a press release informing residents of the cancelation.

SUMMARY

Given the large crowds that are drawn to the annual Woodward Dream Cruise event and the continuing concerns with COVID-19, it is recommended to adopt the attached resolution that the City of Birmingham will not be participating in the Woodward Dream Cruise in 2021 and encourage WDC, Inc. to cancel the event for 2021.

ATTACHMENTS:

Draft Resolution that the City will not participate in the 2021 Woodward Dream Cruise and requests cancelation of the Woodward Dream Cruise event for 2021, along with a request that the WDC Inc. cancel the entire event for 2021.

Current MDHHS health orders regarding gatherings and masks issued 5-14-2021.

Current MDHHS large outdoor events guidance issued 5-14-2021

SUGGESTED RESOLUTION:

To approve a resolution that the City of Birmingham will be canceling participation in the annual Woodward Dream Cruise event for 2021 due to public health and safety concerns attributed to the COVID-19 pandemic and encouraging the promotion of the cancelation of the event by WDC, Inc. to the public.

**CITY OF BIRMINGHAM
RESOLUTION CANCELING THE ANNUAL
WOODWARD DREAM CRUISE EVENT FOR 2021 DUE TO PUBLIC HEALTH AND
SAFETY CONCERNS ATTRIBUTED TO THE COVID-19 PANDEMIC AND ENCOURAGE
THE PROMOTION OF THE EVENT CANCELATION BY WDC, INC.**

WHEREAS, the Woodward Dream Cruise event has developed from a grass roots community based effort to promote a one-day, non-alcoholic car event along the Woodward Avenue corridor, and

WHEREAS, the Woodward Dream Cruise is established by the community involvement of Berkley, Birmingham, Bloomfield Hills, Bloomfield Township, Ferndale, Huntington Woods, Pleasant Ridge, Pontiac and Royal Oak to coordinate the event through an intergovernmental partnership, and

WHEREAS, these communities, in conjunction with Oakland County, have contracted with media partners and hired an event management team to assist in promoting the event, and

WHEREAS, the annual Woodward Dream Cruise event attracts people from around the world, the country and the state to celebrate car history and car culture along Woodward Avenue in Oakland County, and

WHEREAS, the annual Woodward Dream Cruise event attracts crowds in excess of one (1) million people to the Woodward corridor in Oakland County, and

WHEREAS, on March 10, 2020, Michigan Governor, Gretchen Whitmer had declared a State of Emergency across the State of Michigan due to public health concerns related to a novel coronavirus (COVID-19) that was introduced in our state, and

WHEREAS, at the time of this resolution only 50% of the population 12 years and older of Michigan has been fully vaccinated, and

WHEREAS, current MDHHS health orders prohibit outside gatherings over 1,000 people, and

WHEREAS, the spread of the COVID-19 pandemic has been attributed to social contact and has led to several Michigan Department of Health and Human Services (MDHHS) Orders designed to preserve and protect the public's health by requiring social distancing, and

WHEREAS, the businesses in the communities along Woodward Avenue have suffered from these orders and continuing with the event would cause additional hardships for Woodward businesses, and

WHEREAS, the promotion of the 2021 annual Woodward Dream Cruise event is contributing to the current public health crisis by encouraging large crowds to convene during a worldwide pandemic, and

WHEREAS, WDC, Inc., through its Board of Directors, has a shared responsibility in managing an event of this size and scale to protect the public's health, now

THEREFORE, IT BE:

RESOLVED, due to concerns for the safety of the residents of the communities along the Woodward Avenue corridor and the one million attendees that normally participate in the annual event with the potential spread of the coronavirus, and

RESOLVED, due to the contributing effects to the businesses along the Woodward Avenue corridor and within our business districts that are already enduring unprecedented challenges to remain open, and

RESOLVED, due to the increased costs each community will be burdened with in an environment of reduced municipal revenues if the event and promotion of it is allowed to proceed, and

RESOLVED, the City of Birmingham will cancel all Dream Cruise events within its boundaries during this event for 2021, and

RESOLVED, the City of Birmingham will prohibit any events on private or public property that require a permit, and

RESOLVED, the City of Birmingham will not issue any permits for the use of and will further prohibit, the erection or use of any tent, canopy, accessory structure and / or structure, and

RESOLVED, the City of Birmingham advocates WDC, Inc. regretfully cancel the 2021 Woodward Dream Cruise event for these reasons and promote this cancelation to the public, and

RESOLVED, that a copy of this resolution be sent to the Woodward Dream Cruise Board of Directors, and

BE IT FURTHER RESOLVED, that a copy of this resolution also be shared with the Michigan Department of Health and Human Services, the Emergency Management and Homeland Security Division of the Michigan State Police, the Oakland County Emergency Management Office, and the Oakland County Health Officer.

I, Alexandria Bingham, City Clerk, do hereby certify that the foregoing is a complete and true copy of a resolution adopted by the City Commission of the City of Birmingham at a regular Birmingham City Commission meeting held on May 24, 2021.

Alexandria Bingham, City Clerk



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

ELIZABETH HERTEL
DIRECTOR

May 14, 2021

Emergency Order under MCL 333.2253 – Gatherings and Face Mask Order

Michigan law imposes on the Michigan Department of Health and Human Services (MDHHS) a duty to continually and diligently endeavor to “prevent disease, prolong life, and promote the public health,” and gives the Department “general supervision of the interests of the health and life of the people of this state.” MCL 333.2221. MDHHS may “[e]xercise authority and promulgate rules to safeguard properly the public health; to prevent the spread of diseases and the existence of sources of contamination; and to implement and carry out the powers and duties vested by law in the department.” MCL 333.2226(d).

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. COVID-19 spreads through close human contact, even from individuals who may be asymptomatic.

In recognition of the severe, widespread harm caused by epidemics, the Legislature has granted MDHHS specific authority, dating back a century, to address threats to the public health like those posed by COVID-19. MCL 333.2253(1) provides that:

If the director determines that control of an epidemic is necessary to protect the public health, the director by emergency order may prohibit the gathering of people for any purpose and may establish procedures to be followed during the epidemic to insure continuation of essential public health services and enforcement of health laws. Emergency procedures shall not be limited to this code.

See also In re Certified Questions from the United States District Court, Docket No. 161492 (Viviano, J., concurring in part and dissenting in part, at 20) (“[T]he 1919 law passed in the wake of the influenza epidemic and Governor Sleeper’s actions is still the law, albeit in slightly modified form.”); *id.* (McCormack, C.J., concurring in part and dissenting in part, at 12). Enforcing Michigan’s health laws, including preventing disease, prolonging life, and promoting public health, requires limitations on gatherings and the establishment of procedures to control the spread of COVID-19. This includes limiting the number, location, size, and type of gatherings, and requiring the use of mitigation measures at gatherings as a condition of hosting such gatherings.

On March 10, 2020, MDHHS identified the first two presumptive-positive cases of COVID-19 in Michigan. As of May 13, 2021, Michigan had seen 871,569 confirmed cases and 18,467 confirmed deaths attributable to COVID-19. Michigan was one of the states most heavily impacted by COVID-19 early in the pandemic, with new cases peaking at nearly 2,000 per day in late March 2020. Strict preventative measures and the cooperation of Michiganders drove daily case numbers dramatically down to fewer than 200 confirmed cases per day in mid-June, greatly reducing the loss of life. Beginning in October, Michigan again experienced an exponential growth in cases. New cases peaked at nearly 10,000 cases per day in mid-November, followed by increases in COVID-19 hospitalizations and deaths.

In November 2020 MDHHS issued an order enacting protections to slow the high and rapidly increasing rate of spread of COVID-19. Cases, hospitalizations, and deaths remained high through early December,

threatening hospital and public health capacity. These protections were sustained by subsequent orders through mid-January. These orders played a crucial role in slowing the spread in Michigan and had brought new cases down to about 1,500 per day. The decrease in cases helped prevent Michigan's healthcare system from being overwhelmed with a holiday surge. Beginning in late January 2021, in light of the reduction in cases, MDHHS issued orders permitting indoor dining and contact sports. On March 19, 2021, MDHHS issued an order requiring testing for youth sports.

Cases dropped to under 1,000 per day in mid-February. However, trends shifted and cases increased to a seven-day daily average of 6,555 on April 11. The statewide positivity peaked at 18.5% on April 8. Metrics approached all-time highs, and in some cases surpassed the peaks from the fall/winter surge. While the Spring 2021 surge saw more cases in persons who were under the age of 60, there remained a high number of cases seeking emergency care and hospitalizations. Healthcare capacity peaked in mid-April with 601 daily hospital admissions seen in Michigan. Individuals under the age of 60 accounted for nearly 50% of all new admissions.

Positivity, case rates, hospitalizations and deaths are improving since the April peak. Positivity has decreased to 9.3% and the seven-day average case rate for Michigan is 230 cases per million. As of May 13, there are 2,200 Michiganders hospitalized with COVID-19, and 11.0% of all available inpatient beds were occupied by patients who had COVID-19. During this time, Michigan had the second highest number of cases and the highest case rate in the nation, as well as the highest COVID-19 hospital utilization, and COVID-19 ICU utilization according to data from the CDC and U.S. Health and Human Services. The state death rate was 5.4 deaths per million people on May 6, and there are approximately 375 weekly deaths in Michigan attributable to COVID-19. This is a decrease of 26% from the peak of 7.3 deaths per million on April 23, 2020.

Even where COVID-19 does not result in death, and where Michigan's emergency and hospital systems are not heavily burdened, the disease can cause great harm. Recent estimates suggest that one in ten persons who suffer from COVID-19 will experience long-term symptoms, referred to as "long COVID." These symptoms, including fatigue, shortness of breath, joint pain, depression, and headache, can be disabling. They can last for months, and in some cases, arise unexpectedly in patients with few or no symptoms of COVID-19 at the time of diagnosis. A study published on April 6 in the medical journal *The Lancet* indicates that COVID-19 has been associated with a significantly increased risk of neurological and psychiatric disorders in the 6 months after a diagnosis. COVID-19 has also been shown to damage the heart and kidneys. Furthermore, racial and ethnic minority groups in Michigan have experienced a higher proportion of "long COVID." The best way to prevent these complications is to prevent transmission of COVID-19.

Since December 11, 2020, the Food and Drug Administration has granted emergency use authorization to three vaccines to prevent COVID-19, providing a path to end the pandemic. Michigan is now participating in the largest mass vaccination effort in modern history and is presently working toward vaccinating at least 70% of Michigan residents 16 years of age and older as quickly as possible. As of May 13, 55.6% of Michigan residents 16 and older have received at least one dose of COVID-19 vaccine. And an increasing number and volume of therapeutics are available, such as monoclonal antibodies, which can help to reduce the severity of COVID-19 cases.

New and unexpected challenges continue to arise: in early December 2020, a variant of COVID-19 known as B.1.1.7 was detected in the United Kingdom. According to the CDC, this variant is roughly 50% more infectious than the original strain. On January 16, 2021, this variant was detected in Michigan. B.1.1.7 is currently the dominant strain of COVID-19 in Michigan and the United States. Michigan is second in the nation with respect to the number of B.1.1.7 variant cases detected. Michigan has also detected cases of variants B.1.351, P.1, and B.1.427/B.1.429, which experts continue to study and monitor closely. This further complicates the battle against COVID-19.

Data through May 8 indicate there are an average of 600 cases per day among those aged 10-19, the highest of any age group. As of May 7, local health departments had reported 345 new and ongoing

outbreaks among K-12 schools, with 67 of those outbreaks reported in the week prior. Additionally, there are 418 identified clusters among minors participating in school and club sports since January 2021. To promote the continued safe operation of in-person schools, additional mitigation measures related to youth sports activities are warranted.

On May 13, 2021, the CDC released guidance indicating the fully vaccinated persons need not wear a mask in most settings, regardless of whether indoors or outdoors. CDC indicated that fully vaccinated persons are at low risk of experiencing symptomatic or severe COVID-19 infection, and pose a reduced risk of transmitting COVID-19 to others. Additionally, recent studies, including a study published in The Journal of Infectious Diseases, confirm that transmission of COVID-19 outdoors is exceedingly rare.

Considering the above, and upon the advice of scientific and medical experts, I have concluded pursuant to MCL 333.2253 that the COVID-19 pandemic continues to constitute an epidemic in Michigan. I have also, subject to the grant of authority in 2020 PA 238 (signed into law on October 22, 2020), herein defined the symptoms of COVID-19 based on the latest epidemiological evidence. I further conclude that control of the epidemic is necessary to protect the public health and that it is necessary to restrict gatherings and establish procedures to be followed during the epidemic to ensure the continuation of essential public health services and enforcement of health laws. As provided in MCL 333.2253, these emergency procedures are not limited to the Public Health Code.

1. Definitions.

- (a) “Camp” means a day, residential, travel, or troop camp for children (as defined by Rule 400.11101(1)(q) of the Michigan Administrative Code).
- (b) “Child care organization” means that term as defined by section 1(b) of the Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.111(b)).
- (c) “Contact sports” means sports involving more than occasional and fleeting contact, including: football; basketball; rugby; field hockey; soccer; lacrosse; wrestling; hockey; boxing; futsal; martial arts with opponents; and other sports meeting those criteria.
- (d) “Competition” means a game of skill played between opposing teams.
- (e) “Establishment” means a business, store, office, government office, school, organized event, or other operation.
- (f) “Employee” means that term as defined in section 2(c) of the Improved Workforce Opportunity Wage Act, 2018 PA 337, as amended, MCL 408.932(c), and also includes independent contractors.
- (g) “Entertainment and recreational establishment” includes: auditoriums; cinemas; concert halls; performance venues; sporting venues; theaters; night clubs; strip clubs; water parks; archery ranges; amusement parks; arcades; bingo halls; bowling centers; casinos; gun ranges; laser tag arenas; trampoline parks; and the like.
- (h) “Exercise facility” means a location in which individuals participate in individual or group physical activity, including gymnasiums, fitness centers, and exercise studios.
- (i) “Face mask” means a tightly woven cloth or other multi-layer absorbent material that closely covers an individual’s mouth and nose.
- (j) “Fully vaccinated persons” means persons for whom at least two weeks has passed after receiving the final dose of an FDA-approved or authorized COVID-19 vaccine.

- (k) “Food service establishment” means that term as defined in section 1107(t) of the Food Law, 2000 PA 92, as amended, MCL 289.1107(t).
- (l) “Gathering” means any occurrence, either indoor or outdoor, where two or more persons from more than one household are present in a shared space.
- (m) “Household” means a group of persons living together in a shared dwelling with common kitchen or bathroom facilities. In dwellings with shared kitchen or bathroom facilities occupied by 20 or more unrelated persons, households are defined by individuals who share a bedroom.
- (n) “Indoors” means within a space that is fully or partially enclosed on the top, and fully or partially enclosed on two or more contiguous sides. Additionally, in a space that is fully or partially enclosed on the top, and fully or partially enclosed on two non-contiguous sides, any part of that space that is more than 8 feet from an open side is indoors.
- (o) “Non-contact sports” means sports that are not contact sports.
- (p) “Outdoors” means a space that is not indoors.
- (q) “Organized sports” means competitive athletic activity requiring skill or physical prowess and organized by a sports organizer.
- (r) “Practice” means a training session for a game of skill, involving only members of a single team.
- (s) “Principal symptoms of COVID-19” means at least 1 of fever, uncontrolled cough, or atypical new onset of shortness of breath, or at least 2 of the following not explained by a known physical condition: loss of taste or smell, muscle aches, sore throat, severe headache, diarrhea, vomiting, or abdominal pain. Per section 1(j) of 2020 PA 339, this definition represents the latest medical guidance, and serves as the controlling definition.
- (t) “Sports organizer” means an association or other organization that sets and enforces rules to ensure the physical health and safety of all participants for an organized sport. Sports organizers at the sub-association level must follow all health and safety rules and procedures set by the association of which they are a member.
- (u) “Stadiums and arenas” means establishments with fixed seating for at least 5,000 spectators.

2. General capacity limitations at gatherings.

(a) Indoor gatherings:

- (1) Are prohibited at residential venues, except where no more than 15 persons from no more than 3 households are gathered.
- (2) Are prohibited at non-residential venues, except where no more than 25 persons are gathered.

(b) Outdoor gatherings are permitted only as follows:

- (1) At residential venues, where 50 persons are gathered. Or, where density does not exceed 20 persons per 1,000 square feet of outdoor space, up to 300 persons may be gathered;

(2) At non-residential venues, where 300 or fewer persons are gathered.

(c) The limitations to gatherings in sections 2(a) and 2(b) do not apply to:

- (1) Incidental gatherings of persons in a shared space, such as frequently occur in an airport, bus station, exercise facility, food service establishment, shopping mall, or public pool, except as prohibited in section 3;
- (2) Workplace gatherings that occur consistent with the Emergency Rules issued by MIOSHA on October 14, 2020, and subsequently extended;
- (3) Voting or official election-related activities;
- (4) Training of law enforcement, correctional, medical, or first responder personnel, insofar as those activities cannot be conducted remotely;
- (5) Education and support services at public, nonpublic, and boarding schools, colleges, and universities;
- (6) Children in a child care organization, after school program, or camp setting;
- (7) Persons traveling on a school bus or public transit;
- (8) Gatherings for the purpose of medical treatment, including mental health and substance use disorder support services;
- (9) Residential care facilities, which are subject to the March 17, 2021, epidemic order entitled “Requirements for Residential Facilities,” or any replacement of that order;
- (10) Cardiopulmonary resuscitation courses and swimming instruction courses;
- (11) Proctored, nationally-administered admissions and certification examinations that are not available remotely, provided that examinees are spaced no less than 6 feet apart;
- (12) Gatherings at entertainment and recreational facilities that comply with the restrictions set forth in section 3(a) of this order;
- (13) Gatherings for the purposes of indoor group fitness, exercise, or sports that comply with the restrictions set forth in sections 4(b), 4(d), 4(e), and 6 of this order;
- (14) Gatherings for public health or other emergency purposes;
- (15) Gatherings of public bodies and attendees of meetings held by public bodies in compliance with the Open Meetings Act, MCL 15.261 *et seq.*

(d) As a condition of hosting a gathering under this order, organizers and facilities must design the gathering to encourage and maintain physical distancing, and must ensure that persons not part of the same group maintain 6 feet of distance from one another to the extent possible.

3. Gathering limitations for entertainment establishments, recreational establishments, and food service establishments.

(a) Gatherings are prohibited at entertainment establishments and recreational establishments unless:

- (1) Establishments make a good faith effort to ensure that:
 - (A) Groups of patrons participating in activities together (such as those seated together at a concert or movie, or bowling in the same lane or group of lanes) do not exceed 25 persons indoors, or 300 persons outdoors;
 - (B) Patrons do not mingle with or engage in physical contact with persons outside their group; and
 - (C) For sports practice and competition, participants must comply with the restrictions set forth in section 5;
- (2) If participating in stationary activities, groups are spaced or seated at least 6 feet apart. If participating in non-stationary activities, groups maintain a consistent 6 feet of distance from other groups at all times;
- (3) Consumption of food or beverages is permitted only where patrons are seated, groups of patrons are separated by at least 6 feet, no more than 6 patrons are seated at a table, and groups of patrons do not intermingle;
- (4) Establishments that are also food service establishments, as a condition of offering food or beverages, ensure their designated dining areas comply with all requirements in subsection (b);
- (5) Establishments abide by the following density limitations:
 - (A) Where applicable, occupancy must not exceed 50% of the limits established by the State Fire Marshal or a local fire marshal; and
 - (B) Density is limited such that groups of patrons can remain at least 6 feet apart at all times;
- (6) Establishments abide by the following maximum capacity limitations:
 - (A) For indoor entertainment and recreational establishments, no more than 300 patrons may be gathered within any distinct space within the establishment;
 - (B) For outdoor entertainment and recreational establishments, and for outdoor stadiums and arenas, no more than 1,000 patrons may be gathered unless the facility proceeds under subsection (G);
 - (C) At indoor stadiums and arenas with a fixed seating capacity of up to 10,000, no more than 375 patrons may be gathered;
 - (D) At indoor stadiums and arenas with a fixed seating capacity greater than 10,000, no more than 750 patrons may be gathered;
 - (E) At outdoor stadiums and arenas with a fixed seating capacity of up to 10,000, no more than 1,000 patrons may be gathered;
 - (F) At outdoor stadiums and arenas with a fixed seating capacity of greater than 10,000, no more than 1,500 patrons may be gathered;
 - (G) At outdoor entertainment and recreational facilities, outdoor stadiums and arenas that establish and abide by an infection control plan that complies with the MDHHS publication entitled “Large Outdoor Events Guidance”

issued May 14, 2021, gatherings may not exceed 20% of the venue's fixed seating capacity or 20 persons per 1,000 square feet, whichever is greater. Such venues must post their plan publicly, including on a public website. Infection control plans must be provided to the local health department at least seven days before scheduled events. Sports organizers of events occurring at outdoor stadiums and arenas proceeding under this subsection must administer a testing program as specified in the MDHHS publication entitled "Interim Guidance for Athletics" issued May 14, 2021.

(b) Gatherings are prohibited at food service establishments, whether indoor or outdoor, unless:

(1) Consumption of food or beverages is permitted only in a designated dining area where patrons are seated, groups of patrons are separated by at least 6 feet, no more than 6 patrons are seated together (at a table, booth, or group of fixed seats), and groups of patrons do not intermingle;

(2) At establishments offering indoor dining:

(A) The number of patrons indoors (or in a designated dining area of a multipurpose establishments) does not exceed 50% of normal seating capacity, or 100 persons, whichever is less, provided, however, that this limitation does not apply to soup kitchens and shelters;

(B) At food service establishments, or the designated dining area of a multipurpose establishment, indoor dining is closed between the hours of 11:00 PM and 4:00 AM;

(C) The establishment displays, in a prominent location, the MDHHS "Dining During COVID-19" brochure.

(c) Gatherings at non-tribal casinos may not exceed 30% of total occupancy limits established by the State Fire Marshal or a local fire marshal.

4. **Gathering restrictions for other facilities.** In addition to the gathering limitations set forth elsewhere in this order, the following limitations apply to gatherings in the following facilities:

(a) A gathering at a retail setting, library, or museum must not exceed 50% of total occupancy limits established by the State Fire Marshal or a local fire marshal. Nevertheless, a retail store, library, or museum may permit one customer at a time to enter if strict adherence to the 50% total occupancy limit would otherwise result in closure. Spaces for indoor and outdoor dining, including food courts, must comply with the requirements for food service establishments as set forth in section 3(b).

(1) Retail stores must establish lines to regulate entry and checkout, with markings for patrons to enable them to stand at least 6 feet apart from one another while waiting.

(b) At exercise facilities:

(1) Gatherings must not exceed 30% of the total occupancy limits established by the State Fire Marshal or a local fire marshal;

- (2) There must be at least 6 feet of distance between each occupied workout station and physical layout of the space must be established such that exercisers can move between stations while maintaining 6 feet of distance from others at all times; and
 - (3) Gatherings for group fitness activities or classes are permitted, provided that all persons maintain at least 6 feet of distance from others at all times.
- (c) Gatherings in waiting rooms at outpatient health care facilities, veterinary clinics, and other businesses are prohibited unless the facility implements a system to ensure that persons not of the same group maintain 6 feet of distance. To the extent possible, this system must include a policy that patients wait in their cars for their appointments to be called.
- (d) Gatherings at an indoor pool not otherwise prohibited by this order must not exceed 30% of bather capacity limits described in Rule 325.2193 of the Michigan Administrative Code. Gatherings at an outdoor pool not otherwise prohibited by this order must not exceed 50% of bather capacity limits described in Rule 325.2193 of the Michigan Administrative Code.
- (e) Gatherings at ice and roller rinks are permitted, provided that occupancy is limited to 10 persons per 1,000 square feet, including within the exercise space. Gatherings for the purpose of open skating are permitted.
- (f) In facilities offering non-essential personal care services, including hair, nail, tanning, massage, traditional spa, tattoo, body art, piercing services, and similar personal care services, all services must be provided by appointment, and gatherings in waiting areas are prohibited.

5. Organized sports gathering restrictions.

- (a) Gatherings for the purpose of indoor contact sports practice and competition are prohibited unless:
 - (1) Organizers make a good faith effort to ensure compliance with section 6;
 - (2) Where it would be unsafe for participants to comply with section 6, all participants are tested consistent with the MDHHS publication entitled “Interim Guidance for Athletics” issued May 14, 2021.
- (b) Gatherings for the purpose of sports practice and competition are prohibited unless participants maintain 6 feet of distance from each other when not engaged in play.
- (c) Sports organizers, establishments, and teams must ensure that all gatherings for the purpose of sports competition and practice comply with the requirements of this order.
- (d) Gatherings for the purpose of sports practice and competition involving persons ages 13 to 19 are prohibited unless all such persons comply with a testing program as specified in the MDHHS publication entitled “Interim Guidance for Athletics” issued May 14, 2021.

6. Indoor face mask requirement.

- (a) Except as specified in section 7, all persons participating in indoor gatherings are required to wear a face mask.
- (b) A person responsible for an establishment, or an agent of such person, must prohibit gatherings of any kind at their establishment unless the person makes a good faith effort to

ensure that all persons at their establishment (including employees) comply with section 6(a). For purposes of this section, a “good faith effort” may include any of the following: posting a sign notifying people that wearing a mask is required unless a person falls into a specified exception; asking patrons not wearing masks whether they fall into a specified exception; requiring face masks of all patrons and employees; or any other policy designed to ensure compliance with section 6(a).

7. Exceptions to face mask requirement. The requirement to wear a face mask at indoor gatherings does not apply to individuals who:

- (a) Are fully vaccinated persons;
- (b) Are younger than 2 years old;
- (c) Cannot medically tolerate a face mask;
- (d) Are eating or drinking while seated in a designated area or at a private residence;
- (e) Are swimming;
- (f) Are receiving a medical or personal care service for which removal of the face mask is necessary;
- (g) Are asked to temporarily remove a face mask for identification purposes;
- (h) Are communicating with someone who is deaf, deafblind, or hard of hearing and whose ability to see the mouth is essential to communication;
- (i) Are actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel, and where wearing a face mask would seriously interfere in the performance of their public safety responsibilities;
- (j) Are engaging in a religious service;
- (k) Are giving a speech for broadcast or to an audience, provided that the audience is at least 12 feet away from the speaker; or
- (l) Are engaging in an activity that requires removal of a mask not listed in another part of this section, and are in a facility that provides ventilation that meets or exceeds 60 ft³/min of outdoor airflow per person.

8. Contact tracing requirements for particular gatherings.

- (a) Gatherings are prohibited at the following facilities unless the facility maintains accurate records, including date and time of entry, names of patrons, and contact information, to aid with contact tracing, and denies entry for a gathering to any visitor who does not provide, at a minimum, their name and phone number:
 - (1) All businesses or operations that provide hair, nail, tanning, massage, traditional spa, tattoo, body art, piercing services, or similar personal care services; and
 - (2) Exercise facilities.
- (b) All businesses or operations that provide in-home services, including cleaners, repair persons, painters, and the like must not permit their employees to gather with clients

unless the business maintains accurate appointment records, including date and time of service, name of client, and contact information, to aid with contact tracing.

- (c) All dine-in food service establishments must maintain accurate records of the names and phone numbers of patrons who consume food or beverages on the premises, and the date and time of entry.
- (d) Upon request, businesses, schools, and other facilities must provide names and phone numbers of individuals with possible COVID-19 exposure to MDHHS and local health departments to aid in contact tracing and case investigation efforts.
- (e) Data collected under this section:
 - (1) Must not be sold, or used for sales or marketing purposes without the express consent of each patron;
 - (2) Must be protected as confidential information to the fullest extent of the law;
 - (3) Must not be provided to law enforcement or immigration officials except upon receipt of a lawful subpoena from a court or other lawful court order;
 - (4) Must be retained for 28 days by the collecting organization, after which time the data must be destroyed. If facilities use existing data to fulfill this requirement, they may instead follow their own pre-existing data retention and destruction policies at the conclusion of the 28-day retention period.

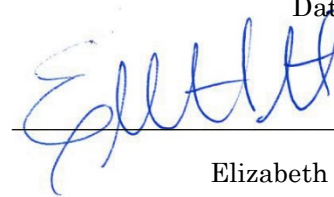
9. Implementation.

- (a) Nothing in this order modifies, limits, or abridges protections provided by state or federal law for a person with a disability.
- (b) Under MCL 333.2235(1), local health departments are authorized to carry out and enforce the terms of this order.
- (c) Law enforcement officers, as defined in the Michigan Commission on Law Enforcement Standards Act, 1965 Public Act 203, MCL 28.602(f), are deemed to be “department representatives” for purposes of enforcing this order and are specifically authorized to investigate potential violations of this order. They may coordinate as necessary with the appropriate regulatory entity and enforce this order within their jurisdiction.
- (d) Neither a place of religious worship nor its owner is subject to penalty under this order for allowing religious worship at such place. No individual is subject to penalty under this order for engaging in religious worship at a place of religious worship.
- (e) Consistent with MCL 333.2261, each violation of this order is a misdemeanor punishable by imprisonment for not more than 6 months, or a fine of not more than \$200.00, or both.
- (f) Nothing in this order affects any prosecution or civil citation based on conduct that occurred before the effective date of this order.
- (g) Nothing in this order should be taken to interfere with or infringe on the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority, or protections guaranteed by the state or federal constitution under these emergency circumstances.

- (h) Consistent with MCL 333.2262, violations of this order are punishable by a civil fine of up to \$1,000. If any provision of this order is found invalid by a court of competent jurisdiction, whether in whole or in part, such decision will not affect the validity of the remaining part of this order.

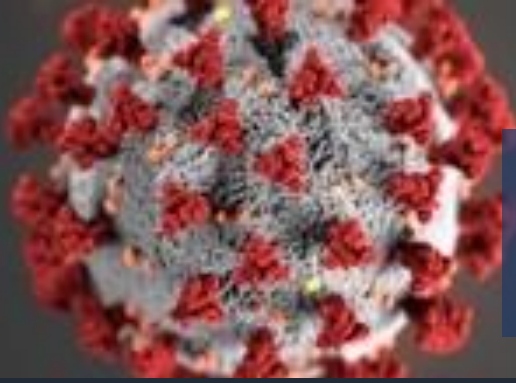
This order takes effect on Saturday, May 15, 2021, at 9:00 AM. At that time, the order entitled “Gatherings and Face Mask Order” issued on May 4, 2021, is rescinded. This order remains in effect through May 31, 2021, at 11:59 PM. Persons with suggestions and concerns are invited to submit their comments via email to COVID19@michigan.gov.

Date: May 14, 2021



Elizabeth Hertel, Director

Michigan Department of Health and Human Services



LARGE OUTDOOR EVENTS GUIDANCE

Michigan.gov/Coronavirus

Issue Date: May 14, 2021

New Updates

All individuals can gather outdoors at large events without wearing face masks. The Michigan Department of Health and Human Services (MDHHS) recommends that individuals who are not yet fully vaccinated continue to wear face masks while in crowded spaces outdoors and practice social distancing.

While gathering in outdoor settings lowers the risk of COVID-19 transmission because of fresh air flow, it is still possible to breathe in enough of the respiratory droplets containing the virus that causes COVID-19 to become infected when gathered close to others unmasked.

Executive Summary

MDHHS is providing guidance on how to hold safer large outdoor events – such as sporting events, festivals, and fairs – during the COVID-19 pandemic. This document provides:

- Mandated public health measures for event organizers and attendees; and
- General recommended guidance for how organizers for large outdoor events can create a safer environment.

As the epidemiology of COVID-19 around the country and the state of Michigan evolves, MDHHS will continue to review and update this guidance.

Mandatory Provisions for Large Outdoor Events

The following provisions are mandatory pursuant to the [Gatherings and Face Mask Order](#) issued on May 14, 2021:

1. Infection Control Plans

Large event organizers must develop a plan to mitigate COVID-19 transmission. This plan must:

- Demonstrate that the event is designed such that groups of patrons can maintain six feet of distance from other groups at all times;

- Include entry and exit protocols that maintain physical distancing requirements per the [Gatherings and Face Mask Order](#) in order to minimize congregation;
- Cooperate with local public health officials during any case investigation and contact tracing;
- Include specific protocols for social distancing (examples listed below);
- Be posted on a public website; and
- Be provided to the local health department at least seven days before scheduled events. (This submission does not constitute or require approval from the local health department, but rather is for awareness only.)

2. Food and Beverage Service Requirements

Food or beverages may only be consumed while seated in designated areas. While eating/drinking, no more than 6 people must be seated together in a group, and groups must be separated by at least 6 feet; groups should avoid mingling.

Recommended Mitigation Measures for Large Outdoor Events

MDHHS recommends the following infection control measures to reduce the risk of COVID-19 transmission in large outdoor event settings:

1. Wear Face Masks in Crowded Spaces

DHHS strongly recommends that individuals continue to wear face masks while in crowded spaces outdoors, especially individuals who are not yet fully vaccinated.

- While gathering in outdoor settings lowers the risk of COVID-19 transmission because of fresh air flow, it is still possible to breathe in enough of the respiratory droplets containing the virus that causes COVID-19 to become infected when gathered close to others unmasked.

2. Participant Cohorts

Cohorting or pods should be implemented to maintain small groups while gathering at outdoor events.

- Cohorts should consist of up to six people.
- For outdoor events that have assigned seating, individuals should purchase tickets in advance with the other members of their cohort and remain at least six feet from other cohorts throughout the duration of the event.

3. Physical Distancing Protocols

Organizers for outdoor events should develop thorough plans for preventing close congregation of attendees, which may include:

- Individuals should enter at designated sections of the venue during designated times to avoid mass congregation. MDHHS recommends scheduling a limited number of individuals to enter in 10-minute increments.
- Individuals should follow a staggered exit schedule as well.
 - o For example, spectators at sporting events should be dismissed by sections and required to exit at designated doors.
- Designate one-way stairwells or paths to minimize congestion.
- Establish capacity limits for restrooms and other enclosed spaces, such as gift shops.
- Institute distancing markers six feet apart for queues.

4. Self-Screening Practices

Individuals, including employees, should conduct self-screening for COVID-19 symptoms and close contact before attending an outdoor event.

- The free [MI Symptoms tool](#) can be used to complete self-screening for COVID-19 symptoms.

Individuals, including employees, should not attend any types of gatherings while [symptomatic](#) (even with a negative COVID-19 test or fully-vaccinated against COVID-19).

5. Contact Tracing Capabilities

Outdoor event organizers should collect and maintain contact information from all those in attendance to help inform contact tracing efforts.

- To expedite this process, MDHHS recommends prohibiting same-day ticket sales.
- Ticket re-sale and forwarding should be prohibited to maintain accurate contact tracing records.

Venues should help local health departments with contact tracing and quarantine and isolation requirements, as a result of attendance of a large outdoor event.

6. Comprehensive Communications Strategy

Large event organizers should communicate public health guidance clearly and effectively to attendees and employees:

- Post information about the symptoms of COVID-19 in order to allow attendees and employees to self-assess whether they have any symptoms.
- Display signs regarding COVID-19 mitigation measures throughout the venue.

- Make regular PA announcements regarding COVID-19 mitigation measures and other event rules.
- Encourage all individuals who attend large gatherings who are not fully vaccinated against COVID-19 to seek a COVID-19 test 1-3 days before the event.
- Provide a list of all nearby sites to receive a COVID-19 test to all individuals who attend large outdoor events.
 - o Please find a list of MDHHS COVID-19 testing sites [here](#).

7. Event Hygiene Procedures

Venues should establish a schedule for increased, routine cleaning to disinfect common spaces.

- Venues should use FDA-approved cleaning supplies that are listed [here](#).

Public event spaces should establish numerous hand sanitizing stations.

MDHHS recommends utilizing contactless/no-touch practices whenever possible, including:

- Ticketed entry
- Concessions and other purchases
- Waste/recycling disposal

For further information:

- [CDC Readiness and Planning Tool to Prevent the Spread of COVID-19 Events and Gatherings](#)
- [Considerations for Events and Gatherings | CDC](#)
- [Large Gatherings | CDC](#)

For the latest information on Michigan's response to COVID-19, please visit Michigan.gov/Coronavirus. You may also call the COVID-19 Hotline at 888-535-6136 or email COVID19@michigan.gov.



MEMORANDUM

Finance Department

DATE: May 14, 2021

TO: Thomas M. Markus, City Manager

FROM: Mark Gerber, Finance Director

SUBJECT: 2021-2022 Budget Appropriations Resolution

INTRODUCTION:

As required by state law and city charter, the City Commission must annually approve a budget for the following fiscal year and approve the property tax millage to be assessed on July 1st.

BACKGROUND:

The City held a public hearing on May 1, 2021, to review the 2021-2022 recommended budget and to receive comments and revisions from the City Commission and the general public. Based on the comments received, there were no revisions made to the manager's recommended budget or to the recommended property tax millage. Below are some updates to the recommended budget, some of which were presented at the public hearing and others based on information which was received after the public hearing.

General Fund Budget

As discussed during the City Manager's budget overview and at the Police Department's budget presentation, there are grants available to fund the mental health caseworker for next year. This would increase Intergovernmental Revenue by \$44,000. In addition, the City Manager has recommended that \$25,000 be added to the City Commission budget for strategic planning which would take place after the November 2021 election.

Baldwin Public Library Fund

The library has requested that their millage be set at the maximum amount allowed under Headlee. As a result of higher than anticipated taxable value and higher than anticipated Headlee maximum, the library's tax budget increased \$31,730.

Debt Service Fund Budget

Based on the sale of the 2021 Parks and Recreation Unlimited Tax General Obligation Bonds, total revenues and expenditures for the Debt Service Fund will decrease \$41,330.

Park System Construction Fund Budget

The contract for construction services at the ice arena was approved by the City Commission on April 12, 2021. As a result, the budget for ice arena improvements in fiscal year 2021-2022 is not needed. A budget amendment for this project will be made in fiscal year 2020-2021. Any unspent funds on this project at June 30, 2021, will be carried over to fiscal year 2021-2022 as a budget amendment.

Sewage Disposal Fund Budget

The City has received final sewage and storm water costs from the Oakland County Water Resources Commissioner for fiscal year 2021-2022. Based on this information, sewage disposal costs increased \$3,520 and storm water increased \$32,120. As a result, adjustments to the appropriate revenue accounts will increase revenues by \$35,640.

Millage Rates

Actual taxable value for fiscal year 2021-2022 was not available at the time of when the recommended budget was prepared. The recommended budget was prepared with a projected taxable value of \$2,758,104,641. The actual taxable value for 2021-2022 is \$2,763,363,580. As a result of the higher taxable values, the operating and refuse levies will be lower than what was projected in the recommended budget. The debt millage will also be lower as a result of both higher taxable values and lower than projected interest on the 2021 Parks and Recreation Bond issue. The library millage will be slightly higher as the library has requested that their levy be set at the Headlee maximum which was higher than projected. In total, the millage rate in the resolution is 4.2% less than the prior year.

LEGAL REVIEW:

None needed.

FISCAL IMPACT:

The impact of these adjustments to the recommended budget are as follows:

General Fund	Manager Recommended Budget	Adjusted Recommended Budget
Revenues:		
Intergovernmental	\$2,305,240	\$2,349,240
Expenditures:		
General Government	\$6,607,050	\$6,632,050

Baldwin Library Fund	Manager Recommended Budget	Adjusted Recommended Budget
Revenues:		
Taxes	\$3,631,550	\$3,663,280

Debt Service Fund	Manager Recommended Budget	Adjusted Recommended Budget
Revenues:		
Taxes	\$1,607,430	\$1,566,100
Expenditures:		
Debt Service Fund	\$1,608,230	\$1,566,900

Park System Construction Fund	Manager Recommended Budget	Adjusted Recommended Budget
Revenues:		
Draw from Fund Balance	\$3,950,000	\$850,000
Expenditures:		
Park System Construction Fund	\$3,950,000	\$850,000

Sewage Disposal Fund	Manager Recommended Budget	Adjusted Recommended Budget
Revenues:		
Charges for Services	\$9,961,080	\$9,996,720
Expenditures:		
Sewage Disposal Fund	\$12,114,930	\$12,150,570

The impact of the millage rates are as follows:

	2020-2021 Millage	2021-2022 Recommended Millage	2021-2022 Final Millage
Operating Levy	11.0433	10.9138	10.8929
Refuse Levy	0.7803	0.7945	0.7930
Library Levy	1.3554	1.3290	1.3380
Debt Levy	1.0080	0.5817	0.5657
Total Levy	14.1870	13.6190	13.5896

SUMMARY:

It is recommended that the City Commission approve the budget appropriations resolution adopting the City of Birmingham's budget and establishing the total number of mills for ad valorem property taxes to be levied for the fiscal year commencing July 1, 2021 and ending June 30, 2022.

ATTACHMENTS:

The budget appropriations resolution with the changes noted above is attached to this report.

SUGGESTED RESOLUTION:

To approve the budget appropriations resolution adopting the City of Birmingham's budget and establishing the total number of mills for ad valorem property taxes to be levied for the fiscal year commencing July 1, 2021 and ending June 30, 2022.

BUDGET APPROPRIATIONS RESOLUTION

WHEREAS, the City Manager has submitted the proposed 2021-2022 Budget, and:

WHEREAS, the City Commission has reviewed the 2021-2022 Budget, and;

WHEREAS, the City Commission has held a Public Hearing on the 2021-2022 Budget;

WHEREAS, Chapter VII, Section 14 of the Birmingham City Charter requires that the City Commission pass an annual appropriations resolution, and;

NOW THEREFORE, BE IT RESOLVED, that the City Commission does hereby adopt the following estimated revenues for the City of Birmingham for the fiscal year commencing July 1, 2021, and ending June 30, 2022:

GENERAL FUND:

Taxes	\$ 28,293,010
Licenses & Permits	2,742,640
Intergovernmental Revenue	2,349,240
Charges for Services	3,166,020
Fines & Forfeitures	1,640,750
Interest & Rent	637,060
Other Revenue	641,570
Contributions from Other Funds	<u>100,000</u>
Total General Fund	\$ 39,570,290

GREENWOOD CEMETERY PERPETUAL CARE FUND:

Charges for Services	\$ 60,000
Interest	<u>24,500</u>
Total Greenwood Cemetery Perpetual Care Fund	\$ 84,500

MAJOR STREETS FUND:

Intergovernmental Revenue	\$ 1,674,280
Interest & Rent	59,580
Contributions from Other Funds	<u>4,100,000</u>
Total Major Streets Fund	\$ 5,833,860

LOCAL STREETS FUND:

Intergovernmental Revenue	\$ 683,860
Interest & Rent	30,600
Other Revenue	204,730
Contributions from Other Funds	1,950,000
Draw from Fund Balance	<u>746,760</u>
Total Local Streets Fund	\$ 3,615,950

SOLID WASTE DISPOSAL FUND:

Taxes	\$ 2,175,000
Intergovernmental	3,990
Charges for Services	17,100
Interest	<u>20,000</u>
Total Solid Waste Disposal Fund	\$ 2,216,090

BROWNFIELD REDEVELOPMENT AUTHORITY FUND:

Taxes	\$ 369,000
Interest	2,000
Other Revenue	<u>20,000</u>
Total Brownfield Redevelopment Authority Fund	\$ 391,000

PRINCIPAL SHOPPING DISTRICT FUND:

Special Assessments	\$ 1,054,970
Charges for Services	25,000
Interest	13,700
Other Revenue	100,000
Draw from Fund Balance	<u>74,560</u>
Total Principal Shopping District Fund	\$ 1,268,230

COMMUNITY DEVELOPMENT BLOCK GRANT FUND:

Intergovernmental Revenue	<u>\$ 36,100</u>
Total Community Development Block Grant Fund	\$ 36,100

TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY FUND:

Interest	<u>\$ 470</u>
Total Triangle District Corridor Improvement Authority Fund	\$ 470

LAW AND DRUG ENFORCEMENT FUND:

Fines & Forfeitures	\$ 25,000
Interest	<u>2,000</u>
Total Law and Drug Enforcement Fund	\$ 27,000

BALDWIN LIBRARY FUND:

Taxes	\$ 3,663,280
Intergovernmental Revenue	1,065,710
Charges for Services	21,400
Interest	<u>30,000</u>
Total Baldwin Library Fund	\$ 4,780,390

DEBT SERVICE FUND:

Taxes	\$ 1,566,100
Intergovernmental	3,300
Interest	<u>3,000</u>
Total Debt Service Fund	\$ 1,572,400

CAPITAL PROJECTS FUND:

Interest	\$ 35,000
Contribution from Other Funds	<u>140,000</u>
Total Capital Projects Fund	\$ 175,000

PARK SYSTEM CONSTRUCTION FUND:

Draw from Fund Balance	\$ 850,000
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SPRINGDALE GOLF COURSE:

Charges for Services	\$ 493,300
Interest & Rent	25,870
Other Revenue	200
Draw from Net Position	<u>62,210</u>
Total Springdale Golf Course Fund	\$ 581,580

AUTOMOBILE PARKING SYSTEM FUND:

Charges for Services	\$ 3,834,730
Interest	275,000
Draw from Net Position	<u>3,082,530</u>
Total Automobile Parking System Fund	\$ 7,192,260

SEWAGE DISPOSAL FUND:

Taxes	\$ 394,200
Intergovernmental Revenue	3,470
Charges for Services	9,996,720
Interest	75,000
Draw from Net Position	<u>1,681,180</u>
Total Sewage Disposal Fund	\$ 12,150,570

WATER-SUPPLY SYSTEM RECEIVING FUND:

Taxes	\$ 1,297,940
Intergovernmental Revenue	2,060
Charges for Services	5,078,610
Interest	77,000
Draw from Net Position	<u>1,255,000</u>
Total Water-Supply System Fund	\$ 7,710,610

LINCOLN HILLS GOLF COURSE:

Charges for Services	\$ 760,150
Interest	53,000
Other Revenue	<u>400</u>
Total Lincoln Hills Golf Course Fund	\$ 813,550

COMPUTER EQUIPMENT FUND:

Charges for Services	\$ 785,680
Interest	9,070
Draw from Net Position	<u>407,580</u>
Total Computer Equipment Fund	\$ 1,202,330

AND, BE IT FURTHER RESOLVED, that the City Commission does hereby adopt on a budgetary center basis the following expenditures for 2021-2022:

GENERAL FUND:

General Government	\$ 6,632,050
Public Safety	15,835,200
Community Development	2,964,970
Engineering & Public Services	6,429,840
Transfers Out	7,682,820
Contribution to Fund Balance	<u>25,410</u>
Total General Fund	\$ 39,570,290

GREENWOOD CEMETERY PERPETUAL CARE FUND:

Contribution to Fund Balance	84,500
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MAJOR STREETS FUND:

Maintenance of Streets and Bridges	\$ 437,900
Street Cleaning	221,770
Street Trees	292,680
Traffic Controls & Engineering	610,190
Snow and Ice Removal	261,770
Administrative	20,570
Capital Outlay-Engineering and Construction of Roads and Bridges	3,292,080
Contribution to Fund Balance	<u>696,900</u>
Total Major Streets Fund	\$ 5,833,860

LOCAL STREETS FUND:

Maintenance of Streets and Bridges	\$ 713,500
Street Cleaning	255,550
Street Trees	614,630
Traffic Controls & Engineering	68,700
Snow and Ice Removal	173,780
Administrative	28,960
Capital Outlay-Engineering and Construction of Roads and Bridges	<u>1,760,830</u>
Total Local Streets Fund	\$ 3,615,950

SOLID WASTE DISPOSAL FUND:

Personnel Services	\$ 194,850
Supplies	28,000
Other Charges	1,956,350
Contribution to Fund Balance	<u>36,890</u>
Total Solid Waste Disposal Fund	\$ 2,216,090

BROWNFIELD REDEVELOPMENT AUTHORITY FUND:

Expenditures	\$ 389,000
Contribution to Fund Balance	<u>2,000</u>
Total Brownfield Redevelopment Authority Fund	\$ 391,000

PRINCIPAL SHOPPING DISTRICT FUND:

Expenditures	\$ 1,268,230
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COMMUNITY DEVELOPMENT BLOCK GRANT FUND:	\$ 36,100
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TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY FUND:

Contribution to Fund Balance	\$ 470
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LAW AND DRUG ENFORCEMENT FUND:

Expenditures	\$ 119,590
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BALDWIN LIBRARY FUND:

Expenditures	\$ 4,208,760
Contribution to Fund Balance	<u>571,630</u>
Total Baldwin Public Library	\$ 4,780,390

DEBT SERVICE FUND:	
Debt Service	\$ 1,566,900
Contribution to Fund Balance	<u>5,500</u>
Total Debt Service Fund	\$ 1,572,400
CAPITAL PROJECTS FUND:	\$ 55,000
PARK SYSTEM CONSTRUCTION FUND	\$ 850,000
SPRINGDALE GOLF COURSE:	\$ 581,580
AUTOMOBILE PARKING SYSTEM FUND:	\$ 7,192,260
SEWAGE DISPOSAL SYSTEM FUND:	\$ 12,150,570
WATER-SUPPLY SYSTEM RECEIVING FUND:	\$ 7,710,610
LINCOLN HILLS GOLF COURSE:	
Expenses	\$ 759,170
Contribution to Net Position	<u>54,380</u>
Total Lincoln Hills Golf Course	\$ 813,550
COMPUTER EQUIPMENT FUND:	\$ 1,202,330

BE IT FURTHER RESOLVED that the budget summary above be approved as the 2021-2022 City Budget and that this resolution shall be known as the City of Birmingham 2021-2022 General Appropriations Act.

BE IT FURTHER RESOLVED that the City Commission does hereby designate \$29,945,620 to be raised by 10.8929 mills levied for General Purposes on the taxable valuation of all real and personal property subject to taxation in the City.

BE IT FURTHER RESOLVED that the City Commission does hereby designate \$3,678,280 to be raised by 1.3380 mills levied for Library Operations on the taxable valuation of all real and personal property subject to taxation in the City.

BE IT FURTHER RESOLVED that the City Commission does hereby designate \$1,566,100 to be raised by 0.5657 mills levied for Debt Service Requirements on the taxable valuation of all real and personal property subject to taxation in the City.

BE IT FURTHER RESOLVED that the City Commission does hereby designate \$2,180,000 to be raised by 0.7930 mills levied on the taxable valuation of all real and personal property subject to taxation in the City for the purpose of the collection and removal of garbage and trash of the City as authorized by MCL 123.261, et. seq.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to make budgetary transfers within the budgetary centers established through the adoption of this budget, and that all transfers between budgetary centers may be made only by further action of the City Commission pursuant to the provisions of the Michigan Uniform Accounting and Budgeting Act.

BE IT FURTHER RESOLVED that the 2021-2022 budget shall be automatically amended on July 1, 2021, to re-appropriate encumbrances outstanding and reserved at June 30, 2021.

BE IT FINALLY RESOLVED that the City Treasurer be authorized to add to all taxes paid after August 31, 2021, three-fourths of one percent ($\frac{3}{4}$ of 1%) penalty each and every month, or fraction thereof, that remains unpaid. On all taxes paid after February 14, 2022, and through March 1, 2022, there shall be added a late penalty charge equal to three percent (3%) of such tax.



MEMORANDUM

Finance Department

DATE: May 14, 2021
TO: Thomas M. Markus, City Manager
FROM: Mark Gerber, Finance Director/Treasurer
SUBJECT: Water/Sewer Rate Changes for 2021-2022

INTRODUCTION:

Every year the City Commission sets water and sewer rates for the new fiscal year based on the approved Water and Sewage Disposal Fund budgets.

BACKGROUND:

On May 1, 2021, the City Commission held a public hearing on the recommended budget for fiscal year 2021-2022. During this hearing, the City Commission reviewed the Water and Sewer Fund budgets proposed for 2021-2022 along with recommended changes to the water and sewer rates. These proposed rates were based on estimated costs.

Since that time, the City has received updated sanitary and storm water costs from the Oakland County Water Resources Commissioner. Based on the updated information, only the storm water charge for the Evergreen-Farmington Sewage Disposal District will need to change from what was proposed.

LEGAL REVIEW:

No legal review necessary.

FISCAL IMPACT:

Water Rates

Water rates for 2021-2022 are recommended to increase \$.35 from \$4.95 to \$5.30/1,000 gallons of water used, or 7.0%. The increase would raise the annual cost to the average homeowner using 90 units of water by \$31.50.

Sewer Rates

Sewer rates are recommended to increase \$.36 from \$8.21 to \$8.57/1,000 gallons of water used, or 4.4%. The increase would raise the annual cost to the average homeowner using 90 units of water by \$32.40.

Storm Water Rates

Storm water rates are recommended to increase \$15 from \$219 to \$234 per ESWU for Evergreen-Farmington Sewage Disposal District and \$10 from \$257 to \$267 per ESWU for Southeast Oakland Sewage Disposal District, annually.

Industrial Surcharge and Industrial Waste Control Charge (IWC)

The charges for Industrial Surcharge and Industrial Waste Control Charge are determined by Great Lakes Water Authority (GLWA). These charges are collected by the City and remitted to GLWA. The City does not keep any of the money it collects for these fees. The Industrial Waste Control Charge is scheduled to increase approximately 2.6%. Currently, there is one Birmingham customer charged an Industrial Surcharge.

The new rates will take effect for all billings where the read date is on or after July 1, 2021.

Below are the recommended fee changes:

FEES, CHARGES, BONDS AND INSURANCE AMENDMENT

DEPARTMENT OF PUBLIC SERVICE

<u>Section</u>	Existing Fee	Proposed Fee	Change Code
<u>Water</u>			
Additional charge for water used: For each 1,000 gallons or part thereof	\$ 4.95	\$ 5.30	B

FINANCE

<u>Section</u>	Existing Fee	Proposed Fee	Change Code
<u>Sewer Service Rates (Chapter 114)</u>			
For each 1,000 gallons or part thereof	\$ 8.21	\$ 8.57	B

Storm Water Utility Fee (Chapter 114)

Evergreen-Farmington Sewage Disposal District

For each Equivalent Storm Water Unit (ESWU)

Quarterly Fee	\$ 54.75	\$ 58.50	B
Monthly Fee	\$ 18.25	\$ 19.50	B

Southeast Oakland County Sewage Disposal District

For each Equivalent Storm Water Unit (ESWU)

Quarterly Fee	\$ 64.25	\$ 66.75	B
Monthly Fee	\$ 21.42	\$ 22.25	B

Industrial Surcharge (Chapter 114)

An industrial surcharge shall be levied against industrial and commercial customers contributing sewage to the system with concentrations of pollutants exceeding the levels described as follows:

Amounts of Industrial Surcharge - Total Charge per pound of excess pollutants

Biochemical oxygen demand (BOD), over 275 mg/l	\$ 0.502	\$ 0.347	C
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Total suspended solids (TSS), over 350 mg/l	\$ 0.510	\$ 0.476	C
Phosphorus (P), over 12 mg/l	\$ 7.519	\$ 6.368	C
Fats, oils, grease (FOG) over 100 mg/l	\$ 0.484	\$ 0.111	C

Industrial Waste Control IWC (Chapter 114)

An industrial waste control charge shall be levied against all non-residential properties, in accordance with rates established by resolution.

Meter Size - Quarterly Charge

5/8"	\$ 10.35	\$ 10.62	C
3/4"	\$ 15.54	\$ 15.93	C
1"	\$ 25.89	\$ 26.55	C
1 1/2"	\$ 56.94	\$ 58.41	C
2"	\$ 82.80	\$ 84.96	C
3"	\$ 150.09	\$ 153.99	C
4"	\$ 207.00	\$ 212.40	C
6"	\$ 310.50	\$ 318.60	C
8"	\$ 517.50	\$ 531.00	C
10"	\$ 724.50	\$ 743.40	C
12"	\$ 828.00	\$ 849.60	C
14"	\$1,035.00	\$1,062.00	C
16"	\$1,242.00	\$1,274.40	C
18"	\$1,449.00	\$1,486.80	C
20"	\$1,656.00	\$1,699.20	C
24"	\$1,863.00	\$1,911.60	C
30"	\$2,070.00	\$2,124.00	C
36"	\$2,277.00	\$2,336.40	C
48"	\$2,484.00	\$2,548.80	C

CHANGE CODES

- A. Fee has remained the same for many years
- B. Proposed fee covers current costs
- C. Pass through costs that reflects actual cost of service
- D. Fee consistent with neighboring communities
- E. New fee
- F. Increase to cover normal inflationary increase
- G. No longer provide this service
- H. Other – Explain

SUMMARY:

It is recommended that the City Commission amend the Schedule of Fees, Charges, Bonds and Insurance, Sewer Service Sections, for changes in sewer, storm water, industrial surcharge, and industrial waste control charge rates effective for bills with read dates on or after July 1, 2021 as recommended above.

ATTACHMENTS:

None.

SUGGESTED RESOLUTION:

To amend the Schedule of Fees, Charges, Bonds and Insurance, Water and Sewer Service Sections, for changes in sewer, storm water, industrial surcharge, and industrial waste control charge rates effective for bills with read dates on or after July 1, 2021 as recommended in this report.

MEMORANDUM

DATE: May 18, 2021
TO: Thomas M. Markus
FROM: Mary M. Kucharek
SUBJECT: Special Parking Assessment District Workshop

INTRODUCTION:

- On May 10, 2021, the City Commission conducted a workshop with presentations from the City Attorney and Finance Director to better understand and learn more about the Parking Assessment District in the City of Birmingham. The City Commission is now being asked to pass resolutions to direct staff to analyze, evaluate, and make recommendations back to the Commission regarding the Parking Assessment District and Birmingham Automobile Parking System.

BACKGROUND:

- At the workshop, the Birmingham Automobile Parking System was defined clarifying that the parking system is different and distinct from the Special Assessment District. Maps of the Parking Assessment District were shared in order to understand the boundaries of the PAD. The state and local legal authorities to create special assessments was reviewed and detailed historical information. The Hogan Report was presented in order to clarify how the PAD was created. Many details regarding the impetus of the PAD and the creation of the three City lots and five parking structures were identified and discussed. Charts to demonstrate how each structure was financially created, including the percentage of assessments that were paid by property owners whose property values were improved because of allowing public parking as the business district grew were shared. Two different formulas that have been utilized pre-1982 and post 1982 to determine the cost to each of the parcels within the Parking Assessment District were reviewed and defined. There was, at one time, a greater emphasis on the land potential compared to today's assessment which focuses on the building itself. Michigan accounting laws regarding funding and fund balance allocations were also discussed.

LEGAL REVIEW:

- This report and resolutions have been created by the City Attorney based upon the Parking Assessment District presentation.

FISCAL IMPACT:

- The fiscal impact of the Parking System requires further study in order to analyze the Assessment District's funding and potential for growth, and the future of the Automobile Parking System fund. Further investigation is needed to determine the financial needs of the existing parking lots and structures, and any future parking structure.

ATTACHMENTS:

- <https://cms4.revize.com/revize/birminghammi/20210510%20Workshop%20Agenda%20Packet.pdf>

SUGGESTED RESOLUTION:

- WHEREAS, the City Commission recognizes the Automobile Parking System is different and distinct from the Parking Assessment District; and,

WHEREAS, the City Commission has now learned of the boundaries of the Parking Assessment District; and,

WHEREAS, the City Commission recognizes the City has legal authority to create special assessments through local ordinances and state laws; and,

WHEREAS, the City Commission appreciates the complexity of the historical information leading up to today's Parking Assessment District; and,

WHEREAS, the formulas defining the costs for special assessment for parking is quite complicated; and,

WHEREAS, the Triangle District and its future parking needs must be taken into further consideration.

THEREFORE, IT IS RESOLVED that the City Manager, City Attorney and staff are directed to further evaluate the ordinances and formulas with recognition there may be the need for changes to the ordinances and financial formulas in order to meet the needs of parking in the Central Business District today in conjunction with input from the Parking Advisory Committee; and,

IT IS FURTHER RESOLVED that the Parking Assessment District and System need to be evaluated in terms of the Triangle District, with appreciation of the Triangle District requirement for parking, and to direct staff to impanel the Triangle District Corridor Improvement Authority to once again meet and update information regarding tax increment financing in the District and perhaps the creation of a Special Assessment District in the Triangle area; and,

IT IS FURTHER RESOLVED that once these studies, analysis and recommendations are completed by the City Manager, City Attorney and staff, reports and recommendations are provided to the City Commission for potential future action.



CITY MANAGER'S REPORT

May 2021

Baldwin Public Library

The Library remains open for Grab and Go service and visits of 45 minutes or less. [Curbside Pickup](#) and Grab & Go are both available seven days per week during regular hours and [virtual programs](#) for all ages are ongoing. The Library is currently in the process of hiring a full-time Network Administrator. The second floor of the Library and the Grand Hall have been repainted using a generous donation from the Jane Van Dragt Trust. The annual summer reading program begins on June 11 and runs through August 8.

The Birmingham Museum

As many rock 'n' roll fans know, Chad Smith, drummer for the Red Hot Chili Peppers, grew up in the area and played at venues around Birmingham as an up and coming musician. Chad went on to become one of the best known rock drummers in the world--a genius among an elite few. A few years ago, he and his family participated enthusiastically in a Birmingham Museum exhibit and public event, resulting in a special award for the museum and a lasting friendship with Chad.

Chad and his family have decided to donate artifacts and personal materials to the Birmingham Museum to preserve an archive of his formative years in the area. Preliminary plans include a virtual exhibit and online retrospective, which would include family photos, documents, and early recordings and interviews. Chad would also like to plan a public appearance at the museum when the exhibit launches. We anticipate that this project will take many months to prepare, but hope to have an update sometime in the next year. We are honored to be selected for this special distinction and look forward to telling Chad's story as just one of the many stories that make Birmingham special.

Birmingham Shopping District

- The Birmingham Shopping District is pleased to welcome Sean Kammer as the new executive director.
- The 19th season of the Farmers Market is off to a great start. Shoppers and vendors are happy to be back to a walkable market.

- The first Movie Night of the season is scheduled for June 11th and will feature "The Little Mermaid". In an effort to keep the event as low-risk as possible, we are working with Chief Wells on plans for a drive-in format at Seaholm High School.

Building Department

The [Building Department's monthly report](#) provides an update on the following construction activity: building permits issued, building inspections conducted, trades permits issued and trades inspections conducted.

City Clerk's Office

Recognition of Staff

The City Clerk's Office would like to congratulate departing Deputy Clerk Abby Hauff on her acceptance of a new position in St. Clair Shores. In the past year she has handled a mountain of tasks and has been of great service to the city and its residents. We wish her well on her future endeavors.

Elections

Candidate filing packets for the November 2, 2021 election are available at the clerk's office for anyone who is interested in running for City Commission or the Library Board. The clerk's office will send confirmation letters to past election inspectors in August, recruit additional workers in September, and train all election inspectors in October in preparation for the election on November 2, 2021.

Greenwood Cemetery

Future Agenda Topics for the Greenwood Cemetery Advisory Board

June 4 - In person at Greenwood Cemetery

- Trees, Landscaping & Gravestone Inventory, Goals for 2022-23, Annual Report

July (date TBD) - Virtually on Zoom

- Selection of chair and co-chair, rules and regulations

Board Vacancies & Upcoming Appointments

There are upcoming board appointments in June and July for the following Boards:

-Historic District Study Committee

-Board of Ethics

-Hearing Officer

-Retirement Board

-Museum Board

-Greenwood Cemetery Board

Government Day

The City Clerk's Office is celebrating our board members in a safe way with an appreciation video that includes each board/commission's accomplishments and photos of members. The video was released on May 16, 2021. We encourage everyone to view the appreciation video on our website: www.bhamgov.org/parade.

City Manager's Office

Communications

Engage Birmingham

[Engage Birmingham](#) has more than 200 registrants, and 114 people have engaged with one or more projects. The pickleball survey has more than 60 responses! New projects coming soon include: residents making a difference, pickleball second round, name the newsletter final survey, Adams Park, and more.



Website

The website team consists of seven staff members representing different city departments. The team is working hard to develop a website that residents and City Commissioners will be proud of. The team has been submitting information to Revize LLC in preparation for the project kickoff meeting.

Videos

The communications team is working on a new video to promote Engage Birmingham. We recently published our Board & Committee appreciation video from the Clerk's Office, and the behind-the-scenes Department of Public Services video. Thank you to Jamil Alawadi for his hard work on these videos! View them on our YouTube channel at www.youtube.com/birminghammi.

Miscellaneous:

Letter to Oppose New Short-Term Rental Bill

City Manager Tom Markus recently sent a letter to Representative Mari Manoogian and Senator Mallory McMorrow to express opposition to House Bill (HB) 4722. The proposed legislation seeks to eliminate a municipality's ability to regulate short-term rentals. Learn more about HB 4722 at

[https://www.legislature.mi.gov/\(S\(o1dtrkdlpefzs30cpxlnbaml\)\)/mileg.aspx?page=getObject&objectName=2021-HB-4722](https://www.legislature.mi.gov/(S(o1dtrkdlpefzs30cpxlnbaml))/mileg.aspx?page=getObject&objectName=2021-HB-4722).

City Commission Workshops

City Commission workshops will not be held in July and August so that everyone can enjoy their summer vacations. Workshops will resume in September.

Department of Public Services

- A Garlic Mustard Pull by volunteers at Quarton Lake was a success on May 16. Nine volunteers pulled 19 bags of Garlic Mustard, along with some patches of Dame's Rocket and Yellow Rocket.
- The Rouge River Annual Clean Up was held on May 15 targeting invasive species along the Rouge River Trail Corridor.

- Take a quick survey about Pickleball on [Engage Birmingham](#). The survey is open until May 31, 2021.
- Ice Arena - A Dashboard is available at www.bhamgov.org/icearena. It shows the Ice Arena project highlights along with a look ahead schedule, and pictures during the demolition phase.
- Adams Park - Plan coming soon to Engage Birmingham! Keep an eye out on engage.bhamgov.org.
- Check out the [virtual DPS Open House](#)!
- May 16-22, 2021 was National Public Works Week.

Engineering Department

Chris Morton Promotion

We are proud to announce the promotion of Chris Morton to the Senior Engineering Tech position. Chris has been with the department for over seven years, and will now serve a leading role in the engineering permitting process, and in a supervisory capacity over construction inspection activities for both private developments and city projects.

Cranbrook Road Construction

The Road Commission for Oakland County (RCOC) will be starting a paving project on Cranbrook Road between 14 Mile and Maple in mid to late-June., with a scheduled completion date in late August. Please visit RCOC's website, www.rcocweb.org/, and go to their "Road Projects" page to get [more information](#). RCOC's Customer Service Department may be contacted by phone at (877) 858-4804 or by email at mdcsmail@rcoc.org for more information.

Grant Street Paving Project Update

The Grant Street Paving Project has started, with construction activity focused on the blocks between Lincoln and Humphrey, and Bird and 14 Mile. The work is scheduled to be completed in late July. Work includes sewer and water main improvements, followed by new concrete paving. Isolated pavement patching/repairs are planned for the blocks in between the work zones. The work also includes construction of a relief sewer across part of St. James Park, so we caution residents and guests using the park to be aware of the activity, and be respectful of the construction fencing defining the work area.

Fire Department

In-Home COVID-19 Care

The Birmingham Fire Department is working with Royal Oak Beaumont on providing in-home COVID-19 care for our residents. Birmingham Paramedics will administer Monoclonal Antibody medication infusions to residents that are COVID-19 positive and are in high-risk categories of having a severe reaction. The treatment will help keep residents from needing to be admitted to the hospital so they can rest and heal at

home. This coordination will help keep the hospitals from getting too overcrowded and also provide comfort to residents in their own home. The cost for the medication is free and the procedure to administer the treatment is covered by medical insurance and Medicare, which will help pay for the at-home service.

Public Assistance Reimbursement

On May 12th, 2021 the Fire Department, in coordination with Assistant Finance Director Wickenheiser, submitted approximately \$230,000.00 to FEMA for Public Assistance reimbursement for COVID-19 related expenses. Download our [COVID-19 Grant Summary Spreadsheet here](#). These eligible emergency action expenses were primarily attributed to overtime and payroll related to COVID-19 quarantine and isolation through March 31, 2021. FEMA has waved the 25% cost sharing and is expected to reimburse 100% of the expenses submitted. The City has submitted \$1,767,511.09 in COVID-19 related grants and received \$747,398.37 to date.

Assistant Fire Chief Bartalino and Assistant Finance Director Wickenheiser have done an amazing job over the last 13 months gathering all the data required to be successful with all the different grants. Many of the grants require additional information, sometimes with small turnaround time frames, and Matt and Kim are always quick to respond. We are fortunate to have such hard working staff working on these projects. The team will continue to collect COVID-19 related expenses and apply every 2-3 months for reimbursements under FEMA Public Assistance.

Thank you, Fire Marshal Joel Campbell

Fire Marshal Joel Campbell will retire on May 15, 2021, concluding a 25-year career with the city. Joel held many positions with the city, including Firefighter, Firefighter/Inspector, Deputy Fire Marshal and retired as Fire Marshal. We thank him for his service and wish him all the best in retirement!

Planning Department

Storefront Glazing

The Zoning Ordinance currently requires clear glazing for all first floor windows, with no tinting permitted, and a minimum Visible Light Transmission ("VLT") level of 80% or greater. These standards are designed to ensure that all first floor storefronts can be viewed by patrons walking by to create an interactive pedestrian experience.

A complaint was recently received regarding the visibility into the storefront windows on the new Daxton Hotel at S. Old Woodward and Brown Street. The Planning Division conducted an inspection of the first floor glazing, and reviewed the approved plans and glazing specifications. The glazing used for the first floor of the Daxton Hotel is Guardian Ultraclear, with a low iron content, low reflectance, and 89% VLT. While this glazing does meet the current ordinance requirements for storefront glazing, the Daxton Hotel owners had originally discussed using clear glazing with a low-e coating and a light grey tint, as the project obtained Final Site Plan and Design Review approval prior to the new glazing standards being approved by the City Commission. Ultimately, the Daxton Hotel owners installed the glazing noted above that meets the new requirements. It is important to note that low interior light levels and the selection of a dark interior color palette within

the first floor of the Daxton Hotel can affect the visibility into the hotel at different times of the day, particularly in bright sunlight.

Update on Oakland County's Participation in the Triangle District Corridor Improvement Authority (CIA)

The Triangle District is located between Adams Road and Woodward Avenue, south of Maple Road. Land uses in the district include a mix of commercial, office uses, and some residential uses. The district is adjacent to a single-family neighborhood that is not included in the proposed Tax Increment Financing (TIF) District. Most of the higher intensity uses are located along Woodward, with other fine stores and offices found throughout the district.

In 2007, the Triangle District Urban Design Plan ("Triangle Plan") was developed and approved to revitalize the district with the intention to create a unified framework for development that improved the economic, social and pedestrian environments while protecting the central neighborhood that exists within the District.

After the adoption of the Triangle Plan in 2007, the City of Birmingham established the City of Birmingham Corridor Improvement Authority (the "CIA") pursuant to Act 280, Public Acts of Michigan, 2005, the Corridor Improvement Authority Act, to provide for the use of tax increment financing with the objective of stimulating and encouraging economic development activities within the established district. The City and CIA began work on a Development and Tax Increment Finance Plan ("TIF Plan") for the Triangle District to outline improvements necessary to realize the vision established in the Triangle Plan. Since the **need for improved parking was identified as the primary development impediment within the Triangle District**, the City began to assess the feasibility of providing public parking in the Triangle District. It was and is the primary goal of the Development Plan and TIF Plan to provide organized public parking that will improve the business vitality in the district by attracting new development, and bringing more business and residents into the district.

Although the City and CIA began work on the TIF Plan in 2008 and 2009 and had discussions with Oakland County about the proposed TIF Plan and projects at that time, the approval of the TIF Plan was put on hold due to the downturn in the economy and the decline in property tax values. The City and CIA decided in early 2015 to move forward with the approval of the TIF Plan by May 2015 in order to be able to use the 2014 taxable values as the initial assessed value of the proposed District to begin collecting funds under the TIF Plan to fund the construction of public parking in the Triangle District.

After a public hearing on the Development and TIF Plan and the corresponding notices were sent to the taxing jurisdictions, Oakland County changed their policy for supporting and contributing to TIF Plans, and immediately passed a resolution to opt out of participation in the Birmingham TIF Plan to support the economic development of the Triangle District. Oakland County informed the City that Birmingham would have to re-apply for their support under their updated policy for TIF Plans.

After much debate as to the application of the new county policy to the Birmingham TIF Plan, the City of Birmingham submitted a new application for county support under the amended TIF policy. The City prepared a detailed report to demonstrate that the Triangle District TIF Plan met all of the requirements as laid out in Public Act 280 for TIF Plans in Michigan, as well as all of the evaluation criteria established in Oakland County's recently adopted policy. The report made the case for Oakland County to contribute to the maximum level of 75% capture as provided in their amended policy for supporting and contributing to TIF Plans.

On October 15, 2015, the Oakland County TIF District Review Committee voted in favor of supporting Birmingham's TIF Plan, finding that it met all criteria outlined in the amended county policy, to the maximum level of 75% tax capture. On November 12, 2015, the Oakland County Board of Commissioners also voted to support the TIF Plan through tax capture and directed the county attorneys to negotiate a contract with the City. The City and county spent over a year attempting to negotiate a contract, but did not reach an agreement. There was no expiration date included with the approval granted by the Oakland County Board of Commissioners, nor is there an expiration clause contained in the amended [county TIF policy](#) that remains in force.

Thus, the City recently commenced discussion with Oakland County to attempt to resolve the previous stalemate on the contract negotiation and have Oakland County participate in the TIF Plan as previously approved in 2015. City Attorney Kucharek, Planning Director Ecker and myself met with Ingrid Tighe, Bret Rasegan, and Tim Colbect from Oakland County's Economic Development Department on May 3, 2021.

Please see the [attached correspondence](#) received from Oakland County advising that the City will be required to completely restart the county TIF review process despite the previous approval of the TIF Plan. Doing so will result in a further delay in commencing tax capture to support economic development in the Triangle District, and is likely to impact the amount of tax dollars available for capture.

New Employee

The Community Development Department is pleased to announce a new administrative member of our team. Michelle Francis started working for the City on a part time basis on May 7, 2021. Michelle will be assisting both the Planning and Engineering Divisions with a wide variety of administrative tasks, and has an impressive array of experience in the creative, technological and financial realms of business administration. Michelle originally hails from Down Under, but has been raising her family in metro-Detroit for the past 7 years.

Police Department

Suspect Arraigned in Fatal Accident

After an extensive search, investigators located the suspect vehicle and driver, Steven Fowlow, a 52-year-old man from Davisburg, Michigan involved in the accident that killed Wesley Stamps. Fowlow had placed the vehicle in the rear of his property and was attempting to repair the vehicle himself. On May 6, 2021, Fowlow was arraigned at the

48th District Court for failure to stop at the scene of an accident resulting in death. Magistrate Nelson-Klein issued a \$10,000 cash/surety/10% bond for Fowlow.

Lieutenant Ray Faes receives Bravery Award

On May 10, 2021 our department was made aware of an award received by Lt. Ray Faes issued by the Royal Oak Police Department. Lt. Faes received a "Bravery Award" which stated the following: Officers responded to the report of a suicidal subject armed with a rifle. The subject was reporting he intended to engage responding officers with the rifle and to commit "suicide by cop." Birmingham Police Department's Lt. Faes responded to the scene and offered his service as a negotiator. Lt. Faes was patched into an ongoing phone conversation between the suspect and dispatch. For over 15 minutes, Lt. Faes built a rapport with the subject and calmly continued his attempts to get the suspect to surrender. As the negotiation progressed, the suspect terminated the phone call and began advancing toward officers where a close proximity armed standoff ensued. Lt. Faes remained calm and kept the suspect verbally engaged in attempts to de-escalate the situation with police officers on scene. Lt. Faes' negotiation and de-escalation efforts were a significant contribution to the overall team effort that brought this dangerous incident to a safe conclusion.

Future Agenda Items

Download a summary of [future agenda items](#).

Future Workshop Items

Download a summary of [future workshop items](#).

Fwd: Reintroduced Short Term Rentals Bill Draws Debate in House, Senate

1 message

Tom Markus <tmarkus@bhamgov.org>
To: Alex Bingham <abingham@bhamgov.org>

Wed, May 19, 2021 at 9:22 AM

This relates to our next work session. Please add it to that agenda packet when we prepare it.

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

From: **Tom Markus** <tmarkus@bhamgov.org>
Date: Wed, May 19, 2021 at 9:21 AM
Subject: Re: Reintroduced Short Term Rentals Bill Draws Debate in House, Senate
To: Therese Quattrociochi Longe <tmquattro@gmail.com>

Thanks I will have it attached to the work session agenda. I did file an objection to this bill.

On Wed, May 19, 2021 at 9:06 AM Therese Quattrociochi Longe <tmquattro@gmail.com> wrote:

Hi Tom,

This article is of interest to our next workshop on short-term rentals. We may end up with very little local control,

Therese

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

From: **Therese Quattrociochi-Longe** <tquattro@yourchildrensfoundation.org>
Date: Tue, May 18, 2021 at 7:32 PM
Subject: Reintroduced Short Term Rentals Bill Draws Debate in House, Senate
To: Therese Quattrociochi Longe <tmquattro@gmail.com>

GONGWER NEWS

Tuesday, May 18, 2021

Reintroduced Short Term Rentals Bill Draws Debate in House, Senate

A bill that would prevent local governments from using local zoning ordinances to eliminate short-term rentals drew opposing testimony from local governments and local government groups Tuesday, saying they should be allowed to proactively address such properties in a way that works best for their communities.

SB 446 and **HB 4722** came up for discussion in the **Senate Regulatory Reform Committee** Track and the **House Commerce and Tourism Committee** Track, respectively.

The bills are similar to legislation introduced in previous sessions and would prevent rental properties from being rezoned as commercial instead of as residential. The bill would also prevent the use of special use permits against such properties.

INFORMATION ONLY

Debate over the issue has occurred for several years given the generations-long short-term rental tradition in the state of renting out homes for weekends or periods of time during the summer. The rise of online home sharing services has raised concerns for the lodging industry.

For local officials, the concerns include the potential impact on housing prices, the ability to proactively oversee short-term rentals and protect neighborhoods from being hollowed out due to a spike in rentals causing some homes to be unoccupied for portions of the year, among others.

Supporters of the bill, including bill sponsor [Sen. Aric Nesbitt](#) (R-Lawton), said the changes balance individual property rights and community interests.

"We have seen many local governments seek to completely ban short-term rentals by zoning them out of existence," Mr. Nesbitt said. "This is what I believe is a significant infringement on private property rights."

Brian Westrin with the Michigan Realtors said the bill would provide a consistent definition of short-term rentals where there has not been one in the past, adding that he believes it would not constrain local governments from dealing with the rentals. The local governments would just have to use other tools at their disposal outside of zoning, he said.

Jen Rigterink with the Michigan Municipal League said the group was opposed to the bill and has been trying to work on a solution with stakeholders in past sessions.

"We're not talking about temporary housing, corporate housing, we're talking about short-term vacation rentals in traditional residential neighborhoods. That's the crux of the issue here," Ms. Rigterink said.

She added that the group believes that after a certain point there is a threshold that is crossed after which renting a residence becomes a commercial use.

Judy Allen with the Michigan Townships Association said it is important for communities to be able to manage short-term rentals in the way that makes sense for them.

"Every community obviously is different," Ms. Allen said.

Ms. Allen also pointed to a June 2020 Supreme Court in which Spring Lake Township's zoning ordinance prohibiting short-term rentals in certain residential areas was upheld (See [Gongwer Michigan Report, June 5, 2020](#)).

Heather Gradowski with Pineapple Vacations Michigan in New Buffalo was in support of the bill, saying policies need to be enacted to protect the short-term rental industry and also balance community interests.

"There are always going to be local people who don't like change, but what's happening in our community is not new," Ms. Gradowski said.

HOUSE HEARING: Before the [House Commerce and Tourism Committee](#) Trackfor testimony only was HB 4722, sponsored by Rep. Sarah Lightener (R-Springport)

The bill would amend the Michigan Zoning Enabling Act to provide that the short-term rental a dwelling – that is, for 30 days or less – is a permitted residential use of property that is not subject to special use or conditional use permit or procedure.

It would not prohibit regulation applied on a consistent basis to rental and owner-occupied residences for things such as inspections and inspection fees, noise or other conditions for the prevention of nuisances and the number of persons that may occupy a dwelling.

The short-term rental industry and local governments have clashed for years on whether they should be subject to special local permitting or handled under a uniform statewide regulation.

Ms. Lightener sought to assuage local governments that they would retain their authority to regulate short-term rentals under nuisance ordinances, but local officials say that's insufficient.

Brian Westrin, general counsel for Michigan Realtors, said ordinances are a better way to deal with short-term renters rather than zoning laws.

"The issue that we've seen over the past 20 years at this point is an attempt by using zoning to deprive people of their private property rights besides using other meaningful ordinances and housing code to regulate the practice and instead insert communities to pick winners and losers through the use of zoning, saying 'you can do it here, you can't do it there, or you can't do it at all,' he said.

Mr. Westrin added that the private property rights of renters were just as important as the rights of the owners.

"We understand that there are private property rights on both sides of the equation of here, but what we have always said is that you should assume that a person should be able to avail themselves of the full composite of their private property rights," he said.

Rep. Karen Whitsett (D-Detroit), a committee member, said many who rent their homes often use the money to pay for that house. If short-term rentals were banned altogether, she said she fears many would lose their homes, typically the same homes that were passed down by deceased relatives.

Testifying before the committee Tuesday were Jason and Erika Milovich, co-owners of Bluefish Vacation Rentals in southwest Michigan. The two said many vacation rental companies work together in an organization to establish the unilateral guidelines for their community members. Through Bluefish specifically, guests must sign an occupancy agreement which states when neighborhood quiet hours are, maximum occupancy, maximum number of cars allowed at the property and other rules.

"Our company is available 24 hours a day for both guests and neighbors," Mr. Milovich said. "Whether there's an issue with the property we need to attend to, or a neighbor has an issue with our guest, we're here to remedy the situation."

However, even with companies like Bluefish, cities such as Ferndale and New Buffalo oppose the bill and prefer a stricter bill or stick with their zoning laws.

Ferndale Mayor Melanie Piana said she opposes bill as it does not provide the necessary tools to deal with short-term rentals.

"In early January of 2021, we had our Ferndale police respond to a gun shooting at a known-problem property and fortunately there was no victim, but this crime incident really scared the neighborhood," Ms. Piana said. "At the time, there was no short-term rental ordinance in place; therefore, it was standard police call and response to this incident."

The new ordinance demanded by Ferndale residents sets a 10 percent cap on non-residentially owned short-term rentals per block. Ms. Piana said if the bill passed today, her housing council would lose the ability to use their ordinance. **Rep. John Cherry** (D-Flint) said he preferred ordinances to harsher zoning laws due to the exclusionary nature of zoning.

"One of the concerns that has crept up into my mind is that zoning can be exclusionary, particularly along the lines of income," Mr. Cherry said. "Primarily through making properties more expensive ...essentially folks of lower means cannot participate in that community's life."

Mr. Cherry said if he were to come from a middle-income background and wished to buy a vacation home, he could only continue to pay those bills by renting the home when he's not using it. With their ordinance, he believes Ferndale is preventing someone from owning a second home.

Ms. Piana replied that on the 15th day of rental, they are required to report rental income to the federal government. However, she said she did not feel it was appropriate for her to weigh in on state legislation that determines whether an individual can buy a second home.

Grand Haven Mayor Robert Monetza also testified in opposition to the bill. He said in 2007, the city began registering short-term rentals. As of 2017, the number of short-term rentals has doubled; out of 250 registered short-term rentals, only 50 houses are always occupied.

Mr. Monetza continued to say that a majority of the short-term rentals received the most noise complaints in their communities and caused the most disturbances for their neighbors.

Therese Quattrocioni-Longe

Director, Foundation & Corporate Relations and Senior Program Officer

D 313.745.0138 | **F** 313.638.1741

The Children's Foundation | 3011 West Grand Blvd Suite 218 Detroit MI 48202

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CRANBROOK TO BE RESURFACED BETWEEN 14 MILE AND MAPLE STARTING IN JUNE

The Road Commission for Oakland County (RCOC), in partnership with Bloomfield Township, Birmingham and the Birmingham school district, will repave Cranbrook Road from 14 Mile Road to Maple Road on the Bloomfield Twp./Birmingham border.

PROJECT DETAILS

The project will include:

- Milling (grinding off the existing road surface).
- Placement of three inches of new asphalt.
- Replacement of damaged curbs.
- Construction of three-foot paved shoulders in non-curb areas.
- Modernization of the traffic signal at the Midvale/Cranbrook intersection.
- Improvement of sidewalk crosswalks to comply with the Americans with Disabilities Act (ADA).
- Work on Maple Road from Cranbrook Road west to Glengarry Road.

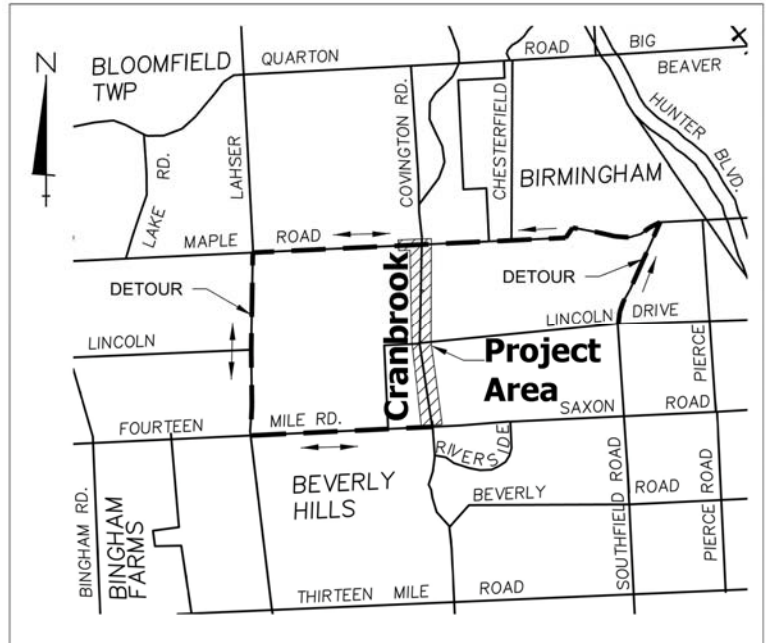
SCHEDULE

Work is expected to start in mid-to-late June and be completed in late August.

IMPACT ON TRAFFIC

This section of Cranbrook Road will be closed to through traffic throughout construction. Access to all homes within the project will be maintained at all times.

The **detour route for Cranbrook Road through traffic** during the closure will be 14 Mile Road to Lahser Road to Maple Road and back to Cranbrook Road/Covington Road and vice versa. The **detour route for Lincoln Road traffic** will be Southfield Road to Maple Road and vice versa.



Maple Road will remain open throughout the project, but lanes will be closed when needed to complete work between Cranbrook and Glengarry roads.

PROJECT COST AND FUNDING

The project is expected to cost \$1.4 million. The project cost will be shared by RCOC, Bloomfield Township, Birmingham, the Birmingham Schools (for the Midvale traffic signal) and Oakland County general government (through the Tri-Party Program).

The contractor for the project is Pro-Line Asphalt of Washington Township.

ADDITIONAL INFORMATION

Additional information is available on the project page of the RCOC website (www.rcocweb.org). Simply click on the "Road Projects" button on the site home page and select "Cranbrook Road" from the list of projects.

For more information:

Call RCOC's Department of Customer Services at (877) 858-4804 or send us an email at dcsmail@rcoc.org or via the RCOC Website, www.rcocweb.org

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

- DTE Electric Company requests Michigan Public Service Commission's approval for review of its state reliability mechanism capacity charge to comply with the requirements of Section 6w of PA 341.
- 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: **Thursday, June 3, 2021 at 9:00 AM**

BEFORE: **Administrative Law Judge Sharon Feldman**

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 mpscdockets@michigan.gov in advance of the hearing.

The Michigan Public Service Commission (Commission) will hold a pre-hearing to consider DTE Electric (DTE Electric) Company's March 31, 2021 application requesting the Commission for approval of: 1) the annual review of DTE Electric's state reliability mechanism (SRM) capacity charge; 2) the continuation of the Commission's approval as set forth in the Commission's May 8, 2020 Order in Case No. U-20561; and 3) further relief.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: michigan.gov/mpscdockets. Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: mpscdockets@michigan.gov. If you require

INFORMATION ONLY

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 May 27, 2021. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon DTE Electric Company's attorney, Andrea E. Hayden, 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-21028**. 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-21028