

**BIRMINGHAM CITY COMMISSION AGENDA  
FEBRUARY 14, 2022  
MUNICIPAL BUILDING, 151 MARTIN  
7:30 P.M.**

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

Therese Longe, 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 CDC recommends vaccinated and unvaccinated individuals wear a facemask indoors while in public. The City requires masks in City Hall for all employees, board and commission members, and the public. KN-95 respirators and medical 3 ply masks will be provided to everyone attending public meetings.

**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 Long Range Planning Meeting minutes of January 22, 2022.
- B. Resolution to approve the City Commission Regular Meeting minutes of January 24, 2022.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated January 26, 2022, in the amount of \$836,235.31.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated February 2, 2022, in the amount of \$2,007,252.52.
- E. Resolution to approve the warrant list, including Automated Clearing House payments, dated February 9, 2022, in the amount of \$2,851,707.60.
- F. Resolution to amend the City's schedule of fees, charges, bonds and insurance under the City Clerk's office section, relating to Outdoor Dining Licenses, as requested by the Clerk's office.

- G. Resolution to approve a special event permit as requested by the Birmingham Memorial Day Committee to hold the 2022 Memorial Day Service on Monday, May 30, 2022, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
- H. Resolution to approve a request from the Birmingham City Clerk's office to hold the Celebrate Birmingham Parade on downtown streets and the Party in Shain Park as presented on May 15, 2022, contingent upon compliance with all permit and insurance requirements and payment of all fees, and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
- I. Resolution to amend the Birmingham Fee Schedule for the addition of a Wall Art Application Fee for the amount of \$200.
- J. Resolution to approve the purchase agreement with CMP Distributors, Inc. for (3) Point Blank ARMIS II SE-WARSOC tactical vests with Paraclete level III+ plate and Point Blank 555 level III+ steel plate in the amount not to exceed \$9,180.00. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for this project has been budgeted in account 101-301.000-743.0000.
- K. Resolution to approve the Verizon Wireless application for placement of Verizon Wireless' new pole and small cell equipment at the proposed location along the east side of Columbia St.
- L. Resolution to set the Public Hearing of Necessity for the construction of sidewalk and streetscape improvements adjacent to all properties within the project area on S. Old Woodward Avenue, from Brown St. to Landon St., on Monday, March 14, 2022 at 7:30 P.M.; and

If necessity is determined on March 14, 2022, to meet on Monday, April 11, 2022 at 7:30 P.M., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for construction of sidewalk and streetscape improvements adjacent to all properties within the project area on S. Old Woodward Avenue, from Brown St. to Landon St.

- M. Resolution to set the Public Hearing of Necessity for the replacement and improvement of Water and Sewer leads meeting the requirements for assessment, for all properties within project area on S. Old Woodward Avenue, from Brown St. to Landon St., on Monday, March 14, 2022 at 7:30 P.M.; and

If necessity is determined on March 14, 2022, to meet on Monday, April 11, 2022 at 7:30 P.M., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the replacement and improvement of Water and Sewer leads meeting the requirements for assessment, for all properties within project area on S. Old Woodward Avenue, from Brown St. to Landon St.



## VI. UNFINISHED BUSINESS

## VII. NEW BUSINESS

- A. Public Hearing - Confirming Roll for Special Assessment District #896 – Maple Road Reconstruction Project
  - 1. Resolution confirming special assessment roll 896 as indicated in the staff report.
- B. Public Hearing – Necessity of Maple Road Sewer Lateral Special Assessment District
  - 1. Resolution declaring necessity and creating a Special Assessment District (SAD) and that special assessments be levied in accordance with benefits against the properties within such assessment district, (sewer laterals) said special assessment district shall be all properties, within the following district, of (10) ten parcels (as listed in the staff report), and that the Commission meet on Monday, February 28, 2022 at 7:30 P.M. for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the SAD for properties within the project area with sewer laterals meeting the requirements for replacement on Maple Road, between Bates Street and Pierce Street, and between Old Woodward Avenue and Woodward Avenue.
- C. Public Hearing – Special Land Use Permit – 211 Hamilton Row - Sybil
  - 1. Resolution to APPROVE the Special Land Use Permit, Final Site Plan and Design Review application and contract for 211 Hamilton Row – Sybil – to allow the addition of a new food and drink establishment serving alcoholic beverages for on premise consumption and associated interior/exterior renovations.
- D. Public Hearing – Proposed Amendments for Article 4, Section 4.44 – Outdoor Dining Standards
  - 1. Motion adopting an ordinance to amend Article 4, Section 4.44, Outdoor Dining Standards, to remove temporal restrictions on outdoor dining patios in the public right-of-way, and to allow outdoor dining fixtures and furnishings to stay outside overnight.
- E. Resolution to adopt a formal Resolution Concerning Next and Their Need for a Long Term Written Agreement to House Next Services and Operate at Midvale School in Birmingham, Michigan.
- F. Resolution to meet in closed session to discuss an Attorney/Client privilege communication pursuant to MCL § 15.268 Sec. 8(h) of the Open Meetings Act.

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

- G. 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.

- H. Commission discussion on items from prior meeting
  - 1. Social Districts

#### **VIII. REMOVED FROM CONSENT AGENDA**

#### **IX. COMMUNICATIONS**

- A1. Letter from Hillary Callaghan dated January 9, 2022.
- A2. City response to Callaghan
  
- B1. Letter from David Hendrickson, City Manager, City of Bloomfield Hills dated January 25, 2022.
- B2. City response to Hendrickson

#### **X. REPORTS**

- A. Commissioner Reports
  - Notice of intention to appoint:
    - 1. Parks & Rec
    - 2. Multi Modal
    - 3. Planning
    - 4. Cablecasting
    - 5. Alternate Hearing Officer
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. Attorney General's Opinion Regarding OMA and Virtual Accommodations for Disabled Persons – Mary Kucharek

#### **INFORMATION ONLY**

#### **XI. ADJOURN**

Should you wish to participate in this meeting, you are invited to attend the meeting in person or virtually through ZOOM: <https://zoom.us/j/655079760> Meeting ID: 655 079 760  
You may also present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.

*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 por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).*

**Birmingham City Commission  
Long Range Planning Minutes**

**January 22, 2022**

**8:30 a.m.**

**Municipal Building, 151 Martin**

**Vimeo Link: <https://vimeo.com/event/3470/videos/664574028/>**

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

Therese Longe, Mayor, opened the meeting with the Pledge of Allegiance.

**II. ROLL CALL**

Alexandria Bingham, City Clerk, called the roll.

Present: Mayor Longe  
Mayor Pro Tem Boutros  
Commissioner Baller  
Commissioner Haig  
Commissioner Host  
Commissioner McLain  
Commissioner Schafer

Absent: None

Administration: City Manager Markus, City Clerk Bingham, Information Technology Manager Brunk, Police Chief Clemence, Planning Director Dupuis, Assistant to the City Manager Fairbairn, Communications Director Gamboa, Finance Director Gerber, Building Official Johnson, Birmingham Shopping District Director Kammer, Library Director Kraft, City Attorney Kucharek, Human Resources Manager Lambert, Parks and Recreation Manager Laird, Museum Director Pielack, Consulting City Engineer Surhigh, Parking Systems Manager Weingartz, Fire Chief Wells, Department of Public Services Director Wood, Assistant City Engineer Zielinski

**III. PUBLIC COMMENT**

The City of Birmingham welcomes public comment limited at the Mayor's discretion on items that do not appear in the printed agenda in order to allow for an efficient meeting. The Commission will not participate in a question and answer session and will take no action on any item not appearing on the posted agenda. The public can also speak to agenda items as they occur when the presiding officer opens the floor to the public. When recognized by the presiding officer, please state your name for the record, and direct all comments or questions to the presiding officer.

Oakland County Commissioner Chuck Moss said he was speaking as a resident, and raised the issue of how to handle vacant office space in the City post-Covid-19.

## **IV. DISCUSSION ITEMS**

CM Markus made introductory remarks.

### **I. Finance**

#### **A. Five-Year Financial Forecast**

FD Gerber introduced Finance section.

Timothy St. Andrew, of Plante Moran, presented Item I(A).

Commissioner Baller recommended that projections be made to demonstrate what would occur if the Commission enacted policies that would result in low-to-no growth in taxable value.

In reply to Commissioner Haig, CM Markus said Staff could discuss whether it would be appropriate to create a chart estimating when the operating millage might intersect with the Headlee limit for a given set of assumptions.

#### Public Comment on Finance

David Bloom asked how past years' charts showing the Headlee Limit vs Operating Millage projections compare to the actual figures.

CM Markus said Staff could determine that answer.

Paul Reagan said the City should put more funding towards improving the City's streets and sewers, and recommended the City consider bonds to fund those improvements.

In reply to another question from Mr. Bloom, FD Gerber noted that the gap between revenue and expenditures for Community Development is largely represented by the costs of Code Enforcement, which has generally been a priority for the City.

### **II. Public Services**

DPSD Wood introduced the Public Services section.

- A. Parks & Recreation Bond Dollars Recap
- B. Parks & Recreation Bond Project Overview
- C. Lincoln Hills & Springdale Golf Course Initiatives

DPSD Wood presented Items II(A) and II(C). PRM Laird presented Item II(B).

Commissioner Host thanked DPSD Wood and PRM Laird for their work.

In reply to Commissioner Haig, FD Gerber stated that revenues generated by the golf courses are used to fund the golf courses.

In reply to Commissioner McLain, Mayor Longe stated that the unanticipated costs mentioned in Item II(B) vis-a-vis the Chesterfield Fire Station refers to a potential park in the nearby green space.

In reply to Commissioner Haig, Mayor Longe stated that signage directing people to parks is under consideration as part of the City's wayfinding project.

In reply to Commissioner Baller, CM Markus noted that profits from the golf courses could be used to offset golf course-associated costs, which would allow for some of those funds to be used elsewhere.

CM Markus and Mayor Longe both noted that the sale of naming rights would be another way of generating potential funding for Parks and Recreation projects.

In reply to Commissioner Host, CM Markus, Mayor Longe, and DPSD Wood stated that the Commission's conclusion regarding the Ice Arena's financials was that they would be tracked and reported with similar specificity and transparency as an enterprise fund. They clarified that the Commission, at last discussion, did not direct Staff to turn the Ice Arena into an enterprise fund.

Commissioner Schafer stated that the user interface at the Ice Arena needs to be modernized, which in turn would help drive user engagement.

Commissioner Haig asked which City projects, generally, might have to be delayed or cancelled since costs have gone up since the original estimates.

#### Public Comment on Public Services

In reply to Mr. Reagan, PRM Laird stated that pickleball players prefer that the courts be located together as opposed to throughout the City.

In reply to Mr. Reagan, CM Markus noted that NEXT has indoor pickleball available in the winter months. He also noted that there is a potential second venue opportunity for pickleball near Southlawn and 14 Mile.

In reply to Jonathan Hoffley and Mr. Reagan, DPSD Wood stated the total expenditures for the Ice Arena are expected to be under the approximately \$5.7 million budget.

### **III. Engineering**

CCE Surhigh introduced the Engineering section.

- A. Lead Service Line Replacement Program Update
- B. Backyard Sewer & Water Master Plan Update
- C. Upcoming Capital Projects
- D. Infrastructure Condition Ratings

Mike MacDonald of Hubbell, Roth and Clark presented Item III(A). CCE Surhigh presented Items III(B) and III(C). ACE Zielinski introduced Item III(D) and Nick Nicita of Hubbell, Roth and Clark presented Item III(D).

Mayor Longe asked that the slides from the presentation of III(D) be provided to the Commission and posted to the City website.

Commissioner McLain thanked D'Angelo Brothers for their work on the lead service line replacements, stating that she had heard a lot of positive feedback from residents. She also thanked the Engineering Department for their analysis, noting that every time streets are cut into that their service life is reduced.

In reply to Commissioner Host, CCE Surhigh stated that the approximate \$6.5 million in annual spending that would be required to reach an average Pacer level of six referred to total expenditures per year, not additional expenditures.

#### Public Comment on Engineering

Mr. Bloom commented on increasing permeability in the City, on the need to hire a permanent City Engineer, on how road maintenance will be funded, and on his concerns regarding the reduction of parking in the S. Old Woodward project.

Mr. Reagan said that the Engineering Department should interact with the public more on the topics of roads and sewers.

### **IV. Planning**

PD Dupuis introduced the Planning section.

- A. 2040 Master Plan Update
- B. Multi-Modal Infrastructure - Woodward Avenue Enhancements
- C. Birmingham Green - Environmental Planning

PD Dupuis presented Items IV(A) and IV(C). ACM Ecker presented Item IV(B).

Commissioner Baller said the City should leverage community resources, including Engage Birmingham and the City's business community, in order to achieve the City's goals vis-a-vis Woodward.

In reply to an inquiry from Commissioner Baller, PD Dupuis said he saw the Birmingham Green Plan likely developing first in dialogue with the 2040 Plan, then hopefully through a review by the Planning Board, then through a review by the Commission.

In reply to Mayor Pro Tem Boutros, CM Markus said that ACM Ecker would be taking point on the ongoing Woodward discussions. He said that the Commission should remain involved in the efforts and that the efforts should not be delegated to another board, committee, or subcommittee.

Commissioner Host praised Planning's efforts to increase sustainability and historic preservation. He said he was in favor of exploring water retention on properties as an ordinance requirement for new construction. He noted that two residents on Pleasant Street were in the process of building the first net zero certified single family residence in Oakland County, and said the City should go further to publicize that and similar projects.

Commissioner Haig said that increasing the incentives for stormwater retention on a property should be explored.

CM Markus concurred with Commissioner Host about requiring stormwater retention for new construction. He noted there are other retention options such as rooftop and parking lot retention. He said stormwater retention incentives could also be looked at for properties not otherwise going through the development process. He said that Birmingham is currently behind the curve in terms sustainability, and that he wants to see the City become a leader in sustainability. He explained that sustainability should be a cornerstone of all community development efforts.

Commissioner Haig asked if the S. Old Woodward project took into account potential changes that could result from a Woodward road diet.

CM Markus said the plans for S. Old Woodward had indeed sought to minimize any knock-on effects from a future Woodward road diet. He noted that a road diet for Woodward was also likely many years in the future, and that much-needed improvements to S. Old Woodward should not be delayed out of concerns regarding a potential future Woodward road diet.

#### Public Comment on Planning

Mr. Bloom recommended that the City explore geothermal options when it redoes the roads, and expressed concern again about the S. Old Woodward project's potential effect on parking.

Mr. Reagan spoke in favor of the S. Old Woodward project, recommended that S. Old Woodward exit onto Woodward adjacent to the 555 Building instead of further down, said he supported a road diet for Woodward, and said the City could plan to address potential resident concerns about a Woodward road diet.

Cindy Rose said she wanted to see the S. Old Woodward project progress as-planned.

### **V. Birmingham Shopping District**

BSDD Kammer introduced the Birmingham Shopping District section and presented Items V(A) and V(B).

- A. Business Support for South Old Woodward During Construction
- B. Advertising & Marketing Initiatives

Commissioner Baller said that the BSD and Planning should explore the potential for second-floor retail or restaurant uses in former office spaces.

Mayor Longe noted commercial tenants like yoga studios could also be considered.

Commissioner Haig agreed with Commissioner Baller. He said ensuring that zoning would allow a space like the Rust Belt Market in Ferndale would also be worth considering.

CM Markus said businesses on second floors would have to be ADA compliant, that the City would continue its tenant-mix analysis to try and ensure that no particular type of business is overrepresented, and noted that vacancy rates do not reflect which tenants may be underutilizing their spaces and/or may not be renewing their leases due to Covid-19.

#### Public Comment for the Birmingham Shopping District

Mr. Reagan said the City needed to address insufficient parking for its businesses, and ventured that Birmingham's real estate costs are prohibitive for all but major retailers.

### **VI. Lunch Recess**

### **VII. Fire Department**

- A. ISO Update

FC Wells introduced the Fire Department section and presented Item VII(A).

FC Wells concurred with Commissioner Schafer that it would be helpful for the public to understand that repairing water lines also helps keep fire hydrants operational, thus promoting resident safety.

Mayor Pro Tem Boutros and Commissioner Schafer commended FC Wells for the Fire Department's responsiveness to community needs during Covid-19.

### **VIII. Police Department**

PC Clemence introduced the Police Department section and presented Items VIII(A) and VIII(B).

- A. Succession Plan
- B. Police Department Building Safety and Security Analysis

#### Public Comment for the Police Department

Mr. Bloom said that if construction is done to the Police Department care should be taken to ensure that the historic character of the building is retained.

### **IX. Parking**

PSM Weingartz introduced the Parking section and presented Items IX(A), IX(B), and IX(C). He thanked OC Grewe for managing parking over the last year.

- A. Current Issues and Concerns
- B. Implement new PARCS
- C. Capital Improvements

In reply to Commissioner McLain, PSM Weingartz confirmed the system would allow people without smartphones to enter and exit the decks. He also noted that he is working on getting a contract in place for preventative maintenance on the decks' elevators.

Commissioner McLain noted that the restriping parking spaces in the decks will accommodate larger vehicles than before, which will result in a loss of spaces in the decks.

PSM Weingartz confirmed.

CM Markus clarified that PSM Weingartz will eventually be in charge of both on-street and deck parking, but that PSM Weingartz was resolving some of the parking decks' more emergent issues first. He stated that he also intends for PSM Weingartz to have an inventory of private lots in the future to see how the City can best interface with the private resources available. He clarified that parking enforcement would still remain under the purview of the Police Department.

In reply to Commissioner Haig, PSM Weingartz said the decks are estimated to have a couple more decades of life available.

PSM Weingartz explained how he was evaluating technology for the decks to Commissioner Baller, noting that all the options under consideration could be updated more easily than the City's current technology.

CM Markus confirmed for Commissioner Baller that the City is evaluating parking pricing, and that those considerations will be brought before the Commission for review.



Mayor Pro Tem Boutros asked that the decks be better lit and that the credit card options be easier to use.

Replying to Mayor Pro Tem Boutros, PSM Weingartz stated that his goal is to have the waitlist for parking permits gone by March 1, 2022 and to use more flexible permitting options that will mitigate the need for a waitlist moving forward.

Mayor Longe noted that more attention needed to be paid to cleanliness in the decks and stairwells.

#### Public Comment for Parking

Mr. Bloom commented on how the 2019 parking bond debate related to current parking system decisions.

### **X. IT**

ITM Brunk introduced the IT section and presented Items X(A) and X(B).

- A. 2022 Upgrades
- B. New Tech

Commissioner McLain thanked ITM Brunk for his work to keep the City government connected with residents throughout the Covid-19 pandemic.

### **XI. Building Department**

BO Johnson introduced the Building section and presented Item XI(A).

- A. Electronic Plan Review Process

Replying to Mayor Pro Tem Boutros, BO Johnson confirmed that the Electronic Plan Review Process is live and undergoing improvements.

Mayor Pro Tem Boutros commended BO Johnson for the Review Process' implementation.

### **XII. Library**

LD Kraft introduced the Library section and presented Item XII(A).

- A. Long Range Building Program - Phase 3

Commissioner Haig stated that a resident raised concern about the shape and profile of the collaboration room, since it does not continue the Library's exterior curve. He also asked if geothermal options for snow melting had been considered.

LD Kraft said that many options were considered for maintaining the curve, but that this proposal best accommodated the interior and exterior needs of the Library. She noted that former Commissioner Nickita had said the proposed architectural design of the collaboration room was appropriate. She said that geothermal options for snow melting could be considered for the next phase of the Library's updates.

In reply to Commissioner Baller, LD Kraft explained how the cafe would function.

Mayor Longe said she was excited about the the ways the Library could interface with and support activities in Shain Park.

Commissioner Schafer said the updates looked like they would be very beneficial for the City's youth.

LD Kraft said the intention is to have Phase Three completed in November 2023. She explained what parts of the Library would be altered by Phase Three, and noted it includes the Library's plaza.

#### Public Comment for the Library

Mr. Bloom recommended that ways to retain the curved shape of the Library be further explored.

### **XIII. Birmingham Museum**

MD Pielack introduced the Birmingham Museum section and presented Item XIII(A).

#### **A. Expanding Public Access**

Replying to Commissioner McLain, MD Pielack noted that parking for the Museum is in the Chester Street Deck, and that there is one ADA parking space and one spot for drop-off and pick-up on site. She noted that the City's upcoming wayfinding improvements could possibly include an indication of where one should park when visiting the Museum.

### **XIV. Communications**

CD Gamboa introduced the Communications section and presented Items XIV(A), XIV(B), and XIV(C). ITM Brunk contributed to Item XIV(A).

- A. GovPilot Citizen Concern App**
- B. Informational Materials**
- C. Skyway Interactive Virtual Tour**

### **XV. Human Resources**

HRM Lambert introduced the Human Resources section and presented Item XV(A).

#### **A. Succession and Development Planning**

In reply to Commissioner Host, CM Markus stated that the City had just hired an additional Assistant City Engineer and would be interviewing a candidate for the City Engineer position in the next few weeks.

HRM Lambert indicated that it may be appropriate to consider expanding Human Resources' budget for training during the upcoming budget process. He also noted that the City has a tuition reimbursement program for Staff.

CM Markus noted that each department also has its own budget for training its Staff.

Commissioner Baller raised the question of how offering wages more akin to the private sector would affect hiring and employee retention.

The Mayor said that would be an appropriate topic to raise during strategic planning.

Commissioner McLain noted such a change would also affect discussions with the City's unions.

Replying to Commissioner Haig, CM Markus confirmed that the City benefits from internship programs which function akin to apprenticeships.

## **XVI. Manager's Office**

ATCM Fairbairn introduced the Manager's Office section.

- A. Strategic Planning
- B. NEXT

ATCM Fairbairn and CM Markus presented Item XVI(A). Cris Braun, Director of NEXT, and CM Markus presented Item XVI(B).

Mayor Pro Tem Boutros expressed support for the goals set out in both Items XVI(A) and Item XVI(B).

Commissioner McLain said community support for seniors remained a priority, and said she was proud of NEXT for staying open through Covid-19 to support the community.

In reply to Commissioner Haig, Ms. Braun said NEXT would be hoping for an addition of at least 10,000 extra square feet when the time comes.

Commissioner Haig recommended the City consider a community and senior center, with a neighboring dog park, at the Derby Well site.

### Public Comment for the Manager's Office

Mr. Reagan said he wanted to see more funding for seniors, continuing that a lease at Midvale should be a short-term solution, and long-term the City should bond to build NEXT a new building.

CM Markus noted that repurposed buildings are often used for senior and community centers to good effect. He noted that NEXT functions well in its current space, although the building would benefit from further investment. He said that if the City determines during strategic planning that it would like a new building for NEXT that could be pursued.

The Mayor noted there are a number of benefits to NEXT's current location.

## **XVII. City Attorney**

City Attorney Kucharek introduced the City Attorney section presented Items XVII(A), XVII(B), and XVII(C).

- A. Discuss Charter Issues
- B. Process for Revising Charter
- C. Charter Revisions for State Law Compliance and Efficiency

In reply to Commissioner McLain, CA Kucharek confirmed that signatures are required for electoral candidates in Birmingham and that payment of a \$100 fee to waive the signature requirement does not apply in the City.

Commissioner McLain noted that the City's website currently states that a \$100 payment is a way to waive the signature requirement and recommended that be corrected.

In reply to Commissioner Baller, CA Kucharek stated that best practices and similar communities' rates are being evaluated to recommended rate changes to the Commission. She noted that rates in the Charter cannot be indexed and need to be specific amounts.

<b>V.    ADJOURN</b>
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Mayor Longe thanked all departments for their presentations and for their work on behalf of the City. She adjourned the meeting at 4:16 p.m.

Alexandria Bingham  
City Clerk

A handwritten signature in black ink, appearing to read 'Laura Eichenhorn', with a long horizontal flourish extending to the right.

Laura Eichenhorn  
City Transcriptionist

## **Birmingham City Commission Minutes**

**January 24, 2022**

**7:30 p.m.**

**Municipal Building, 151 Martin**

**Vimeo Link: <https://vimeo.com/event/3470/videos/669002742/>**

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

Therese Longe, Mayor, opened the meeting with the Pledge of Allegiance.

### **II. ROLL CALL**

Alexandria Bingham, City Clerk, called the roll.

Present: Mayor Longe  
Mayor Pro Tem Boutros  
Commissioner Baller  
Commissioner Haig  
Commissioner Host  
Commissioner McLain  
Commissioner Schafer

Absent: None

Administration: City Manager Markus, City Clerk Bingham, Senior Planner Cowan, Finance Director Gerber, City Attorney Kucharek, Department of Public Services Director Wood, Assistant City Engineer Zielinski

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

#### **Announcements**

COVID-19 cases locally are the highest they have been since the beginning of the pandemic. Michigan and Oakland County continue to be at a high level of community transmission. As a result, the CDC recommends vaccinated and unvaccinated individuals wear a facemask indoors while in public. The City requires masks in City Hall for all employees, board and commission members, and the public. KN-95 respirators will be provided to everyone attending public meetings.

#### **Appointments**

Michael St. Germain, Michael Kopmeyer, and Mark Doolittle, applicants for the Multi-Modal Transportation Board (MMTB), were interviewed by the Commission. Commissioner Haig nominated Mr. St. Germain. Since Mr. Long, Mr. Zane and Ms. Policicchio were nominated before Mr. St. Germain, and were voted into the three available positions on the MMTB, no vote was taken on Mr. St. Germain's candidacy.

#### **01-017-22 Appointment of Anthony Long to the Multi-Modal Transportation Board**

The Commission interviewed Anthony Long for the appointment.

**MOTION:** Nomination by Mayor Pro Tem Boutros:

To appoint Anthony Long to the Multi-Modal Transportation Board as a regular member to serve the remainder of a three-year term to expire March 24, 2022.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros  
Commissioner Baller  
Commissioner McLain  
Commissioner Schafer  
Mayor Longe

Nays, Commissioner Haig  
Commissioner Host

### **01-018-22 Appointment of Joe Zane to the Multi-Modal Transportation Board**

The Commission interviewed Joe Zane for the appointment.

**MOTION:** Nomination by Commissioner Schafer:

To appoint Joe Zane to the Multi-Modal Transportation Board as a regular member to serve the remainder of a three-year term to expire March 24, 2022.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros  
Commissioner Haig  
Commissioner Host  
Commissioner McLain  
Commissioner Schafer  
Mayor Longe

Nays, Commissioner Baller

### **01-019-22 Appointment of Victoria Policicchio to the Multi-Modal Transportation Board**

The Commission interviewed Victoria Policicchio for the appointment.

**MOTION:** Nomination by Commissioner McLain:

To appoint Victoria Policicchio to the Multi-Modal Transportation Board as a regular member to serve the remainder of a three-year term to expire March 24, 2024.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros  
Commissioner Baller  
Commissioner Haig  
Commissioner Host  
Commissioner McLain  
Commissioner Schafer  
Mayor Longe

Nays, None

**01-020-22 Appointment of Jane Schulak to the Public Arts Board**

The Commission interviewed Jane Schulak for the appointment.

**MOTION:** Nomination by Mayor Pro Tem Boutros:  
To appoint Jane Schulak to the Public Arts Board as a regular member to serve a three-year term to expire January 28, 2025.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros  
Commissioner Baller  
Commissioner Haig  
Commissioner Host  
Commissioner McLain  
Commissioner Schafer  
Mayor Longe

Nays, None

**01-021-22 Appointment of Jason Eddleston to the Public Arts Board**

The Commission interviewed Jason Eddleston for the appointment.

**MOTION:** Nomination by Commissioner Baller:  
To appoint Jason Eddleston to the Public Arts Board as a regular member to serve a three-year term to expire January 28, 2025.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros  
Commissioner Baller  
Commissioner Haig  
Commissioner Host  
Commissioner McLain  
Commissioner Schafer  
Mayor Longe

Nays, None

**01-022-22 Appointment of Anne Ritchie to the Public Arts Board**

The Commission interviewed Anne Ritchie for the appointment.

**MOTION:** Nomination by Commissioner Host:  
To appoint Anne Ritchie to the Public Arts Board as a regular member to serve a three-year term to expire January 28, 2025.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros  
Commissioner Baller  
Commissioner Haig

Commissioner Host  
Commissioner McLain  
Commissioner Schafer  
Mayor Longe

Nays, None

## **01-023-22 Appointment of Robert Whittington to the Cablecasting Board**

The Commission interviewed Robert Whittington for the appointment.

**MOTION:** Nomination by Commissioner McLain:

To appoint Robert Whittington to the Cablecasting Board as a regular member to serve the remainder of a three-year term expiring March 30, 2023.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros  
Commissioner Baller  
Commissioner Haig  
Commissioner Host  
Commissioner McLain  
Commissioner Schafer  
Mayor Longe

Nays, None

CC Bingham swore in the present appointees and noted that those present by Zoom would be sworn in in person at a later date.

Mayor Longe noted that an alternate member position opened up on the MMTB with Mr. Zane's appointment to regular member, and she encouraged Mr. St. Germain, Mr. Koppmeyer, and Mr. Doolittle to consider applying.

CM Markus recommended that MMTB applicants interviewed this evening not be required to return for interviews either for their reapplication in March 2022 or for applications for the soon-to-be-noticed alternate position since their interviews were conducted so recently. He stated that it would be appropriate for new applicants to be interviewed.

Mayor Longe concurred.

Commissioner Baller encouraged all interested MMTB applicants to stay involved in the City, and to especially remain engaged in the efforts to improve Woodward Avenue. He said he would like to see the Public Arts Board do more in the City.

Commissioner Host also recommended that the candidates remain involved.

Commissioner Schafer noted that alternate member positions are also impactful ways of participating in board business.



#### **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.

#### **01-024-22 Consent Agenda**

The following items were pulled from the Consent Agenda:

David Bloom: Item A – City Commission Minutes of January 10, 2022  
Commissioner Baller: Item D – 48th Annual Birmingham Street Art Fair  
Commissioner Haig: Item G – Emergency Repair – Isuzu Garbage Truck #91  
City Manager Markus: Item I – 2022 Sewer Root Control Program Award

**MOTION:** Motion by Mayor Pro Tem Boutros, seconded by Commissioner Baller:  
To approve the Consent Agenda excluding Items A, D, G, and I.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros  
Commissioner Baller  
Commissioner McLain  
Commissioner Schafer  
Commissioner Host  
Mayor Longe  
Commissioner Haig

Nays, None

- B. To approve the warrant list, including Automated Clearing House payments, dated January 12, 2022, in the amount of \$6,873,219.88.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated January 19, 2022, in the amount of \$1,475,373.95.
- E. Resolution setting Monday, February 28, 2022 at 7:30 PM to consider the renewal of all existing liquor licenses in the city.
- F. Resolution to approve the two-year extension of the bid award for truck transport and tank wagon deliveries of gasoline and diesel fuel provided by RKA Petroleum Companies, Inc., 28340 Wick Rd., Romulus, MI 48174, only, at the existing unit prices through January 31, 2024. Funds for this purchase of gasoline and diesel fuels are budgeted in Auto Equipment Fund – Fuel Expense account #641-441.006-737.0000.
- H. Resolution to approve the agreements for professional services for design, and construction engineering and inspection, of the water tank rehabilitation projects, to the sole-source provider, Dixon Engineering in an amount not to exceed \$88,200.00. In addition, to authorize the Mayor to sign the agreements on behalf of the City. Funding for these services are budgeted in Water Fund, Public Improvements account number 591-537.003-981.0100.
- J. Resolution to approve six temporary art installations of the DIA Inside-Out program at the following locations from May 2022 through November 2022:

1. Birmingham Bloomfield Art Center
2. Shain Park
3. Baldwin Public Library
4. Birmingham City Hall
5. Booth Park
6. Quarton Lake – east of bridge

- K. Resolution confirming City Manager’s authorization for the emergency expenditure related to the repair of the Chester Street Structure elevator pit by Pullman to be charged to the Automobile Parking System Fund, Park Parking Structure Elevator Maintenance account #585-538.008-930.0200

### **01-025-22 (Item A) City Commission Minutes of January 10, 2022**

Mr. Bloom asked that the minutes note that he had concerns about a specific Commissioner and had asked the Commission to take action.

**MOTION:** Motion by Mayor Pro Tem Boutros Longe, seconded by Commissioner Haig:  
To approve the City Commission meeting minutes of January 10, 2022 as amended.

VOICE VOTE: Ayes, Mayor Longe  
Mayor Pro Tem Boutros  
Commissioner Host  
Commissioner Haig  
Commissioner McLain  
Commissioner Schafer

Nays, None

Abstain,  
Commissioner Baller

### **01-026-22 (Item D) 48th Annual Birmingham Street Art Fair**

Commissioner Baller recommended that in the future the City encourage applicants to invite other City departments and community organizations to participate in order to enhance City events.

**MOTION:** Motion by Commissioner Baller, seconded by Mayor Pro Tem Boutros:  
To approve a special event permit as requested by Common Ground to hold the 48th Annual Birmingham Street Art Fair on Saturday and Sunday, September 17 and 18, 2022, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

#### Public Comment

Jeff Kapuscinski, Chief External Relations Officer of Common Ground, said he would be happy to work with any City Departments or community organizations interested in participating in future events.

Karen Delhey, Executive Director of the Guild, concurred with Mr. Kapuscinski noted that Art Birmingham and the Art Fair are fundraisers for the organizations that put the events on. She stated that the Birmingham Shopping District has been offered space and invited to participate in events.

VOICE VOTE:           Ayes, Mayor Longe  
                              Mayor Pro Tem Boutros  
                              Commissioner Host  
                              Commissioner Haig  
                              Commissioner Baller  
                              Commissioner McLain  
                              Commissioner Schafer

Nays, None

### **01-027-22 (Item G) Emergency Repair – Isuzu Garbage Truck #91**

Commissioner Haig asked if this repair might be covered under warranty.

DPSD Wood said she would check and let CM Markus know.

**MOTION:**           Motion by Commissioner Haig, seconded by Mayor Pro Tem Boutros:  
To confirm the City Manager’s authorization for the emergency expenditure related to the repair of vehicle #91 by Ed Rinke Isuzu for \$8,652.60, the sole supplier of the parts, to be charged to the Auto Equipment account #641-441.006-933.0200, pursuant to Sec. 2-286 of the City Code.

ROLL CALL VOTE:    Ayes, Commissioner Haig  
                              Mayor Pro Tem Boutros  
                              Commissioner Host  
                              Commissioner Baller  
                              Commissioner McLain  
                              Commissioner Schafer  
                              Mayor Longe

Nays, None

### **01-028-22 (Item I) 2022 Sewer Root Control Program Award**

CM Markus recommended language to be added to the motion. The Commission added the recommended language.

**MOTION:**           Motion by Mayor Pro Tem Boutros, seconded by Commissioner Host:  
To approve the purchase of root control services, as quoted by Duke’s Root Control, Inc. for the 2022 Sewer Root Control Program, in the amount not to exceed \$79,900.54. Funds for this purchase are available in the Sewer Fund, Other Contractual Services, account number 590-536-002-811.0000 subject to Duke’s Root Control, Inc. providing evidence of insurance coverage meeting the City’s requirements.

ROLL CALL VOTE:    Ayes, Mayor Longe  
                              Mayor Pro Tem Boutros  
                              Commissioner Host  
                              Commissioner Haig

Commissioner Baller  
Commissioner McLain  
Commissioner Schafer

Nays, None

<b>VI. UNFINISHED BUSINESS</b>
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<b>01-029-22</b>	<b>Unfinished Business Regarding 48th District Court Interlocal Funding Agreement and the City's Intent to Opt Out</b>
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CA Kucharek, FD Gerber, and CM Markus presented the item.

Mayor Pro Tem Boutros and Commissioner McLain said they were supportive of Staff's recommendations to not sign a notice of intent at this time and rather to participate in discussions in an attempt to resolve the issues at play.

Public Comment

Marc Barron, Chief Judge of the 48th District Court and resident of Birmingham, explained that proceeds from felony and misdemeanor cases are allocated differently. He said he agreed with Staff's recommendations to have dialogue among the participating municipalities and the Court instead of offering a notice of intent at this time.

In reply to Commissioner Baller, Judge Barron said he would participate in the dialogue on behalf of the Court, and could also potentially bring in an independent mediator to assist in the dialogue.

In reply to Commissioner Baller, Judge Barron stated that in his view each entity participating in the dialogue should have independent counsel.

Judge Barron invited FD Gerber to sit down with the Court Administrator and review numbers in order to resolve any seeming discrepancies in the Court's accounting.

In reply to Commissioner Haig, CA Kucharek suggested the City could work with the Court to create a simplified explanation of how funding is allocated amongst the Court's operations, and how felony and misdemeanor proceeds are allocated. She said it would likely be helpful for the Commission and for the other municipal participants in the dialogue.

Commissioner Haig recommended the Court show how one dollar of funding would be allocated amongst the Court's operations.

Commissioner Baller said he felt the Commission should give specific direction to the City Manager.

The City Attorney proposed the following motion language.

**MOTION:** Motion by Commissioner Baller, seconded by Commissioner Host:  
To direct the City Manager, City Attorney, and Staff to work in conjunction with the 48th District Court to demonstrate the funds and the balances and to participate with the other six jurisdictions to come to a resolution of how to fund the Court in an equitable way.

In reply to Commissioner Haig, CM Markus confirmed he and CA Kucharek would return with progress reports on the dialogue.

CM Markus rebutted Judge Barron's contention that Birmingham entered into an agreement willingly with the other two funding municipalities in December 2021. CM Markus explained the factors that contributed to Birmingham entering the agreement, and noted that at the time he was very clear at the time that he would be seeking the City Commission's permission to offer a notice of intent in January 2022.

Mayor Longe noted the City's unhappiness with the current situation was discussed at the Commission's December 13, 2021 meeting and that the Commission was told that the matter would be before them again at their January 10, 2022 meeting to consider next steps. She agreed with the City Manager's statement that the City did not approve the agreement in isolation from the other concerns. She said that CA Kucharek's presentation accurately represented the content of two phone conversations that have occurred since the January 10, 2022 meeting amongst representatives for the concerned municipalities and the Court's representatives. The Mayor supported the motion as an appropriate way forward.

Commissioner Baller stated that he made this motion because it was supported by the City Attorney and City Manager. He stated that if the City Attorney and City Manager had recommended that the City move forward with issuing an intent to opt out, the Commissioner also would have supported that.

VOICE VOTE:           Ayes, Commissioner Baller  
                                  Commissioner Host  
                                  Commissioner Haig  
                                  Commissioner McLain  
                                  Commissioner Schafer  
                                  Mayor Longe  
                                  Mayor Pro Tem Boutros

Nays, None

## **VII. NEW BUSINESS**

### **01-030-22           Public Hearing - Corridor Improvement Authority Development & TIF Plan Update**

The Mayor opened the public hearing at 9:55 p.m.

CA Kucharek explained the request to postpone the public hearing was due to a defect in the noticing.

The Mayor closed the public hearing at 9:56 p.m.

**MOTION:**           Motion by Mayor Pro Tem Boutros, seconded by Commissioner Schafer:  
To reset the Public Hearing for Birmingham's Corridor Improvement Authority Development and TIF Plan to a date certain of February 28th, 2022.

VOICE VOTE:           Ayes, Mayor Pro Tem Boutros  
                                  Commissioner Schafer  
                                  Mayor Longe  
                                  Commissioner Baller  
                                  Commissioner Host  
                                  Commissioner Haig

Commissioner McLain

Nays, None

**01-031-22                      Public Hearing - Hearing Dates of Necessity Sidewalk Streetscape Assessment**

The Mayor opened the public hearing at 9:57 p.m.

ACE Zielinski presented the item.

The Mayor closed the public hearing at 10:00 p.m.

**MOTION:**                      Motion by Commissioner Baller, seconded by Commissioner Host:  
To create a Special Assessment District and that special assessments be 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 33 parcels, and that the Commission meet on Monday, February 14, 2022 at 7:30 P.M. for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the sidewalk and streetscape improvements adjacent to all properties within project area on Maple Road, between Chester Street and Pierce Street, and between Old Woodward Avenue and Woodward Avenue as listed in the staff report.

ROLL CALL VOTE:        Ayes, Commissioner Baller  
                                 Commissioner Host  
                                 Commissioner Haig  
                                 Commissioner McLain  
                                 Mayor Pro Tem Boutros  
                                 Commissioner Schafer  
                                 Mayor Longe

Nays, None

**01-032-22                      Woodward Safety Enhancements and Road Diet**

SP Cowan presented the item.

In reply to Commissioners Host and Haig, SP Cowan, CM Markus, and ACM Ecker explained that the road diet study is required before tangible next steps will be determined.

In reply to Commissioner Host, ACM Ecker said that as part of this request Birmingham could request a road diet trial, which Ferndale and Pleasant Ridge have also done.

Commissioner Baller encouraged the City to reach out to Mr. St. Germain to see if he has access to data that might be relevant to the conversations with MDOT.

**MOTION:**                      Motion by Mayor Pro Tem Boutros, seconded by Commissioner Haig:  
To support a Road Diet and Enhanced Pedestrian Safety Measures for Woodward from Quarton Road to 14 Mile Road as required by the Michigan Department of Transportation to support a road diet application for Woodward Avenue;

AND

To direct staff to send a formal request to MDOT requesting the study of pedestrian safety enhancements as follows:

- Perform an MDOT Road Safety Audit through the City of Birmingham, from Quarton (16 Mile Road) to 14 Mile Road.
- Perform a Road Diet Study to reduce Woodward Avenue to a six-lane divided boulevard through the City of Birmingham from Quarton Road (16 Mile Road) to 14 Mile Road.
- Evaluate the pedestrian crossings at both the signalized and unsignalized intersections. Calculate gaps available at unsignalized pedestrian crossings and identify additional potential pedestrian crossing locations to facilitate safe access for pedestrians across Woodward Ave.
- Review signal timing along Woodward and identify locations where pedestrian walk times and clearance intervals can be increased.
- Review the use of service drives/parking areas along Woodward Ave. and determine how they may be utilized to achieve the City's goals for pedestrian connectivity and reducing vehicle speeds.
- Review SMART bus stops and pedestrian connectivity and access across Woodward to them.
- Redesign the access at the S. Old Woodward & Woodward Ave. intersection to improve the safety, operations and pedestrian connectivity at this intersection.

Commissioner Schafer stated her support for the motion.

VOICE VOTE:           Ayes, Commissioner Baller  
                                  Commissioner Host  
                                  Commissioner Haig  
                                  Commissioner McLain  
                                  Mayor Pro Tem Boutros  
                                  Commissioner Schafer  
                                  Mayor Longe

Nays, None

**01-033-22                   Amendment to Obstruction Permit Agreement for the Right-Of-Way  
Occupancy by Temporary H Piles**

ACE Zielinski presented the item.

Tim Honoway of Ronnisch Construction Group described the method of installation of the H Piles.

Mayor Pro Tem Boutros thanked Ronnisch Construction Group for the clarity of their explanation.

**MOTION:**               Motion by Mayor Pro Tem Boutros, seconded by Commissioner Haig:  
To approve the First Amendment to Obstruction Permit Agreement for Right-Of-Way Occupancy By Temporary H Piles, allowing the 277 Development L.L.C. to leave the H piles in place, provided they are cut off a minimum of three (3) feet below the ground surface, for the development at 277 Pierce St. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

Mayor Longe concurred with the Mayor Pro Tem and said the proposed solution was a good one.

VOICE VOTE:           Ayes, Commissioner Baller

Commissioner Host  
Commissioner Haig  
Commissioner McLain  
Mayor Pro Tem Boutros  
Commissioner Schafer  
Mayor Longe

Nays, None

CM Markus noted that ACE Zielinski is a relatively new employee to Birmingham and said he wanted to Commission to know that ACE Zielinski has been doing an outstanding job thus far.

The Commission commended ACE Zielinski.

### **Commission discussion on items from prior meeting**

#### **01-034-22      Leaf Blowers**

Commissioner Baller said he wanted the Commission to review the environmental and auditory impact of leaf blowers and to see what changes to City policy might be appropriate.

Commissioner Baller said he was tired of Ann Arbor leading the way on sustainability and that he wanted Birmingham lead.

**MOTION:** Motion by Commissioner Baller, seconded by Commissioner Host:  
To direct the City Manager to bring recommendations regarding leafblowers before the Commission at a time that the City Manager deems appropriate.

CM Markus said it was a worthwhile discussion. He said that more complaints arise from fall leaf blowing than from the use of similar technologies during other times of the year, and recommended that the Commission determine its approach to fall leaf blowing first.

Commissioner Schafer said at the very least the conversation could be an opportunity to educate the community about the negative environmental impacts of leaf blowing.

#### Public Comment

Mr. Bloom said he would prefer to see electric blowers allowed during certain times of day in the fall, and to eliminate the use of leaf blowers during the spring and summer for other purposes.

VOICE VOTE:      Ayes, Commissioner Baller  
Commissioner Host  
Commissioner Haig  
Commissioner McLain  
Mayor Pro Tem Boutros  
Commissioner Schafer  
Mayor Longe

Nays, None

#### **01-035-22      Food Trucks**



Commissioner Host talked about why food trucks could be a boon to the neighborhoods, and said that the City needed to hear from food truck operators about their operational needs. He said he would like to see food trucks trialled in Spring 2022.

CM Markus said he would recommend Staff be asked to return with an overview of current regulations, how to get food trucks into the neighborhoods, and what kind of regulations would be recommended.

Commissioner Baller noted that food trucks can already be hosted in the community, and suggested the City could publicize how to do that for residents.

It was noted that a neighborhood association could take the project on of regularly hosting food trucks.

Commissioner Schafer said it would be helpful to see how food trucks are used in other communities.

ACM Ecker explained the ordinance would have to be changed to allow food trucks in a location permanently or to allow them to operate in a mobile fashion like ice cream trucks traditionally do. She noted that food trucks could apply for an permit to operate in a public location 90 days in advance and it would have to be reviewed by the Commission, or that a food truck could be permitted to operate on private property.

#### Public Comment

Mr. Bloom said he was supportive of trialling food trucks in a few public locations in the City.

Mr. Reagan said he wanted the City to take a welcoming attitude towards trialling food trucks and warned that too many restrictions would make Birmingham a prohibitively difficult place for food trucks to operate.

**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.

### **01-036-22                      Social Districts**

**MOTION:**                      Motion by Commissioner Schafer, seconded by Mayor Pro Tem Boutros:  
To discuss social districts at a future date.

VOICE VOTE:                      Ayes, Commissioner Baller  
   Commissioner Host  
   Commissioner Haig  
   Commissioner McLain  
   Mayor Pro Tem Boutros  
   Commissioner Schafer  
   Mayor Longe

Nays, None

CM Markus recommended that Commissioners visit other operational social districts to get a sense of their operations.

<b>VIII. REMOVED FROM CONSENT AGENDA</b>
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## **IX. COMMUNICATIONS**

### **A. Callaghan Letter**

CM Markus said the City would respond to Ms. Callaghan letting her know what ordinances are in place to address the issues she raised, copy the Commission on the communication, and that the conversation could then proceed from there.

In reply to Commissioner Host saying he wanted ordinances reviewed, especially in regards to stormwater retention, CM Markus said he would speak with Staff.

### **01-037-22 Letter from George Stern**

**MOTION:** Motion by Commissioner Baller, seconded by Commissioner McLain:  
To refer Mr. Stern's letter to the Greenwood Cemetery Advisory Board for their review and recommendation.

VOICE VOTE: Ayes, Commissioner Baller  
Commissioner Host  
Commissioner Haig  
Commissioner McLain  
Mayor Pro Tem Boutros  
Commissioner Schafer  
Mayor Longe

Nays, None

## **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

CM Markus reviewed the City Manager's Report.

CM Markus asked the Commission whether they wanted him to propose a code of conduct.

Commissioner McLain said that personal feelings seemed to be getting in the way of getting work done for the community. She emphasized the importance of civil discourse and said she would be happy to assist in supporting that goal in any way she could.

Mayor Longe recommended that the Commission review other examples of codes of conduct as part of a workshop session.

CM Markus concurred.

- 2. Grant Opportunity

INFORMATION ONLY

**XI. ADJOURN**

Mayor Longe adjourned the meeting at 11:43 p.m.

Alexandria Bingham  
City Clerk

A handwritten signature in black ink, appearing to read 'Laura Eichenhorn', with a long horizontal flourish extending to the right.

Laura Eichenhorn  
City Transcriptionist

# City of Birmingham

## Warrant List Dated 01/26/2022

Meeting of 02/14/2022

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
		003526	BOUND TREE MEDICAL, LLC	83.59
		003099	MICHIGAN POLICE EQUIP.	521.12
13		008293	GRAINGER	(255.77)
283687	*	TAXMISC	150 WEST LINCOLN LLC	6,079.64
283689		003708	AIRGAS USA, LLC	251.32
283691	*	009393	AMANDA MCBRIDE	500.00
283693		BDREFUND	AMERICAN STANDARD ROOFING	100.00
283694		000167	ANDERSON ECKSTEIN WESTRICK INC	15,366.50
283695		BDREFUND	Antoni Construction LLC	200.00
283696		BDREFUND	APEX ROOFING INC	100.00
283697		009380	APRILE LAW, PLLC	300.00
283697	*	009380	APRILE LAW, PLLC	300.00
283698		003703	AT&T MOBILITY	755.20
283699	*	008708	DAVID BARTLEY	116.60
283700		BDREFUND	BASTIANELLI DDS, DAVID	100.00
283701	*	009383	BATTIE LAW PLLC	300.00
283702		BDREFUND	BEDIENT CONSTRUCTION	1,000.00
283703		BDREFUND	BERN'S LANDSCAPING	200.00
283704		003526	BOUND TREE MEDICAL, LLC	2.20
283705		BDREFUND	BRADLEY DICKS	100.00
283706		BDREFUND	BRANDYWINE CONSTRUCTION LLC	1,400.00
283707		BDREFUND	BREN-MAR CONSTRUCTION CO	500.00
283708		009078	CANON SOLUTIONS AMERICA INC	163.20
283709	*	000444	CDW GOVERNMENT INC	8,443.26
283710		BDREFUND	CEDAR WORKS INC	353.75
283711		BDREFUND	CHRISTINE DALTON	100.00
283712		BDREFUND	Christopher Burcham	300.00
283713		000605	CINTAS CORPORATION	267.14
283713	*	000605	CINTAS CORPORATION	80.99
283714		004188	COFFEE BREAK SERVICE, INC.	93.95
283715	*	008955	COMCAST	29.48
283716		001367	CONTRACTORS CONNECTION INC	47.80
283718		BDREFUND	DOMAINE CONSULTING	100.00
283719	*	000179	DTE ENERGY	147.72
283720	*	000179	DTE ENERGY	345.94
283721	*	000179	DTE ENERGY	6,051.60
283722	*	000179	DTE ENERGY	1,530.25
283723	*	000179	DTE ENERGY	5,267.13
283724	*	000179	DTE ENERGY	3,475.19
283725	*	000179	DTE ENERGY	14.99
283726	*	000179	DTE ENERGY	1,667.30
283727	*	000179	DTE ENERGY	41.61

# City of Birmingham

## Warrant List Dated 01/26/2022

Meeting of 02/14/2022

Check Number	Early Release	Vendor #	Vendor	Amount
283728	*	000179	DTE ENERGY	124.06
283729	*	000179	DTE ENERGY	71.71
283730	*	000179	DTE ENERGY	633.11
283731	*	000179	DTE ENERGY	488.95
283732	*	000179	DTE ENERGY	42.89
283733	*	000179	DTE ENERGY	1,544.68
283734	*	000179	DTE ENERGY	49.20
283735	*	000179	DTE ENERGY	50.24
283738	*	003422	EMERGENCY MEDICAL PRODUCTS INC	59.60
283739		001495	ETNA SUPPLY	5,640.00
283740		BDREFUND	EXCLUSIVE CUSTOM HOMES/HEWSON	300.00
283741	*	TAXMISC	FADI NASSAR	2,252.06
283742	*	000936	FEDEX	33.61
283743		BDREFUND	FOUNDATION SYSTEMS OF MICHIGAN INC.	1,700.00
283744	*	009387	FRAILBERG & PERNIE PLLC	300.00
283745		006384	GEOGRAPHIC INFORMATION SERVICES, IN	858.71
283746		BDREFUND	GGA SERVICES LLC	2,500.00
283747		BDREFUND	GIBSON, JODEE	906.59
283748		BDREFUND	GIOVANNETTI, ANDREW	100.00
283749	*	004604	GORDON FOOD	266.03
283750	*	009410	GRAPH-X SIGNS & DESIGNS	1,002.50
283751	*	008007	GREAT LAKES WATER AUTHORITY	8,099.52
283752		BDREFUND	Great Lakes Window and Door Install	100.00
283754	*	007723	BRYAN GRILL	316.92
283755		000249	GUARDIAN ALARM	259.05
283755	*	000249	GUARDIAN ALARM	2,072.10
283756	*	009382	HB LAW, PLLC	250.00
283757		009079	HISTORIC SURFACES LLC	975.00
283758		BDREFUND	HM HOMES LLC	836.54
283759	*	001956	HOME DEPOT CREDIT SERVICES	393.19
283761		BDREFUND	HOME DEPOT USA INC	600.00
283762		BDREFUND	HUFFS REMODELING	100.00
283763		000342	IBS OF SE MICHIGAN	1,119.01
283764		BDREFUND	IDEAL BUILDERS AND REMODELING INC	91.48
283765	*	009390	IDUMESARA LAW FIRM, PLLC	3,410.00
283766	*	001820	IIMC	175.00
283768		009412	INTEGRA REALTY RESOURCES - DETROIT	4,450.00
283769		BDREFUND	JADENS INC DBA FAST SIGNS BIRMINGHA	100.00
283770		BDREFUND	JOHN THOMAS BLOOMINGDALE	300.00
283771	*	009403	JUSTIN ZAYID	250.00
283772		BDREFUND	KASTLER CONSTRUCTION INC	100.00
283773	*	000362	KROGER COMPANY	143.24
283774		BDREFUND	KURIAN POTHEEN	550.00

# City of Birmingham

## Warrant List Dated 01/26/2022

Meeting of 02/14/2022

Check Number	Early Release	Vendor #	Vendor	Amount
283775	*	009392	LAMB LEGAL CONSULTING SERVICES	300.00
283776	*	009386	LAW OFFICE OF BRIAN P. FENECH	550.00
283777	*	009385	LAW OFFICE OF MICHAEL J. DICK	900.00
283778	*	009388	LAW OFFICE OF PATRICK G. GAGNIUK	900.00
283780		009375	LITHIA MOTORS, INC SUPPORT SERVICES	412.03
283781		BDREFUND	LIVE WELL CUSTOM HOME LLC	150.00
283782		BDREFUND	LMB PROPERTIES LLC	1,200.00
283783	*	009398	MARCIA C ROSS PC	795.00
283784		BDREFUND	MEGAN MCLAUGHLIN	100.00
283786	*	009370	MICHAEL SIMON	143.00
283787		BDREFUND	MICHAEL T LODISH RLT	100.00
283788		007765	MICHIGAN INDEPENDENT DOOR CO.	445.25
283789		000230	MIKE SAVOIE CHEVROLET INC	2,019.37
283790		BDREFUND	MILLCREEK CONSTRUCTION MGMT CO	300.00
283791		008319	MKSK INC	22,534.27
283792		007163	MOBILE HEALTH RESOURCES	1,919.42
283793	*	005634	GINA MOODY	118.49
283794	*	009400	N.L. SMITHSON & ASSOCIATES PLLC	250.00
283795		MISC	NATIONAL RESTAURANT ASSOCIATION	358.00
283798	*	000477	OAKLAND COUNTY	375,397.80
283799		001484	OAKLAND COUNTY EQUALIZATION	10.00
283800	*	000481	OFFICE DEPOT INC	2,027.44
283802		BDREFUND	PAFCO BUILDING	500.00
283803		BDREFUND	PCI INDUSTRIES, INC.	500.00
283804		BDREFUND	PEAS AND CARROTS HOSPITALITY LLC	100.00
283805	*	009397	RABAA PLLC	500.00
283806	*	000492	REGISTER OF DEEDS	30.00
283807		BDREFUND	RICHARD KRAMER	500.00
283808		BDREFUND	RICHARD L KRAMER	100.00
283809		000218	ROYAL OAK P.D.Q. LLC	47.83
283810		BDREFUND	RSM MANAGEMENT LLC	5,000.00
283811		BDREFUND	SAMUEL SCHWARTZ	836.54
283812		BDREFUND	SAROKI ARCHITECTURE	100.00
283813		BDREFUND	SCHOENHERR HOMES LLC	100.00
283814		009301	SECURE-CENTRIC INC	957.60
283815		007142	SHERWIN-WILLIAMS COMPANY	15.03
283817		007907	SP+ CORPORATION	4,780.00
283818		BDREFUND	STERLING DEVELOPMENT CORP	1,600.00
283819		004544	STRYKER SALES CORPORATION	1,262.65
283820		BDREFUND	TECHHOME BUILDING CO., LLC	2,000.00
283821	*	009384	THE EDITH BLAKNEY LAW FIRM, PLLC	300.00
283822	*	009389	THE LAW OFFICE OF KHARI HATCHETT	250.00
283823	*	009399	THE RIPPY + SHEIKH LAW FIRM	250.00

**City of Birmingham**  
**Warrant List Dated 01/26/2022**

Meeting of 02/14/2022

Check Number	Early Release	Vendor #	Vendor	Amount
283824		BDREFUND	THORNTON GROOMS INC.	180.00
283825		000275	TIRE WHOLESALERS CO INC	566.52
283826		BDREFUND	TITTLE BROTHERS CONSTRUCTION LLC	300.00
283827		BDREFUND	TOWER INTERIORS GROUP LLC	500.00
283828		BDREFUND	TRADEMARK CONSTRUCTION SERVICES	200.00
283829		009081	TYLER TECHNOLOGIES INC	329.00
283830		003760	UNUM LIFE INSURANCE CO. OF AMERICA	23,170.37
283831		MISC	USDA WILDLIFE SERVICES	200.00
283832	*	000293	VAN DYKE GAS CO.	163.74
283833	*	000158	VERIZON WIRELESS	127.91
283834	*	000158	VERIZON WIRELESS	49.18
283835		006491	VILLAGE AUTOMOTIVE	115.14
283836		BDREFUND	Voden Construction	100.00
283837		BDREFUND	WAGONER, DAREN B	100.00
283838	*	002996	GREG WALD	49.99
283840	*	005794	WINDSTREAM HOLDINGS INC	740.41
283841		BDREFUND	WINSTON AND SONS HOME IMPROVEMENT L	100.00
283842		007401	XEROX FINANCIAL SERVICES	349.12
283843	*	009379	YELLOW DOOR LAW	3,750.00
SUBTOTAL PAPER CHECK				\$561,907.79
<u>ACH TRANSACTION</u>				
4761	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	36,695.09
4762	*	002284	ABEL ELECTRONICS INC	250.00
4763		009126	AMAZON CAPITAL SERVICES INC	912.46
4763	*	009126	AMAZON CAPITAL SERVICES INC	58.24
4765	*	007345	BEVERLY HILLS ACE	7.19
4766		009183	BOB ADAMS TOWING	210.00
4767		009195	CROWN CASTLE FIBER LLC	4,284.25
4768	*	009181	DELTA TEMP SERVICES INC	539.32
4769	*	000995	EQUATURE	280.00
4770	*	007314	FLEIS AND VANDENBRINK ENG. INC	3,481.00
4771	*	000243	GRAINGER	77.42
4772	*	001672	HAYES PRECISION INC	30.50
4774		000331	HUBBELL ROTH & CLARK INC	8,850.00
4775		000261	J.H. HART URBAN FORESTRY	22,626.69
4776	*	003458	JOE'S AUTO PARTS, INC.	196.35
4778	*	004085	KONE INC	2,086.45
4779	*	005876	KROPF MECHANICAL SERVICE COMPANY	402.25
4780	*	005550	LEE & ASSOCIATES CO., INC.	1,977.85
4783	*	001035	MUNICIPAL EMERGENCY SERVICES	229.50
4784	*	006359	NYE UNIFORM COMPANY	187.00
4785	*	006027	PENCHURA, LLC	231.00

**City of Birmingham**  
**Warrant List Dated 01/26/2022**

Meeting of 02/14/2022

Check Number	Early Release	Vendor #	Vendor	Amount
4786		000254	SOCRRA	69,994.00
4786	*	000254	SOCRRA	500.00
4787	*	001097	SOCWA	118,145.65
4789	*	000969	VIGILANTE SECURITY INC	310.00
4790	*	007278	WHITLOCK BUSINESS SYSTEMS, INC.	1,765.31
SUBTOTAL ACH TRANSACTION				\$274,327.52
GRAND TOTAL				\$836,235.31

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 02/02/2022

Meeting of 02/14/2022

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
283844	*	000855	48TH DISTRICT COURT	500.00
283845		009373	ABSOLUTE EXHIBITS	735.00
283846		000500	ARTECH PRINTING INC	1,316.00
283846	*	000500	ARTECH PRINTING INC	63.00
283847	*	006759	AT&T	251.98
283848	*	006759	AT&T	124.39
283849	*	006759	AT&T	251.79
283850	*	006759	AT&T	1,733.61
283851		003012	BATTERIES PLUS BULBS	71.82
283852		BDREFUND	BELFOR USA GROUP INC	16.00
283853		BDREFUND	BIRMINGHAM PLBG CO INC	813.54
283855		003526	BOUND TREE MEDICAL, LLC	103.41
283856		BDREFUND	BRANDYWINE CONSTRUCTION LLC	2,000.00
283857		006520	BS&A SOFTWARE, INC	2,162.00
283858	*	008334	DAVID BUTTIGIEG	24.99
283860	*	000444	CDW GOVERNMENT INC	1,826.52
283861		007710	CINTAS CORP	388.99
283862	*	007710	CINTAS CORP	98.46
283863		000605	CINTAS CORPORATION	149.00
283864		BDREFUND	CLINE, RANDALL P, TRUST	750.00
283865	*	008955	COMCAST	708.11
283866		007774	COMCAST BUSINESS	1,248.50
283867		000979	COMERICA BANK	21,889.34
283868	*	000627	CONSUMERS ENERGY	3,799.04
283870	*	005125	DEVIN DEROECK	85.00
283872	*	000179	DTE ENERGY	16.92
283873	*	000179	DTE ENERGY	76.60
283874	*	000179	DTE ENERGY	233.90
283875	*	000179	DTE ENERGY	90.68
283876	*	000179	DTE ENERGY	139.24
283877	*	000179	DTE ENERGY	1,894.53
283878	*	000179	DTE ENERGY	163.04
283879	*	000179	DTE ENERGY	2,435.23
283880	*	000180	DTE ENERGY	17,476.70
283881		000196	EJ USA, INC.	75.64
283882		008970	ENCODEPLUS, LLC	720.00
283882	*	008970	ENCODEPLUS, LLC	4,250.00
283883		000936	FEDEX	18.85
283885	*	TAXMISC	FISHER, EMILIA MARGARET	4,124.36
283886	*	000929	CONNIE FOLK	179.00
283887		BDREFUND	G J PERELLI	5,100.00
283888		006384	GEOGRAPHIC INFORMATION SERVICES, IN	1,570.87

# City of Birmingham

## Warrant List Dated 02/02/2022

Meeting of 02/14/2022

Check Number	Early Release	Vendor #	Vendor	Amount
283889		001447	HALT FIRE INC	1,094.52
283890	*	TAXMISC	HINES, THOMAS	6,154.76
283891	*	001956	HOME DEPOT CREDIT SERVICES	629.07
283892		BDREFUND	HUNTER ROBERTS HOMES	550.00
283893		000342	IBS OF SE MICHIGAN	476.80
283894	*	001204	ICMA	982.48
283895		009417	INTERNATIONAL PARKING AND MOBILITY	695.00
283896	*	MISC	JACK TODD- PETTY CASH	1,097.45
283897		008564	JERRY'S TIRE INC	332.50
283898		000347	JOHN R. SPRING & TIRE CENTER INC.	6,246.33
283899	*	007423	K/E ELECTRIC SUPPLY, INC	261.75
283900	*	000362	KROGER COMPANY	39.31
283901	*	TAXMISC	KUZAK, DUANE	911.82
283902		001669	MACP	610.00
283903	*	008229	MIKE MANZO	24.99
283904		BDREFUND	MAYNE, MICHELLE M	200.00
283905	*	009214	KYLE MCCANHAM	139.68
283906		009415	SCOTT MCINTYRE	448.99
283907	*	008723	BRADLEY MCNAB	363.00
283909		009416	CAPT. PHILIP MENNA	40.00
283910		003099	MICHIGAN POLICE EQUIP.	140.00
283911		000646	STATE OF MICHIGAN	2,728.40
283912		000230	MIKE SAVOIE CHEVROLET INC	1,616.27
283913	*	001783	MMTA	550.00
283914		BDREFUND	MT EVEREST MAINTENANCE	100.00
283916		009276	NEWTONS SOLUTIONS LLC	1,225.00
283917	*	005431	NILFISK, INC.	133.50
283918	*	000477	OAKLAND COUNTY	9,319.25
283919	*	003461	OBSERVER & ECCENTRIC	434.40
283921	*	000481	OFFICE DEPOT INC	283.36
283923		BDREFUND	PELLA WINDOWS & DOORS, INC.	500.00
283925		007368	PHASE FOUR INVESTIGATIONS INC	2,796.00
283926	*	TAXMISC	PINCKNEY, CHRISTOPHER	2,582.04
283927		BDREFUND	QUALITY HEATING & COOLING INC	605.00
283928		009038	QUANTUM EMS LLC	147.00
283929	*	008342	RAIN MASTER CONTROL SYSTEMS	29.85
283930	*	000492	REGISTER OF DEEDS	30.00
283931	*	000492	REGISTER OF DEEDS	30.00
283932	*	000492	REGISTER OF DEEDS	30.00
283933	*	000492	REGISTER OF DEEDS	30.00
283934	*	000492	REGISTER OF DEEDS	30.00
283935	*	000492	REGISTER OF DEEDS	30.00
283936	*	000492	REGISTER OF DEEDS	30.00

# City of Birmingham

## Warrant List Dated 02/02/2022

Meeting of 02/14/2022

Check Number	Early Release	Vendor #	Vendor	Amount
283937	*	000492	REGISTER OF DEEDS	30.00
283938	*	000492	REGISTER OF DEEDS	30.00
283939	*	000492	REGISTER OF DEEDS	30.00
283940	*	000492	REGISTER OF DEEDS	30.00
283941	*	000492	REGISTER OF DEEDS	30.00
283942	*	000492	REGISTER OF DEEDS	30.00
283943	*	000492	REGISTER OF DEEDS	30.00
283944	*	000492	REGISTER OF DEEDS	30.00
283945	*	000492	REGISTER OF DEEDS	30.00
283946	*	000492	REGISTER OF DEEDS	30.00
283947	*	000492	REGISTER OF DEEDS	30.00
283948	*	000492	REGISTER OF DEEDS	30.00
283949	*	000492	REGISTER OF DEEDS	30.00
283950	*	000492	REGISTER OF DEEDS	30.00
283951	*	000492	REGISTER OF DEEDS	30.00
283952	*	000492	REGISTER OF DEEDS	30.00
283953	*	000492	REGISTER OF DEEDS	30.00
283954	*	000492	REGISTER OF DEEDS	30.00
283955	*	000492	REGISTER OF DEEDS	30.00
283956	*	000492	REGISTER OF DEEDS	30.00
283957	*	000492	REGISTER OF DEEDS	30.00
283958	*	000492	REGISTER OF DEEDS	30.00
283959	*	000492	REGISTER OF DEEDS	30.00
283960	*	000492	REGISTER OF DEEDS	30.00
283961	*	000492	REGISTER OF DEEDS	30.00
283962	*	000492	REGISTER OF DEEDS	30.00
283963	*	000492	REGISTER OF DEEDS	30.00
283964	*	000492	REGISTER OF DEEDS	30.00
283965	*	000492	REGISTER OF DEEDS	30.00
283966	*	005344	RESERVE ACCOUNT	8,000.00
283967	*	003554	RKA PETROLEUM	11,285.04
283968		BDREFUND	ROCK SOLID EXTERIOR	100.00
283969		000218	ROYAL OAK P.D.Q. LLC	594.43
283970		BDREFUND	Sameer Eid	100.00
283971	*	TAXMISC	SANDRA F COLLINS TRUST	2,667.24
283972		BDREFUND	SAS SERVICES INC	100.00
283973		BLREFUND	SCHOOLS OFFER SUPPORT (SOS)	440.34
283974		BDREFUND	SCOTT HARRISON NEWPORT	100.00
283975	*	TAXMISC	SELIS, BROOKE A	673.84
283976		007527	SHEPPARD ENGINEERING P.C.	845.00
283977	*	TAXMISC	SINGER, ERIC	13,416.42
283978		BDREFUND	TECHHOME BUILDING CO., LLC	900.00
283979	*	002433	THELMA GOLDEN	48.73

**City of Birmingham**  
**Warrant List Dated 02/02/2022**

Meeting of 02/14/2022

Check Number	Early Release	Vendor #	Vendor	Amount
283980		BDREFUND	TRADEMARK BUILDING COMPANY INC	900.00
283981		009378	TRI COUNTY EQUIPMENT, INC	158.36
283983		BDREFUND	U. S. CONCRETE INC.	100.00
283984	*	000293	VAN DYKE GAS CO.	140.45
283985	*	000158	VERIZON WIRELESS	920.67
283986	*	000158	VERIZON WIRELESS	147.54
283987	*	000158	VERIZON WIRELESS	129.58
283988		BDREFUND	WALLSIDE INC	1,500.00
283989		BDREFUND	WALLSIDE WINDOWS	1,500.00
283991	*	008438	JORDAN ZALE	191.86
SUBTOTAL PAPER CHECK				\$170,204.07
<u>ACH TRANSACTION</u>				
4793	*	008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	1,201,598.33
4794	*	008843	OAKLAND COUNTY TREASURER- TAX PYMNT	469,698.36
4795	*	009413	KATHRYN BURRICK	374.40
4796	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	40,601.70
4797		009126	AMAZON CAPITAL SERVICES INC	882.79
4798	*	006683	BIRMINGHAM LAWN MAINTENANCE, INC	42,764.00
4799	*	007624	BIRMINGHAM OIL CHANGE CENTER, LLC	72.95
4800		009183	BOB ADAMS TOWING	295.00
4801		007875	CANFIELD EQUIPMENT SERVICE INC.	5,567.67
4802	*	009210	DUCENTA SQUARED ASSET MANAGEMENT	1,813.89
4803	*	000243	GRAINGER	736.03
4804		000331	HUBBELL ROTH & CLARK INC	7,175.00
4805	*	008851	INSIGHT INVESTMENT	6,135.96
4806	*	007870	J.C. EHRLICH CO. INC.	53.00
4807		000261	J.H. HART URBAN FORESTRY	21,543.50
4808		000186	JACK DOHENY COMPANIES INC	203.00
4809	*	002576	JAX KAR WASH	336.99
4810		009298	JCR SUPPLY INC	200.15
4811	*	003458	JOE'S AUTO PARTS, INC.	564.16
4812	*	007827	HAILEY R KASPER	161.25
4813	*	005550	LEE & ASSOCIATES CO., INC.	1,493.20
4814		001194	NELSON BROTHERS SEWER	783.00
4815	*	007856	NEXT	30,736.00
4816	*	000478	ROAD COMM FOR OAKLAND CO	2,452.76
4817	*	001181	ROSE PEST SOLUTIONS	47.00
4818	*	002037	TOTAL ARMORED CAR SERVICE, INC.	758.36
SUBTOTAL ACH TRANSACTION				\$1,837,048.45

**City of Birmingham**  
**Warrant List Dated 02/02/2022**

Meeting of 02/14/2022

Check Number	Early Release	Vendor #	Vendor	Amount
GRAND TOTAL				\$2,007,252.52

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 02/09/2022

Meeting of 02/14/2022

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
283992	*	007266	AETNA BEHAVIORAL HEALTH LLC	475.41
283994		BDREFUND	ARK TERRA	5,000.00
283995		000500	ARTECH PRINTING INC	320.00
283996	*	004027	AUTOMATED BENEFIT SVCS INC	23,089.14
283997		004931	BIDNET	1,062.63
283998		BDREFUND	BIRMINGHAM SEALCOAT INC	1,660.00
283999		003526	BOUND TREE MEDICAL, LLC	204.50
284001	*	009420	JOSEPH BUNTING	56.55
284002	*	009281	C.E. GLEESON CONSTRUCTORS INC	256,093.26
284003		BDREFUND	CAPPUSO BUILDING LLC	2,000.00
284005	*	000444	CDW GOVERNMENT INC	2,019.09
284007		007615	CINTAS CORPORATION-K11	24.15
284008		009421	CITIZENS FIRST FIRE TRAINING	542.53
284009	*	009423	CITY OF BIRMINGHAM #247	10,771.89
284010	*	004026	COFINITY	1,431.00
284011	*	008955	COMCAST	102.09
284013		008512	COOL THREADS EMBROIDERY	2,553.13
284014	*	006907	DENTEMAX, LLC	162.00
284015		BDREFUND	DIVERSIFIED HOUSEHOLD SERVICES INC	300.00
284016		BDREFUND	DROBOT CUSTOM BUILDING INC	200.00
284017	*	000179	DTE ENERGY	70.83
284018	*	000179	DTE ENERGY	346.06
284019	*	000179	DTE ENERGY	363.94
284020	*	000179	DTE ENERGY	1,102.87
284021	*	000179	DTE ENERGY	23.48
284022	*	000179	DTE ENERGY	265.39
284024	*	009100	ENZO WATER SERVICE	300.00
284025	*	001223	FAST SIGNS	110.43
284026		000936	FEDEX	11.92
284027		BDREFUND	FOREST GLEN HOMES, LLC	100.00
284028	*	005103	GORNO FORD, INC.	54,106.00
284029		008293	GRAINGER	32.10
284030		009419	NICHOLAS HILL	227.48
284031	*	001956	HOME DEPOT CREDIT SERVICES	180.02
284032		BDREFUND	HOME INSPECTION PLUS INC	100.00
284033		BDREFUND	HOMEOWNER-VALENTI	500.00
284034	*	003824	THOMAS I. HUGHES	25.00
284035		BDREFUND	IDEAL BUILDERS AND REMODELING INC	10,500.00
284036		BDREFUND	Jason McWilliams	100.00
284037	*	007973	JB CONTRACTORS INC	49,471.19
284038		BDREFUND	JOHN T ABBOTT TRUST	200.00
284041		006817	LEXISNEXIS RISK DATA MANAGEMENT INC	151.00

**City of Birmingham**  
**Warrant List Dated 02/09/2022**

Meeting of 02/14/2022

Check Number	Early Release	Vendor #	Vendor	Amount
284043	*	TAXMISC	MARIA ROTELLINI	30.87
284044		BDREFUND	MARYGROVE AWNING CO	200.00
284045		008793	MERGE MOBILE, INC.	73.00
284046	*	009085	MGSE SECURITY LLC	1,480.00
284047		BDREFUND	MICHIGAN BASEMENTS	100.00
284049		BDREFUND	NATHAN BERNARD HOMES INC	1,760.16
284050	*	007755	NETWORK SERVICES COMPANY	416.00
284051	*	004370	OCCUPATIONAL HEALTH CENTERS	80.00
284052	*	000481	OFFICE DEPOT INC	130.84
284053	*	009324	PULLMAN SST INC	335,314.15
284054		BDREFUND	RE FUND EATON 2, LLC	10,000.00
284057		BDREFUND	SPURLOCK'S NATURAL STONE	100.00
284058		BDREFUND	STEUER & ASSOCIATES INC.	4,400.00
284060		008339	TRANSPORTATION IMPROVEMENT ASSOC.	7,166.25
284061	*	004379	TURNER SANITATION, INC	340.00
284062		008941	UPTOWN MARKET OF BIRMINGHAM	24.37
284063	*	000293	VAN DYKE GAS CO.	196.63
284064	*	000158	VERIZON WIRELESS	860.27
284065	*	000158	VERIZON WIRELESS	267.57
284067		006762	WATCHGUARD VIDEO	105.00
284068		004512	WOLVERINE POWER SYSTEMS	380.00
284070	*	009377	Z CONTRACTORS, INC	141,068.05
SUBTOTAL PAPER CHECK				\$930,848.24
<u>ACH TRANSACTION</u>				
4819	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	86,315.35
4820	*	002284	ABEL ELECTRONICS INC	24.98
4821	*	008226	KATHERINE ABELA	1,753.12
4822		009126	AMAZON CAPITAL SERVICES INC	408.02
4822	*	009126	AMAZON CAPITAL SERVICES INC	144.92
4823	*	007345	BEVERLY HILLS ACE	21.19
4824	*	008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	1,222,624.30
4825	*	006077	DI PONIO CONTRACTING INC	22,858.13
4826		009298	JCR SUPPLY INC	50.48
4827		004085	KONE INC	332.84
4829	*	007856	NEXT	410.00
4830		001864	NOWAK & FRAUS ENGINEERS	50,291.00
4831	*	006359	NYE UNIFORM COMPANY	2,256.00
4832	*	008843	OAKLAND COUNTY TREASURER- TAX PYMNT	433,854.22
4833	*	003351	PAMAR ENTERPRISES INC	96,947.06
4834	*	008389	R.C. SYSTEMS, INC.	140.00
4835	*	001181	ROSE PEST SOLUTIONS	71.00
4836		009266	US SIGNAL COMPANY LLC	2,086.75
4837	*	000969	VIGILANTE SECURITY INC	270.00

**City of Birmingham**  
**Warrant List Dated 02/09/2022**

Meeting of 02/14/2022

Check Number	Early Release	Vendor #	Vendor	Amount
SUBTOTAL ACH TRANSACTION				\$1,920,859.36
GRAND TOTAL				\$2,851,707.60

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



Mark Gerber  
Finance Director/ Treasurer

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



**DATE:** Tuesday, February 8, 2022

**TO:** Thomas M. Markus, City Manager

**FROM:** Christina Woods, Deputy City Clerk

**APPROVED:** Alexandria Bingham, City Clerk

**SUBJECT:** Outdoor Dining Fee Schedule Amendment Request

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**INTRODUCTION:**

The Outdoor Dining licensing and approving process has recently been reviewed and adjusted to best manage and track Outdoor Dining Licenses. Changes are proposed to the fee schedule to provide clarity to both the businesses and for office processing. The Fee Schedule amendments being requested are:

- Adding description on public land rental calculations
- Adding reference to the temporary structure/platform application fee
- Replacing of seasonal and daily meter fees with monthly rates

**BACKGROUND:**

Adding description on public land rental calculations

Public land use for outdoor dining is charged when a public area is utilized by a restaurant. This is calculated based on square footage used, public property value, and amount of time land is used. Adding this calculation to the Fee Schedule ensures we are open and transparent with the fees we assess.

Adding reference to the temporary structure/platform application fee

Platforms for outdoor dining require plan review and inspection. The Clerk's fee schedule will refer to the Community Development fee schedule for this service, under "Plan Examination fee for construction up to \$10,000".

Replacing of seasonal and daily meter rates with monthly rates

Billing for metered spaces used by outdoor dining platforms will be assessed a flat monthly rate of \$360.00 for a \$1.00 meter or \$540.00 for a \$1.50 meter. Months will be based on 30 days and billed only in whole months. Restaurant owners will identify the continuous months for which they will be operating their outdoor dining platform on their annual outdoor dining application.

Should the Commission approve this suggested change to the fee schedule, the fees proposed will be effective in time for the upcoming 2022 Annual Outdoor Dining season.

**LEGAL REVIEW:**

The City Attorney has reviewed the fee schedule and is satisfied it comports with allowable fees and has no objections.

**FISCAL IMPACT:**

Fee schedule revisions offset the cost for providing reviews, and provides reasonable rent for private use of public property.

**PUBLIC COMMUNICATIONS:**

Public comment is available as part of the normal Commission meeting process, and the updated monthly rates will be included on future outdoor dining permit applications. The updated Fee Schedule will be available for the public on the City Website following approval.

**SUMMARY:**

The suggested revision of the Fee Schedule will ensure clear and consistent billing of fees and rental charges associated with Outdoor Dining licenses. Approval of fee schedule changes will be effective in time for the upcoming 2022 Outdoor Dining season.

**ATTACHMENTS:**

- Redlined Proposed revision to the Clerk's Office Fee Schedule
- Updated Outdoor Dining application

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution to amend the City's schedule of fees, charges, bonds and insurance under the City Clerk's office section, relating to Outdoor Dining Licenses, as requested by the Clerk's office.

City of Birmingham  
2022 Fee Schedule

CHANGE CODES AS LISTED ON FEE SCHEDULE

- |   |   |
|---|---|
| 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   |

CITY CLERK'S OFFICE	FEE	PROPOSED FEE	CHANGE CODE	STAFF
<b><u>Alcoholic beverages for consumption on the premises</u></b>				
Initial fee	\$	1,500.00		
Administrative Applicant Review	\$	350.00		
Annual renewal	\$	350.00		
Transfer fee	\$	1,500.00		
Annual criminal background check - per person <i>(to be provided by applicant using the Michigan State Police ICHAT system)</i>				
<b><u>Animals (18-1)</u></b>				
Stray animal fines: See Police				
Pet dog and cat licenses:				
license for one year or less	\$	5.00		
license for two years	\$	10.00		
license for three years	\$	12.00		
license obtained 30 days after expiration	\$	20.00		
Kennels:				
Annual fee	\$	300.00		
Plus for each dog in excess of ten	\$	10.00		
<b><u>Auctions (See Initial Merchants)</u></b>				
<b><u>Bicycle Rental Agencies (122-26) annual fee</u></b>				
Insurance: Motor vehicle liability insurance conforming with Michigan Vehicle Code § 520: \$20,000 per person/\$40,000 per accident for bodily injury claims/\$10,000 for property damage per occurrence.	\$	5.00		
<b><u>Charitable Solicitations (38-1)</u></b>				
Annual criminal background check - per person <i>(to be provided by applicant using the Michigan State Police ICHAT system)</i>		No charge		
<b><u>Child Care Facilities (58-106)</u></b>				
Annual criminal background check - per person <i>(to be provided by applicant using the Michigan State Police ICHAT system)</i>				
Child Care Center annual fee	\$	150.00		
Initial investigation fee	\$	100.00		
Day care home, family annual fee	\$	100.00		
Initial investigation fee	\$	100.00		
Day care home, group annual fee	\$	100.00		
Initial investigation fee	\$	100.00		
<b><u>Christmas Tree Sales (26-88)</u></b>				
December 1 through December 25 - non-profit corporations and merchants assessed for personal property		No charge		
All others	\$	100.00		
Deposit for clean up of lot <i>(forfeited if not cleaned up by January 1st.)</i>	\$	300.00		
<b><u>Dancing Schools (26-201)</u></b>				
Investigation and annual fee	\$	50.00		
<b><u>Day Care (See Child Care Facilities)</u></b>				
<b><u>Electronic Video Game (14-106)</u></b>				
Each game, annual fee <i>(subject to additional fees and requirements for regulated use)</i>				
<b><u>FOIA fees - See public records policy (attached)</u></b>				
<b><u>Fumigation (58-141)</u></b>				
Fumigation Contractor, annual fee	\$	50.00		
Fumigation permit, per event	\$	25.00		
Insurance (58-144): Standard insurance requirements plus environmental impairment/pollution liability coverage				
<b><u>Garage Public (54-26) - Annual Fee</u></b>	\$	50.00		

CITY CLERK'S OFFICE	FEE	PROPOSED FEE	CHANGE CODE	STAFF
<b><u>Going out of Business (State Law)</u></b>				
Up to 30 days	\$	50.00		
Limit two renewals, each	\$	50.00		
<b><u>Greenwood Cemetery (126-26)</u></b>				
Grave space accommodating one full burial or three cremations	\$	4,000.00		
Additional Rights of Burial for cremated remains, each	\$	750.00		
Grave space accommodating two cremated remains	\$	2,600.00		
Grave space accommodating one cremated remains	\$	1,300.00		
Administrative fee for transfer of grave ownership	\$	200.00		
Interment and disinterment fees:				
Cremation	\$	750.00		
Full Burial	\$	1,400.00		
<i>*additional equipment fees may apply for disinterment</i>				
Foundation charges for markers & monuments:				
Foundation Installment - per linear foot	\$	125.00		
Marker installation - single	\$	250.00		
Marker installation - companion	\$	350.00		
Marker or monument resets, reinstallations, raising & leveling:				
Single	\$	250.00		
Companion	\$	350.00		
<i>*additional fees may apply, depending on scope of work, equipment necessary and time required.</i>				
<i>Foundation installation charge as per above schedule, plus an hourly charge for removal of old foundation</i>				
Weekend, holiday, and overtime interments	\$	400.00		
<i>This fee is in addition to the normal interment fee charged during regular working hours. Hourly overtime fees begin</i>				
<b><u>Horse Drawn Carriages (122-71)</u></b>				
Company, annual fee	\$	50.00		
Carriage, each vehicle annual fee	\$	50.00		
<i>Insurance: Standard insurance requirement, with coverage to include premises liability; personal injury liability; products liability; and horse or horses liability. (122-75)</i>				
<b><u>Hotels/Motels annual fee</u></b>				
1-50 Rooms	\$	300.00		
50+ Rooms	\$	500.00		
<b><u>Initial Merchants: (All types including transfers)</u></b>	\$	100.00		
<b><u>Kennels (See Animals)</u></b>				
<b><u>Lumberyard annual fee</u></b>				
<b><u>Marriage Ceremony Fee</u></b>				
<b><u>Mechanical Amusement Device each device annual fee</u></b>				
<i>(Subject to additional fees and requirements for regulated use.)</i>				
<b><u>Motor vehicle rentals (122-26)</u></b>				
Annual fee	\$	50.00		
<i>Insurance: Motor vehicle liability insurance conforming with Michigan Vehicle Code § 520: \$20,000 per person/\$40,000 per accident for bodily injury claims/\$10,000 for property damage per occurrence.</i>				

CITY CLERK'S OFFICE	FEE	PROPOSED FEE	CHANGE CODE	STAFF
<b>Open Parking Stations annual licenses (26-428)</b>				
Lots accommodating 25 cars or less	\$	100.00		
Lots accommodating 26-50 cars	\$	125.00		
Lots accommodating 51-75 cars	\$	150.00		
Lots accommodating 76 cars or more	\$	200.00		
<b>Outdoor Amusements (14-161)</b>				
Annual fee	\$	25.00		
Surety bond or cash deposit	\$	1,000.00		
<b>Outdoor Dining license annual fee</b>				
Additional flat fee for off-season ( <i>subject to additional fees for use of city</i> )	\$	200.00		
<u>Insurance:</u>				
<u>Workers' Compensation Insurance</u> , including Employer's Liability Insurance, in accordance with all acceptable statutes of the State of Michigan.				
<u>Commercial General Liability Insurance</u> on an occurrence basis with the limits of liability of not less than \$1,000,000 per occurrence and aggregate of \$2,000,000 for combined single limit personal injury and property damage, and shall include independent contractor's coverage and broad form general liability coverages. Liquor Liability Insurance (if liquor is to be served) on an occurrence basis with limits of liability of not less than \$1,000,000 per occurrence.				
<u>Additional Insured:</u> Commercial General Liability Insurance (and Liquor Liability, if applicable) shall name the City of Birmingham as additional insured for all activities connected with this Agreement and shall include an endorsement stating the following as: "Additional Insureds: The City of Birmingham, all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and their board members, including employees and volunteers thereof. This coverage shall be primary to the additional insureds, and not contributing with any other insurance or similar protection available to the additional insured, whether said other available coverage be primary, contributory or excess. The authorized representative of the insurance carrier acknowledges that it has read the insurance provisions of the agreement between the City of Birmingham and the insured."				
<u>Cancellation Notice</u> , Thirty (30) days advance written notice of cancellation, non-renewal, reduction of material change in coverage, will be provided to the City of Birmingham by the insurance carrier.				
<u>Proof of Insurance Coverage</u> . The city shall be provided with certificates of insurance evidencing the coverages outlined above.				
<u>Acceptability of insurance company</u> . All coverages shall be with insurance carriers licensed to do business in the state. All coverages shall be with carriers acceptable to the city.				
<b>Public Land Rental for Outdoor Dining</b>			B	AB
Calculated by Treasury based on squarefootage of public land used, land value, and months used				
<b>Temporary Structure/Platform Application</b>			B	AB
See: Community Development; Plan Examination fee for construction up to \$10,000				
<b>Outdoor Dining Café Platform Meter Fees - Seasonal</b>				
Monthly Outdoor Dining Meter Rental Fee for \$1.00/Hour Meter		\$360	B	AB
Monthly Outdoor Dining Meter Rental Fee for \$1.50/Hour Meter		\$540	B	AB
<del>\$1.00 Per Hour Meter Areas</del>	<del>\$</del>	<del>2,280.00</del>		
<del>\$1.50 Per Hour Meter Areas</del>	<del>\$</del>	<del>3,420.00</del>		

CITY CLERK'S OFFICE	FEE	PROPOSED FEE	CHANGE CODE	STAFF
Removal of parking meter housing and/or posts - minimum fee (cost)	\$	88.29		
Removal of parking meter housing and/or posts - 1 meter space (cost)	\$	264.87		
Removal of parking meter housing and/or posts - 2 meter spaces (cost)	\$	441.45		
<del>Outdoor Dining Café Platform Meter Fees - Pro Rated</del>				
<del>\$1.00 Per Hour Meter Areas (per space, per day)</del>	<del>\$</del>	<del>12.00</del>		
<del>\$1.50 Per Hour Meter Areas (per space, per day)</del>	<del>\$</del>	<del>18.00</del>		
<b><u>Passports</u></b>				
Acceptance of passport application	\$	35.00		
<b><u>Pawnshops</u></b>				
Annual licensing fee	\$	500.00		
Annual criminal background check - per person (to be provided by applicant using the Michigan State Police ICHAT system)				
<b><u>Peddlers and Commercial Vendors (Chapter 26)</u></b>				
Annual criminal background check - per person (to be provided by applicant using the Michigan State Police ICHAT system)				
Special Event and School Vendor/Athletic Vendor in City Park				
Application Fee (per event/application)	\$	50.00		
Daily Fee (per day/location)	\$	10.00		
50% discount for Birmingham licensed merchants				
Frozen Confection Vendor				
Application Fee	\$	80.00		
Amendment to the Application	\$	26.00		
Annual License Fee	\$	500.00		
Insurance: Standard Insurance Requirements				
Peddling				
Application Fee (per event/application)	\$	50.00		
Amendment to the Application	\$	16.00		
Daily Fee Option (per day/location)	\$	10.00		
Yearly Fee Option (calendar year)	\$	1,825.00		
<b><u>Poolroom, each billiard or pool table annual fee</u></b>	\$	50.00		
(subject to additional fees for regulated use)				
<b><u>Refuse Collector: (Chapter 90)</u></b>				
Annual fee first truck	\$	150.00		
Each additional truck	\$	75.00		
Insurance: Proof of workers compensation coverage, motor vehicle liability insurance and the VIN number of each vehicle must be provided to the city prior to obtaining a license.				
<b><u>Regulated Uses not otherwise listed Chapter 26:</u></b>				
Application fee	\$	1,000.00		
Annual licensing fee	\$	200.00		
<b><u>Rollerskating rinks annual fee (Chapter 14)</u></b>	\$	50.00		
<b><u>Special Events (98-140) non-refundable application fee</u></b>				
Annual Application fee	\$	165.00		
First Time Event Application fee	\$	200.00		
Additional permit fees as determined by administrative staff due two weeks prior to event with insurance documents. Insurance: Standard insurance requirements				
<b><u>Telecommunications</u></b>				
Application fee	\$	500.00		
Annual maintenance fee as determined by the Metro Authority pursuant to Act 48 of the Public Acts of 2002				

CITY CLERK'S OFFICE	FEE	PROPOSED FEE	CHANGE CODE	STAFF
<b><u>Theatre annual fee 14.26</u></b>	\$	50.00		
<b><u>Valet Parking</u></b>				
Annual criminal background check - per person <i>(to be provided by applicant using the Michigan State Police ICHAT system)</i>				
Initial application fee	\$	1,000.00		
Annual license fee	\$	500.00		
One Day Valet Permit fee	\$	50.00		
Valet parking card deposit, per card	\$	20.00		
Fees per car:				
1-100 cars, pre-paying for six months in advance, per month	\$	500.00		
101-200 cars, pre-paying for six months in advance, per month	\$	750.00		
201 and above cars, pre-paying for six months in advance, per month	\$	1,000.00		
<b><u>Valet Parking Meter Bag Fees - (Monthly)</u></b>	\$	216.00		
<p><u>Insurance:</u> Workers' compensation insurance, including employers' liability coverage, in accordance with all applicable statutes of the state. Garage liability insurance with limits of liability of not less than \$1,000,000 per occurrence; or commercial general liability insurance endorsed to provide the equivalent of this coverage. Garage keepers legal liability insurance with limits of liability of not less than \$100,000.00 per occurrence; or commercial general liability insurance endorsed to provide the equivalent of this coverage.</p> <p><u>Additional insured:</u> Garage liability and garage keepers legal liability insurance, as described above, shall name the city as additional insured for all activities connected with the valet parking service and shall include an endorsement stating the following as "additional insured": the city, all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and their board members, including employees and volunteers thereof. This coverage shall be primary to the additional insureds, and not contributing with any other insurance or similar protection available to the additional insured, whether said other available coverage be primary, contributing or excess.</p> <p><u>Cancellation notice:</u> Thirty (30) days advance written notice of insurance cancellation, nonrenewal, and/or reduction in material change in coverage must be provided to the city. Notice of cancellation material change or reduction must be attached to the certificate of insurance, or otherwise evidenced as in effect under the policy listed.</p> <p><u>Proof of insurance coverage:</u> The following certificates and policies shall be provided to the city:</p> <ol style="list-style-type: none"> <li>1. Two copies of certificate of insurance for workers' compensation insurance.</li> <li>2. Two copies of certificate of insurance for garage liability insurance.</li> <li>3. Two copies of certificate of insurance for garage keepers legal liability insurance.</li> <li>4. If so requested, certified copies of all policies mentioned above will be furnished.</li> </ol>				



CITY CLERK'S OFFICE		FEE	PROPOSED FEE	CHANGE CODE	STAFF
<u>Expiration:</u> If any of the above coverages expire, renewal certificates and/or policies must be provided to the city at least ten days prior to the expiration date.					
<u>Acceptability of insurance company:</u> All coverages shall be with insurance carriers licensed to do business in the state. All coverages shall be with carriers acceptable to the city.					
<b><u>Voter Information</u></b>					
Daily Absentee Voter List		\$	15.00		
Voter Information List		\$	5.00		



# ANNUAL OUTDOOR DINING APPLICATION

Application Year: \_\_\_\_\_

Restaurants operating outside of their building must have an outdoor dining permit. Please reference Zoning ordinance 126.4.44 Outdoor Dining Standards for complete rules and regulations. **INCOMPLETE APPLICATIONS WILL BE RETURNED WHICH MAY RESULT IN LATE FEES**

Name of Facility \_\_\_\_\_

Location of Facility \_\_\_\_\_

<b>Is this a new plan or layout?</b> If yes, site plan approval by city planner is required	<i>Circle:</i> New                      Previously approved  Approval Year (if known): _____
<b>Setup:</b>	# of tables _____ # of chairs _____
<b>Will Liquor be served?</b>	<i>Circle:</i> Yes                      No
<b>Will portable outdoor gas-fired heating appliances (patio-type heaters) be used?</b> If yes, please see attached fire code requirements	<i>Circle:</i> Yes                      No
<b>Operating under a Bistro Special Land Use Permit?</b>	<i>Circle:</i> Yes                      No
<b>Which months will outdoor dining be used?</b>	Start _____ Ending _____  Number of months total _____
<b>Operating on city property (such as sidewalks, alleys, easements, parking spaces)?</b> If yes, public use lease agreement is required and public use lease fees may apply	<i>Circle:</i> Yes                      No
<b>Will a platform be installed?</b> If yes, must complete the Platform Temporary Structure permit and fees apply	<i>Circle:</i> Yes                      No
<b>Which months will the platform be used?</b> Platforms using metered parking spaces will be required to pay long-term meter fees	Start _____ Ending _____  Number of months total _____

Hours of operation	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Facility							
Outdoor Dining							

**Location contact information (if different from owner):**

Name \_\_\_\_\_

Phone \_\_\_\_\_ Email Address \_\_\_\_\_

**Business owner information:**

Name of Owner \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Email Address \_\_\_\_\_

**Signature of Property Owner**

**Date**

***INCOMPLETE APPLICATIONS WILL BE RETURNED WHICH MAY RESULT IN ADDITIONAL LATE FEES***

**Items needed for Annual Application:**

**Application fee - \$200.00** (payable to the City of Birmingham)

**Platform Temporary Structure Permit Fee - \$85.00** (if applicable)

**Layout of Area** (only if layout has changed from previous year or first time applicant)

**Possible items needed after Department Review:**

**If using public space:**

- Insurance
- Public Land Use Lease Agreement (will be provided after review)
- Public Land Use rental fees (will be determined after review)

**If using metered parking space:**

- Insurance
- Public Land Use Lease Agreement (will be provided after review)
- Long Term Meter Fee (if applicable)
- Meter Removal Fee (if applicable)

## **OFFICE USE ONLY:**

Application Summary			
Plan:	Previously Approved		New Plan
Public use SQFT <i>(from CD)</i> :			
Platform:	Yes		No
Months in use- Public Space:	Start:	End:	Total:
Months in use- Platform:	Start:	End:	Total:
Requirements needed for Public Space:	Insurance		Lease Agreement

Fee Summary		Invoice Amounts
Application	\$200	\$ 200
Late Fee after April 1 <sup>st</sup>	\$100	\$
Platform/Temp Structure	\$85	\$
Public Land Rental	(SQFT of Public use area) x (property value from Treasury) x (number of months)	\$
Meter	\$1.00 Meter= \$360 \$1.50 Meter=\$540 X (number of months) X (number of meters)	\$
Meter Removal	1 meter space = \$264.87 2 meter space = \$441.45	\$

## PORTABLE OUTDOOR GAS-FIRED HEATING APPLIANCES

International Fire Code – Section 603.4.2

1. **Prohibited locations.** The storage or use of portable outdoor gas-fired heating appliances is prohibited in any of the following locations:
  - Inside of any occupancy when connected to the fuel gas container.
  - Inside of tents, canopies and membrane structures.
  - On exterior balconies

Exception: As allowed in Section 6.19 of NFPA 58

2. **Clearance to buildings.** Portable outdoor gas-fired heating appliances shall be located at least 5 ft. from buildings.
3. **Clearance to combustible materials.** Portable outdoor gas-fired heating appliances shall not be located beneath, or closer than 5 ft. to combustible decorations and combustible overhangs, awnings, sunshades or similar combustible attachments to buildings.
4. **Proximity to exits.** Portable outdoor gas-fired heating appliances shall not be located within 5 ft. of exits or exit discharges.
5. **Listing and approval.** Only listed and approved portable outdoor gas-fired heating appliances utilizing a fuel gas container that is integral to the appliance shall be used.
6. **Installation and maintenance.** Portable outdoor gas-fired heating appliances shall be installed and maintained in accordance with the manufacturer's instructions.
7. **Tip-over switch.** Portable outdoor gas-fired heating appliances shall be equipped with a tilt or tip-over switch that automatically shuts off the flow of gas if the appliance is tilted more than 15 degrees from the vertical.
8. **Guard against contact.** The heating element or combustion chamber of portable outdoor gas-fired heating appliances shall be permanently guarded so as to prevent accidental contact by persons or material.
9. **Approved containers.** Only approved DOTn or ASME gas containers shall be used.
10. **Container replacement.** Replacement of fuel gas containers in portable outdoor gas-fired heating appliances shall not be conducted while the public is present.
11. **Container capacity.** The maximum individual capacity of containers used in connection with portable outdoor gas-fired heating appliances shall not exceed 20 pounds.
12. **Indoor storage prohibited.** Gas containers shall not be stored inside of buildings.
13. **Discontinuing operation of unsafe heating appliances.** The fire code official is authorized to order that measures be taken to prevent the operation of any existing heat producing device or appliance found to be defective or in violation of code requirements for existing appliances after giving notice to this effect to any person, owner, firm or agent or operator in charge of the same. The fire code official is authorized to take measures to prevent the operation of any device or appliance without notice when inspection shows the existence of an immediate fire hazard or when imperiling human life. The defective device shall remain withdrawn from service until all necessary repairs or alterations have been made.

## Zoning Ordinance

As of 2/7/2022

### **126.4.44 Outdoor Dining Standards**

- A. Outdoor Dining: Outdoor dining is permitted immediately next to the principal use, subject to Site Plan Review, and the following conditions:
1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.
  2. All outdoor activity must cease at the close of business or as noted in subsection 3 below.
  3. When an outdoor dining area is immediately adjacent to any single-family or multiple-family residential district, all outdoor activity must cease at the close of business or 10:00 p.m., whichever is earlier.
  4. Outdoor dining may be permitted on the sidewalk throughout the year with a valid Outdoor Dining License, provided that all outdoor dining fixtures and furnishings must be stored indoors each night between November 16 and March 31 to allow for snow removal.
  5. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.
  6. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.
  7. For outdoor dining located in the public right-of-way:
    - a. All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.
    - b. In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.
    - c. Outdoor dining is permitted to extend in the right-of-way in front of neighboring properties, with the written permission of the property owner(s) and with Planning Board approval, if such property is vacant or the first floor storefront(s) is/are vacant. Outdoor dining areas may extend up to 50% of the width of the neighboring lot(s) storefront(s), or up to 50% of the lot(s) frontage, if such lot is vacant.
    - d. City Commission approval is also required for outdoor dining extensions onto neighboring property if the establishment making such a request holds a bistro license.
    - e. An elevated, ADA compliant, enclosed platform may be erected on the street in front of an eating establishment to create an outdoor dining area from April 1 through November 15 only if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
    - f. No such facility shall erect or install permanent fixtures in the public right-of-way.
  8. Outdoor dining is permitted in a B1 District at a rate of 4 seats for every 12 linear feet of store frontage, with no more than 12 seats total per building; no elevated enclosed platforms on the street are permitted in a B1 District.

### **126.3.04.C.10 Overlay Districts; Bistros**

1. Bistros are permitted with a valid Special Land Use Permit with the following conditions:
  - a. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
  - b. Alcohol is served only to seated patrons, except those standing in a defined bar area;
  - c. No dance area is provided;
  - d. Only low key entertainment is permitted;
  - e. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
  - f. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;

- g. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
- h. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, defined platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
- i. Enclosures facilitating year round dining outdoors are not permitted.
- j. Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.
- 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.



## MEMORANDUM

Clerk's Office

**DATE:** February 14, 2022

**TO:** Tom Markus, City Manager

**FROM:** Alexandra Bingham, City Clerk

**SUBJECT:** Special Event - 2022 Birmingham Memorial Day Service

### INTRODUCTION:

The Birmingham Memorial Day Committee has submitted a Special Event application to hold the 2022 Birmingham Memorial Day Service in Shain Park on Monday, May 30, 2022, from 10 a.m.-11 a.m. Set-up for the event is scheduled for May 30 from 9 a.m. – 10 a.m. Tear down will happen immediately following the event's 11 a.m. conclusion.

### BACKGROUND:

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

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

- |                                     |          |                           |
|-------------------------------------|----------|---------------------------|
| • Birmingham Farmers Market         | Sundays  | Lot 6                     |
| • Celebrate Birmingham Parade/party | May 15   | Shain Park & city streets |
| • Art Birmingham                    | May 7-8  | Shain Park & city streets |
| • Village Fair                      | June 1-5 | Shain Park & city streets |

### LEGAL REVIEW:

n/a

### FISCAL IMPACT:

n/a

### PUBLIC COMMUNICATIONS:

The City Clerk's office notified residents and businesses details of the event by postcard mailed more than two weeks prior to the Commission meeting. Addresses were notified within 300 feet of the event space.

### SUMMARY:

The City Commission is being asked to approve a special event permit for the 2022 Birmingham Memorial Day Service to be held May 30, 2022. Set up will begin in Shain



Park, on May 30 at 9:00 a.m. Tear down will occur immediately following the event, at 11:00 a.m.

**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 January 21, 2022. Notification addresses are on file in the Clerk's Office
3. Event site map
4. Department Approval page with comments and estimated costs

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution to approve a special event permit as requested by the Birmingham Memorial Day Committee to hold the 2022 Memorial Day Service on Monday, May 30, 2022, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

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

OCT 21 2021

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

Police Department acknowledgement: mtz #501I. 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 10/21/21Name of Event CITY OF BIRMINGHAM ANNUAL MEMORIAL DAY SERVICE

Detailed Description of Event (attach additional sheet if necessary) PATRIOTIC PROGRAM  
INCLUDING CONCERT BAND, MAYORAL ADDRESS, HISTORICAL  
PRESENTATION, WREATH LAYING, ETC.

Location SHAIN PARKDate(s) of Event MAY 30, 2022 Hours of Event 10AM - 11AMDate(s) of Set-up MAY 30, 2022 Hours of Set-up 9AM - 10AM

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

Date(s) of Tear-down MAY 30, 2022 Hours of Tear-down 10AM -Organization Sponsoring Event BIRMINGHAM MEMORIAL DAY COMMITTEEOrganization Address 1267 TWIN MAPLES LANE, BIRD HILLS 48301Organization Phone 248 258 9007Contact Person BRUCE W. MILLER

Contact Phone \_\_\_\_\_

Contact Email \_\_\_\_\_

## II. EVENT INFORMATION

1. Organization Type COMMUNITY GROUP  
(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 ANNUAL EVENT  
\_\_\_\_\_
5. Total number of people expected to attend per day 300
6. The event will be held on the following City property: (Please list)  
☐ Street(s) \_\_\_\_\_  
☐ Sidewalk(s) \_\_\_\_\_  
☒ Park(s) SHAIN PARK
7. Will street closures be required? YES ☐ NO ☒  
**(Police Department acknowledgement prior to submission of application is required) (initial here) \_\_\_\_\_**
8. What parking arrangements will be necessary to accommodate attendance? NONE

9. Will staff be provided to assist with safety, security and maintenance? YES ☐ NO ☐

**If yes, please provide number of staff to be provided and any specialized training received.**

Describe \_\_\_\_\_  
\_\_\_\_\_

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 \_\_\_\_\_ ☒ Loudspeakers

Recorded Time music will begin \_\_\_\_\_

Time music will end \_\_\_\_\_

Location of live band, DJ, loudspeakers, equipment must be shown on the layout map.

13. Will there be signage in the area of the event? YES ☐ NO ☒

Number of signs/banners \_\_\_\_\_

Size of signs/banners \_\_\_\_\_

Submit a photo/drawing of the sign(s). **A sign permit is required.**

14. Will food/beverages/merchandise be sold? YES ☐ NO ☒

- Peddler/vendor permits must be submitted to the Clerk's Office, **at least two weeks prior to the event.**
- You must obtain approval from the Oakland County Health Department for all food/beverage sales/donations. Contact [ehclerk@oakgov.com](mailto: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)

<b>VENDOR NAME</b>	<b>GOODS TO BE SOLD</b>	<b>WATER HOOK- UP REQUIRED?</b>	<b>ELECTRIC REQUIRED?</b>

### 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 \$500.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles		\$10.00 each includes 1 bag For additional bags, the cost is \$32/per case.	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		\$350.00/per dumpster 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		\$224.75/per hydrant Includes the use of 5,000 gallons of water. Any additional water usage will be billed.	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.
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 square feet)		
Portable Toilets		
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		

## SIGNATURE OF APPLICANT REQUIRED

EVENT NAME CITY OF BIRMINGHAM MEMORIAL DAY SERVICE  
EVENT DATE 30 MAY, 2022

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.

Bene Wm: IL

Signature

OCT. 21, 2021

Date

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

## 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.

The following language must be submitted on the applicant's letterhead and signed by an authorized representative of the organization.

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### 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."

BWmill

Applicant's signature

Oct 21 '21

Date





## **SPECIAL EVENT NOTIFICATION**

TO ALL PROPERTY/BUSINESS OWNERS

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.

**NAME OF EVENT:** Memorial Day Ceremony  
**LOCATION:** Shain Park  
**DATES/TIMES:** Monday, May 30, 2022  
10:00 AM

**DATE/TIME OF CITY COMMISSION MEETING:** Monday, February 14, 7:30 PM

The city commission meets in room 205 of the Municipal Building at 151 Martin. You may also attend virtually through 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).

**EVENT ORGANIZER:** Birmingham Memorial Day Committee  
Event day contact: 248-258-9007

**TO MANAGERS OF BUILDINGS CONTAINING MORE THAN ONE UNIT: PLEASE POST THIS NOTICE AT THE MAIN ENTRANCE TO YOUR BUILDING.**



## **SPECIAL EVENT NOTIFICATION**

TO ALL PROPERTY/BUSINESS OWNERS

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.

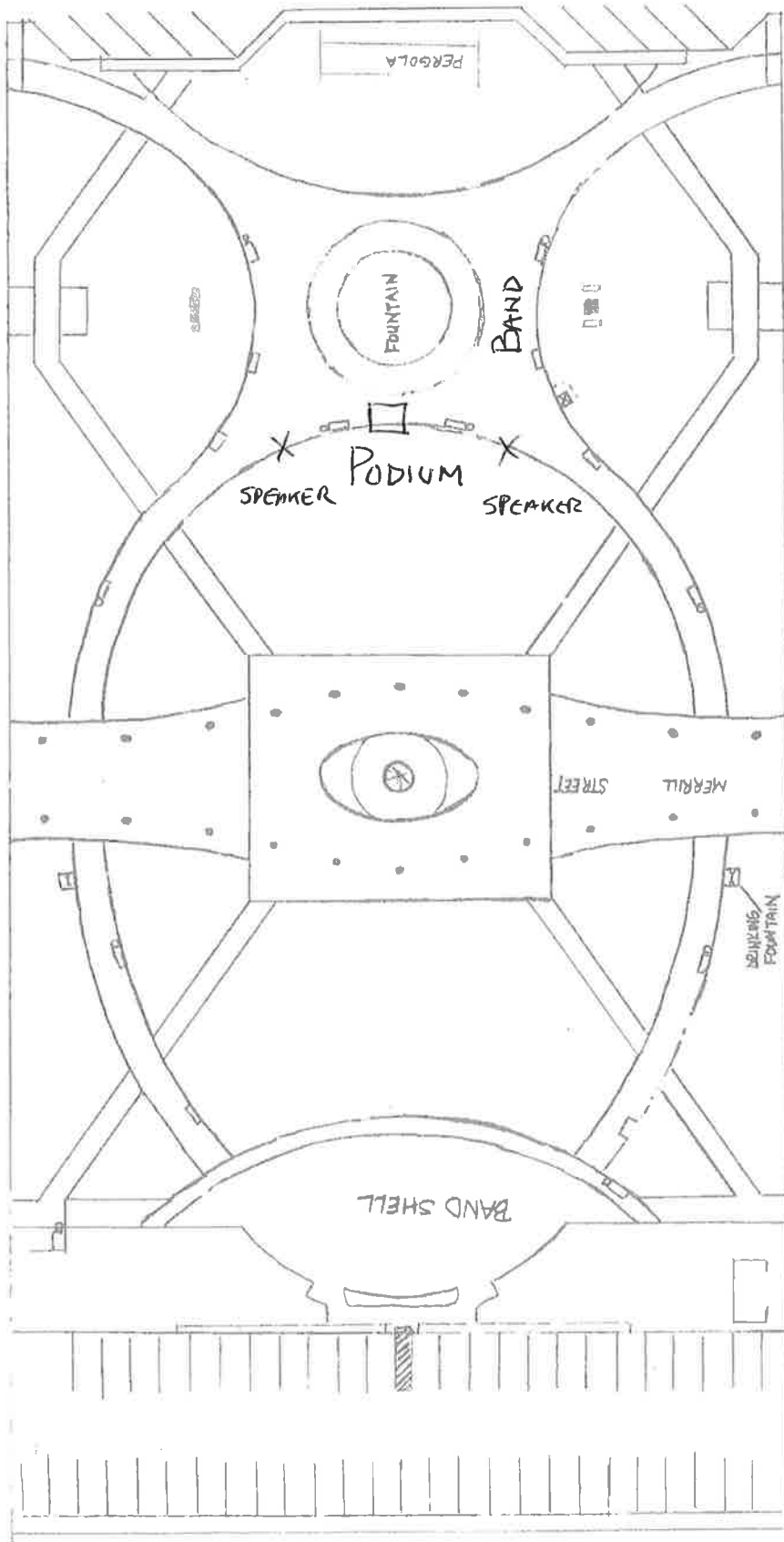
**NAME OF EVENT:** Memorial Day Ceremony  
**LOCATION:** Shain Park  
**DATES/TIMES:** Monday, May 30, 2022  
10:00 AM

**DATE/TIME OF CITY COMMISSION MEETING:** Monday, February 14, 7:30 PM

The city commission meets in room 205 of the Municipal Building at 151 Martin. You may also attend virtually through 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).

**EVENT ORGANIZER:** Birmingham Memorial Day Committee  
Event day contact: 248-258-9007

**TO MANAGERS OF BUILDINGS CONTAINING MORE THAN ONE UNIT: PLEASE POST THIS NOTICE AT THE MAIN ENTRANCE TO YOUR BUILDING.**



TOWNSEND STREET

HENRIETTA STREET

# Shain Park Map

## DEPARTMENT APPROVALS

EVENT NAME: 2022 ANNUAL MEMORIAL DAY SERVICE

LICENSE NUMBER #22-00011739

COMMISSION HEARING DATE: Feb. 14, 2022

NOTE TO STAFF: Please submit approval by **Jan. 31, 2022**

DATE OF EVENT: **May 30, 2022**

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)
<b>PLANNING</b> 101-000.000-634.0005 248.530.1855	ND	No Planning issues	N/A	\$0	
<b>BUILDING</b> 101-000.000.634.0005 248.530.1850	MJM	No building department involvement.	Tents over 400 sqft.	\$0	
<b>FIRE</b> 101-000.000-634.0004 248.530.1900	JDP	Follow all current MDHHS COVID-19 Guidelines		\$0	
<b>POLICE</b> 101-000.000.634.0003 248.530.1870	MHC	On-duty personnel to provide extra patrol and attend event if possible.	N/A	\$0	\$0
<b>PUBLIC SERVICES</b> 101-000.000-634.0002 248.530.1642	CL	City Event. Audio Equipment, Podium and Chairs will be provided.	N/A	\$0	

<b>ENGINEERING</b> <b>101-000.000.634.0002</b> 248.530.1839	SDZ	No Obstructions Requested in the ROW	None	\$0	\$0
<b>SP+ PARKING</b>	RW	Parking available on-street and structures. Free parking for Holiday	None	\$0	\$0
<b>INSURANCE</b> 248.530.1807		No CoI or hold-harmless required because city is an event co-sponsor	None	\$0	\$0
<b>CLERK</b> <b>101-000.000-614.0000</b> 248.530.1803		Notification letters to be mailed by city clerk no later than 1/31/22. Notification addresses on file in the Clerk's Office.	Applications for vendors' licenses must be submitted no later than 5/16/22.	\$0 (fee waived)	
				<b>TOTAL DEPOSIT REQUIRED</b>	<b>ACTUAL COST</b>

**FOR CLERK'S OFFICE USE**

Deposit paid \_\_\_\_\_

Actual Cost \_\_\_\_\_

Due/Refund\_\_\_\_\_

**DATE:** Friday, February 4, 2022

**TO:** Thomas M. Markus, City Manager

**FROM:** Christina Woods, Deputy Clerk

**SUBJECT:** Special Event Request- Celebrate Birmingham Parade & Party in Shain Park

---

**INTRODUCTION:**

The Clerk's Office submitted a Special Event application to hold the 2022 Celebrate Birmingham Parade and Party in Shain Park and downtown streets on Sunday, May 15, 2022. Set up for the parade and party is scheduled to begin Sunday, May 15, 2022 at 9:00 am.

**BACKGROUND:**

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 parade this year has two tentative routes to allow for changes incase of construction. The final parade route will be decided on no less than two weeks prior to the event.

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

- Art Birmingham 5/7-5/8/22 Shain Park
- Farmers Market Sundays Lot 6
- Memorial Day Service 5/30/22 Shain Park
- Eisenhower Dance Performance 5/26/22 Shain Park

**LEGAL REVIEW:**

The City Attorney has reviewed the application and packet and has no concerns or objections.

**FISCAL IMPACT:**

\$9,500 has been budgeted in FY 2021-2022 for the parade in the General Fund.

**PUBLIC COMMUNICATIONS:**

Postcard notifications have been mailed to property owners and occupants along the parade route and surrounding Shain park with a 300ft radius. The notification included date, location and street closure information, as well as notifying property owners and occupants of their right to voice any concerns at the Monday, February 14 2022 commission meeting. The parade website, [bhamgov.org/parade](http://bhamgov.org/parade) will also be kept up to date with the most recent information.

**SUMMARY:**

The City Commission is being asked to approve the 2022 Celebrate Birmingham Parade & Party in Shain Park to be held Sunday, May 15, 2022 with set up to begin the day of the event at 9:00 am. Tear-down of the parade route will begin at the conclusion of the parade, and Shain Park at 4:00 pm

**ATTACHMENTS:**

1. Special Event Application
2. Notification Letter with map of event area distributed to property owners and occupants within 300 feet of the area. Notification sent January 31, 2022. Notification address are on file in the Clerk's office.
3. Department Approval page with comments and estimated costs.

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution to approve a request from the Birmingham City Clerk's office to hold the Celebrate Birmingham Parade on downtown streets and the Party in Shain Park as presented on May 15, 2022, contingent upon compliance with all permit and insurance requirements and payment of all fees, and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

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

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

Police Department acknowledgement: \_\_\_\_\_

**I. EVENT DETAILS**

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

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

**(Please print clearly or type)**

Date of Application 1/20/2022

Name of Event Birmingham Hometown Parade & Party in Shain Park

Detailed Description of Event (attach additional sheet if necessary) Annual parade ending with family events in Shain Park

Location Hometown Celebration in Shain Park

Parade Route One: Parade Staging on Old Woodward between George st. & Brown st.;  
Parade starting from Old Woodward at Brown st., West on Maple rd., South on Bates st.  
ending at Townsend st.

Parade Route Two: Parade Staging on Old Woodward between Harmon and Oakland ave.;  
Parade starting from Old Woodward at Oakland ave, West on Maple rd., South on Bates st.  
ending at Townsend st.

Date(s) of Event Sunday, May 15 2022 Hours of Event Parade 1:00pm – approx. 2:00 pm/ Celebration to follow ending at 4:00 pm

Date(s) of Set-up Sunday, May 15, 2022 Hours of Set-up 9:00 am Shain Park, Parade Lineup setup at 10 am

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

Date(s) of Tear-down: Sunday, May 15 2022 Hours of Tear-down: Immediately Following Parade, Celebration tear-down at 4:00pm

Organization Sponsoring Event City of Birmingham

Organization Address 151 Martin, Birmingham MI 48009

Organization Phone 248.530.1880

Contact Person Christina Woods, Deputy Clerk

Contact Phone 248.530.1803

Contact Email cwoods@bhamgov.org



## II. EVENT INFORMATION

1. Organization Type City (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. ) Not yet determined  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
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 Annual event for many years  
\_\_\_\_\_
5. Total number of people expected to attend per day 500
6. The event will be held on the following City property: (Please list)  
☒ Street(s) Parade route 1: Old Woodward between George & Maple, Maple between Old Woodward & Bates, Bates between Maple & Townsend  
\_\_\_\_\_  
Parade route 2: Old Woodward between Harmon & Maple, Maple between Old Woodward & Bates, Bates between Maple & Townsend  
\_\_\_\_\_  
☒ Sidewalk(s) Same as above. Parade announcers sound equipment, TV crew, parade judges on selected sections of sidewalks, TBD  
\_\_\_\_\_  
☒ Park(s) Shain Park  
\_\_\_\_\_

7. Will street closures be required? YES ☒ NO ☐

**(Police Department acknowledgement prior to submission of application is required) (initial here)** 

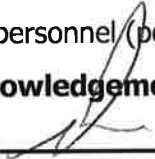
8. What parking arrangements will be necessary to accommodate attendance? Parking Structures, meter bags for vendors to park near Shain Park. Meter bags to block off parking along Old Woodward for organizing parade lineup.

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 Clerk's Office Staff (5), volunteers (10+)

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 Police personnel at barricades, Police Dept. Escort in front and at end of parade

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 ☐

X Live X Amplification X Loudspeakers

Recorded Time music will begin 1:00 pm

Time music will end 4:00 pm

Location of live band, DJ, loudspeakers, equipment must be shown on the layout map. **TBD**

13. Will there be signage in the area of the event? YES ☒ NO ☐

Number of signs/banners 3 Banners: Pierce, Chester and N. Old Woodward Structures

Size of signs/banners See attached photo

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](mailto: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?
TBD	Food/Beverages	No	No

### 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

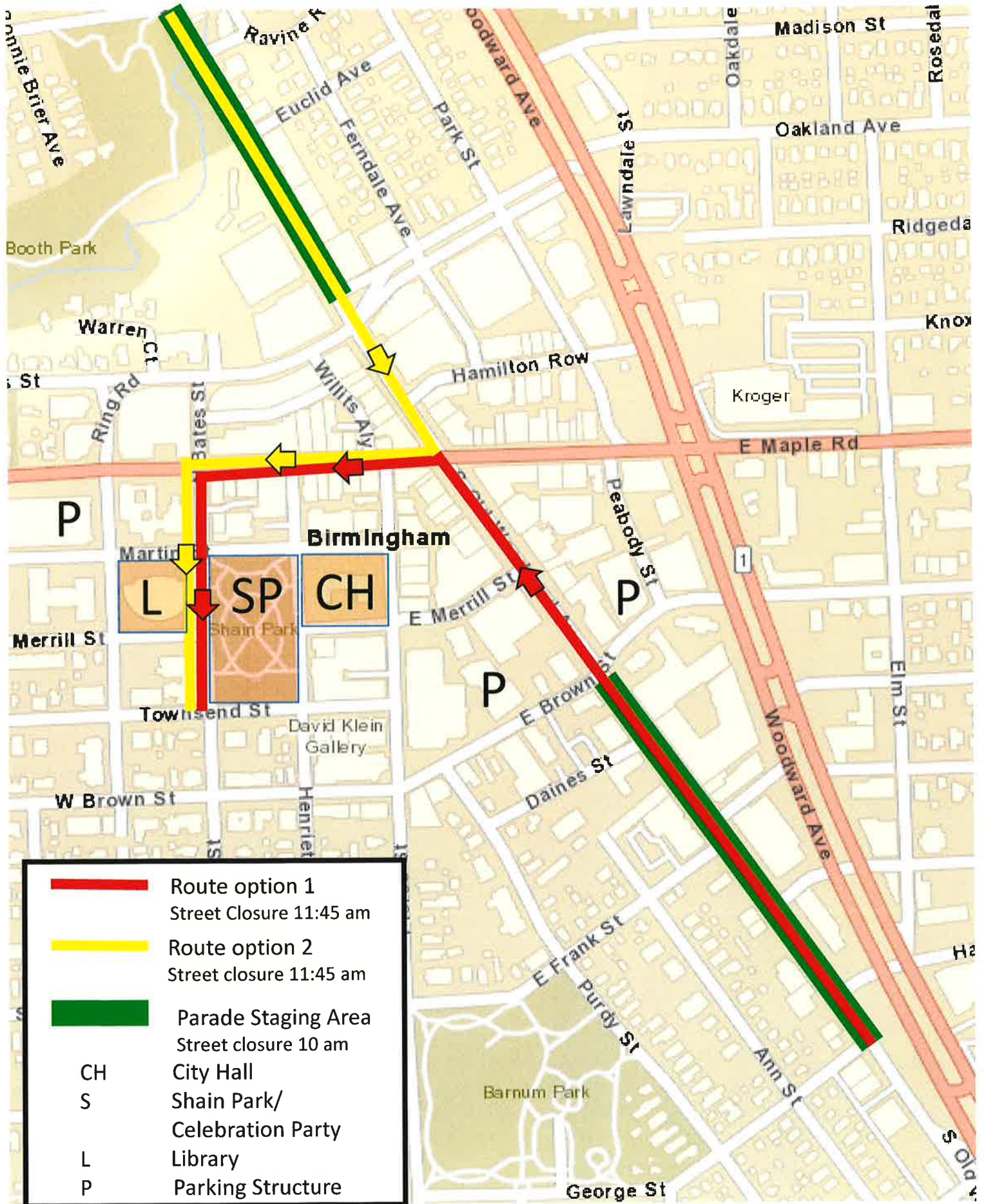
1. Will the event require the use of any of the following municipal equipment?  
(show location of each on map)

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables	0	6 for \$500.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles	6	\$10.00 each includes 1 bag For additional bags, the cost is \$32/per case.	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	0	\$350.00/per dumpster 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	0	\$224.75/per hydrant Includes the use of 5,000 gallons of water. Any additional water usage will be billed.	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.
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 square feet)	TBD	
Portable Toilets	5	
Rides	0	
Displays	0	
Vendors	TBD	
Temporary Structure (must attach a photo)	0	
Other (describe) Inflatables	3-4	

# 2022 Celebrate Birmingham Parade Map





COMMUNITY HOUSE

LIBRARY

Event Area in yellow  
Exact ~~pattern~~ Setup TBD

TOWNSEND STREET

TOWNSEND STREET

MARTIN STREET

PERGOLA

FOUNTAIN

MERRILL STREET

MERRILL STREET

BOILING FOUNTAIN

BAND SHELL

HENRIETTA STREET

TOWNSEND HOTEL

CITY HALL

Activities

Sponsors/Vendor Booths

Info Booth/Volunteer Check-in

Portajohns

Miscellaneous

Street Closure



**'CELEBRATE BIRMINGHAM' PARAD**

**AND POST-PARADE PARTY**

**Sunday, May 21st, 1:00 p.m.**

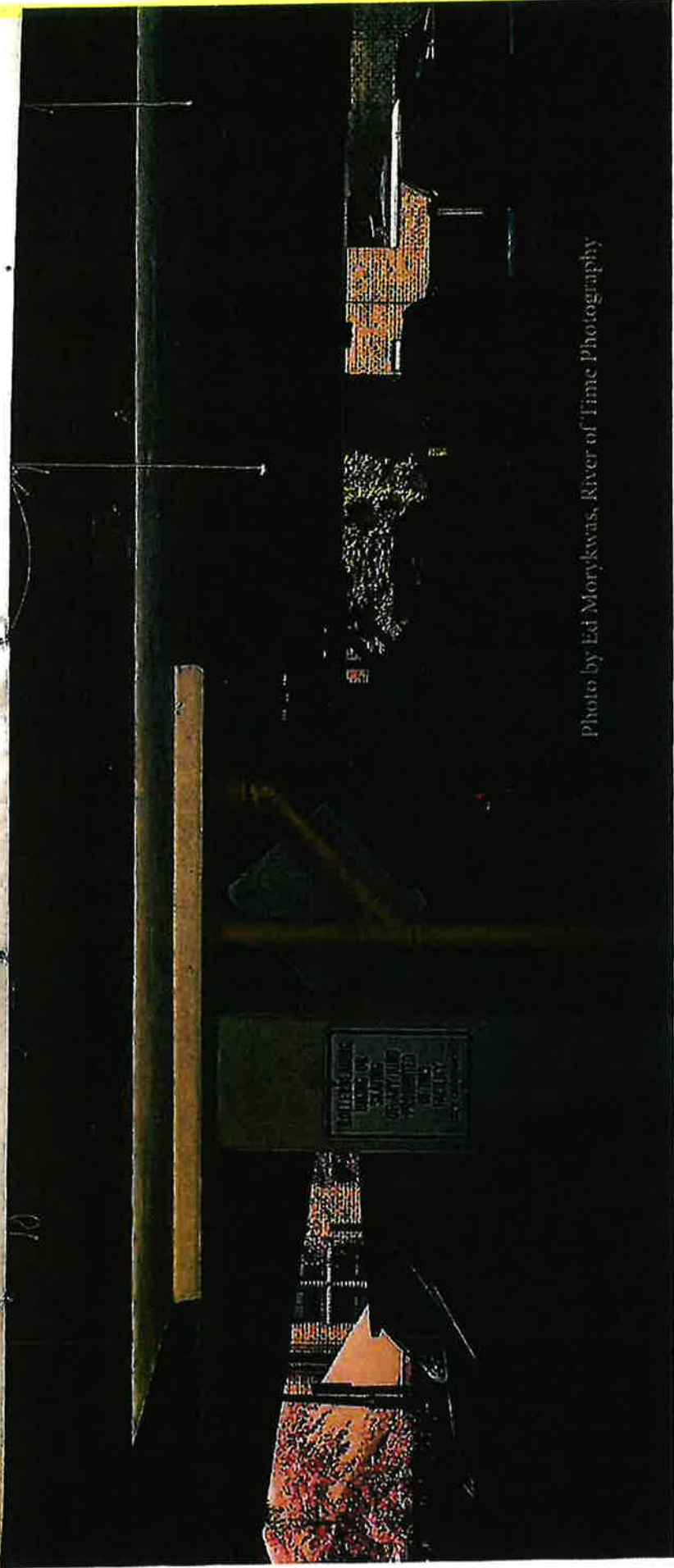


Photo by Ed Morykwas, River of Time Photography



**SIGNATURE OF APPLICANT REQUIRED**

EVENT NAME Celebrate Birmingham Parade + Event  
EVENT DATE Sunday May 15 2022

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.

C. Woods 1/20/22  
Signature Date

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

**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.

The following language must be submitted on the applicant's letterhead and signed by an authorized representative of the organization.

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### **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."

City of Birmingham

**Applicant's signature**

**Date**



## SPECIAL EVENT NOTIFICATION TO ALL PROPERTY/BUSINESS OWNERS

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

**NAME OF EVENT:** Celebrate Birmingham Parade & Party in the Park  
**LOCATION:** Downtown Birmingham – Old Woodward and Shain Park (see attached map)  
**DATES/TIMES:** Sunday, May 15, 2022  
Parade setup at 9 AM, Parade at 1 PM,  
Activities in Shain Park following Parade, completing at 4 pm

- 2 Parade routes are scheduled dependent on construction. Location will be decided at least 2 weeks prior to event. Check [www.bhamgov.org/parade](http://www.bhamgov.org/parade) for up-to-date information.
- Parade Route Option One: Parade Staging on Old Woodward between George & Brown; Parade starting from Old Woodward at Brown, West on Maple, South on Bates. ending at Townsend
- Parade Route Option Two: Parade Staging on Old Woodward between Harmon and Oakland; Parade starting from Old Woodward at Oakland, West on Maple, South on Bates ending at Townsend

**DATE/TIME OF CITY COMMISSION MEETING:** Monday, February 14, 2022, 7:30PM  
The City Commission meets in room 205 of the Municipal Building at 151 Martin. You may also attend virtually through ZOOM: <https://zoom.us.com/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)

**EVENT ORGANIZER:** City of Birmingham. City Staff Contact: Christina Woods, Deputy City Clerk  
248.530.1803 • [cwoods@bhamgov.org](mailto:cwoods@bhamgov.org) • <http://www.bhamgov.org/parade>

**TO MANAGERS OF BUILDINGS CONTAINING MORE THAN ONE UNIT: PLEASE POST THIS NOTICE  
AT THE MAIN ENTRANCE TO YOUR BUILDING.**



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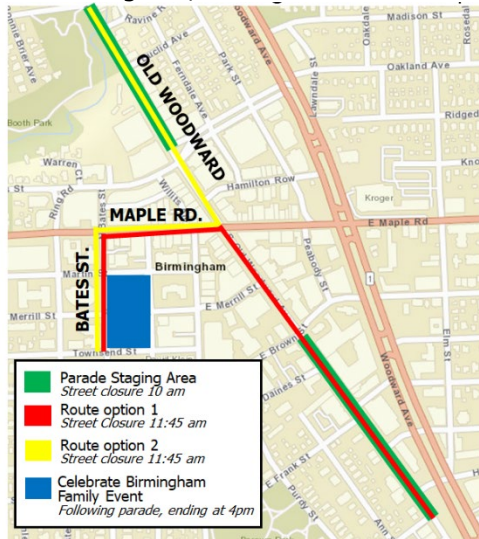
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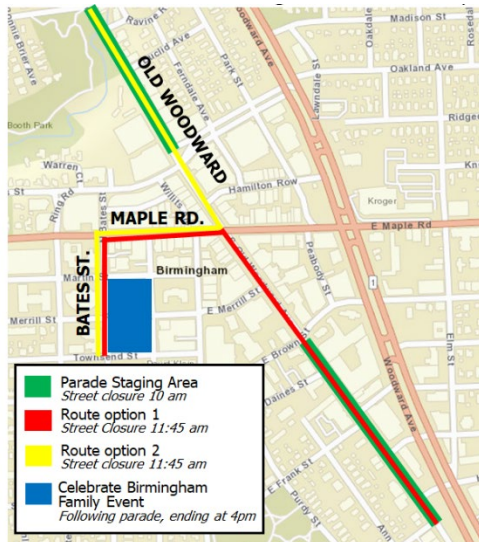
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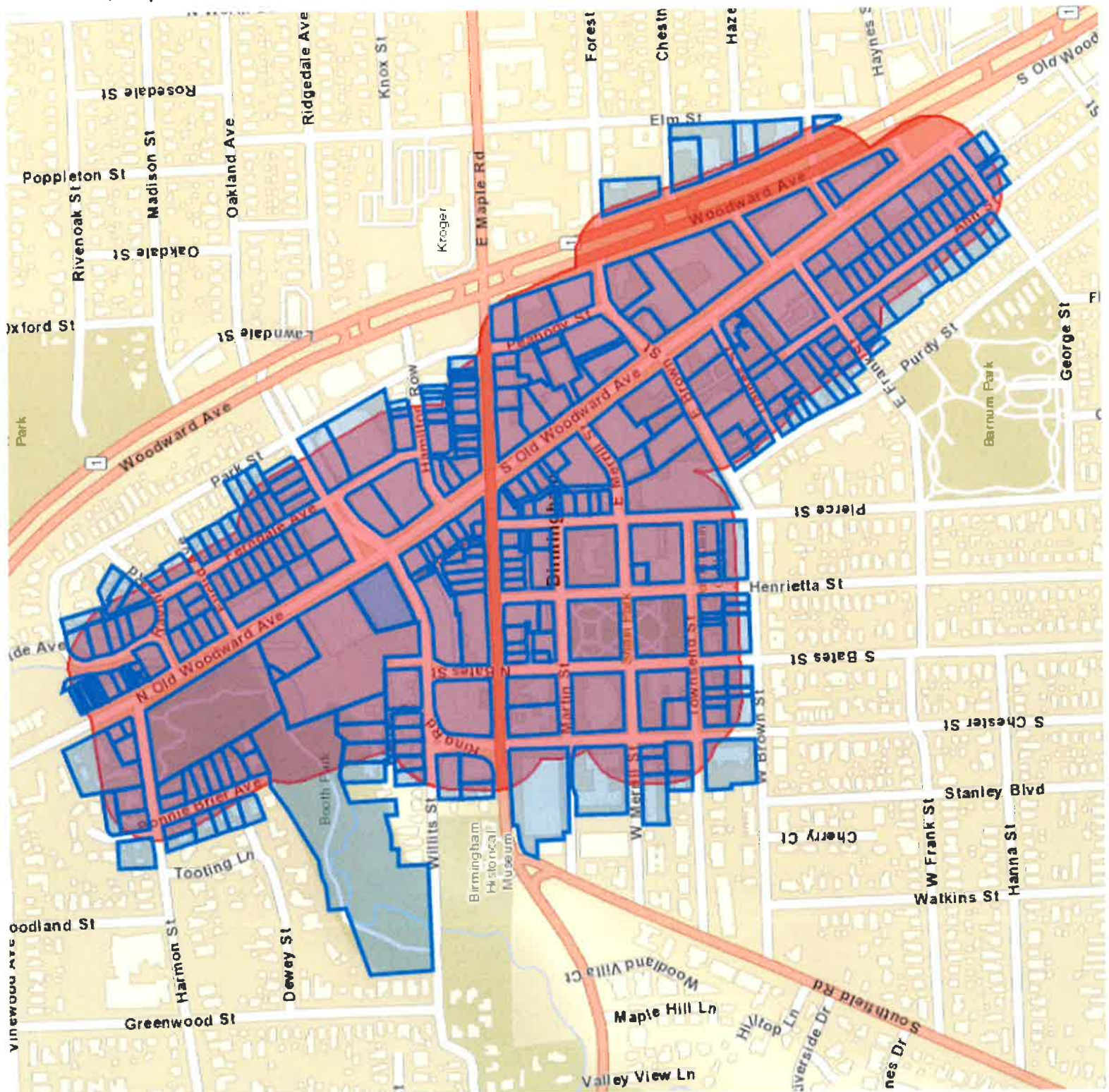
City Clerk's Office  
City of Birmingham  
151 Martin  
Birmingham, MI 48009



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





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# DEPARTMENT APPROVALS

**EVENT NAME: Birmingham Hometown Parade  
& Party in Shain Park**

**LICENSE NUMBER #22-00011758**

**COMMISSION HEARING DATE: 2/14/2022**

**NOTE TO STAFF: Please submit approval by 2/7/2022**

**DATE OF EVENT: Sun 5/15/2022**

<b>DEPARTMENT</b>	<b>APPROVED</b>	<b>COMMENTS</b>	<b>PERMITS REQUIRED</b> (Must be obtained directly from individual departments)	<b>ESTIMATED COSTS</b> (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	<b>ACTUAL COSTS</b> (Event will be invoiced by the Clerk's office after the event)
<b>PLANNING</b> <b>101-000.000-634.0005</b> 248.530.1855	ND	No issues	N/A	\$0	\$0
<b>BUILDING</b> <b>101-000.000.634.0005</b> 248.530.1850	MJM	No Department Involvement.		\$0	
<b>FIRE</b> <b>101-000.000-634.0004</b> 248.530.1900	JDP	Follow all current COVID-19 guidelines Cooking areas require inspection. Fire extinguisher required for cooking areas. Fire extinguishers required for tents. Flame retardant certificates required to be submitted for tent membranes Food trucks require inspection prior to event. Contact Fire Marshal to schedule inspections. Crowd managers required 1/250 people ratio Do not block fire hydrants or Fire Department Connections with storage, tents or other. Maintain fire lanes per IFC '15	Inspections may be required.	\$0	

<b>POLICE</b> <b>101-000.000.634.0003</b> 248.530.1870	SG	Personnel assigned for road closures and safety along parade route.		\$0	\$0
<b>PUBLIC SERVICES</b> <b>101-000.000-634.0002</b> 248.530.1642	CL	Includes Barricade placement and removal, and any setup or removal occurring on weekdays before and after event. Does NOT include any costs occurring weekend of event. If assistance is requested for weekend of the event, there will be additional costs.		\$1,500	
<b>ENGINEERING</b> <b>101-000.000.634.0002</b> 248.530.1839	SDZ	Potentially (2) obstruction permits needed, one for route, one for space around park if needed.	(2) Obstruction Permits	\$130	TBD
<b>SP+ PARKING</b>	RW	Parking available in structures. Free parking	None	\$0	\$0
<b>INSURANCE</b> 248.530.1807	AB	Need to submit CoI, Hold Harmless Agreement to Clerk's office no later than 5/1/2022	None	\$0	\$0
<b>CLERK</b> <b>101-000.000-614.0000</b> 248.530.1803	AB	Notification letters to be mailed by applicant no later than 1/31/2022. Notification addresses on file in the Clerk's Office.	Applications for vendors license must be submitted no later than 5/1/22.	\$ 165	
				<b>TOTAL DEPOSIT REQUIRED</b>	<b>ACTUAL COST</b>

**FOR CLERK'S OFFICE USE**

Deposit paid \_\_\_\_\_

Actual Cost \_\_\_\_\_

Due/Refund \_\_\_\_\_

**DATE:** February 7<sup>th</sup>, 2022

**TO:** Thomas M. Markus, City Manager

**FROM:** Brooks Cowan, Senior Planner

**APPROVED:** Nicholas Dupuis, Planning Director

**SUBJECT:** Fee Schedule Amendment for Wall Art Review

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**INTRODUCTION:**

The City of Birmingham has created a review process for murals and various types of wall art, therefore the Birmingham Fee Schedule is required to be updated in order to finalize the application process.

**BACKGROUND:**

On December 6<sup>th</sup>, 2021, the City Commission approved a wall art review process that entails an advisory review by the Public Arts Board followed by a final review by the Design Review Board or Historic District Commission. This process requires an application to be submitted along with a fee, therefore the Birmingham Fee Schedule must be updated. The application fee is proposed to be \$200.

**LEGAL REVIEW:**

The City Attorney has reviewed the application and fee schedule amendment and has no concerns as to the form and content.

**FISCAL IMPACT:**

An increase in application fee revenue of \$200 per application is projected.

**PUBLIC COMMUNICATIONS:**

The Planning Division and City Clerks Office will coordinate to have the relevant application and updated fee schedule available online.

**SUMMARY:**

The Planning Division requests that the City Commission consider an amendment to the Birmingham Fee Schedule for the addition of a Wall Art Application Fee for the amount of \$200.

**ATTACHMENTS:**

- Wall Art Application
- Proposed Fee Schedule

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution to amend the Birmingham Fee Schedule for the addition of a Wall Art Application Fee for the amount of \$200.





## WALL ART APPLICATION

*The purpose of the Wall Art review process is to enable creative artistic designs on the exterior of buildings, to activate space and create an inviting experience through the use of art, to allow for public input regarding wall art design, and to ensure the location, size and design of wall art is aesthetically appropriate and compatible with the area of the proposed location.*

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### APPLICATION

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#### 1. Artist Name (First & Last)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

Email address: \_\_\_\_\_

Website (if applicable): \_\_\_\_\_

Social Media (if applicable): \_\_\_\_\_

#### 3. Artwork Information

Medium / Technique: \_\_\_\_\_

Height x Width: \_\_\_\_\_

Materials to be used: \_\_\_\_\_

Timeframe (permanent or temporary): \_\_\_\_\_

If temporary, indicate time period): \_\_\_\_\_

#### 2. Project Site Information

Property Owners Name: \_\_\_\_\_

Owners Mailing Address: \_\_\_\_\_

Location of proposed Project site: \_\_\_\_\_

Consent of Property Owner (yes/no): \_\_\_\_\_

### 3. Description of Artwork & Artist Statement (attach separate sheet if necessary)

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### 4. Required Attachments

- a) This application form, completed in full.
- b) Two hard copies and one digital copy of the proposed design which includes, but is not limited to, a drawing, rendering or photo of the proposed artwork to be placed on the building, as well as the proposed dimensions of the artwork;
- c) A photo of existing conditions of the wall where the artwork is proposed, along with the dimensions of the wall or walls;
- d) A timeframe for the artwork to be exhibited and whether it is intended to be temporary or permanent;
- e) Specifications of materials that will be used for the artwork;
- f) A resume of the artist(s) including names, location, and photos of previous work;
- g) Written consent of Property Owner if the applicant is not the owner.
- h) Any other data requested by the Public Arts Board, Design Review Board or other City Departments.
- i) Liability Waiver and Release Form signed by the artist.

**The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Public Arts Board and/or Design Review Board of any additional changes made to an approved design. The undersigned further states that they have reviewed the procedures and guidelines for Design Review in Birmingham, and have complied with same. The undersigned will be in attendance at the Public Arts Board and/or Design Review 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 Property Owner:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Print Name: \_\_\_\_\_

**Signature of Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Print Name: \_\_\_\_\_

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## TO APPLY

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Applications must be submitted through this form. The application will require the following information. Please read all of the information listed carefully. Incomplete applications will be disqualified from consideration.

- 1) This form completed in full;
- 2) Two hard copies and one digital copy of the proposed design which includes, but is not limited to, a drawing, rendering or photo of the proposed artwork to be placed on the building, as well as the proposed dimensions of the artwork;
- 3) A photo of existing conditions of the wall where the artwork is proposed, along with the dimensions of the wall or walls;
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- 6) A resume of the artist(s) including names, location, and photos of previous work;
- 7) Written consent of Property Owner if the applicant is not the owner.
- 8) Liability Waiver and Release Form signed by the artist.

The Public Arts Board typically meets every 3<sup>rd</sup> Wednesday of the month. **APPLICATIONS MUST BE RECEIVED BY 5PM MINIMUM 7 DAYS PRIOR TO A MEETING OF THE PUBLIC ARTS BOARD.**

\*\*\*Submit application together with **all of the required attachments as listed above** to:

City of Birmingham  
Attn: Brooks Cowan – Wall Art Application  
151 Martin St.  
P.O. Box 3001 Birmingham, MI 48012

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## SELECTION PROCESS

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All applications for wall art begin with review and recommendation by the Public Arts Board. The application will then be reviewed by the Design Review Board or Historic District Commission for final consideration. Final approval of wall art is subject to the review requirements as stated in Section 7.09 *Design Review: Review* and all other applicable sections of the Birmingham Code of Ordinances.

**QUESTIONS** For all questions related to this contact Brooks Cowan, City Planner, [bcowan@bhamgov.org](mailto:bcowan@bhamgov.org) or (248) 530-1846

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**(Office use only)**

Date Received: \_\_\_\_\_

Presented for Public Arts Board discussion: \_\_\_\_\_

Board Action:    ☐ Recommended for approval    ☐ Not recommended for approval

Recommendation(s)/Action Taken \_\_\_\_\_

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Routing and dates approved (Office use only):

Y   N

☐ ☐ Planning

☐ ☐ Engineering

☐ ☐ Public Safety (Police/Fire)

☐ ☐ Parks and Recreation

☐ ☐ Approved by CCBB

☐ ☐ Approved by City Commission

Y   N

☐ ☐ Building

☐ ☐ Other

Site location:

\_\_\_\_\_

City of Birmingham  
2022 Fee Schedule



FEES, CHARGES, BONDS, INSURANCE

The fee required to be paid and the amount of any bond required to be posted, or insurance required to be carried, to obtain any license to engage in the operation, conduct or carrying on of any trade, profession, business or privilege for which a license is required by the provisions of the Code of the City of Birmingham code shall be as hereinafter provided. These fees may be amended by resolution of the City Commission.

Adopted by Resolution #02-18-10 by the Birmingham City Commission at a regular meeting held February 8, 2010, effective February 14, 2010.

A handwritten signature in cursive script, reading "Nancy A. Weiss".

City Clerk

City of Birmingham  
2022 Fee Schedule

STANDARD INSURANCE REQUIREMENTS

Where insurance is required to be carried to make application for a permit or license, the applicant shall procure and maintain the following coverages and limits unless otherwise specified in this document.

*Workers' compensation insurance.* Workers' compensation insurance, including employers' liability coverage, in accordance with all applicable statutes of the state.

*Commercial general liability (CGL) insurance.* 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 broad form general liability extensions or equivalent.

*Motor vehicle liability insurance.* 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.

*Additional insured.* Commercial general liability insurance and motor vehicle liability insurance as described above shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage be primary, contributing or excess.

*Professional liability.* Professional liability insurance with limits of not less than \$1,000,000 per claim if providing service that is customarily subject to this type of coverage.

*Cancellation notice.* Thirty days advance written notice of insurance cancellation, non-renewal and/or reduction or material change in coverage shall be provided to the city. Notice of cancellation, material change or reduction shall be attached to the certificate of insurance, or otherwise evidenced as in effect under the policy listed.

*Proof of insurance coverage.* The city shall be provided with certificates of insurance evidencing the coverages outlined above.

*Expiration.* If any of the above coverages expire, renewal certificates and/or policies must be provided to the city at least ten days prior to the expiration date.

*Acceptability of insurance company.* All coverages shall be with insurance carriers licensed to do business in the state. All coverages shall be with carriers acceptable to the city.

# City of Birmingham

## 2022 Fee Schedule

<b><u>DATE AMENDED</u></b>	<b><u>RESOLUTION NUMBER</u></b>	<b><u>SECTION</u></b>
2/22/2010	02-30-10	Police - Parking Offenses and Fines
3/8/2010	03-44-10	Engineering - Schedule of Parking Fees
3/8/2010	03-48-10	Fire - EMS Transportation Fees
3/22/2010	03-37-10	Community Development - Vacant Property Registration Fee
5/10/2010	05-118-10	DPS - Water; Finance - Sewer Service Rates
6/14/2010	06-150-10	Engineering - Bidding Document Fee and Private Building Sewer Investigation Program Fee
6/28/2010	06-172-10	DPS - Sewer Lateral Fee
2/14/2011	02-38-11	Clerk - Voter Information Fees, Valet Parking Fee
		Museum - Research Fee
3/21/2011	03-72-11	Police - Non-metered zone, Precious Metal Dealer Fee
4/11/2011	04-89-11	DPS - Annual Dog Park Pass
5/23/2011	05-141-11	Clerk - Vendor and Peddler Fees
6/27/2011	06-172-11	DPS & Finance - Water/Sewer Rates
7/25/2011	07-190-11	DPS - Wedding Ceremony Fees
3/19/2012	03-74-12	DPS - Water and Sewer Connection Fees
		Clerk - Alcoholic Beverages for Consumption on the Premises Fee, Animal License Fee, Annual Licenses Criminal Background Check Fee, Frozen Confection Vendor Insurance Requirements
		Community Development - Lot Division Fee, Temporary Use Permit Fee, Zoning Ordinance Fees, Zoning Compliance Fees
		DPS - Water and Sewer Connection Fees, Wedding Rental (Parks) Fee
		Fire - EMS Transport Service Fee, Fire Code Operational Permits
6/11/2012	06-163-12	DPS - Water; Finance - Sewer Service Rates
9/10/2012	09-257-12	Museum - Allen House Event Request
12/17/2012	12-356-12	Clerk - Cemetery Fees
3/18/2013	03-100-13	DPS - Water and Sewer Connection Fees
		Community Development - Contractor Registration Fees, Bond Range
5/20/2013	05-163-13	DPS & Finance - Water/Sewer Rates (effective 7/1/13)
7/8/2013	07-203-13	Clerk - Special Event Fees
7/22/2013	07-211-13	DPS - Water/Sewer Connection Fees
12/16/2013	12-356-13	DPS - Water Meter Opt Out Plan Fees
4/28/2014	04-98-14	Community Development - Lot Division Fees, Mechanical & Refrigeration Permit Fees, Zoning Ordinance Fees
		Fire - EMS Transport Fees, Water Fee, Permit Fee, DPS - Frozen Water Line Fee, Water & Sewer Connection Fees, Water Disconnection Fee
		Police - Investigation Fees
5/19/2014	05-118-14	DPS - Water; Finance - Sewer Service Rates (effective 7/1/14)
7/28/2014	07-187-14	DPS - Grass & Noxious Weeds Civil Infraction
3/30/2015	03-63-15	Clerk - background check fees, DPS - Refuse Collection & Water and Sewer Connection fees, Fire - Hydrant Use fees
4/27/2015	04-86-15	Engineering - Monthly Parking Permit Rates (effective 7/1/15)
5/18/2015	05-112-15	DPS - Water; Finance - Sewer Service Rates (effective 7/1/15)

## City of Birmingham 2022 Fee Schedule

8/10/2015	08-174-15	Clerk - Cemetery Fees
9/10/2015	09-191-15	Police - Pedicabs & Quadricycle Fees
3/28/2016	03-99-16	Fire - BLS Transportation & Loaded Mile Fees, move Hydrant Fees to DPS section.
		Building - swimming pool & replacement window bonds & lawn sprinkler and water heater update
6/6/2016	06-183-16	Engineering - Daily Parking Rate at all parking structures (effective 7/1/16)
6/27/2016	06-203-16	DPS - Water; Finance - Sewer Service Rates (effective 7/1/16)
8/8/2016	08-252-16	Community Development - Lot Division Fee for Combination of Platted Lot
12/5/2016	12-364-16	Engineering (DPS) Trench maintenance fee;
12/5/2016	12-364-16	Community Development -Text change; Vents and Exhaust Fans (under 1500 C.F.M.) fee change
12/12/2016	12-376-16	Fire Department - Non-electronic reporting Administrative fee
2/27/2017	02-50-17	Engineering - Storm Water Utility Fees & Credits
5/22/2017	05-140-17	Engineering-\$.50 increase in all parking meter rates; Police-Daily Meter Bag Fee; City Clerk-Outdoor Dining Café Platform Fees, Removal/restoration of parking meter housings. valet parking Bag Meter Fee
6/26/2017	06-180-17	DPW & Finance - Water/Sewer Rate Changes for 2017-2018
12/11/2017	12-339-17	Clerk-Removal of Taxicabs due to State law. Community Development-increases in Site Evaluation fees & text change to include impervious surfaces
2/26/2018	02-057-18	Community Development - Adding Construction Site Maintenance Violations (Sec. 50-29)
6/25/2018	06-188-18	Water/Sewer Rate Changes for 2018-2019. Effective July 1, 2018.
9/17/2018	09-256-18	City Clerk-Addition, under Alcoholic Beverages Consumption on the Premises, of Administrative Applicant Review fee.
1/28/2019	01-026-19	Clerk: remove passport fee; increase application fee. Building: increase Site Evaluation fees. Community Development: Cross Connections relocated to Department of Public Services section; remove clause at end of section regarding reduced SLU permit fees. Engineering: remove Private Building Sewer Investigation Program; increase Trench Maintenance ROW fee; add Small Cell Monthly License fees. Fire Dept.: increase transport fees. Museum: Limited use fees specified for Allen House; limited use fees added for Parks/Grounds.
10/28/2019	10-259-19	Engineering;Waive fees for replacement of lead water services
11/25/2019	11-280-19	Clerk; Increase fee for Full Burial in Greenwood Cemetery to be consistent with other Oakland County cemeteries



## City of Birmingham

### 2022 Fee Schedule

12/16/2019	11-306-19	<p>Engineering-Increase fees for: Right-of-Way Permits, Soil erosion &amp; sediment control permit fees, Stormwater runoff permit fee, Streets &amp; Sidewalks permit fees: curb closing, curb cuts, driveways, sidewalks, excavations; and Obstructions permits.</p> <p>Fire Department-Increase fees for ALS Emergency and Non-Emergency Transport.</p>
12/21/2020	12-286-20	Engineering - Increase to bidding document fees
3/22/2021	03-098-21	<p>Fire - increases to emergent transport fees</p> <p>Grave Price increase for space that accomidates one full burial or up to 3 cremains from \$3000 to \$4000.</p>
4/26/2021	04-127-21	<p>Greenwood Cemetary increases to: grave space accomodating two and one cremains, fee for transfer of ownership, additional equip fees applicable for disinterment, marker installation (single and companion), marker or monument resets, and hourly overtime fee time changes.</p>
10/24/2021	10-268-21	Remove usage of Shain Park Wedding Rental, Increase in wedding rental cost and security deposit for remaining parks
12/13/2021	12-321-21	<p>Addition of Online Application fee for Community Development, Engineering.</p> <p>Transfer of Well (irrigation) permit from DPS to Engineering.</p> <p>Engineering: New fees for 5G small cell work. Addition of FLaSH Drive fee. Increase in trench maintenance, Engineering for less than 1 acre site, Well permit, Streets &amp; Sidewalk minimum.</p> <p>Fire Dept: increases in ALSII and ALSI emergency transport and BLS emergency transport.</p>

City of Birmingham  
2022 Fee Schedule

CITY CLERK'S OFFICE		FEE
<b><u>Alcoholic beverages for consumption on the premises</u></b>		
Initial fee		\$ 1,500.00
Administrative Applicant Review		\$ 350.00
Annual renewal		\$ 350.00
Transfer fee		\$ 1,500.00
Annual criminal background check - per person <i>(to be provided by applicant using the Michigan State Police ICHAT system)</i>		
<b><u>Animals (18-1)</u></b>		
Stray animal fines: See Police		
Pet dog and cat licenses:		
license for one year or less		\$ 5.00
license for two years		\$ 10.00
license for three years		\$ 12.00
license obtained 30 days after expiration		\$ 20.00
Kennels:		
Annual fee		\$ 300.00
Plus for each dog in excess of ten		\$ 10.00
<b><u>Auctions (See Initial Merchants)</u></b>		
<b><u>Bicycle Rental Agencies (122-26) annual fee</u></b>		\$ 5.00
<i>Insurance: Motor vehicle liability insurance conforming with Michigan Vehicle Code § 520: \$20,000 per person/\$40,000 per accident for bodily injury claims/\$10,000 for property damage per occurrence.</i>		
<b><u>Charitable Solicitations (38-1)</u></b>		No charge
Annual criminal background check - per person <i>(to be provided by applicant using the Michigan State Police ICHAT system)</i>		
<b><u>Child Care Facilities (58-106)</u></b>		
Annual criminal background check - per person <i>(to be provided by applicant using the Michigan State Police ICHAT system)</i>		
Child Care Center annual fee		\$ 150.00
Initial investigation fee		\$ 100.00
Day care home, family annual fee		\$ 100.00
Initial investigation fee		\$ 100.00
Day care home, group annual fee		\$ 100.00
Initial investigation fee		\$ 100.00
<b><u>Christmas Tree Sales (26-88)</u></b>		
December 1 through December 25 - non-profit corporations and merchants assessed for personal property		No charge
All others		\$ 100.00
Deposit for clean up of lot <i>(forfeited if not cleaned up by January 1st.)</i>		\$ 300.00
<b><u>Dancing Schools (26-201)</u></b>		
Investigation and annual fee		\$ 50.00
<b><u>Day Care (See Child Care Facilities)</u></b>		
<b><u>Electronic Video Game (14-106)</u></b>		
Each game, annual fee <i>(subject to additional fees and requirements for regulated use)</i>		
<b><u>FOIA fees - See public records policy (attached)</u></b>		
<b><u>Fumigation (58-141)</u></b>		
Fumigation Contractor, annual fee		\$ 50.00

City of Birmingham  
2022 Fee Schedule

CITY CLERK'S OFFICE		FEE
Fumigation permit, per event		\$ 25.00
<u>Insurance (58-144):</u> Standard insurance requirements plus environmental impairment/pollution liability coverage		
<b><u>Garage Public (54-26) - Annual Fee</u></b>		\$ 50.00
<b><u>Going out of Business (State Law)</u></b>		
Up to 30 days		\$ 50.00
Limit two renewals, each		\$ 50.00
<b><u>Greenwood Cemetery (126-26)</u></b>		
Grave space accommodating one full burial or three cremations		\$ 4,000.00
Additional Rights of Burial for cremated remains, each		\$ 750.00
Grave space accommodating two cremated remains		\$ 2,600.00
Grave space accommodating one cremated remains		\$ 1,300.00
Administrative fee for transfer of grave ownership		\$ 200.00
Interment and disinterment fees:		
Cremation		\$ 750.00
Full Burial		\$ 1,400.00
<i>*additional equipment fees may apply for disinterment</i>		
Foundation charges for markers & monuments:		
Foundation Installment - per linear foot		\$ 125.00
Marker installation - single		\$ 250.00
Marker installation - companion		\$ 350.00
Marker or monument resets, reinstallations, raising & leveling:		
Single		\$ 250.00
Companion		\$ 350.00
<i>*additional fees may apply, depending on scope of work, equipment necessary and time required.</i>		
<i>Foundation installation charge as per above schedule, plus an hourly charge for removal of old foundation</i>		
Weekend, holiday, and overtime interments		\$ 400.00
<i>This fee is in addition to the normal interment fee charged during regular working hours. Hourly overtime fees begin at 2 pm Monday - Saturday</i>		
<b><u>Horse Drawn Carriages (122-71)</u></b>		
Company, annual fee		\$ 50.00
Carriage, each vehicle annual fee		\$ 50.00
<u>Insurance:</u> Standard insurance requirement, with coverage to include premises liability; personal injury liability; products liability; and horse or horses liability. (122-75)		
<b><u>Hotels/Motels annual fee</u></b>		\$ 75.00
1-50 Rooms		\$ 300.00
50+ Rooms		\$ 500.00
<b><u>Initial Merchants: (All types including transfers)</u></b>		\$ 100.00
<b><u>Kennels (See Animals)</u></b>		
<b><u>Lumberyard annual fee</u></b>		\$ 50.00
<b><u>Marriage Ceremony Fee</u></b>		\$ 10.00
<b><u>Mechanical Amusement Device each device annual fee</u></b>		\$ 50.00

City of Birmingham  
2022 Fee Schedule

# CITY CLERK'S OFFICE

FEE

*(Subject to additional fees and requirements for regulated use.)*

**Motor vehicle rentals (122-26)**

Annual fee	\$ 50.00
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Insurance: Motor vehicle liability insurance conforming with Michigan Vehicle Code § 520: \$20,000 per person/\$40,000 per accident for bodily injury claims/\$10,000 for property damage per occurrence.

**Open Parking Stations annual licenses (26-428)**

Lots accommodating 25 cars or less	\$ 100.00
Lots accommodating 26-50 cars	\$ 125.00
Lots accommodating 51-75 cars	\$ 150.00
Lots accommodating 76 cars or more	\$ 200.00

**Outdoor Amusements (14-161)**

Annual fee	\$ 25.00
Surety bond or cash deposit	\$ 1,000.00

**Outdoor Dining license annual fee**

Additional flat fee for off-season <i>(subject to additional fees for use of city right of way)</i>	\$ 200.00
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Insurance:

Workers' Compensation Insurance, including Employer's Liability Insurance, in accordance with all acceptable statutes of the State of Michigan.

Commercial General Liability Insurance on an occurrence basis with the limits of liability of not less than \$1,000,000 per occurrence and aggregate of \$2,000,000 for combined single limit personal injury and property damage, and shall include independent contractor's coverage and broad form general liability coverages. Liquor Liability Insurance (if liquor is to be served) on an occurrence basis with limits of liability of not less than \$1,000,000 per occurrence.

Additional Insured: Commercial General Liability Insurance (and Liquor Liability, if applicable) shall name the City of Birmingham as additional insured for all activities connected with this Agreement and shall include an endorsement stating the following as: "Additional Insureds: The City of Birmingham, all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and their board members, including employees and volunteers thereof. This coverage shall be primary to the additional insureds, and not contributing with any other insurance or similar protection available to the additional insured, whether said other available coverage be primary, contributory or excess, The authorized representative of the insurance carrier acknowledges that it has read the insurance provisions of the agreement between the City of Birmingham and the insured."

Cancellation Notice, Thirty (30) days advance written notice of cancellation, non-renewal, reduction of material change in coverage, will be provided to the City of Birmingham by the insurance carrier.

Proof of Insurance Coverage. The city shall be provided with certificates of insurance evidencing the coverages outlined above.

Acceptability of insurance company. All coverages shall be with insurance carriers licensed to do business in the state. All coverages shall be with carriers acceptable to the city.

**Outdoor Dining Café Platform Meter Fees - Seasonal**

\$1.00 Per Hour Meter Areas	\$ 2,280.00
\$1.50 Per Hour Meter Areas	\$ 3,420.00
Removal of parking meter housing and/or posts - minimum fee <i>(cost)</i>	\$ 88.29

City of Birmingham  
2022 Fee Schedule

CITY CLERK'S OFFICE		FEE
Removal of parking meter housing and/or posts - 1 meter space <i>(cost)</i>		\$ 264.87
Removal of parking meter housing and/or posts - 2 meter spaces <i>(cost)</i>		\$ 441.45
<b><u>Outdoor Dining Café Platform Meter Fees - Pro-Rated</u></b>		
\$1.00 Per Hour Meter Areas <i>(per space, per day)</i>		\$ 12.00
\$1.50 Per Hour Meter Areas <i>(per space, per day)</i>		\$ 18.00
<b><u>Passports</u></b>		
Acceptance of passport application		\$ 35.00
<b><u>Pawnshops</u></b>		
Annual licensing fee		\$ 500.00
Annual criminal background check - per person <i>(to be provided by applicant using the Michigan State Police ICHAT system)</i>		
<b><u>Peddlers and Commercial Vendors (Chapter 26)</u></b>		
Annual criminal background check - per person <i>(to be provided by applicant using the Michigan State Police ICHAT system)</i>		
Special Event and School Vendor/Athletic Vendor in City Park		
Application Fee <i>(per event/application)</i>	\$	50.00
Daily Fee <i>(per day/location)</i>	\$	10.00
50% discount for Birmingham licensed merchants		
Frozen Confection Vendor		
Application Fee	\$	80.00
Amendment to the Application	\$	26.00
Annual License Fee	\$	500.00
Insurance: Standard Insurance Requirements		
Peddling		
Application Fee <i>(per event/application)</i>	\$	50.00
Amendment to the Application	\$	16.00
Daily Fee Option <i>(per day/location)</i>	\$	10.00
Yearly Fee Option <i>(calendar year)</i>	\$	1,825.00
<b><u>Poolroom, each billiard or pool table annual fee</u></b>	\$	50.00
<i>(subject to additional fees for regulated use)</i>		
<b><u>Refuse Collector: (Chapter 90)</u></b>		
Annual fee first truck	\$	150.00
Each additional truck	\$	75.00
Insurance: Proof of workers compensation coverage, motor vehicle liability insurance and the VIN number of each vehicle must be provided to the city prior to obtaining a license.		
<b><u>Regulated Uses not otherwise listed Chapter 26:</u></b>		
Application fee	\$	1,000.00
Annual licensing fee	\$	200.00
<b><u>Rollerskating rinks annual fee (Chapter 14)</u></b>	\$	50.00
<b><u>Special Events (98-140) non-refundable application fee</u></b>		
Annual Application fee	\$	165.00
First Time Event Application fee	\$	200.00
Additional permit fees as determined by administrative staff due two weeks prior to event with insurance documents. Insurance: Standard insurance requirements		
<b><u>Telecommunications</u></b>		
Application fee	\$	500.00
Annual maintenance fee as determined by the Metro		

City of Birmingham  
2022 Fee Schedule

# CITY CLERK'S OFFICE

FEE

Authority pursuant to Act 48 of the Public Acts of 2002

**Theatres annual fee 14.26** \$ 50.00

**Valet Parking**

Annual criminal background check - per person *(to be provided by applicant using the Michigan State Police ICHAT system)*

Initial application fee \$ 1,000.00

Annual license fee \$ 500.00

One Day Valet Permit fee \$ 50.00

Valet parking card deposit, per card \$ 20.00

Fees per car:

1-100 cars, pre-paying for six months in advance, per month \$ 500.00

101-200 cars, pre-paying for six months in advance, per month \$ 750.00

201 and above cars, pre-paying for six months in advance, per month \$ 1,000.00

**Valet Parking Meter Bag Fees - (Monthly)** \$ 216.00

Insurance: Workers' compensation insurance, including employers' liability coverage, in accordance with all applicable statutes of the state. Garage liability insurance with limits of liability of not less than \$1,000,000 per occurrence; or commercial general liability insurance endorsed to provide the equivalent of this coverage. Garage keepers legal liability insurance with limits of liability of not less than \$100,000.00 per occurrence; or commercial general liability insurance endorsed to provide the equivalent of this coverage.

Additional insured: Garage liability and garage keepers legal liability insurance, as described above, shall name the city as additional insured for all activities connected with the valet parking service and shall include an endorsement stating the following as "additional insured": the city, all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and their board members, including employees and volunteers thereof. This coverage shall be primary to the additional insureds, and not contributing with any other insurance or similar protection available to the additional insured, whether said other available coverage be primary, contributing or excess.

Cancellation notice: Thirty (30) days advance written notice of insurance cancellation, nonrenewal, and/or reduction in material change in coverage must be provided to the city. Notice of cancellation material change or reduction must be attached to the certificate of insurance, or otherwise evidenced as in effect under the policy listed.

Proof of insurance coverage: The following certificates and policies shall be provided to the city:

1. Two copies of certificate of insurance for workers' compensation insurance.
2. Two copies of certificate of insurance for garage liability insurance.
3. Two copies of certificate of insurance for garage keepers legal liability insurance.
4. If so requested, certified copies of all policies mentioned above will be furnished.

Expiration: If any of the above coverages expire, renewal certificates and/or policies must be provided to the city at least ten days prior to the expiration date.

Acceptability of insurance company: All coverages shall be with insurance carriers licensed to do business in the state. All coverages shall be with carriers acceptable to the city.

**Voter Information**

Daily Absentee Voter List \$ 15.00

Voter Information List \$ 5.00

City of Birmingham  
2022 Fee Schedule

# COMMUNITY DEVELOPMENT DEPT.

FEE

**Administrative approval (Planning Department)**

\$ 100.00

**Brownfield Developments**

Application fee non-refundable and non-reimbursable

\$ 1,500.00

Outside consultant fees reimbursement:

*Where a review of applications, plans, construction documents, Brownfield development documents or any other documents is performed by outside consultants engaged by the city, a review fee shall be charged at 1.05 times the actual cost. Payment shall be in advance of the review based on estimated cost.*

**Building Permits (Chapter 22)**

Online Application Fee

\$2.00

(a) Building permit fees:

*The building permit fee is determined from the total construction value as shown in the most recent edition of the ICC Building Evaluation Data Square foot construction costs. For all use groups except one and two family residential, the minimum square foot construction cost is 100% of the value shown in construction costs table; for renovations the minimum square foot construction costs is 50% of the value shown in the table. For residential one and two family structures, the minimum square foot construction cost is \$125.*

(b) Total Construction Valuation:

*Permit fees are computed at \$85.00 for the first \$1,000 of construction valuation; \$10.00 for each additional \$1,000 (or fraction thereof) up to \$100,000 of construction valuation; and \$15.00 for each additional \$1,000 (or fraction thereof) over \$100,000 of construction valuation.*

(c) Refunds:

*Refunds of any permit fees are subject to a minimum of 25 percent for administrative services with no construction work commencing. After construction has started, fees will be refunded proportionately as determined by the building official. Any permit fee for construction that is 75 percent or more completed will not be refunded.*

(d) Plan examination fees:

*When a plan is required to be submitted, a plan review fee must be paid at the time of submitting plans and specifications for review. The review fee shall be \$85.00 for projects up to \$10,000 in construction value; all other plan examination fees shall be computed as shown below:*

Construction value up to \$10,000

\$ 85.00

Construction Value from \$10,001 to \$500,000

Construction value multiplied by 0.0020

\$150.00 minimum

Construction Value over \$500,000

\$1,000 plus construction value multiplied by

0.0010

The building plan review fee shall be multiplied by 1.25 when MEAP reviews are required.

An administrative fee equal to the permit fee may be charged in addition to the permit fee, when work is started and/or completed without first obtaining the permit. Plan review fees are not refundable.

(e) Construction Bonds

In addition to the required building permit fee, a cash bond must be posted at the time the permit is issued in accordance with the following schedule:

Construction value between \$0-\$10,000

\$ 100.00

City of Birmingham  
2022 Fee Schedule

# COMMUNITY DEVELOPMENT DEPT.

FEE

Construction value between \$10,001-\$50,000	\$ 200.00
Construction value between \$50,001-\$100,000	\$ 300.00
Construction value between \$100,001-\$500,000	\$ 500.00
Construction value of \$500,001 and up	\$ 1,000.00

<u>Swimming Pools</u>	\$ 1,000.00
<u>Window Permits</u>	\$ 500.00

*Upon satisfactory completion of all final inspections required, and the issuance of a certificate of occupancy, if applicable, the construction bond will be returned upon request without interest.*

(f) A reinspection fee may be required by the building official	\$ 50.00
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(g) Bonding requirements for a temporary certificate of occupancy:

*When a temporary certificate of occupancy is issued prior to completion of the entire work covered by the permit, a cash bond shall be posted in an amount as determined by the building official up to \$10,000 for residential dwellings and \$100,000 for commercial buildings or spaces based on the cost of completing all remaining and outstanding work.*

(h) Bonding requirements for maintenance and replacements costs of public right-of-way facilities:

*A bond shall be posted prior to the issuance of a building permit for new construction in the amount of \$5,000 to assure that the public right-of-way is properly maintained at all times during construction. This includes the replacement of city sidewalk, curb and gutter, and the re-establishment of green space in the public right-of-way.*

## **Board of Building Trades Appeals**

Single family residential	\$ 310.00
All other construction	\$ 510.00

## **Construction Site Maintenance Violations (Sec. 50-29)**

Municipal Civil Infraction Penalty	\$ 100.00
First Offense	\$ 250.00
Second Offense	\$ 500.00
Subsequent Offenses	\$ 500.00
Building Permit Holders	
Five or more violations at same site within one calendar month	\$ 500.00

## **Contractor Annual Registration Fees**

Building Contractor	\$ 25.00
Electrical Contractor	\$ 25.00
Mechanical Contractor	\$ 5.00
Plumbing Contractor	\$ 15.00

## **Demolition of Buildings**

Online Application Fee	\$2.00
Less than 3,000 cubic feet	\$ 125.00
3,000 to 50,000 cubic feet	\$ 200.00
More than 50,000 cubic feet	\$ 300.00
Performance cash bond:	
Minimum (as determined by the building official)	\$ 100.00
Maximum (as determined by the building official)	\$ 50,000.00

## **Electrical Installation (Chapter 22)**



City of Birmingham  
2022 Fee Schedule

# COMMUNITY DEVELOPMENT DEPT.

FEE

Online Application Fee	\$2.00
Base fee	\$ 50.00
Reinspection Fee	\$ 50.00
120 volt or 277 volt first circuit	\$ 15.00
120 volt or 277 volt each additional circuit	\$ 8.00
Each 208V, 240V, 480V branch circuits	\$ 20.00
First 25 lights, receptacles and switches	\$ 20.00
Each additional set of 20	\$ 15.00
First sign	\$ 50.00
Feeders/Buss Ducts:	
First 100 feet	\$ 25.00
Over 100 feet	\$ 15.00
Commercial fire alarms:	
Fire alarm panel	\$ 30.00
Each alarm device	\$ 10.00
Residential smoke detectors up to 8 units, 120 volts	\$ 20.00
Low voltage smoke alarm with panel	\$ 50.00
Residential smoke alarm system less than 50 volts with panel	\$ 50.00
Services or transformers:	
30 AMP to 200 AMP	\$ 35.00
201 AMP to 400 AMP	\$ 50.00
Over 401 AMP	\$ 100.00
A/C Interrupt service	\$ 20.00
Temporary service up to 200 AMP	\$ 40.00
Sub panel: Sidewalk inspection req:	
Each additional sign	\$ 20.00
Each residential A/C	\$ 35.00
Furnace/unit heaters	\$ 20.00
Pools/hot tubs/spas	\$ 50.00
Appliances/disposal/dishwashers	\$ 10.00
Commercial HVAC:	
5 ton or less each	\$ 50.00
Over 5 ton each	\$ 75.00
Motors - Commercial only:	
1/4 HP up to 10 HP each	\$ 25.00
Over 10 HP to 30 HP each	\$ 40.00
Over 30 HP each	\$ 60.00
<i>New house construction minimum of four inspections requires An administrative fee equal to the permit fee may be charged in addition to the permit fee when work is started and/or completed without first obtaining the permit.</i>	
<b><u>Equipment installation permit fee</u></b>	\$ 10.00
<b><u>Final site inspection fee (Planning Dept.)</u></b>	\$ 100.00

**Housing:**

Housing Board of Appeals Fee:

City of Birmingham  
2022 Fee Schedule

# COMMUNITY DEVELOPMENT DEPT.

FEE

Residential dwelling unit	\$ 310.00
Other - Commercial	\$ 510.00

**Housing Inspections Owner Authorized:**

One and two-family dwellings:	
Building structure fee per dwelling unit	\$ 200.00
Electrical fee per dwelling unit	\$ 100.00
Plumbing fee per dwelling unit	\$ 100.00
Heating and refrigeration fee per dwelling unit	\$ 100.00

**Landlord Licenses (See Rental Properties)**

**Lot Division (Chapter 102):**

Fee per parcel created from each platted or unplatted lot ( <i>lot splits</i> )	\$ 200.00
Boundary Adjustment for single family dwelling:	
Separation of platted lots ( <i>fee per each lot</i> )	\$ 200.00
Combination of platted lots ( <i>fee per each lot</i> )	\$ 200.00

**Massage Permits (26-251):**

Investigation fee to operate massage facility ( <i>subject to additional fees for regulated use</i> )	\$ 250.00
Investigation fee to perform massage service	\$ 25.00
Change of location ( <i>subject to additional fees for regulated use</i> )	\$ 100.00

**Mechanical Permits:**

Online Application Fee	N/A
Base Fee	\$ 50.00
Gas/oil furnace/boilers, etc:	
100,000 BTU or less	\$ 60.00
Over 100,000	\$ 70.00
Over 500,000	\$ 80.00
Ductwork	\$ 50.00
V.A.V. boxes (variable air volume) each	\$ 30.00
Humidified or air cleaner	\$ 30.00
Mfg, fireplace (gas or solid fuel), stoves (solid fuel) includes chimney	\$ 30.00
Gas or oil space heaters	\$ 30.00
Automatic flue damper	\$ 25.00
as part of furnace	\$ 10.00
Gas piping - first two openings	\$ 30.00
additional openings each	\$ 5.00
Air handling systems:	
Vents & Exhaust Fans:	
Under 1,500 c.f.m. each	\$ 15.00
1,500 to 10,000 c.f.m. each	\$ 35.00
Over 10,000 c.f.m. each	\$ 55.00
Heat Pumps:	
To 50,000 BTU	\$ 30.00
To 200,000 BTU	\$ 40.00
To 500,000 BTU	\$ 50.00
Over 500,000 BTU	\$ 75.00

City of Birmingham  
2022 Fee Schedule

# COMMUNITY DEVELOPMENT DEPT.

FEE

**Fire Suppression Systems:**

Standpipe systems:

2-1/2" thru 4"

\$ 50.00

Over 4"

\$ 70.00

Fire pumps & connections

\$ 75.00

**Fire sprinkler system:**

First head up to 20 heads

\$ 50.00

Each additional head

\$ 3.00

**Hood and duct fire suppression systems:**

Each establishment system- minimum

\$ 75.00

Each additional system at same establishment

\$ 30.00

**Refrigeration:**

Self contained refrigeration systems

\$ 40.00

**Remote refrigeration systems:**

Up to 10 HP

\$ 50.00

10 HP up to 50 HP

\$ 70.00

Over 50 HP

\$ 95.00

Water heater

\$ 30.00

Chimney liner

\$ 20.00

**Hydronic Floor Heat:**

Up to 2,000 square feet

\$ 50.00

Over 2,000 square feet

\$ 60.00

**Geo Thermal:**

Up to 100,000 BTU

\$ 75.00

Over 100,000 BTU

\$ 90.00

Additional reinspection

\$ 50.00

Reinspection fee

\$ 50.00

*An administrative fee equal to the permit fee may be charged in addition to the permit fee, when work is started and/or completed without first obtaining the permit.*

**Newsracks (90-160)**

Review fee for each newsrack box

\$ 50.00

Annual registration for each newsrack box

\$ 50.00

**Plumbing Permits**

Online Application Fee

\$2.00

Base Fee

\$ 50.00

Automatic washer

\$ 15.00

Backflow preventer

\$ 25.00

Bathtub

\$ 15.00

Catchbasin

\$ 50.00

Dental Chair

\$ 15.00

Dishwasher

\$ 20.00

Drains to 6 inches

\$ 25.00

Drains over 6 inches

\$ 40.00

Drinking fountain

\$ 15.00

City of Birmingham  
2022 Fee Schedule

# COMMUNITY DEVELOPMENT DEPT.

FEE

Floor drain	\$ 15.00
Garbage disposal	\$ 15.00
Grease trap	\$ 30.00
Hose bibbs	\$ 15.00
Humidifier	\$ 15.00
Inside drain (weep tile)	\$ 15.00
Laundry tray	\$ 15.00
Lavatory	\$ 15.00
Lawn sprinkler - including Backflow Device	\$ 50.00
Miscellaneous equipment	\$ 15.00
Reinspection fee	\$ 50.00
Roof sump	\$ 15.00
Safe waste	\$ 15.00
Sewers to 6 inches	\$ 50.00
Sewers to 8 inches	\$ 60.00
Sewers to 10 inches	\$ 75.00
Sewers to 12 inches	\$ 100.00
Sewers over 13 inches	\$ 100.00
Shower trap	\$ 15.00
Stacks, conductors	\$ 15.00
Stand pipe	\$ 15.00
Sump w. pump	\$ 30.00
Urinal	\$ 15.00
Water closet	\$ 15.00
Water distribution:	
3/4 inch	\$ 30.00
1 inch	\$ 30.00
1 1/4 inch and 1 1/2 inch	\$ 35.00
2 inches	\$ 45.00
3 inches	\$ 60.00
4 inches	\$ 70.00
Over 4 inches	\$ 75.00
Water Heater	\$ 30.00
Water service:	
1 inch	\$ 65.00
1 1/2 inch	\$ 65.00
2 inches	\$ 65.00
Over 2 inches	\$ 125.00
Additional Inspection	\$ 50.00
Reinspections	\$ 50.00

*An administrative fee equal to the permit fee may be charged in addition to the permit fee, when work is started and/or completed without first obtaining the permit.*

**Production filming fees 114-168:**

Permit application fee (non-refundable):

City of Birmingham  
2022 Fee Schedule

# COMMUNITY DEVELOPMENT DEPT.

FEE

Motion picture, television, or video on private property only	\$ 125.00
Motion picture, television, or video on public property	\$ 225.00
Still photography only on private property	\$ 50.00
Still photography only on public property	\$ 100.00
<i>Additional fee for expedited processing if less than normal processing time is required. (Late application processed at the discretion of the city manager or his/her designee)</i>	\$ 150.00
Daily public property use fee (from prep to clean-up time):	
Motion picture, television, or video, per day	\$ 75.00
Public property location holding - per day	\$ 75.00
On-street base camp - per day (if approved)	\$ 25.00
Parking space rental - per day	current rate
Extended hours of permitted filming activity:	
Any film permitted activity beyond 7:00 a.m. to 7:00 p.m. or driving scenes on major, minor, or neighborhood roads requiring special barricades, noticing, and/or public safety personnel (hourly rates for staff time to be calculated and charged separately).	\$ 75.00
Security deposit:	
A refundable security deposit may be required to cover any unanticipated city staff costs, clean-up costs, refund fees to user groups affected by the film permit activities, and/or other expenses not included/anticipated in the initial film permit fee calculation.	\$ 500.00
Staff costs:	
Monitoring fee for additional police, fire, ordinance enforcement, public works, recreation and parks, or other staff as determined by the city manager or his/her designee; fee will be estimated based on hours needed and scheduled. Staff time to be based on most current city overtime rate schedule and calculated and paid in advance of film permit activities.	
Insurance: (Sec 14-172 (5) (6) (8) Standard insurance requirement plus limits of liability of not less than \$5,000,000 per occurrence in the event motor vehicles, aircraft, helicopters, explosives or pyrotechnics are used in the activity. Also, the permittee shall execute a hold-harmless agreement as provided by the city prior to the issuance of any permit.	

## Rental Properties

Fee for rented or leased premises:	
First unit	\$ 125.00
For properties containing more than one unit:	
Add, per additional unit or common/exterior area, to the one-unit fee	\$ 40.00
Additional re-inspection fee for rental properties requiring additional inspections, plus \$25.00 for each additional unit beyond the first unit.	\$ 75.00
<i>The fee shall be increased by 50 percent for any application received more than 30 days after the required renewal date.</i>	

## Signs (Chapter 86)

Online Application Fee	\$2.00
Construction	\$ 50.00
Temporary - non-residential zone districts - permit per 30 square feet or fraction 86-133	\$ 50.00

City of Birmingham  
2022 Fee Schedule

# COMMUNITY DEVELOPMENT DEPT.

FEE

Temporary - churches in residential zone districts 86-70	\$ 25.00
Marquee and roof annual fee	\$ 200.00
Others:	
Permit per square foot	\$ 2.00
Minimum	\$ 100.00
Inspection fee every three years	\$ 50.00
Removal fee 86-59 86-111	\$ 50.00
Sign impound fee, per sign	\$ 25.00
Sign inspection bonds per required inspection	\$ 200.00

## **Sign Erectors (Chapter 86)**

Original license	\$ 25.00
Renewal - annual fee	\$ 15.00
Bond	\$ 5,000.00

## **Sign Removal:**

Failure to comply with notice to remove, daily fine to commence on 31st day after notice to remove is issued.	\$ 25.00
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## **Site Evaluation**

Online Application Fee	\$2.00
New house	\$ 250.00
Addition, accessory structure and impervious surfaces	\$ 125.00

## **Special Land Use Permits (See Zoning)**

## **Subdivision plats (Chapter 102)**

Tentative preliminary plat approval	
Fee	\$2,500.00
Plus per lot	\$10.00
Final preliminary plat approval	
Fee	\$1,000.00

## **Temporary Structure (Tents, Canopies, etc)**

Online Application Fee	\$2.00
Original permit	\$ 100.00
Renewal	\$ 25.00
Plan checking fee	\$ 50.00
Temporary Use Permit	\$ 100.00

## **Vacant Property Registration Fee**

Residential	\$ 100.00
Commercial	\$ 100.00
Safety and maintenance inspection	\$ 75.00
Administrative costs: Inspector per hour	\$ 55.00
Support staff per hour	\$ 45.00
Sanctions, remedies, penalties:	
First offense	\$ 150.00
Second offense and any other subsequent offense	\$ 500.00

## **Zoning Ordinance Fees**

Online Application Fee	\$2.00
Board of Appeals	

City of Birmingham  
2022 Fee Schedule

COMMUNITY DEVELOPMENT DEPT.		FEE
Single family residential	\$	310.00
All others	\$	510.00
Community Impact Review	\$	2,050.00
Design review fee	\$	350.00
Historic district review		
Single family residential district	\$	-
All other zone districts	\$	350.00
Public notice signs for land development applications		
Fee	\$	50.00
Deposit	\$	100.00
Site Plan Review		
R-4 through R-8 zone districts fee	\$	850.00
Plus, per dwelling unit affected by minor construction or minor site plan changes, as determined by the planning director	\$	50.00
Or, plus, for each dwelling unit in the entire complex for all other site plan changes, as determined by the planning director	\$	50.00
Non-residential districts fee	\$	1,050.00
Plus per acre or fraction thereof	\$	50.00
Special Land Use Permits		
*Special land use	\$	800.00
Plus, site plan review	\$	1,050.00
Plus, design review	\$	350.00
Plus, publish of legal notice	\$	450.00
Annual renewal fee	\$	200.00
Temporary Use Permit		
<b>Wall Art Application</b>	<b>\$</b>	<b>200.00</b>
Zoning Compliance Letters	\$	100.00
Zoning Compliance Permit Fees	\$	50.00
Online Application Fee		\$2.00
Accessory Structures Under 200 Square Feet	\$	125.00
Fence Permit - <i>Single Family Zoned Districts</i>	\$	50.00
Impervious Surface (driveway, patio, etc.) <i>Single Family Zoned Districts</i>	\$	125.00
Zoning Ordinance Interpretation (Formal Report)		
One & two family zone districts		\$125.00
All other zone districts		\$175.00

THE FEES FOR DESIGN REVIEW, SITE PLAN REVIEW, HISTORIC DISTRICT REVIEW AND SPECIAL LAND USE PERMITS SHALL BE DOUBLE THE LISTED AMOUNTS IN THE EVENT THE PROPOSED PROJECT IS COMMENCED PRIOR TO FILING OF AN APPLICATION FOR REVIEW BY THE CITY.

\* Special Land Use permit fees may be waived at the discretion of the City Manager where an amendment is sought by the applicant to change the name of the establishment, or remove parties from the permit when it involves a liquor license associated SLUP.

City of Birmingham  
2022 Fee Schedule

# DEPARTMENT OF PUBLIC SERVICES

FEES

**Cross Connections Inspections/Re-Inspections (114-122)**

Fee	\$ 50.00
Plus, a per hour charge, to be charged at 1/4 hour increments, per city employee or city	
Device test report review, per report	\$ 10.00

**Dog Park Annual Pass:**

Resident	\$ 50.00
Non-Resident	\$ 200.00

**Golf Course Fees - Adjusted annually by resolution of City Commission with recommendation of Parks and**

**Grass & Weed Violations (118-66 to 118-68)**

Cutting charge for properties less than or equal to 50 feet wide	\$ 135.00
Cutting charge for properties greater than 50 feet wide	\$ 200.00
Municipal Civil Infraction Fine (in addition to cutting charge):	
First Offense	\$ 50.00
Second Offense	\$ 100.00
Third Offense	\$ 200.00
All violations after the third offense in a calendar year	\$ 200.00

**Hydrant Use**

Deposit (if required as determined by Fire Chief)	\$ 100.00
Permit Fee	\$ 160.00
Water Charge	\$ 64.75
Includes 5000 gallons at standard charge. Water charge in excess of 5000 gallons will be charged at double rate \$25.90 per thousand gallons.	\$ 25.90

**Hydrant Repair**

To be calculated by DPS, Will include labor, equipment, material

**Ice Arena Fees - Annual evaluation at budget**

**Leisure Activity Pass:**

First year	\$ 15.00
Revalidate/Replace for subsequent seasons	\$ 10.00

**Recycle Bins**

current  
cost

**Refuse collection charges (Chapter 90) Fill-A-Dump**

\$ 300.00

**Snow Removal from Sidewalks (98-66 - 98-68) - minimum charge**

\$ 100.00

**Tree Preservation (Chapter 118)**

Registration for tree service business	\$ 100.00
Sanctions, remedies, penalties:	
First offense, per tree	\$ 500.00
Second offense, per tree	\$ 1,000.00

**Water**

Customer requested service, emergency, 2 hr. minimum <i>plus equipment and materials if applicable</i>	\$ 200.00
Meter department service fee, <i>plus equipment and materials if applicable</i>	\$ 80.00
Meter department service fee for no show appointment	\$ 40.00
Final meter reading without 24 hour notice	\$ 150.00
Stop box construction deposit ( <i>includes \$100 inspection \$400 refundable</i> )	\$ 500.00
Curb box and lid repair ( <i>done by city</i> )	\$ 500.00
Opt Out Plan Meter Reading Fee	\$ 12.02
Frozen water service line thaw - first visit	no charge



City of Birmingham  
2022 Fee Schedule

# DEPARTMENT OF PUBLIC SERVICES

## FEES

Frozen water service line thaw - second visit and beyond (\$200 minimum)	time & material (\$200 minimum)
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**Water**

Additional charge for water used:

For each 1,000 gallons or part thereof	\$ 4.87
Service of notice of intent to discontinue service for non-payment of charges (114-303)	\$ 50.00
Meter department service fee	\$ 80.00
Meter department service fee for no show appointment	\$ 40.00
Final meter reading without 24 hour notice	\$ 150.00
Stop box construction deposit (includes \$100 inspection \$400 refundable)	\$ 500.00
Curb box and lid repair (done by city)	\$ 500.00

**Water Rates**

Meter Size

5/8" Quarterly fixed charge	\$ 5.00
5/8" Monthly fixed charge	\$ 1.67
1" Quarterly fixed charge	\$ 8.00
1" Monthly fixed charge	\$ 2.67
1 1/2" Quarterly fixed charge	\$ 12.00
1 1/2" Monthly fixed charge	\$ 4.00
2" Quarterly fixed charge	\$ 16.00
2" Monthly fixed charge	\$ 5.33
3" Quarterly fixed charge	\$ 24.00
3" Monthly fixed charge	\$ 8.00
4" Quarterly fixed charge	\$ 32.00
4" Monthly fixed charge	\$ 10.67
6" Quarterly fixed charge	\$ 48.00
6" Monthly fixed charge	\$ 16.00
8" Quarterly fixed charge	\$ 64.00
8" Monthly fixed charge	\$ 21.33

Special charges to the city

Annual charge for fire hydrants	\$ 18.50
Annual charge for drinking fountains	\$ 20.00

**Water & Sewer Connections (Chapter 114):**

Water Service Only - Single Trench

Easement 1":

Service Install	\$ 1,790.00
Water Meter, MTU, Brass Meter Spuds, and Trip	\$ 657.00
Water for Construction	\$ 50.00
Total	\$ 2,497.00

Easement 1 1/2":

Service Install	\$ 2,010.00
Water Meter, MTU, Brass Meter Flanges, and Trip	\$ 1,850.00
Water for Construction	\$ 70.00
Total	\$ 3,930.00

Easement 2":

Service Install	\$ 2,210.00
Water Meter, MTU, Brass Meter Flanges, and Trip	\$ 2,060.00

City of Birmingham  
2022 Fee Schedule

DEPARTMENT OF PUBLIC SERVICES		FEES
Water for Construction		\$ 95.00
Total		\$ 4,365.00
All Paved Surfaces 1":		
Service Install		\$ 3,950.00
Water Meter, MTU, Brass Meter Spuds, and Trip		\$ 657.00
Water for Construction		\$ 50.00
Total		\$ 4,657.00
All Paved Surfaces 1 1/2":		
Service Install		\$ 4,270.00
Water Meter, MTU, Brass Meter Flanges, and Trip		\$ 1,850.00
Water for Construction		\$ 70.00
Total		\$ 6,190.00
All Paved Surfaces 2":		
Service Install		\$ 4,630.00
Water Meter, MTU, Brass Meter Flanges, and Trip		\$ 2,060.00
Water for Construction		\$ 95.00
Total		\$ 6,785.00
Water for construction rates on larger services:		
3"		\$ 120.00
4"		\$ 190.00
6"		\$ 330.00
8"		\$ 465.00
<i>(Prices on water services over 2" in size will be determined by (DPS) on a time and material basis. A deposit will be made for the estimated cost as determined by DPS.)</i>		
5/8" meter		\$ 120.00
1" meter		\$ 180.00
1 1/2" meter		\$ 1,320.00
2" meter		\$ 1,525.00
<i>(Price to be obtained from meter department for any water meter larger than 2")</i>		
Meter Transceiver Unit (MTU)		\$ 135.00
1" Brass Meter Spuds		\$ 22.00
1.5" Brass Meter Flanges		\$ 75.00
2" Brass Meter Flanges		\$ 80.00
Inspection fee when trenching not done by DPS per service		\$ 400.00
Water disconnection fee:		
Water service disconnection at property line if service will be reused (1" or larger copper water services only)		\$ 1,000.00
2" service or smaller		\$ 1,850.00
4" service or greater to be determined individually by the DPS		
Fees for trench maintenance		\$ 800.00
Refundable deposit		\$ 1,000.00
<b>Wedding Rental (Parks)</b>		\$ 100.00
All City Parks (weekdays/weekends) (excluding Shain Park)		
Resident		\$ 200.00
Non-Resident		\$ 400.00
Security Deposit		\$ 100.00

City of Birmingham  
2022 Fee Schedule

# ENGINEERING

FEE

## Bidding Document Fee

Large Set - Paper Copy	\$	75.00
Small Set - Paper Copy	\$	50.00
CD Copy ( <i>any size</i> )	\$	20.00
Flash Drive		\$20.00
<i>(Copy fee waived for Plan Room and Advertising Services)</i>		

## Cable Communications Permit (30-133 (j))

Cable Franchise Insurance: Standard Insurance requirements plus excess liability insurance (or umbrella policy) on an "occurrence basis", with limits of liability not less than \$5,000,000 per occurrence; and indemnification provisions (see Section 30-190)

## Curb Closings (See Streets & Sidewalks)

## Driveways (See Streets & Sidewalks)

## Parking Meters

High Demand ( <i>Areas Inside Central Core of Business District</i> )	\$	1.50
Lower Demand ( <i>Areas Outside Central Core of Business District</i> )	\$	1.00

## Parking Structures

Less than 2 hours		free
Less than 3 hours	\$	2.00
Less than 4 hours	\$	4.00
Less than 5 hours	\$	6.00
Less than 6 hours	\$	8.00
Over 6 hours	\$	10.00
Over 7 hours	\$	10.00
Over 8 hours	\$	10.00
Maximum Fee After 10:00PM	\$	5.00
Permit Parking - Chester St. Structure	\$	50.00
Permit Parking - All Others	\$	70.00

## Parking Structure Permit Parking Activation Fee

Deposit ( <i>any cards returned after six-months not eligible for refund</i> )	\$	20.00
Activation fee per AVI card	\$	30.00
Returned checks	\$	30.00

## Permit Parking At Meters (3 Months)

Lot 6 - Regular	\$	210.00
Lot 6 - Restricted	\$	150.00
Ann St. North	\$	180.00
South Old Woodward	\$	120.00
Lot 11 - NW Corner Maple & Woodward	\$	180.00
Lot 12 - SE Corner Maple & Woodward	\$	180.00

## Right-of-Way Permits

Online Application Fee		\$2.00
Permit Fee	\$	65.00
Trench Maintenance	\$	1,200.00
Water Service Inspection Fee	\$	400.00
Sewer Service Inspection Fee	\$	400.00
Cash Bond ( <i>Refundable</i> )	\$	1,000.00

City of Birmingham  
2022 Fee Schedule

# ENGINEERING

FEE

Small Cell New Pole	\$ 300.00
Small Cell Colocation	\$ 200.00

**Sidewalks (See Streets & Sidewalks)**

**Soil erosion and sediment control permit fees:**

Online Application Fee	\$ 2.00
Less than 1 acre site	\$ 100.00
1-2 acre site	\$ 125.00
2-3 acre site	\$ 125.00

*The permit fee shall increase for every acre or portion thereof in excess of the above examples.*

**Inspection desposits:**

Less than 1 acre site	\$ 1,560.00
1-2 acre site	\$ 3,120.00
2-3 acre site	\$ 4,680.00

*The inspection deposit shall increase \$1,560.00 per additional acre or portion thereof in excess of the above examples.*

**Soil Filling Permit (Chapter 50)**

Application fee	\$ 600.00
Online Application Fee	\$ 2.00
Permit fee, per cubic yard	\$ 0.20

**Small Cell Monthly License**

Tier 1 - Per Month Per Pole	\$ 75.00
Tier 2 - Per Month Per Pole	\$ 150.00
Performance Bond	\$ 10,000.00
Administrative Fee	\$ 500.00

**Stormwater runoff (Chapter 114)**

Permit per acre of affected area	\$ 125.00
Minimum	\$ 65.00

**Storm Water Utility Fee Related Charges**

Storm Water Utility Fee Credit Application or Renewal	\$ 50.00
Low Impact Development Determination	\$ 50.00
Storm Water Utility Appeals Board Application	\$ 50.00

**Well (Irrigaion) Permit**

\$ 350.00

**Storm Water Utility Fee - Credit Schedule**

<u>CREDIT</u>	<u>APPLIES TO</u>	<u>ANNUAL VALUE</u>	<u>RENEWAL PERIOD</u>
<u>Rain Barrels</u>	SFR/Non-SFR	\$15	2 years
<u>Rain Garden/Bio-Swale</u>	SFR/Non-SFR	\$20 *	5 years
<u>Infiltration Trench/Dry Well</u>	SFR/Non-SFR	\$25 *	5 years
<u>Cistern</u>	SFR/Non-SFR	\$25 *	10 years
<u>Pervious Pavement</u>	SFR/Non-SFR	\$10 (200-300 Sq. Ft.) \$20 (300-400 Sq. Ft.) \$30 (>400 Sq. Ft.)	10 years
<u>Disconnect Footing Drain</u>	SFR/Non-SFR	\$40	10 years
<u>LID Building Measures</u>	Non-SFR	ESWU reduction	N/A
<u>LID Site Measures</u>	Non-SFR	ESWU reduction	N/A

City of Birmingham  
2022 Fee Schedule

# ENGINEERING

FEE

**Enhanced Retention**

**Non-SFR**

**ESWU reduction**

**N/A**

Those credits marked with an asterisk (\*) will be multiplied by the relative size of the parcel the improvement makes on the property, provided that the improvement truly captures at least 50% of the impervious area that is draining directly to the sewer system, according to the following schedule:

**SFR CLASS**

**CREDIT MULTIPLICATION FACTOR**

Classes A & B

1

Class C

1.6

Class D

2.4

Class E

3.2

Class F

4.6

**Streets & Sidewalks:**

There shall be a minimum charge of ~~\$85.00~~ **\$100.00** for all curb closing, curb, cuts, driveways and sidewalk permits.

\$ 100.00

Curb closings (98-91):

Permit per linear foot

\$ 4.00

Minimum

\$ 30.00

Curb cuts (98-91):

Permit per linear foot

\$ 4.00

Minimum

\$ 30.00

Driveways (98-91):

Permit

\$ 40.00

Sidewalks (98-57):

Permit, per square foot

\$ 0.50

Minimum

\$ 20.00

Excavations (98-26):

Permit

\$ 65.00

*Plus deposit to be determined by city engineer to cover estimated cost of possible city expenses, minimum*

Moving buildings (98-3 - 98-28):

Permit

\$ 50.00

*Plus deposit to be determined by city engineer to cover estimated cost of possible city expenses, minimum Insurance: Standard insurance requirements plus hold-harmless agreement*

\$ 1,000.00

Obstructions (98-26):

Permit

\$ 65.00

*Plus deposit to be determined by city engineer to cover estimated cost of possible city expenses, minimum*

\$ 1,000.00

City of Birmingham  
2022 Fee Schedule

# FINANCE DEPARTMENT

FEE

## Sewer Service Rates (Chapter 114)

For each 1,000 gallons or part thereof \$ 7.56

## **Storm Water Utility Fee (Chapter 114)**

<u>Property Type</u>	<u>SFR Class</u>	<u>Average Runoff Potential</u>	<u>ESWU</u>
Single-Family Residential, 0-125 acres or less	Class A	3,166	0.7
Single-Family Residential, 0-126 acres - 0.250 acres	Class B	4,317	1
Single-Family Residential, 0.251 acres - 0.500 acres	Class C	6,716	1.6
Single-Family Residential, 0.501 acres - 0.750 acres	Class D	10,552	2.4
Single-Family Residential, 0.751 acres-1,000 acres	Class E	13,094	3.2
Single-Family Residential, 1,001 acres or larger	Class F	20,496	4.6

## Non-Single Family ESWU.

The storm water utility fee for non-single family lots shall equal the number ESWU'S for a given lot, multiplied by the annual rate established by the City Commission per ESWU per year. The formula for determining the number of ESWU'S per non-single family lot shall be calculated from the amount of pervious and impervious lot area as follows:

Number of ESWU'S = "0.15 (TA-1A + 0.90 (IA))/4317 s.f./ESWU

where TA=total area of each lot (reported in square feet);

IA=impervious area of each lot (reported in square feet).

Evergreen-Farmington Sewage Disposal District:

For each Equivalent Storm Water Unit (ESWU)

Quarterly fixed fee \$48.75

Monthly fixed fee \$16.25

Southeast Oakland County Sewage Disposal District:

For each Equivalent Storm Water Unit (EWSU)

Quarterly fixed fee \$61.25

Monthly fixed fee \$20.42

## 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 \$ 0.483

Total suspended solids (TSS), over 350 mg/l \$ 0.490

Phosphorus (P), over 12 mg/l \$ 7.228

Fats, oils, grease (FOG) over 100 mg/l \$ 0.465

## 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" \$ 10.65

3/4" \$ 16.02

1" \$ 26.67

City of Birmingham  
2022 Fee Schedule

FINANCE DEPARTMENT		FEE
	1 1/2"	\$ 58.68
	2"	\$ 85.32
	3"	\$ 154.65
	4"	\$ 213.30
	6"	\$ 319.92
	8"	\$ 533.22
	10"	\$ 746.52
	12"	\$ 853.14
	14"	\$ 1,066.44
	16"	\$ 1,279.74
	18"	\$ 1,493.01
	20"	\$ 1,706.31
	24"	\$ 1,919.58
	30"	\$ 2,132.88
	36"	\$ 2,346.18
	48"	\$ 2,559.45
Effective July 1, 2018		

City of Birmingham  
2022 Fee Schedule

# FIRE DEPARTMENT

FEE

## EMS Transport Service Fees (Chapter 54)

ALS Emergency Transport II	\$ 850.00
ALS Emergency Transport I	\$ 650.00
ALS Non-Emergency Transport	\$ 650.00
BLS Emergency Transport	\$ 525.00
BLS Non-Emergency Transport	\$ 525.00
Loaded Mile ( <i>scene to hospital fee per mile</i> )	\$ 15.00

## Fire Code Operational Permits

<i>As listed in the International Fire Code</i>	\$ 50.00
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## Hydrant Use & Hydrant Repair - See DPS

<u>Open Fires Permit (includes inspection)</u>	\$ 50.00
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<u>Pyrotechnics displays Permit</u>	\$ 50.00
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<u>Administrative Fee-Non-electronic reporting (inspections/testing/maintenance)</u>	\$ 50.00
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City of Birmingham  
2022 Fee Schedule

# MUSEUM

FEE

## Limited Use Fee-Allen House

Cleaning Deposit, returnable	\$100.00
2 hrs. of approved private use - Allen House, first floor only, <i>with event specific rider and agreement</i>	\$550.00
<i>Insurance: Standard Insurance Requirements and Hold Harmless Agreement</i>	

## Limited Use Fee-Park/Grounds

Security Deposit, returnable	\$100.00
Up to 20 people-resident	\$250.00
Up to 20 people- non resident	\$500.00
21-100 people-resident	\$400.00
21-100 people-non-resident	\$800.00
Over 100 people	additional
Security Deposit, <i>returnable</i>	\$250.00
<i>Insurance: Standard Insurance Requirements and Hold Harmless Agreement</i>	

## Research Requests

First hour	\$25.00
Each additional hour	\$15.00

City of Birmingham  
2022 Fee Schedule

# POLICE DEPARTMENT

FEE

**\*Alcohol:**

Specially Designated Distributor	\$ 500.00
Specially Designated Merchant	\$ 500.00

**False Alarm fees (74-31):**

First false alarm per calendar year	no charge
All subsequent false alarms per calendar year	\$ 50.00

**Fingerprints**

Full set of fingerprints; said fee shall be in addition to any license or permit fee which requires fingerprints to be taken and/or submitted to the Michigan State Police or the Federal Bureau of Investigation	\$ 10.00
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**Meter Bags - Daily Fee**

\$ 18.00

**Outdoor Dining Café Platform Meter Fees**

*(See City Clerk's Office Fee Schedule)*

**Parking Permits (110-136 - 110-150)**

Residential parking permit per household (includes 2 resident and 3 visitor permits for a two-year period)	\$ 8.00
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**Parking Offenses & Fines (If paid before 10 days/If paid after 10 days)**

Expired meter: first seven offenses in calendar	\$10/20
Expired meter: eight offenses or more in calendar year	\$30/40
Overtime in non-metered zone	\$10/20
Overtime in a time zone: less than 2 hours	\$15/25
Overtime in a time zone: 2 hours or longer	\$30/40
Stopping, standing or parking where prohibited	\$30/40
Parking over the meter line	\$10/20
Back into parking lot space	\$10/20
Keys in ignition or ignition unlocked	\$30/40
Other illegal parking	\$30/40
No parking here to corner	\$30/40
Handicap zone	\$100/125
Violation of snow emergency parking ordinance	\$50/75
Illegal parking in permit area	\$30/40
Illegal parking on private property	\$30/45

**Pedi-cabs & Commercial Quadricycles**

Annual Application Fee	\$ 50.00
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City of Birmingham  
2022 Fee Schedule

# POLICE DEPARTMENT

FEE

Insurance: The owner of every pedicab or commercial quadricycle shall procure and file with the city clerk a liability insurance policy or similar proof of insurance issued by an insurance company authorized to do business in the state. The amount of such liability insurance for each pedicab or commercial quadricycle shall be as follows: An amount of not less than \$2,000,000 because of bodily injury to or death of any one person; in an amount of \$2,000,000 because of bodily injury of two or more persons in any one accident; in an amount of not less than \$2,000,000 in medical coverage for each passenger. Such policy of insurance may be in the form of a separate policy for each pedicab or commercial quadricycle, or may be in the fleet policy covering all pedicabs or commercial quadricycles operated by such owner; provided, however, that such a policy provide for the same amount of liability for each pedicab or commercial quadricycle operated. Provided further, such policy shall name the City of Birmingham as an additional insured, and no such policy as required above may be cancelled until the expiration of 30 days after notice of intent to cancel has been given in writing to the city clerk of the City by registered mail or personal delivery of such notice and a provision to that effect is made a part of such policy.

## **Precious Metals Dealers 26-161**

Annual License Fee	\$ 500.00
Annual criminal background check - per person <i>(to be provided by applicant using the Michigan State Police ICHAT system)</i>	

<b><u>Preliminary breath test (PBT) each</u></b>	\$ 10.00
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## **Stray Animal Fines:**

Licensed pet properly immunized first offense	\$ 25.00
Second offense within twelve month period	\$ 50.00

<b><u>Vehicle Identification Number Inspection Fee</u></b>	\$ 25.00
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<b><u>Vehicle Impounding Fee</u></b>	\$ 25.00
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<b><u>Vehicle Inspection Fee</u></b>	\$ 25.00
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\*Fee for liquor license inspection may be waived at the discretion of the City Manager where an applicant seeks to change the liquor license by the removal of a licensee from the license and the licensed establishment is not in operation.

City of Birmingham  
2022 Fee Schedule

# TREASURER'S OFFICE

FEE

Returned Check fees (15.1 - 15.3)

\$ 25.00

Treasurer's certificate

\$ 10.00



# MEMORANDUM

Police Department

**DATE:** December 28, 2021

**TO:** Thomas M. Markus, City Manager

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

**SUBJECT:** Purchase of (3) Point Blank ARMIS II SE-WARSOC Vests - Tactical Body Armor

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## INTRODUCTION:

The police department solicited sealed bids for (3) Point Blank ARMIS II SE-WARSOC tactical body armor vests on the Michigan Intergovernmental Trade Network (MITN) in December 2021. The bid was posted on MITN on December 3, 2021. The public bid opening was held on December 16, 2021 at 10:00 a.m. at the office of the city clerk. One vendor (CMP Distributors, Inc.) submitted a bid for this solicitation.

## BACKGROUND:

The police department has officers assigned to the following three investigative task forces: Federal Bureau of Investigation Financial Crimes Task Force (FBI), Oakland County Narcotics Enforcement Team (NET) and Troy Special Investigations Unit (SIU). Each officer assigned to a task force requires tactical body armor with enhanced ballistic properties. The Point Blank ARMIS II is an ergonomic hard armor plate carrier that provides protective coverage, maneuverability and side ballistic panels that overlap to provide for adjustability. The ARMIS carriers are customized with accessories including throat, biceps, groin and lower protectors. Flashlight, radio, Taser, handcuff and magazine pouches to affix to the ARMIS II carriers are included in this purchase. Each vest also will include (1) Paraclete 20260X level III+ front plate and (1) Point Blank Steel Plate 555 level III plus back plate.

The Paraclete 20260X front plates are compliant with National Institute of Justice (NIJ) .06 threat level. The ballistic performance of these plates (rounds defeated) include:

- 5.56mm x 45mm (M855 / SS109)
- 5.56mm x 45mm (M193)
- 7.62mm x 39mm (PS Ball / MSC)
- 7.62mm x 51mm (M80)

The Point Blank Steel Plate 555 are compliant with National Institute of Justice (NIJ) .06 threat level. The ballistic performance of these plates (rounds defeated) include:

- 5.56mm x 45mm, 62-grain FMJ (M855)
- 7.62mm x 51mm, 147-grain FMJ (M80)
- 7.62mm x 39mm, 123-grain (PS Ball/MS)
- 5.56mm x 45mm, 55-grain Ball (M193) - Velocities up to 2960 FPS

The SE-WARSOC specification references a locking mechanism which allows the officer to secure the vest in a manner to provide for faster deployment if need. The WARSOC buckle system also prohibits accidental or unintentional release. The WARSOC system also allows the officer to quickly remove the vest without moving any accessories or pouches.

**LEGAL REVIEW:**

The city attorney reviewed the Invitation to Bid and all other documents associated with this purchase. The city attorney has also approved the attached agreement.

**FISCAL IMPACT:**

The sole bid received from CMP Distributors, Inc. for (3) Point Blank ARMIS II SE-WARSOC tactical vests is for a total amount of \$9,180.00 (\$3,060.00 per vest). This expenditure was included in the 2021-22 approved budgeted and sufficient funding is available in account number 101-301.000-743.0000 to provide for this purchase.

**PUBLIC COMMUNICATIONS:**

Posted on MITN December 3, 2021.

**SUMMARY:**

The police department recommends approving the purchase of (3) Point Blank ARMIS II SE-WARSOC tactical vests with Paraclete level III+ plate and Point Blank 555 level III+ steel plate in the amount of \$9,180.00 for officers assigned to Oakland County NET, FBI, and Troy SIU with assignments beginning in January of 2022.

**ATTACHMENTS:**

1. Invitation to Bid
2. Agreement
3. Attachment B – Bidder's Agreement
4. Attachment C – Cost Proposal
5. Attachment D – Iran Sanctions Act Vendor Certification Form
6. Point Blank ARMIS Tactical Vest Specification Sheet
7. Point Blank Paraclete Level III Hard Armor Plate Specification Sheet
8. Point Blank Steel Plate 555 Hard Armor Plate Specification Sheet
9. Point Blank SE-WARSOC Buckle System Specification Sheet

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution to approve the purchase agreement with CMP Distributors, Inc. for (3) Point Blank ARMIS II SE-WARSOC tactical vests with Paraclete level III+ plate and Point Blank 555 level III+ steel plate in the amount not to exceed \$9,180.00. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for this project has been budgeted in account 101-301.000-743.0000.



## INVITATION TO BID

Sealed bids endorsed **"POINT BLANK ARMIS II SE-WARSOC TAC VESTS 2021"** will be received by the City of Birmingham, Michigan at the Office of City Clerk, 151 Martin Street, P.O. Box 3001, Birmingham, MI, 48012 until December 16, 2021 at 10:00 a.m., at which time the bids will be publicly opened and read.

The City of Birmingham, Michigan is accepting sealed bids from qualified vendors for the purchase of (3) Point Blank ARMIS II SE-WARSOC TAC VESTS threat level IIIA, BCIIIA Ballistics, with WARSOC H3 Buckle, Complete set to include: base vest, three tab throat, biceps, bicep adapters, trap armor inserts, groin protector, lower protector, BLACK with WHITE POLICE PATCH and the following (5) pouches: PCHFL1, PCHRD0, PCHTZ1, PCHHC0, PCHMP0.

Each ARMIS II SE-WARSOC tac vest must include:

- (1) Paraclete 20260X stand alone Level III+ Plate, 10x12 shooter's cut, multi-curve, NIJ .06 certified.
- (1) Point Blank Steel Plate 555 10x12 shooter's cut, Level III+ Plate, #SPLT52SCSQ

All proposals must include total shipping costs and estimated delivery date.

Materials and bids shall be submitted in accordance with the attached specifications and bid forms prepared by the Birmingham Police Department. The equipment must be delivered as detailed in accordance with the specifications contained in the Invitation to Bid (ITB).

The City reserves the right to request additional information or clarification from bidders. At the discretion of the City, vendors submitting bids may be requested to provide sample materials or equipment.

Bids must be submitted in a sealed envelope marked **"POINT BLANK ARMIS II SE-WARSOC TAC VESTS 2021"**. The date and time of the bid opening must also be marked on the envelope.

The acceptance of any proposal made pursuant to this invitation shall not be binding upon the City until an agreement has been executed and a written purchase order has been delivered to the successful bidder.

The ITB, including the specifications, may be obtained online from the Michigan Inter-

governmental Trade Network at <http://www.mitn.info> or at the City of Birmingham, 151 Martin St., Birmingham, Michigan, ATTN: Ellen DeView.

Submitted to MITN: December 3, 2021  
Deadline for Submissions: December 16, 2021 10:00 a.m.  
Contact Person: Ellen DeView, Staff & Services Coordinator  
Birmingham Police Department  
P.O. Box 3001, 151 Martin Street  
Birmingham, MI 48012  
Phone: (248) 530-1869  
Email: [edeview@bhamgov.org](mailto:edeview@bhamgov.org)





**INVITATION TO BID**  
**For POINT BLANK ARMIS II SE-WARSOC TAC VESTS 2021**

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**GENERAL CONDITIONS AND INSTRUCTIONS TO BIDDERS**

All information requested of the vendor shall be entered in the appropriate space on the attached form(s). Failure to do so may disqualify the bid.

All information shall be entered in ink or typewritten. Mistakes may be crossed out and corrections inserted before submission of the bid. The person signing the bid shall initial corrections in ink.

Corrections and/or modifications received after the closing time specified will not be accepted.

All bids shall be signed by an authorized officer or employee of the bidder.

Bids must be submitted by the date and at or prior to the time specified to be considered. No late bids, telegraphic bids, telephone bids, or facsimile bids will be accepted.

The City of Birmingham is exempt from State of Michigan and federal excise taxes.

All proposals shall include the following information: Vendor name, address, city, state, zip code, telephone number, and fax number. The company shall also provide the name, address, telephone number and e-mail address of an individual in their organization to whom notices and inquiries by the City should be directed as part of the bid.

The City of Birmingham reserves the right:

1. To award bids received on the basis of individual items, or group of items, or on the entire list of items.
2. To reject any and all bids, or any part thereof.
3. To waive any informality in the bids received.
4. To accept the bid that the City Commission shall deem to be in the best interest of City of Birmingham.



## **INVITATION TO BID**

### **For POINT BLANK ARMIS II SE-WARSOC TAC VESTS 2021**

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## INTRODUCTION

For purposes of this invitation to bid, the City of Birmingham will hereby be referred to as "City" and the vendor will hereby be referred to as "Company."

The City of Birmingham, Michigan is accepting sealed bids from qualified vendors for the purchase of **(3) Point Blank ARMIS II SE-WARSOC TAC VESTS threat level IIIA, BCIIIA Ballistics, with WARSOC H3 Buckle, Complete set to include: base vest, three tab throat, biceps, bicep adapters, trap armor inserts, groin protector, lower protector, BLACK with WHITE POLICE PATCH and the following (5) pouches: PCHFL1, PCHRD0, PCHTZ1, PCHHC0, PCHMP0**

Each ARMIS II SE-WARSOC tac vest must include:

- **(1) Paraclete 20260X stand alone Level III+ Plate, 10x12 shooter's cut, multi-curve, NIJ .06 certified.**
- **(1) Point Blank Steel Plate 555 10x12 shooter's cut, Level III+ Plate, #SPLT52SCSQ**

The equipment must be delivered as specified in accordance with the specifications outlined by the Scope of Work contained in this Invitation to Bid (ITB).

During the evaluation process, the City reserves the right where it may serve the City's best interest to request additional information or clarification from bidders, or to allow corrections of errors or omissions. At the discretion of the City, vendors submitting bids may be requested to make oral presentations as part of the evaluation.

It is anticipated the selection of a vendor will be completed by January 10, 2021. A purchase order will be issued to the selected Company following execution of the agreement.

The purpose of this ITB is to request sealed bids from qualified parties presenting their qualifications, capabilities and costs to provide **(3) Point Blank ARMIS II SE-WARSOC TAC VESTS threat level IIIA, BCIIIA Ballistics, with WARSOC H3 Buckle, Complete set to include: base vest, three tab throat, biceps, bicep adapters, trap armor inserts, groin protector, lower protector, BLACK with WHITE POLICE PATCH and the following (5) pouches: PCHFL1, PCHRD0, PCHTZ1, PCHHC0, PCHMP0**

Each ARMIS II SE-WARSOC tac vest must include:

- **(1) Paraclete 20260X stand alone Level III+ Plate, 10x12 shooter's cut, multi-curve, NIJ .06 certified.**
- **(1) Point Blank Steel Plate 555 10x12 shooter's cut, Level III+ Plate, #SPLT52SCSQ**

## INVITATION TO SUBMIT A BID

Proposals shall be submitted no later than December 16, 2021 10:00 a.m. to:

City of Birmingham  
Attn: City Clerk  
151 Martin Street  
Birmingham, Michigan 48009

One (1) original and one (1) copy of the proposal shall be submitted. The bid should be firmly sealed in an envelope, which shall be clearly marked on the outside, **"POINT BLANK ARMIS II SE-WARSOC TAC VESTS 2021"**. The date and time of the bid opening must also be marked on the envelope.

Any bid received after the due date cannot be accepted and will be rejected and returned, unopened, to the bidder.

## INSTRUCTIONS TO BIDDERS

1. Any and all forms requesting information from the bidder must be completed on the attached forms contained herein (see Company's Responsibilities).
2. Any request for clarification of this ITB shall be made in writing and delivered to: Ellen DeView, (248) 530-1869, [edevview@bhamgov.org](mailto:edevview@bhamgov.org), City of Birmingham, 151 Martin Street, Birmingham, MI 48009. Such request for clarification shall be delivered, in writing, no later than 5 days prior to the deadline for submissions.
3. All bids must be submitted following the ITB format as stated in this document and shall be subject to all requirements of this document including the instruction to respondents and general information sections. All proposals must be regular in every respect and no interlineations, excisions, or special conditions shall be made or included in the ITB format by the respondent.
4. The contract will be awarded by the City of Birmingham to the most responsive and responsible bidder with the lowest price and the contract will require the delivery of the equipment pursuant to these documents.
5. Each respondent shall include in his or her bid, in the format requested, the cost of the equipment. Municipalities are exempt from Michigan State Sales and Federal Excise taxes. Do not include such taxes in the proposal figure. The City will furnish the successful Company with tax exemption information when requested.
6. Each respondent shall include in their bid the following information: Company name, address, city, state, zip code, telephone number, and fax number. The company shall also provide the name, address, telephone number and e-mail address of an individual in their organization to whom notices and inquiries by the City should be directed as part of their proposal.

## **EVALUATION PROCEDURE AND CRITERIA**

The evaluation panel will consist of City staff and any other person(s) designated by the City who will evaluate the proposals based on, but not limited to, the following criteria:

1. Ability to provide services and equipment as outlined.
2. Related experience with similar sales, vendor background, and personnel qualifications.
3. Quality of materials proposed.
4. Overall costs.
5. References.

## **TERMS AND CONDITIONS**

1. The City reserves the right to reject any or all bids received, waive informalities, or accept any proposal, in whole or in part, it deems best. The City reserves the right to award the contract to the next most qualified Company if the successful Company does not execute a contract within ten (10) days after the award of the proposal.
2. The City reserves the right to request clarification of information submitted and to request additional information of one or more Companies.
3. The City reserves the right to terminate the contract at its discretion should it be determined that the services provided do not meet the specifications contained herein. The City may terminate this Agreement at any point in the process upon notice to Company sufficient to indicate the City's desire to do so. In the case of such a stoppage, the City agrees to pay Company for services rendered to the time of notice, subject to the contract maximum amount.
4. Any bid may be withdrawn up until the date and time set above for the opening of the proposals. Any bids not so withdrawn shall constitute an irrevocable offer, for a period of ninety (90) days.
5. The cost of preparing and submitting a bid proposal is the responsibility of the Company and shall not be chargeable in any manner to the City.
6. Payment will be made within thirty (30) days after invoice. Acceptance by the City is defined as authorization by the designated City representative to this purchase that all the criteria requested under the Scope of Work contained herein have been provided. Invoices are to be rendered each month following the date of execution of an Agreement with the City.
7. The Company will not exceed the timelines established for the completion of this purchase.
8. The successful bidder shall enter into and will execute the contract as set forth and attached as Attachment A.

9. The company shall follow all of the City's COVID-19 safety protocols while on City property. Additionally, company staff which will be in physical contact with city staff must have current vaccinations against COVID-19. The City, at its discretion, may ask for proof of vaccination of company staff. Failure to provide proof of vaccination when requested will cause the City to request un-vaccinated personnel to leave, request alternate staff, and if the company is unable to comply, this willful violation of safety protocols will constitute a breach of contract by the company.

## **COMPANY RESPONSIBILITIES**

Each bidder shall provide the following as part of their proposal:

1. Complete and sign all forms requested for completion within this ITB.
  - a. Bidder's Agreement (Attachment B - p. 17)
  - b. Cost Proposal (Attachment C - pp. 18)
  - c. Iran Sanctions Act Vendor Certification Form (Attachment D - p. 19)
  - d. Agreement (p. 11 – only if selected by the City).

Provide a description of completed sales that demonstrate the vendor's ability to complete sales of similar scope, size, and purpose, and in a timely manner, and within budget.

2. Provide a written plan detailing the anticipated timeline for completion of the tasks set forth in the Scope of Work (p. 10).
3. The Company will be responsible for any changes necessary for the purchase to be approved by the City of Birmingham.
4. Provide three (3) client references from past tactical vest sales, include current phone numbers. At least two (2) of the client references should be for tactical vest sales utilizing the same materials included in the Company's proposal.

## **CITY RESPONSIBILITY**

1. The City will provide a designated representative to work with the Company to coordinate both the City's and Company's efforts in the delivery of **POINT BLANK ARMIS II SE-WARSOC TACTICAL VESTS**.
2. The City will provide access to the City of Birmingham during regular business hours.

## **SETTLEMENT OF DISPUTES**

The successful bidder agrees to certain dispute resolution avenues/limitations. Please refer to paragraph 17 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

## **INSURANCE**

The successful bidder is required to procure and maintain certain types of insurances. Please refer to paragraph 12 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

## **CONTINUATION OF COVERAGE**

The Company also agrees to provide all insurance coverages as specified. Upon failure of the Company to obtain or maintain such insurance coverage for the term of the agreement, the City may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the contract amount. In obtaining such coverage, The City shall have no obligation to procure the most cost effective coverage but may contract with any insurer for such coverage.

## **EXECUTION OF CONTRACT**

The bidder whose proposal is accepted shall be required to execute the contract and to furnish all insurance coverages as specified within ten (10) days after receiving notice of such acceptance. Any contract awarded pursuant to any bid shall not be binding upon the City until a written contract has been executed by both parties. Failure or refusal to execute the contract shall be considered an abandoned all rights and interest in the award and the contract may be awarded to another. The successful bidder agrees to enter into and will execute the contract as set forth and attached as Attachment A.

## **INDEMNIFICATION**

The successful bidder agrees to indemnify the City and various associated persons. Please refer to paragraph 13 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

## **CONFLICT OF INTEREST**

The successful bidder is subject to certain conflict of interest requirements/restrictions. Please refer to paragraph 14 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

## **EXAMINATION OF BID MATERIALS**

The submission of a proposal shall be deemed a representation and warranty by the Company that it has investigated all aspects of the ITB, that it is aware of the applicable facts pertaining to the ITB process and its procedures and requirements, and that it has read and understands the ITB. Statistical information which may be contained in the ITB or any addendum thereto is for informational purposes only.

## PROJECT TIMELINE

December 3, 2021	<b>POINT BLANK ARMIS II SE-WARSOC TAC VESTS 2021</b> posted on MITN
December 16, 2021	Bids Due – open at 10:00 a.m. Office of the City Clerk
January 10, 2022	Agreement to City Commission for Approval
January 11, 2022	Purchase order for <b>POINT BLANK ARMIS II SE-WARSOC TAC VESTS 2021</b> awarded to vendor

The Company will not exceed the timelines established for the completion of this project.



## SCOPE OF WORK

The Company shall provide the following equipment and services in accordance with the requirements as defined and noted herein: **POINT BLANK ARMIS II SE-WARSOC TAC VESTS 2021**

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PROJECT LOCATION: Birmingham, Michigan 48009

1. The City of Birmingham is accepting sealed bids from qualified vendors to provide **(3) Point Blank ARMIS II SE-WARSOC TAC VESTS threat level IIIA, BCIIIA Ballistics, with WARSOC H3 Buckle, Complete set to include: base vest, three tab throat, biceps, bicep adapters, trap armor inserts, groin protector, lower protector, BLACK with WHITE POLICE PATCH and the following (5) pouches: PCHFL1, PCHRD0, PCHTZ1, PCHHC0, PCHMPO**. The City intends to award one contract and purchase order to a single vendor.
2. The Company shall provide any and all manuals and/or warranty information related to this sale to the City upon delivery of the **Point Blank ARMIS II SE-WARSOC TAC VESTS**.
3. This section and referenced documents shall constitute the Scope of Work for this project and as such all requirements must be met.
4. All bids submitted for the **POINT BLANK ARMIS II SE-WARSOC TAC VESTS 2021** must include the following equipment specifications:
  - The City of Birmingham, Michigan is accepting sealed bids from qualified vendors for the purchase of **(3) Point Blank ARMIS II SE-WARSOC TAC VESTS threat level IIIA, BCIIIA Ballistics, with WARSOC H3 Buckle, Complete set to include: base vest, three tab throat, biceps, bicep adapters, trap armor inserts, groin protector, lower protector, BLACK with WHITE POLICE PATCH and the following (5) pouches: PCHFL1, PCHRD0, PCHTZ1, PCHHC0, PCHMPO**

Each ARMIS II SE-WARSOC tac vest must include:

- (1) Paraclete 20260X stand alone Level III+ Plate, 10x12 shooter's cut, multi-curve, NIJ .06 certified.
- (1) Point Blank Steel Plate 555 10x12 shooter's cut, Level III+ Plate, #SPLT52SCSQ
- Include any applicable fees for (3) on site officer measurement fittings to be held on site (at the Birmingham Police Department) on (1) day.
- All shipping and handling costs
- Estimated delivery date from receipt of purchase order and completion of fittings.

## **ATTACHMENT A**

# AGREEMENT

## For POINT BLANK ARMIS II SE-WARSOC TAC VESTS 2021

This AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and \_\_\_\_\_ CMP Distributors \_\_\_\_\_, Inc., having its principal office at \_\_\_\_\_ 16753 Industrial Parkway, Lansing, MI 48906 \_\_\_\_\_ (hereinafter called "Company"), provides as follows:

### WITNESSETH:

**WHEREAS**, the City is desirous of selecting a vendor for the purchase of **(3) Point Blank ARMIS II SE-WARSOC TAC VESTS threat level IIIA, BCIIIA Ballistics, with WARSOC H3 Buckle, each complete set to include: base vest, three tab throat, biceps, bicep adapters, trap armor inserts, groin protector, lower protector, BLACK with WHITE POLICE PATCH and the following (5) pouches: PCHFL1, PCHRD0, PCHTZ1, PCHHC0, PCHMP0, (1) Paraclete 20260X stand alone Level III+ Plate, (1) 10x12 shooter's cut, multi-curve, NIJ .06 certified, (1) Point Blank Steel Plate 555 10x12 shooter's cut, Level III+ Plate, #SPLT52SCSQ** and has heretofore advertised for bids for the procurement for the purchase of **(3) Point Blank ARMIS II SE-WARSOC TAC VESTS**, and in connection therewith has prepared an Invitation to Bid ("ITB"), which includes certain instructions to bidders, specifications, terms and conditions.

**WHEREAS**, the Company has professional qualifications to sell and deliver vests that meet the project requirements and has made a bid in accordance with such request for cost proposals to provide **(3) Point Blank ARMIS II SE-WARSOC TAC VESTS**.

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

1. It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to provide **(3) Point Blank ARMIS II SE-WARSOC TAC VESTS** and the Company's cost proposal dated \_\_\_\_\_ December 14 \_\_\_\_\_, 2021 shall be incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto. If any of the documents are in conflict with one another, this Agreement shall take precedence, then the ITB.

2. The City shall pay the Company for the performance of this Agreement in a sum not to exceed the amount proposed for the purchase of a **(3) Point Blank ARMIS II SE-WARSOC TAC VESTS** per the Company's \_\_\_\_\_ December 14 \_\_\_\_\_, 2021 cost proposal.

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

4. The Company shall employ personnel of good moral character and fitness in performing all delivery of under **(3) Point Blank ARMIS II SE-WARSOC TAC VESTS** this Agreement.

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

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

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

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

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

10. The Company agrees that it will not 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 Company shall inform the City of all claims or suits asserted against it by the Company's employees who work pursuant to this Agreement. The Company shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.

11. The Company shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with carriers acceptable to the City of Birmingham.

12. The Company shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:

- A. Workers' Compensation Insurance: Company 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: Company 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 Contractor's 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: Company shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
- D. Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.

- E. Professional Liability: Professional liability insurance with limits of not less than \$1,000,000 per claim if Company will provide service that are customarily subject to this type of coverage.
- F. Cancellation Notice: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001.
- G. Proof of Insurance Coverage: Company shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
  - 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
  - 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
  - 3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
  - 4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
  - 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
- H. Coverage Expiration: If any of the above coverages expire during the term of this Agreement, Company shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.
- I. Maintaining Insurance: Upon failure of the Company to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.

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

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

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

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

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

COMPANY  
CMP Distributors, Inc.  
16753 Industrial Parkway  
Lansing, MI 48906

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

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

19. COVID-19 PROTOCOLS:

The CMP Distributors, Inc. company shall follow all of the City's COVID-19 safety protocols while on City property. Additionally, CMP Distributors, Inc. company staff which will be in physical contact with city staff must have current vaccinations against COVID-19. The City, at its discretion, may ask for proof of vaccination of CMP Distributors, Inc. company staff. Failure

vaccination when requested will cause the City to request un-vaccinated personnel to leave, request alternate staff, and if the CMP Distributors company is unable to comply, this willful violation of safety protocols will constitute a breach of contract by the CMP Distributors company.

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

**WITNESSES / NOTARY PUBLIC**

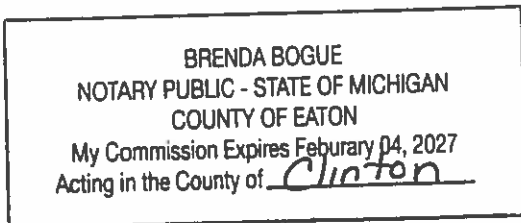
**COMPANY**

By: Brenda Bogue  
Notary Public signature above

By: Catherine Parks  
CMP Distributors, Inc.

Notary Public stamp below:

Its: President, Catherine Parks



**CITY OF BIRMINGHAM**

\_\_\_\_\_

By: \_\_\_\_\_  
Therese Longe, Mayor

\_\_\_\_\_

By: \_\_\_\_\_  
Alexandria D. Bingham, City Clerk

Approved:

Thomas M. Markus  
Thomas M. Markus, City Manager  
(Approved as to substance)

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

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

Mary M. Kucharek  
Mary M. Kucharek, City Attorney  
(Approved as to form)



## ATTACHMENT B - BIDDER'S AGREEMENT

### For POINT BLANK ARMIS II SE-WARSOC TAC VESTS 2021

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

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

**PREPARED BY**  
**(Print Name)**  
Catherine Parks

**DATE**  
12/14/2021

**TITLE**  
President

**DATE**  
12/14/2021

  
**AUTHORIZED SIGNATURE**

**E-MAIL ADDRESS**  
[catherine@cmpdist.com](mailto:catherine@cmpdist.com)

**COMPANY**  
CMP Distributors, Inc.

**ADDRESS**  
16753 Industrial Parkway  
Lansing, MI 48906

**PHONE**  
517-721-0970

**NAME OF PARENT COMPANY**  
N/A

**PHONE**

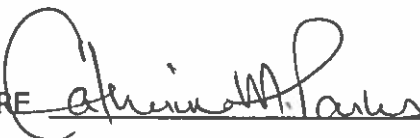
**ADDRESS**

## ATTACHMENT C – COST PROPOSAL

For POINT BLANK ARMIS II SE-WARSOC TAC VESTS 2021

ITEM	ESTIMATED QUANTITY	DESCRIPTION OF EQUIPMENT	UNIT PRICE	ITEM TOTAL
1	3	<b>(3) Point Blank ARMIS II SE-WARSOC TAC VESTS threat level IIIA, BCIIIA Ballistics, with WARSOC H3 Buckle, Complete set to include: base vest, three tab throat, biceps, bicep adapters, trap armor inserts, groin protector, lower protector, BLACK with WHITE POLICE PATCH and the following (5) pouches:</b> <ul style="list-style-type: none"> <li>• PCHFL1</li> <li>• PCHRD0</li> <li>• PCHTZ1</li> <li>• PCHHC0</li> <li>• PCHMP0</li> </ul>	\$2,395.00	\$7,185.00
2	3	<b>Paraclete 20260X stand alone Level III+ Plate, 10x12 shooter's cut, multi-curve, NIJ .06 certified.</b>	\$515.00	\$1,545.00
3	3	<b>Point Blank Steel Plate 555 10x12 shooter's cut, Level III+ Plate, #SPLT52SCSQ</b>	\$120.00	\$360.00
4	1	<b>TOTAL SHIPPING / HANDLING / DELIVERY CHARGES DELIVERY ADDRESS: 151 MARTIN STREET, BIRMINGHAM, MI 48009</b>	\$90.00	\$90.00
		<b>GRAND TOTAL</b>		\$9,180.00

ESTIMATED DELIVERY DATE: 45 days

BIDDER'S SIGNATURE 

DATE 12/14/2021

**ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM**  
**For POINT BLANK ARMIS II SE-WARSOC TAC VESTS 2021**

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

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

**PREPARED BY**  
**(Print Name)**

Catherine Parks

**DATE**

12/14/2021

**TITLE**

President

**DATE**

12/14/2021

  
**AUTHORIZED SIGNATURE**

**E-MAIL ADDRESS**

catherine@cmpdist.com

**COMPANY**

CMP Distributors, Inc.

**ADDRESS**

16753 industrial Parkway  
Lansing, MI 48906

**PHONE**

517-721-0970

**NAME OF PARENT COMPANY**

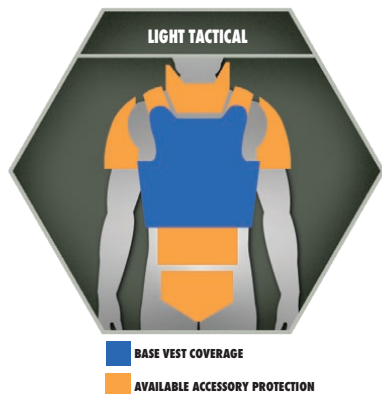
N/A

**PHONE**

**ADDRESS**

**TAXPAYER I.D.#**

38-2677687



# ARMIS



Shown with  
optional KWIQ-Clip

## FEATURES

- Integrated raised mesh padding system creating air channels
- Mesh liner protected by high abrasion resistant DWR twill liner cover
- Ambidextrous hidden wire cable channel openings on chest
- Optional left/right shoulder cable release kit available
- External, bottom loading, hard armor plate pocket in front and rear
- Ergonomic carrier shape offers optimum protective coverage while maintaining maximum maneuverability
- Side ballistic panels provide overlap to front and back allowing maximum adjustability and a lower profile

## COLORS

Black, Ranger Green, OD Green, Multi-Cam, Coyote, Wolf Grey



[PointBlankEnterprises.com](http://PointBlankEnterprises.com)



# HARD ARMOR PLATES

MODEL # **20260X**

COMPLIANT WITH NIJ .06 - THREAT LEVEL: III STAND-ALONE



Curvature: Multi-Curve (8"x10" and 10"x12")  
Construction: Polyethylene and Ceramic  
Thickness: 1.25"

6" x 6"	Full-Size	1.5 lbs
6" x 8"	Full-Size	2.0 lbs
8" x 10"	Shooter's Cut	3.0 lbs
8" x 10"	Full-Size	3.4 lbs
10" x 12"	Shooter's Cut	4.6 lbs
10" x 12"	Full-Size	5.0 lbs
7.25" x 11.5"	Shooter's Cut	3.1 lbs
8.75" x 11.75"	Shooter's Cut	4.0 lbs
9.5" x 12.5"	Shooter's Cut	4.6 lbs
10.25" x 13.25"	Shooter's Cut	5.3 lbs
11" x 14"	Shooter's Cut	6.0 lbs

## ////// BALLISTIC PERFORMANCE ////

### Rounds defeated:

- 5.56mm x 45mm (M855 / SS109)
- 5.56mm x 45mm (M193)
- 7.62mm x 39mm (PS Ball / MSC)
- 7.62mm x 51mm (M80)



# HARD ARMOR PLATES

MODEL #

**SPLT555**

COMPLIANT WITH NIJ .06 - THREAT LEVEL: III STAND-ALONE



Curvature: Single Curve

Construction: Steel

Thickness: 0.38"

## //// BALLISTIC PERFORMANCE ////

### Rounds defeated:

- 5.56mm x 45mm, 62-grain FMJ (M855)
  - 7.62mm x 51mm, 147-grain FMJ (M80)
  - 7.62mm x 39mm, 123-grain (PS Ball/MS)
  - 5.56mm x 45mm, 55-grain Ball (M193)
- Velocities up to 2960 FPS

SIZE	SHAPE	WEIGHT
5" x 8"	Full-Size	2.80 lbs
6" x 6"	Full-Size	2.65 lbs
7" x 9"	Full-Size	4.50 lbs
8" x 10"	Shooter's Cut	5.60 lbs
8" x 10"	Full-Size	5.70 lbs
10" x 12"	Shooter's Cut	7.85 lbs
10" x 12"	Swimmer's Cut	7.65 lbs
10" x 12"	Full-Size	8.69 lbs
11" x 14"	Shooter's Cut	10.66 lbs
11" x 14"	Swimmer's Cut	10.43 lbs

# WARSOC™ H3 BUCKLE SYSTEM

Our exclusive WARSOC™ H3, (Warrior Special Operation Carrier), are specially engineered for tactical armor and plate carriers. It utilizes a patented, slim “H” shape with a unique dual independent locking mechanism which allows an operator to secure his vest while providing a faster deployment option, as well as prohibiting accidental or undesired release. Easy to operate, the WARSOC™ H3 buckles are available via cummerbund or integrated into specific tactical carriers.

This system alleviates the conventional front cummerbund flap typically available on standard tactical vests. The operator can permanently leave the front panel pouches loaded with gear and doff the vest in seconds without moving any equipment. It's fast, easy and highly effective.

## FEATURES

- Aircraft Grade Aluminum
- Lightweight and durable design
- Cobra Patented Release Mechanism (Austri Alpin)
- Low Profile Thin “H” profile designed for MOLLE compatibility
- Allows for faster effortless donning and doffing without having to use front cummerbund flap

## OPTIONS

- ARMIS Tactical Carrier WARSOC™ H3 Kit (Convert conventional Hook and Loop Flap to WARSOC™ H3 Buckle System)
- WARSOC™ H3 Cummerbund Kit for all PARACLETE® carriers (Ordered with carrier or available as retro fit cummerbund)



Carrier Color	Buckle Color
Black	Black
O.D. Green	Black
Ranger Green	Green
Coyote	Coyote
Multi-Cam	Coyote

**DATE:** February 7, 2022

**TO:** Thomas M. Markus, City Manager

**FROM:** Scott D. Zielinski, Assistant City Engineer  
Peter Gojcaj, City Attorney

**SUBJECT:** Verizon Wireless Application to Install New Pole and Small Cell Equipment in the City's ROW

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**INTRODUCTION:**

Pursuant to Michigan's Small Cell Act, Verizon Wireless has applied for a permit to install a new pole at a new location for the purpose of installation of small cell antennae in the City's Right-of-Way.

**BACKGROUND:**

The Engineering Department has reviewed the Verizon application for a new utility pole at 1815 Bowers St (actual pole location to be at approximately 551 Columbia St on the East side of the road). MCL 460.1313 requires that any small cell antennae be within 45 feet above ground unless a taller height is agreed to by the City. Verizon's application for its small cell equipment on the new pole location complies with MCL 460.1313 height requirements and Birmingham's ordinances and the new pole complies with the City's Ordinance that all small cell antennae be collocated unless it is shown that collocation is impractical. In this case DTE has denied Verizon an opportunity for collocation within a required distance of needed service in this location. Both the Engineering Department and our City Attorney recommend that the City Commission approve the Verizon Wireless application, the new location will be added to the existing agreement that was presented to Verizon as part of their approval for the (19) nineteen collocations presented to and approved by the Commission at the November 22, 2021 Commission meeting.

**LEGAL REVIEW:**

MCL 460.1313 (5) provides that a wireless provider (Verizon) may **construct**, maintain, modify, operate, or replace utility poles in ROWs. A small cell antenna in the ROW installed/modified shall not exceed 45 feet above ground level. *Id.*

MCL 460.1415 provides that the City can only deny Verizon's request for installation of new poles on very limited grounds. Indeed, MCL 460.1415, in pertinent part, provides:

An authority may deny a completed application for a proposed collocation of a small cell wireless facility or **installation, modification, or replacement of a utility pole that meets the** height requirements in section 13(5)(a) only if the proposed activity would do any of the following:

- (i) Materially interfere with the safe operation of traffic control equipment.



- (ii) Materially interfere with sight lines or clear zones for transportation or pedestrians.
- (iii) Materially interfere with compliance with the Americans with Disabilities Act of 1990, Public Law 101-336, or similar federal, state, or local standards regarding pedestrian access or movement.
- (iv) Materially interfere with maintenance or full unobstructed use of public utility infrastructure under the jurisdiction of an authority.
- (v) With respect to drainage infrastructure under the jurisdiction of an authority, either of the following:
  - (A) Materially interfere with maintenance or full unobstructed use of the drainage infrastructure as it was originally designed.
  - (B) Not be located a reasonable distance from the drainage infrastructure to ensure maintenance under the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630, and access to the drainage infrastructure.

Section 30-307 (entitled DAS/Small Cell networks in City's ROW) of the City's Ordinance, in relevant part, provides that no person shall install or operate a small cell in the City's ROW without first applying and receiving a small cell license in a form acceptable to the City. In addition, the City's Ordinance provides that the applicant (Verizon) shall investigate collocation on existing poles. Otherwise, applicant must explain in its application why collocation is commercially or otherwise impracticable. In this location Verizon attempted to collocate on (5) five different DTE poles on the west side of the road that were within the proximity of the required location for service. After being denied on all available poles in the required location area Verizon proposed the location provided in their application.

The City's Ordinance, in relevant part, provides design parameters such as:

- Antennae are not to be closer than 18 inches from sidewalk/face of curb;
- No closer than 10 ft away from any driveway;
- Antennae shall use materials, colors approved by the City;

At the November 22, 2021, the City Council resolved to enter into an agreement with Verizon for its previously requested 19 colocation applications. If approved by the City Council, the installation of the new pole would be added to that agreement.

#### FISCAL IMPACT:

Michigan's Small Cell Act mandates what fees are to be paid. MCL 460.1313 provides that for each utility pole that an applicant installs its small cell equipment, it shall pay \$20 annually or the amount adjusted per state statute.

#### PUBLIC COMMUNICATIONS:

None

#### SUMMARY:

The City prefers that all small cell equipment be collocated on existing poles (as opposed to installing new poles). It has been acknowledge by the City in this location a new pole will be required, as colocation is not an option, based on DTE's denial for colocation on the (5) five available poles located along the west side of Columbia St, between Hazel St. and Bowers St.

The application complies with MCL 460.1301, et seq. and Birmingham's ordinances. The Engineering Department and City Attorney recommend that the application submitted by Verizon be approved.

**ATTACHMENTS:**

Verizon Wireless Application and Plans.

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution to approve the Verizon Wireless application for placement of Verizon Wireless' new pole and small cell equipment at the proposed location along the east side of Columbia St.

New Cell Pole

VZW-37551

**CITY OF BIRMINGHAM**

**UTILITY RIGHT-OF-WAY PERMIT APPLICATION**

Permit #: \_\_\_\_\_

Date: 09-20-2021

Address/Location of Work: 1815 Bower's St.

Type of Utility: Small Cell

**APPLICANT INFORMATION**

Name of Applicant: Verizon Wireless-David Haslinger

Applicant Address: 24242 Northwestern Hwy., Southfield, MI 48075

Phone: \_\_\_\_\_ Cell: 248-672-9698 Email: david.haslinger@verizonwireless.com

**CONTRACTOR INFORMATION**

Contractor Name: TBD

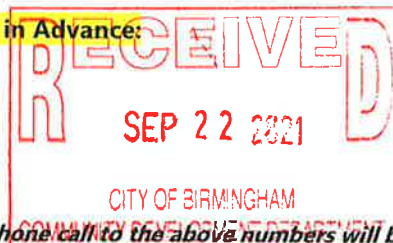
Phone: \_\_\_\_\_ Cell: \_\_\_\_\_ Email: \_\_\_\_\_

Description of Work (Attach Plan): Verizon Wireless is proposing to add small cell equipment on

Expected Dates and Times of Work: \_\_\_\_\_

**Required Departments To Notify Twenty-Four (24) Hours in Advance:**

Police Department Dispatch .....	248.530-1870
Fire Department Dispatch.....	248.530-1900
Department of Public Service.....	248.530-1700
Engineering Department.....	248.530-1850



*Under Emergency Conditions or if no excavation takes place a phone call to the above numbers will be sufficient. Applicant will notify the four departments when work is completed or if a time extension is required.*

Additional Necessary Information or Requirements: Pole will be on the east side of Columbia St. between Hazel + Bowers streets.

Signature of Applicant \_\_\_\_\_

Verizon Wireless  
Representing \_\_\_\_\_

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

**PERMIT FEE: \$65**

**City of Birmingham Engineering Department**  
Ph: 248-530-1840  
Fax: 248-530-1290

PROJECT SUMMARY	
SITE NAME:	37551
SITE ADDRESS: (ESTIMATED)	1815 BOWERS ST BIRMINGHAM, MI 48009
COUNTY:	OAKLAND
JURISDICTION:	CITY OF BIRMINGHAM
<u>SITE COORDINATES:</u>	<u>1A</u>
LATITUDE:	42°32' 37.428" N
LATITUDE:	42.54373°
LONGITUDE:	83°11' 52.944" W
LONGITUDE:	-83.19804°
ELEVATION:	±750'-3"
PROPERTY DEFINITION:	R.O.W.
FUZE PROJECT ID:	15910781
PSLC CODE:	579309
PROPOSED POLE HEIGHT:	40'-0"
PROPOSED POLE CLASS:	TBD

STRUCTURAL REVIEW
STRUCTURAL ANALYSIS PERFORMED BY OTHERS.



### VICINITY MAP

A vicinity map of the Detroit, Michigan area. The map shows major highways (Interstates 75, 94, 96, 20, 30, 375, and State Routes 10, 13, 24, 25, 26, 36, 37, 396, 944) and surrounding cities/towns including Troy, Sterling Heights, Clinton, Warren, Southfield, Royal Oak, Ferndale, Eastpointe, Hamtramck, Dearborn, and Windsor. A red pin marks the 'SITE LOCATION' in the northwest quadrant, near the intersection of I-75 and I-94. The Detroit River is visible in the southeast corner.

NOT TO SCALE

SHEET SCALE FACTOR:  
PLOT SIZE:  
11" x 17": TO SCALE

 **1 (800) 482-7171**  
[www.missdig.com](http://www.missdig.com)  
 CONTRACTOR TO CALL MICHIGAN  
 ONE-CALL SYSTEMS AT LEAST 72 HOURS  
 PRIOR TO DIGGING.

[illegible]

## SCOPE OF WORK

- INSTALLING NEW WOOD UTILITY POLE (CLASS TBD)
- INSTALLING EQUIPMENT
  - (3) ERICSSON 6701 ANTENNAS
  - CFIT BOX
  - (1) FIBER & (1) POWER CABLE PER ANTENNA
  - DISCONNECT
- RUN CONDUITS FOR POWER AND FIBER

# STATE COUNTY MAP

MICHIGAN

OAKLAND COUNTY

DRAWING NO.	REVISION:
T1	0



GENERAL NOTES

- THESE NOTES SHALL BE CONSIDERED A PART OF THE WRITTEN SPECIFICATIONS.
- THE WORK SHALL INCLUDE FURNISHING MATERIALS, EQUIPMENT, APPURTENANCES AND LABOR NECESSARY TO COMPLETE ALL INSTALLATIONS AS INDICATED IN THE CONTRACT DOCUMENTS.
- PRIOR TO THE SUBMISSION OF BIDS, THE CONTRACTOR(S) SHALL VISIT THE JOB SITE(S) AND BE RESPONSIBLE FOR ALL CONTRACT DOCUMENTS, FIELD CONDITIONS AND DIMENSIONS AND CONFIRMING THAT THE WORK MAY BE ACCOMPLISHED PER THE CONTRACT DOCUMENTS. ANY DISCREPANCIES ARE TO BE BROUGHT TO THE ATTENTION OF THE IMPLEMENTATION ENGINEER AND ARCHITECT/ENGINEER.
- THE CONTRACTOR SHALL RECEIVE WRITTEN AUTHORIZATION TO PROCEED ON ANY WORK NOT CLEARLY DEFINED OR IDENTIFIED IN THE CONSTRUCTION DOCUMENTS BEFORE STARTING ANY WORK.
- ALL WORK PERFORMED AND MATERIALS INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS AND ORDINANCES INCLUDING APPLICABLE MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS.
- THE CONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH THE MANUFACTURER RECOMMENDATIONS. IF THESE RECOMMENDATIONS ARE IN CONFLICT WITH THE CONTRACT DOCUMENTS AND/OR APPLICABLE CODES OR REGULATIONS, REVIEW THE CONFLICT FOR DIRECTION WITH THE IMPLEMENTATION ENGINEER AND ARCHITECT/ENGINEER PRIOR TO PROCEEDING.
- THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, PROCEDURES AND FOR COORDINATION OF ALL PORTIONS OF THE WORK UNDER THE CONTRACT INCLUDING CONTACT AND COORDINATION WITH THE IMPLEMENTATION TEAM AND WITH THE AUTHORIZED REPRESENTATIVE OF ANY OUTSIDE POLE OR PROPERTY OWNER. (BASE COMMANDER OR AUTHORIZED AGENT)
- THE CONTRACTOR SHALL MAKE NECESSARY PROVISIONS TO PROTECT EXISTING IMPROVEMENTS, PAVING, CURBS, VEGETATION, GALVANIZED SURFACE OR OTHER EXISTING ELEMENTS AND UPON COMPLETION OF THE WORK, REPAIR ANY DAMAGE THAT OCCURRED DURING CONSTRUCTION TO THE SATISFACTION OF EXTENT.
- KEEP THE GENERAL AREA CLEAN, HAZARD FREE AND DISPOSE OF ALL DIRT, DEBRIS, RUBBISH AND REMOVE EQUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY. LEAVE PREMISES IN CLEAN CONDITION DAILY.
- PLANS ARE INTENDED TO BE DIAGRAMMATIC ONLY AND SHOULD NOT BE SCALED UNLESS OTHERWISE NOTED. RELY ONLY ON ANNOTATED DIMENSIONS AND REQUEST INFORMATION IF ADDITIONAL DIMENSIONS ARE REQUIRED.
- THE EXISTENCE AND LOCATION OF UTILITIES AND OTHER AGENCY'S FACILITIES ARE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. OTHER FACILITIES MAY EXIST BEYOND WHAT IS NOTED. CONTRACTOR SHALL VERIFY LOCATIONS PRIOR TO START OF CONSTRUCTION AND USE EXTREME CARE AND PROTECTIVE MEASURES TO PREVENT DAMAGE TO THESE FACILITIES. CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF UTILITIES OR OTHER AGENCY'S FACILITIES WITHIN THE LIMITS OF THE WORK, WHETHER THEY ARE IDENTIFIED IN THE CONTRACT DOCUMENTS OR NOT.
- ALL MOUNTING HARDWARE SUCH AS BOLTS, NUTS, LAG SCREWS, CLEVIS, CONDUIT STRAPS, STAPLES, (ANYTHING EXPOSED AND CONNECTING EQUIPMENT TO THE POLE SHALL BE HOT DIPPED GALVANIZED, UNLESS OTHERWISE STATED)

DEFINITIONS

- "TYPICAL" OR "TYP." MEANS THAT THIS ITEM IS VIRTUALLY IDENTICAL ACROSS SIMILAR CONDITIONS. "TYP." SHALL BE UNDERSTOOD TO MEAN "TYPICAL WHERE OCCURS" AND SHALL NOT BE CONSIDERED AS WITHOUT EXCEPTION OR CONSIDERATION OF SPECIFIC CONDITIONS.
- "SIMILAR" MEANS COMPARABLE TO CHARACTERISTICS FOR CONDITION NOTED. VERIFY DIMENSIONS AND ORIENTATION ON PLAN.
- "AS REQUIRED" MEANS AS REQUIRED BY REGULATORY REQUIREMENTS BY REFERENCED STANDARDS, BY EXISTING CONDITIONS, BY GENERALLY ACCEPTED CONSTRUCTION PRACTICE OR BY THE CONTRACT DOCUMENTS.
- "ALIGN" MEANS ACCURATELY LOCATE FINISH FACES OF MATERIALS IN THE SAME PLANE.
- THE TERM "VERIFY" OR "V.I.F" SHALL BE UNDERSTOOD TO MEAN VERIFY IN FIELD WITH ARCHITECT AND REQUIRES THAT THE CONTRACTOR CONFIRM INTENTION REGARDING NOTED CONDITION AND PROCEED ONLY AFTER RECEIVING DIRECTION.
- WHERE THE WORDS "OR EQUAL" OR WORDS OF SIMILAR INTENT FOLLOW A MATERIAL SPECIFICATION, THEY SHALL BE UNDERSTOOD TO REQUIRE SIGNED APPROVAL OF ANY DEVIATION TO SAID SPECIFICATION PRIOR TO CONTRACTOR'S ORDERING OR INSTALLATION OF SUCH PROPOSED EQUAL PRODUCT.
- FURNISH: SUPPLY ONLY, OTHERS TO INSTALL. INSTALL: INSTALL ITEMS FURNISHED BY OTHERS. PROVIDE: FURNISH AND INSTALL.

PROJECT SPECIFIC NOTES

- THIS SET IS PROVIDED TO ILLUSTRATE THE EXPECTED SCOPE OF DRAWINGS, QUALITY OF DRAWINGS AND EXTENT GRAPHIC STANDARDS. NOTES ARE FOR A&E CONTRACTOR REFERENCE TO HELP CLARIFY THE SCOPE. ADDITIONAL DRAWINGS MAY BE REQUIRED TO MEET THE REQUIREMENTS OF A GIVEN BASE. ALL EXAMPLES SHOWN ARE FOR REFERENCE ONLY AND ANY NOTES, DETAILS, CALCULATIONS OR OTHER WORK NEEDS TO BE COMPLETED OR CONFIRMED BY THE CONTRACTOR GENERATING THE DRAWINGS IN CONSTRUCTION DOCUMENTS.
- THIS SET IS TO BE PRINTED AT 11" x 17". IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CONFIRM THIS SIZE IS ACCEPTABLE BY THE BASE AND TO PROVIDE A LARGER STANDARD SIZE IF REQUIRED.
- IT IS THE RESPONSIBILITY OF THE ENGINEER TO CONFIRM ALL WORK SHOWN IS IN COMPLIANCE WITH BASE AND FEDERAL CODES. DRAWINGS SHOWN WITHIN THIS SET ARE SAMPLES AND MAY NOT REFLECT ALL OF THE REQUIRED ELEMENTS, CLEARANCES OR OTHER ITEMS OF ASSEMBLIES NEEDED TO BE CODE COMPLIANT IN THE PARTICULAR MUNICIPALITY THE NODE IS LOCATED WITHIN.

GROUND CONSTRUCTION NOTES:

- 120/240V POWER REQUIRED FOR 3-WIRE SERVICE.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH FEDERAL STANDARDS AND REGULATIONS AS WELL AS NEC.
- CALL MICHIGAN ONE CALL 72 HOURS PRIOR TO EXCAVATING AT (800) 482-7171.
- ALL LANDSCAPING TO BE RESTORED TO ORIGINAL CONDITION OR BETTER.
- ALL EQUIPMENT TO BE BONDED.
- METERING CABINET (IF INSTALLED) REQUIRES 3' CLEARANCE AT DOOR OPENING.

STANDARD GROUNDING NOTES:

- GROUND TESTED AT 25 OHMS OR LESS.
- 5/8" x 8' RODS, CAD WELD OR UL LISTED DIRECT BURY CLAMP BELOW GRADE.
- #6 GROUND AND BOND WIRE.
- MOLDING, STAPLED EVERY 1' AND AT EACH END.
- GROUND RODS 18" FROM POLE.

STANDARD CONDUIT NOTES:

- FOR UNDERGROUND CONDUIT AND ABOVE GRADE RISERS USE SCHEDULE 40.
- IF DIRECTIONAL BORING PLACE 2" CONDUIT FOR UNDERGROUND POWER APPLICATIONS.
- IF TRENCHING, PLACE PVC SCH 40 CONDUIT PER TABLE ON SHEET E1 FOR UNDERGROUND POWER APPLICATIONS.
- RISERS TO BE ATTACHED TO POLE WITH STANDARD STRAPS AND LAG SCREWS.
- RISER STRAPS TO BE INSTALLED EVERY 5'.
- CONDUIT UNDER 1" MAY BE ATTACHED WITH GROUND WIRE MOLDING STAPLES.
- ALL CONDUIT WILL BE PROOFED WITH A MANDREL AND EQUIPPED WITH PULL ROPE OR MULE TAPE.

STANDARD TRENCHING NOTES:

- MAINTAIN 42" MINIMUM COVER FOR ELECTRICAL CONDUIT.
- MAINTAIN 42" MINIMUM COVER FOR COMMUNICATION CONDUIT.
- IN STREET SLURRY TO GRADE AND MILL DOWN 1-1/2" FOR AC CAP.
- IN DIRT SLURRY 18" FROM GRADE AND FILL WITH 95% COMPACTION NATIVE SOIL FOR BALANCE.
- PLACE WARNING TAPE IN TRENCH 18" ABOVE ALL CONDUITS AND #18 WARNING TAPE ABOVE GROUND EQUIPMENT.

UTILITY POLE CONSTRUCTION NOTES:

- NO BOLT THREADS TO PROTRUDE MORE THAN 1/2".
- FILL ALL HOLES LEFT IN POLE FROM REARRANGEMENT OF CLIMBERS.
- ALL CLIMB STEPS NEXT TO CONDUIT SHALL HAVE EXTENDED STEPS.
- CABLE NOT TO IMPEDE 15" CLEAR SPACE OFF POLE FACE.
- 90° SHORT SWEEP UNDER ANTENNA ARM. ALL CABLES MUST ONLY TRANSITION ON THE INSIDE OR BOTTOM OF ARMS (NO CABLE ON TOP OF ARMS).
- USE CABLE CLAMPS TO SECURE CABLE TO ARMS; PLACE 2" CARRIER ID TAGS ON BOTH SIDE OF ARMS.
- USE 90° CONNECTOR AT CABLE CONNECTION TO ANTENNAS.
- USE 1/2" CABLE ON ANTENNAS UNLESS OTHERWISE SPECIFIED.
- FILL VOID AROUND CABLES AT CONDUIT OPENING WITH FOAM SEALANT TO PREVENT WATER INTRUSION.

VERIZON WIRELESS CONSTRUCTION NOTES:

- CONTRACTOR IS TO FOLLOW THE MOST CURRENT VZW STANDARDS DOCUMENTS PROVIDED TO COMPLETE THIS INSTALLATION.
- CONTRACTOR SHALL COMPLETE VZW PROVIDED "SMALL CELL SWEEP REPORT" WITH ALL INFORMATION FILLED IN ACCURATELY AND COMPLETELY.
- CONTRACTOR TO REFER TO THE MOST CURRENT VZW STANDARDS FOR APPROVED "PIM" TEST EQUIPMENT AND GUIDELINES.
- CONTRACTOR IS TO USE BATTERY POWERED "PIM" EQUIPMENT TO VALIDATE THE FINAL LOCATION OF THE JUMPER AND ANTENNA ARE FREE OF INTERNAL AND EXTERNAL "PIM" SOURCES.
- CONTRACTOR SHALL PROVIDE AT LEAST ONE TECHNICAL LEAD THAT IS CERTIFIED AND PROFICIENT IN EXECUTING, INTERPRETING AND RECORDING "PIM" MEASUREMENTS.

PREPARED FOR:



PREPARED BY:



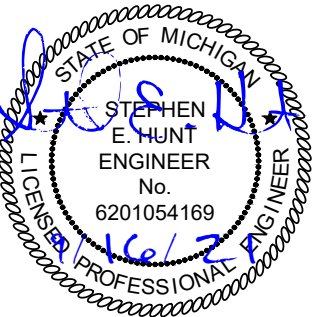
1961 NORTHPOINT BLVD, SUITE 130  
HIXSON, TN 37343  
PH: 423-843-9500  
FAX: 423-843-9509

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A	09/16/21	ACS	PRELIMINARY REVIEW
NO.	DATE	BY	DESCRIPTION

ENGINEER'S STAMP:



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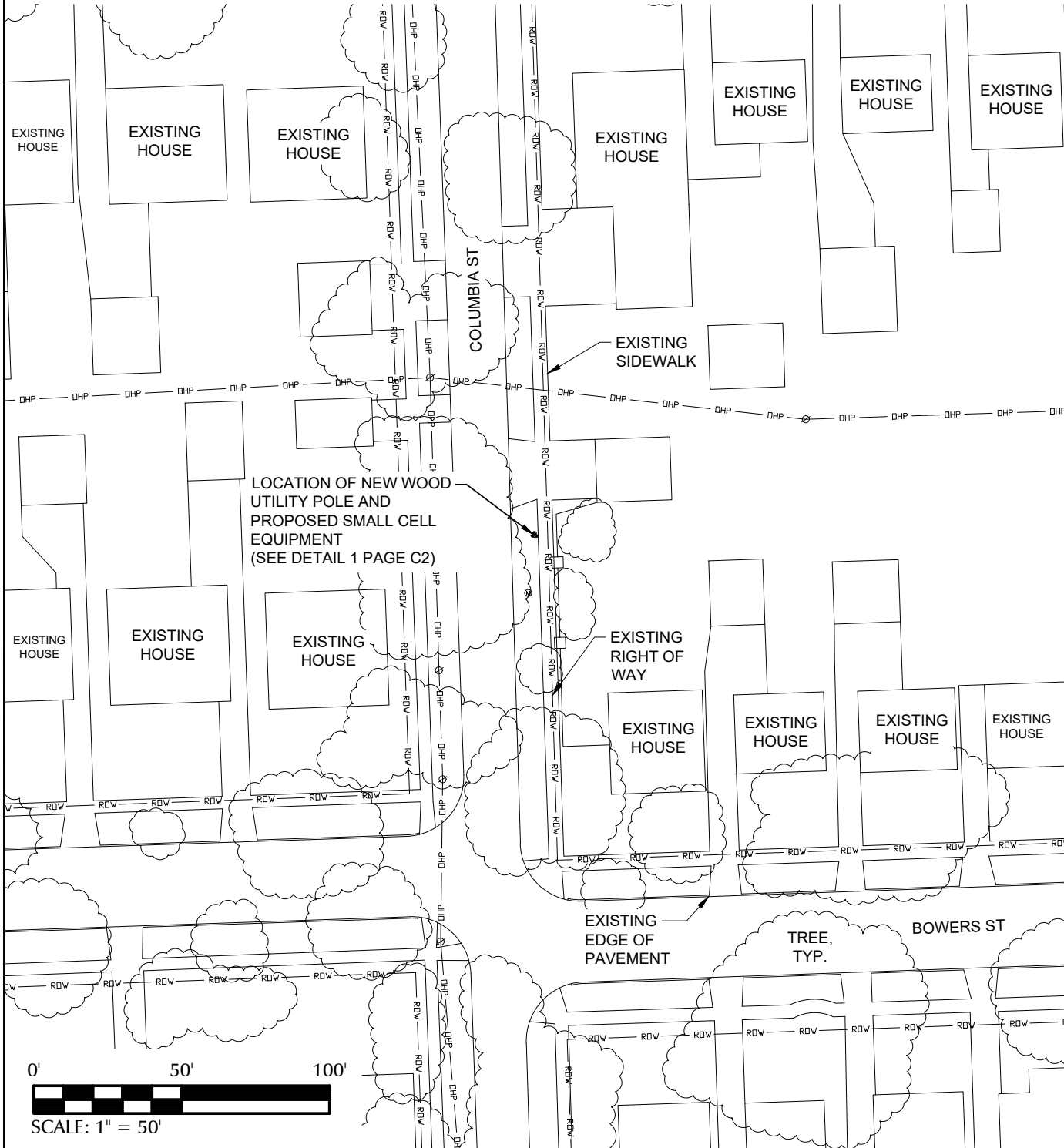
SITE NAME:	37551
ADDRESS:	1815 BOWERS ST BIRMINGHAM, MI 48009
COUNTY:	OAKLAND
LATITUDE:	42°32' 37.428" N
LONGITUDE:	83°11' 52.944" W
DESIGN TYPE:	RAWLAND

SHEET TITLE:	GENERAL NOTES
--------------	---------------

DRAWING NO.	REVISION:
GN1	0

NOTES:

1. THIS DRAWING IS BASED ON AERIAL IMAGERY AND FIELD OBSERVATIONS. CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
2. THE PROPOSED USE DOES NOT REQUIRE FULL OR PART TIME EMPLOYEES AT THE SITE.
3. FOR GENERAL SITE WORK NOTES, SEE SHEET GN1.
4. ALL NORTH ARROWS ON SITE PLANS ARE TRUE NORTH, UNLESS OTHERWISE SPECIFIED.
5. CONSTRUCTION UNDER EXISTING PAVEMENTS WILL BE REQUIRED TO BE INSTALLED WITH DIRECTIONAL BORING TECHNIQUE. NO OPEN CUT CONSTRUCTION THROUGH EXISTING PAVEMENT, I.E. ROADWAYS, PARKING AREAS, SIDEWALKS WILL BE ALLOWED.
6. RIGHT OF WAY INFORMATION ACQUIRED FROM GIS.



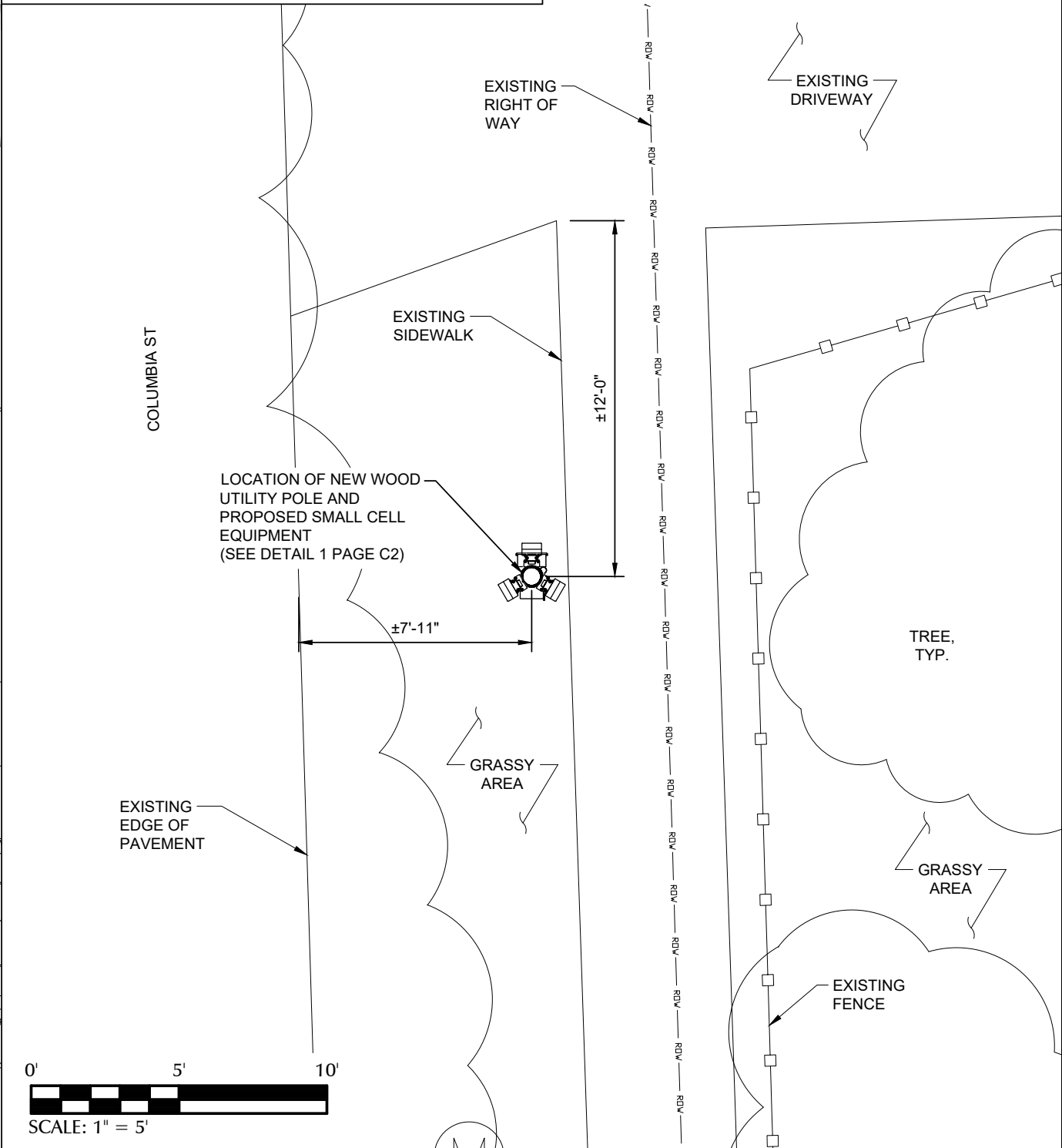
1 OVERALL SITE LAYOUT

LEGEND

OVERHEAD UTILITIES	— DHU —	CATCH BASIN	⌘
UNDERGROUND POWER	— UGP —	STREET SIGN	—
OVERHEAD POWER	— DHP — DHP —	4 WAY STREET SIGN	+
UNDERGROUND TELCO	— UGT —	UTILITY POLE	⊗
OVERHEAD TELCO	— DHT —	LIGHT POLE	⊙
GAS LINE	— GAS — GAS —	WATER VALVE	⊗
FENCE	— x — x — x — x — x —	MANHOLE	⊙
WOOD FENCE	— o — o — o — o — o —	GAS VALVE	⊗
SEWER LINE	— SWR — SWR —	FIRE HYDRANT	⊙
WATER LINE	— WTR —	TELCO PEDESTAL	⊙
HYBRID CABLE	— HYB —	ELECTRICAL BOX	⊙
HIGH VOLTAGE POWER	— HVP —		
FIBER	— FBR —		
RIGHT-OF-WAY	— RDW — RDW —		
PROPERTY LINE	— PL — PL —		

UTILITY NOTE:

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES HAVE NOT BEEN VERIFIED. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT OCCUR BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.



2 ENLARGED SITE LAYOUT

PREPARED FOR:



PREPARED BY:



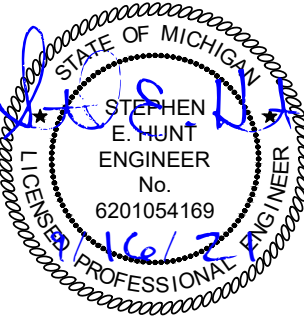
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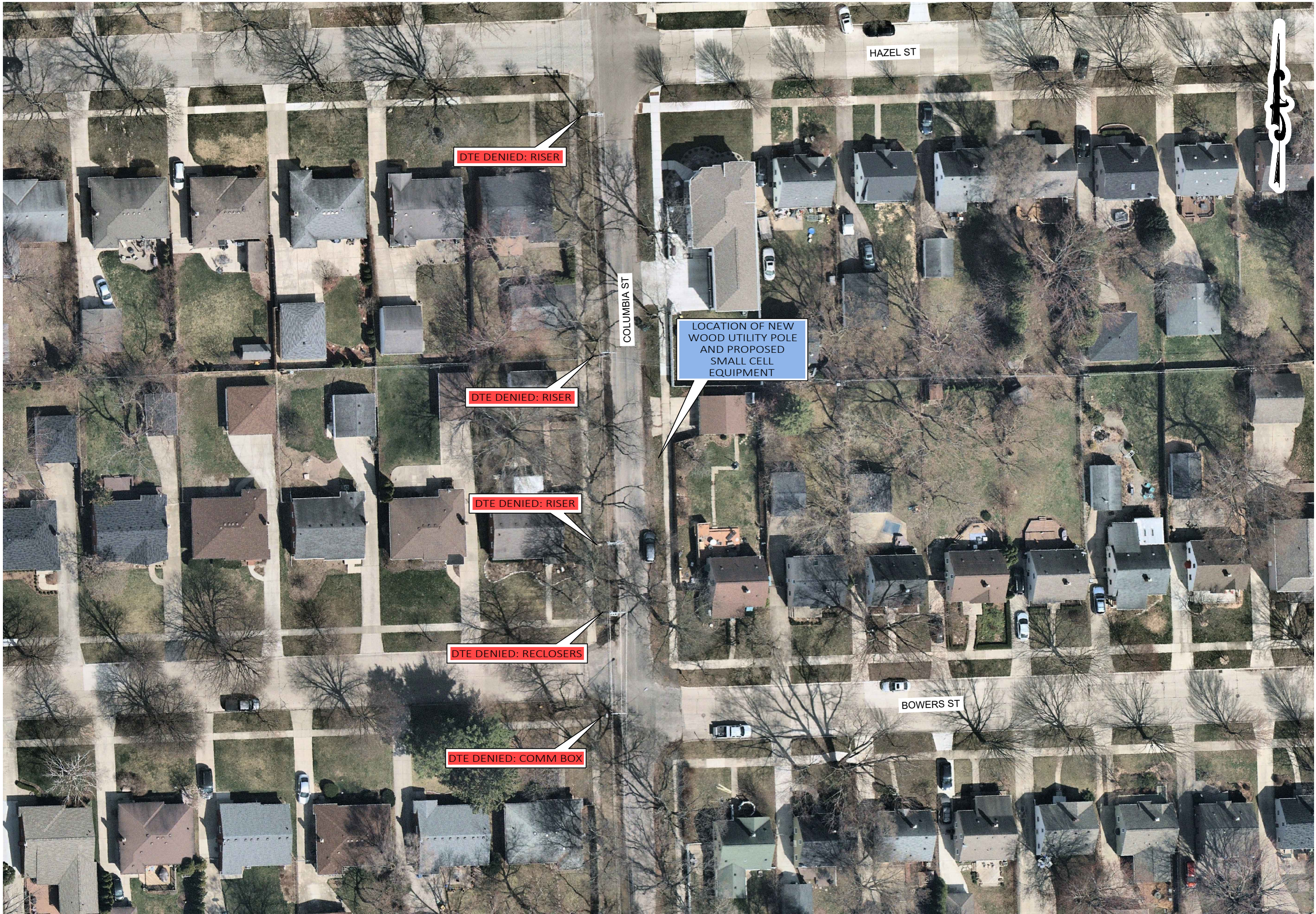
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LONGITUDE:	83°11' 52.944" W
DESIGN TYPE:	RAWLAND

SHEET TITLE:	SITE LAYOUTS
--------------	--------------

DRAWING NO.	REVISION:
C1	0





PREPARED FOR:



PREPARED BY:



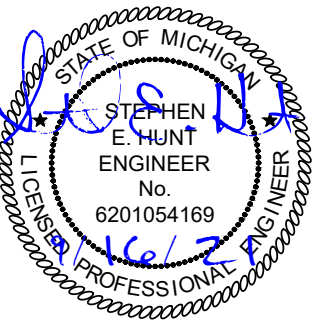
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DESIGN TYPE:	RAWLAND

SHEET TITLE:	SITE LAYOUT - AERIAL IMAGERY
--------------	---------------------------------

DRAWING NO.	REVISION:
C1A	0




CONTRACTOR TO OBTAIN  
LATEST RFDS FROM VERIZON  
PRIOR TO CONSTRUCTION.

MAINTAIN A MIN. OF 3'-0"  
CLEARANCE BETWEEN  
DISCONNECT BOX AND ANY  
COMM LINES


40" MIN. CLEARANCE  
BELOW NEW TRIPLEX  
SERVICE

REFER TO RFDS FOR SMALL  
CELL AZIMUTHS

NOTICE



Transmitting Antenna(s)  
Radio frequency fields beyond  
this point MAY EXCEED the FCC  
General Population exposure  
limit.  
Obey all posted signs and  
site guidelines.  
Call Verizon at 1-800-264-6620  
PRIOR to working beyond this  
point.  
Site ID/ PSLC: 579309 (37551)



6"x7.5" VERTICAL  
RF NOTICE SIGN  
TYPICAL OF 2

PROPOSED ERICSSON  
6701 ANTENNA  
(SEE DETAIL 1 PAGE C5)

5'-0"

NEW WOOD UTILITY  
POLE

PROPOSED RISER  
AND WEATHER HEAD,  
TRIPLEX SERVICE  
PROVIDED BY  
OTHERS

PROPOSED U-GUARD

PROPOSED 120/240V GE  
TG3223R DISCONNECT BOX

PROPOSED NEMA 3R  
120/240V 100A  
6 POSITION PANEL

PROPOSED POLE  
MOUNTED CFIT BOX  
(SEE DETAIL 2 PAGE C5)

PRE-ASSEMBLE  
DISCONNECT AND  
BREAKER BOX ON  
THINSTRUT

10'-0"

FINISH GRADE

39'-0"  
ANTENNA CENTERLINE

40'-0"  
TOP OF POLE



IN CASE OF EMERGENCY  
CALL 1-800-852-2671

SITE DESIGNATION: 37551

INSTALL ON BREAKER PANEL

PREPARED FOR:



PREPARED BY:



1961 NORTHPOINT BLVD, SUITE 130  
HIXSON, TN 37343  
PH: 423-843-9500  
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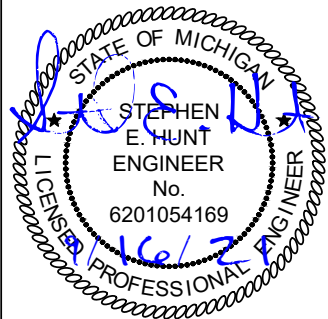
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BIRMINGHAM, MI 48009

COUNTY:  
OAKLAND

LATITUDE:  
42°32' 37.428" N

LONGITUDE:  
83°11' 52.944" W

DESIGN TYPE:  
RAWLAND

SHEET TITLE:  
POLE ELEVATION

DRAWING NO.

C2

REVISION:

0



POLE ATTACHED EQUIPMENT	
EQUIPMENT	VOLUME (CU-FT)
6701 ANTENNA	0.46
6701 ANTENNA	0.46
6701 ANTENNA	0.46
TOTAL IN CU-FT	1.38

POLE ANCILLARY EQUIPMENT	
EQUIPMENT	VOLUME (CU-FT)
6 POSITION PANEL	0.80
DISCONNECT	0.57
CFIT BOX	0.60
TOTAL IN CU-FT	1.97

PREPARED FOR:



PREPARED BY:



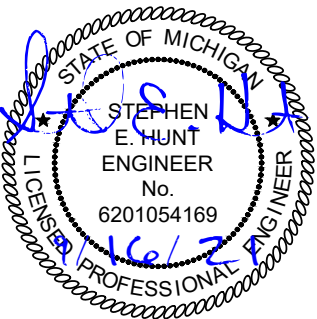
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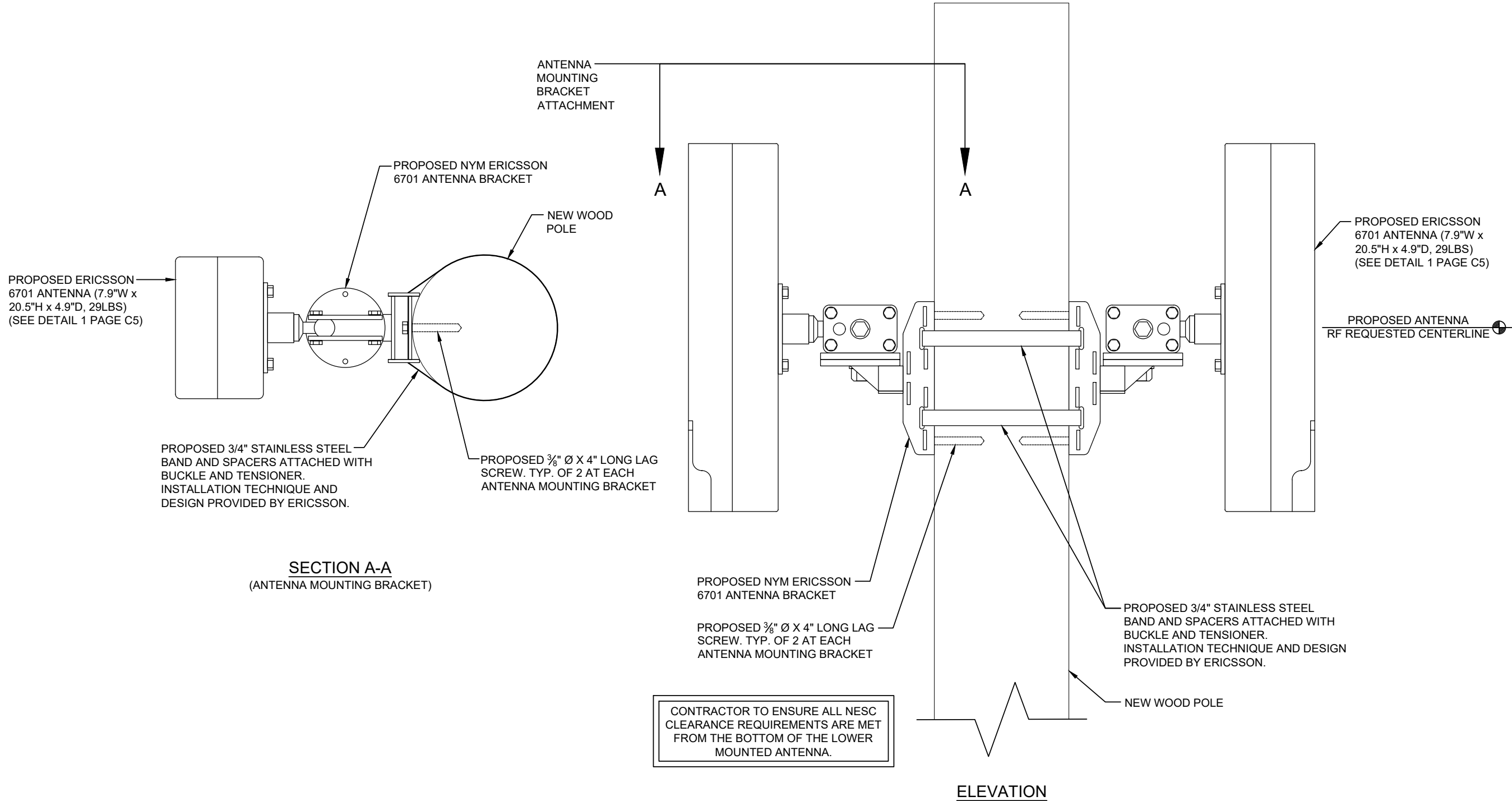


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LATITUDE:	42°32' 37.428" N
LONGITUDE:	83°11' 52.944" W
DESIGN TYPE:	RAWLAND

SHEET TITLE:	
SITE DETAILS	

DRAWING NO.	REVISION:
C3	0



PREPARED FOR:



PREPARED BY:



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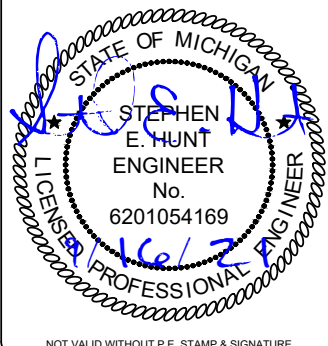
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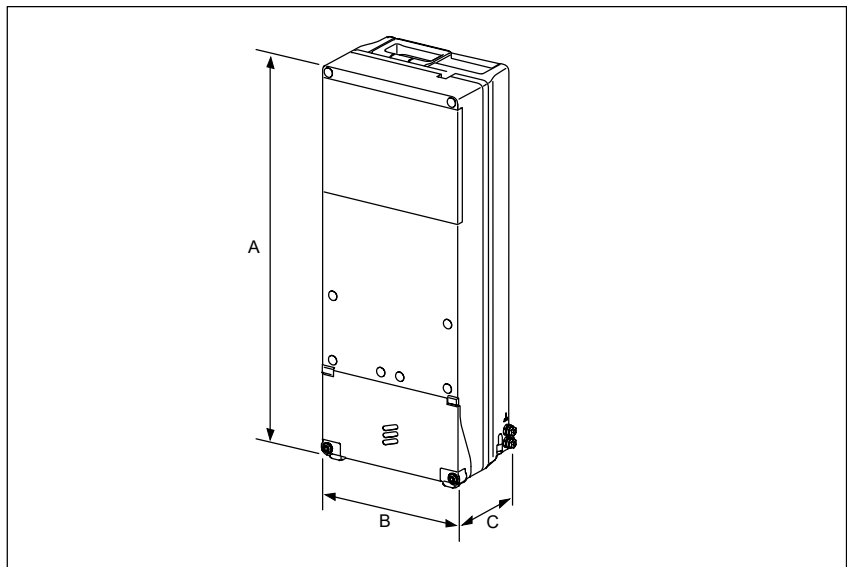
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DESIGN TYPE: RAWLAND

SHEET TITLE: SITE DETAILS

DRAWING NO. C4  
REVISION: 0

Technical Data	
Description	Value
Frequency	N261 (27.5–28.35 GHz)
Number of carriers	Config mode 2: Up to 8 Config mode 1: Up to 16
Operating bandwidth	Config mode 2: 800 MHz Config mode 1: 1600 MHz
Component carrier bandwidth	50MHz, 100 MHz
EIRP <sup>(1)</sup>	Config mode 2: 53 dBm per RF beam in boresight , 56 dBm per radio Config mode 1: 47 dBm per RF beam in boresight , 53 dBm per radio
EIS <sub>REFSENS_50M</sub>	Config mode 2: -109 dBm Config mode 1: -106 dBm

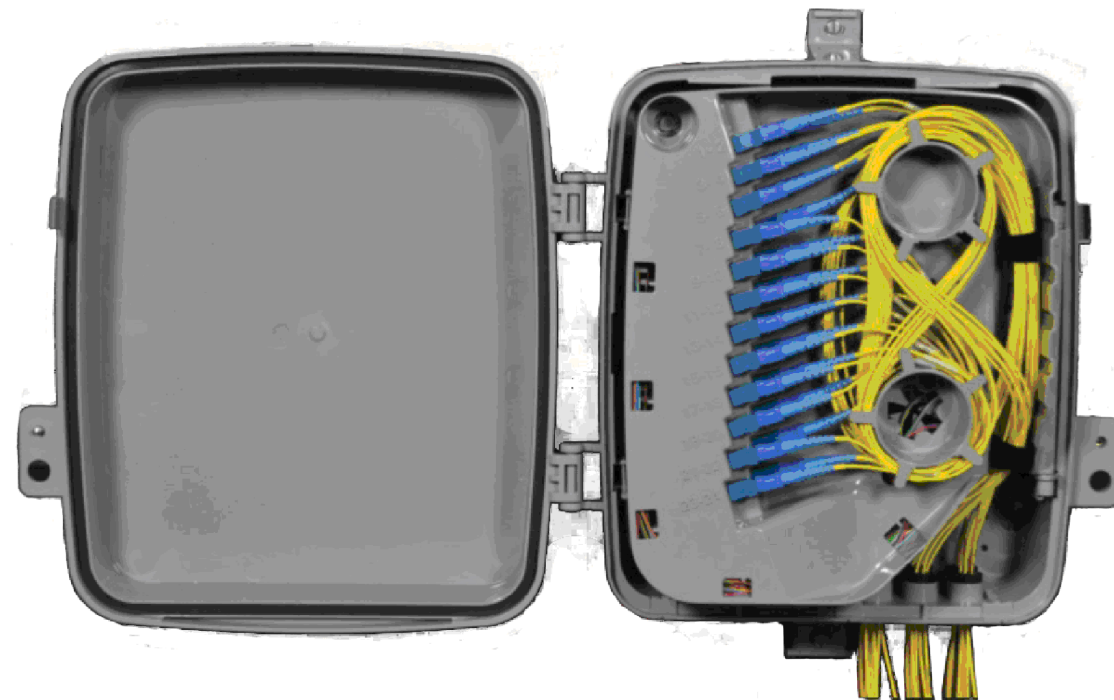
(1) The MaxTxPower can be configured up to 10 dB lower than the stated EIRP without product performance being degraded. If the MaxTxPower is configured lower than the given power limit here, significant performance degradation will occur.



Dimensions, Weight, and Color	
Dimensions	
Height (A)	511 mm
Width (B)	200 mm
Depth (C)	125 mm
Weight	14 kg
Color	Gray Reference number: NCS S 1002-B

# CFIT BOX

PART CODE: CFIT-C48D4LHXVZ  
DESIGNED BY CHARLES INDUSTRIES



## PRODUCT SPECIFICATIONS

TECHNICAL SPECIFICATIONS	
HEIGHT (PANEL ONLY)	15 in.
DEPTH, BASE (FRONT TO BACK)	5.5 in.
WIDTH	12 in.
WEIGHT	4 lbs.
CONSTRUCTION	RUGGED UL94-5VA GRAY POLYCARBONATE
SUPPORTED FIBER CONNECTOR TYPES	SC, LC or MPO
COMPLIANCE	DESIGNED TO MEET GR-950, GR2898, NEMA 4, IP66
SPLICING CAPACITY	UP TO THREE (3) 4"x6" HINGED SPLICE TRAYS ON FEED FIBER SIDE.
BULKHEAD CAPACITY	24 SC ADAPTERS

PREPARED FOR:

PREPARED BY:

1961 NORTHPOINT BLVD, SUITE 130  
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COUNTY:

OAKLAND

LATITUDE:

42°32' 37.428" N

LONGITUDE:

83°11' 52.944" W

DESIGN TYPE:

RAWLAND

SHEET TITLE:

EQUIPMENT DETAILS

DRAWING NO.

C5

REVISION:

0

ELECTRICAL NOTES:

- 1. PROVIDE AND INSTALL WARNING TAPE FOR ELECTRIC SERVICE CONDUIT 18" ABOVE CONDUITS.
- 2. CONTRACTOR TO PAY FOR THE SERVICE AS DIRECTED BY THE MUNICIPALITY.
- 3. CONTRACTOR TO USE PVC SCH 80 CONDUIT WHERE CONDUITS CROSS ACCESS ROADS.
- 4. CONTRACTOR SHALL COORDINATE WITH ELECTRIC COMPANY FOR SERVICES.
- 5. CONTRACTOR TO PAY ALL FEES FOR SERVICES REQUIRED.
- 6. CONTRACTOR TO BE ADVISED THAT EXISTING UNDERGROUND CONDUITS, GROUND CABLES EXIST. DIG WITH CAUTION.
- 7. CONTRACTOR TO VERIFY POWER AND TELCO LB LOCATIONS AND FLEX CONDUIT SIZE AND ROUTING TO THE EQUIPMENT WITH MANUFACTURER'S DRAWINGS.
- 8. CONSTRUCTION UNDER EXISTING PAVEMENTS WILL BE REQUIRED TO BE INSTALLED WITH DIRECTIONAL BORING TECHNIQUE. NO OPEN CUT CONSTRUCTION THROUGH EXISTING PAVEMENT, I.E. ROADWAYS, PARKING AREAS, SIDEWALKS WILL BE ALLOWED.

UTILITY NOTES:

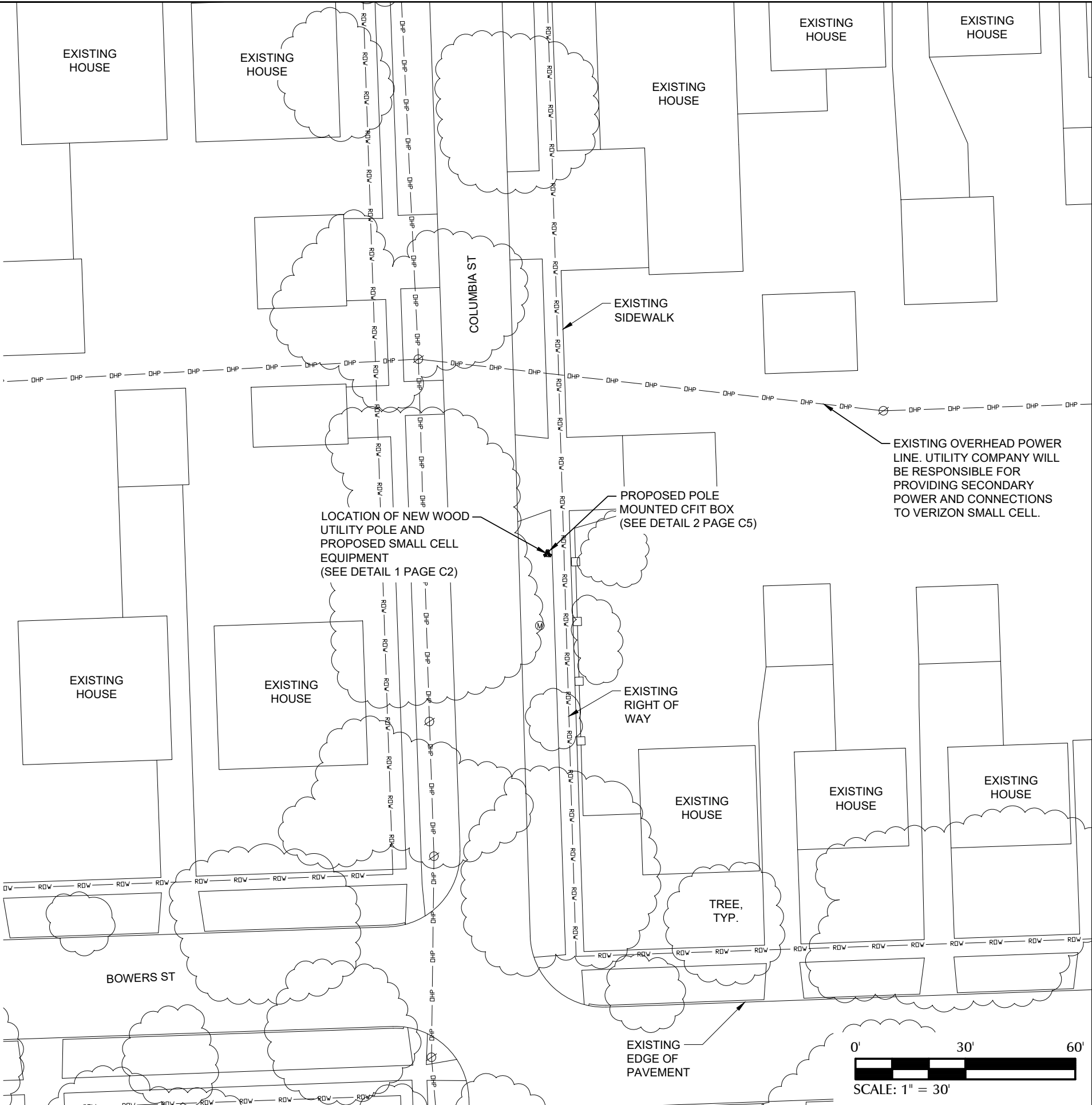
- 1. ALL POWER CONDUITS ABOVE GRADE, SWEEPS, & ELBOWS TO BE PVC SCH 40.

STANDARD POWER SUPPLY FOR THE SMALL CELL NODES IS A 100 AMP 120/208 OR 240 VOLT SINGLE PHASE SERVICE

SERVICE CONDUCTOR MAXIMUM DISTANCE CHART					
WIRE SIZE	ALUMINUM		COPPER		CONDUIT SIZE
	208V	240V	208V	240V	
3 AWG	85'	100'	130'	155'	1 1/4" MIN
2 AWG	105'	120'	170'	200'	1 1/4" MIN
1 AWG	130'	150'	210'	240'	1 1/2" MIN
1/0 AWG	150'	170'	240'	280'	1 1/2" MIN
2/0 AWG	190'	220'	290'	330'	1 1/2" MIN
3/0 AWG	230'	265'	355'	410'	2" MIN
4/0 AWG	265'	310'	425'	490'	2" MIN
250 KCMIL	315'	365'	480'	555'	2 1/2" MIN
300 KCMIL	360'	415'	540'	625'	2 1/2" MIN
350 KCMIL	405'	470'	605'	700'	2 1/2" MIN
400 KCMIL	440'	510'	660'	760'	3" MIN
500 KCMIL	520'	600'	755'	870'	3" MIN

LEGEND

OVERHEAD UTILITIES	— DHP —	CATCH BASIN	⌘
UNDERGROUND POWER	— UGP —	STREET SIGN	—
OVERHEAD POWER	— DHP — DHP —	4 WAY STREET SIGN	+
UNDERGROUND TELCO	— UGT —	UTILITY POLE	⊗
OVERHEAD TELCO	— DHT —	LIGHT POLE	⊙
GAS LINE	— GAS — GAS —	WATER VALVE	⊗
FENCE	— x — x — x — x —	MANHOLE	M
WOOD FENCE	— o — o — o — o —	GAS VALVE	⊗
SEWER LINE	— SVR — SVR —	FIRE HYDRANT	⊙
WATER LINE	— VTR —	TELCO PEDESTAL	T
HYBRID CABLE	— HYB —	ELECTRICAL BOX	E
HIGH VOLTAGE POWER	— HVP —		
FIBER	— FBR —		
RIGHT-OF-WAY	— RDW — RDW —		
PROPERTY LINE	— PL — PL —		



PREPARED FOR:



PREPARED BY:



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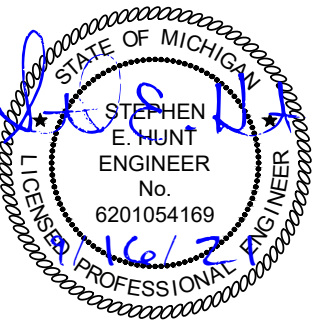
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COUNTY: OAKLAND

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LONGITUDE: 83°11' 52.944" W

DESIGN TYPE: RAWLAND

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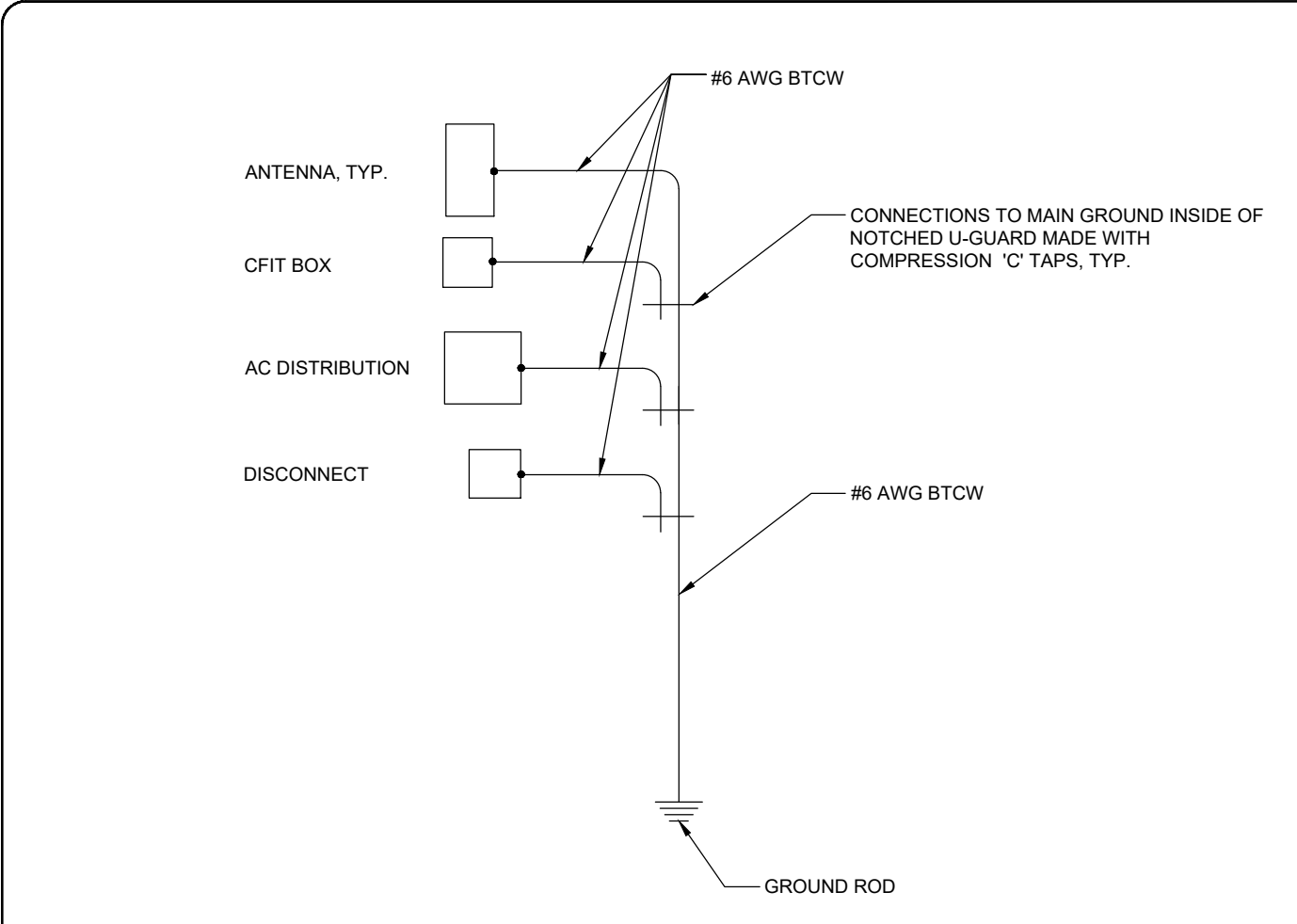
UTILITY SITE PLAN

DRAWING NO.

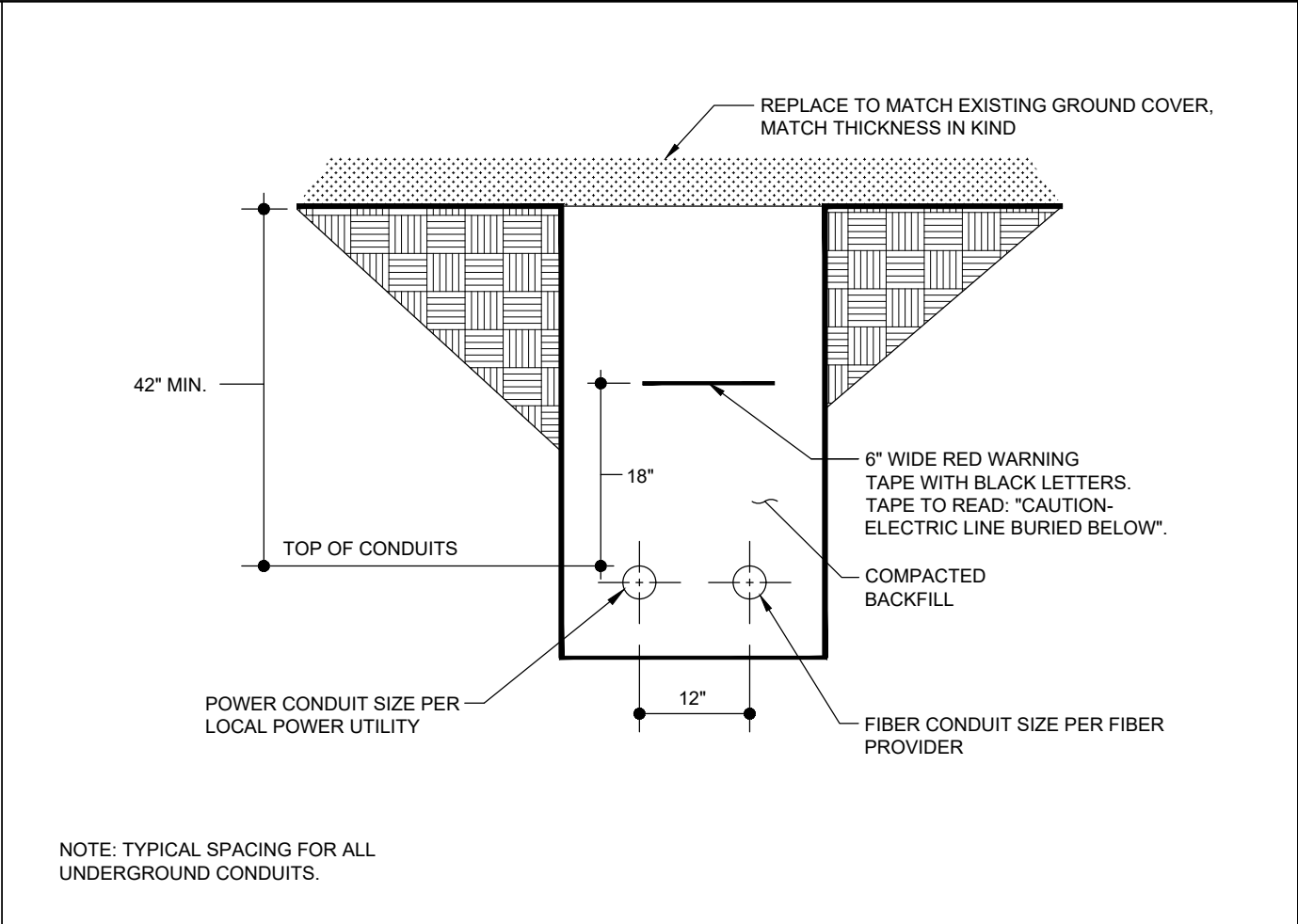
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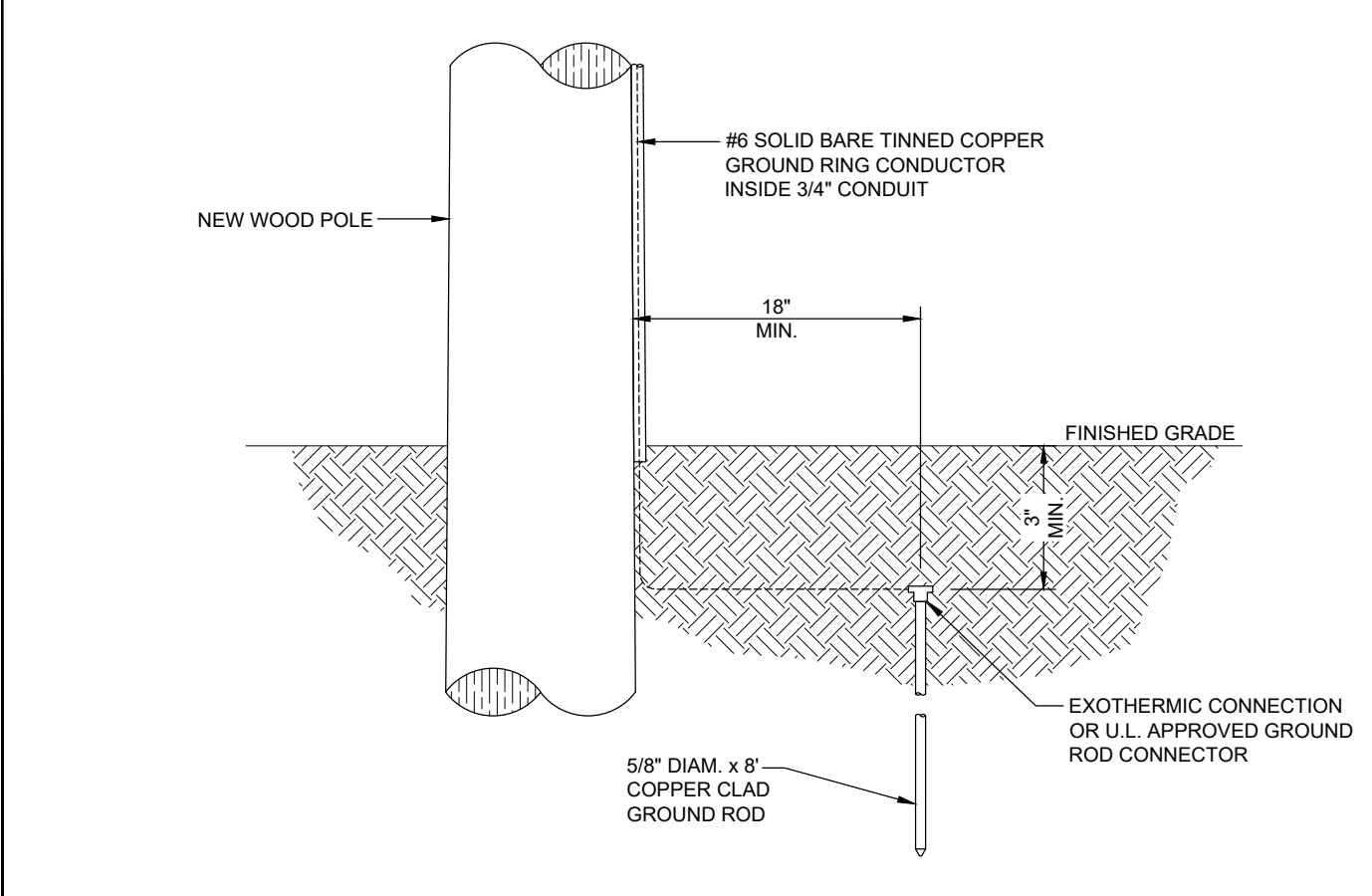
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1 SINGLE POINT RADIAL GROUND DETAIL N.T.S.



2 TRENCH DETAIL (IF REQUIRED) N.T.S.



3 GROUND ROD DETAIL N.T.S.



4 DETAIL NOT IN USE

PREPARED FOR:

**verizon**

PREPARED BY:

**TeleCAD**  
Wireless

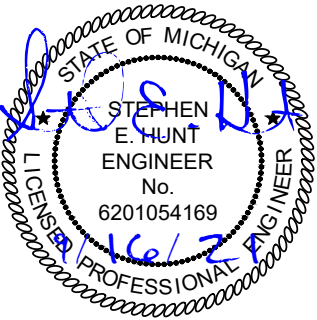
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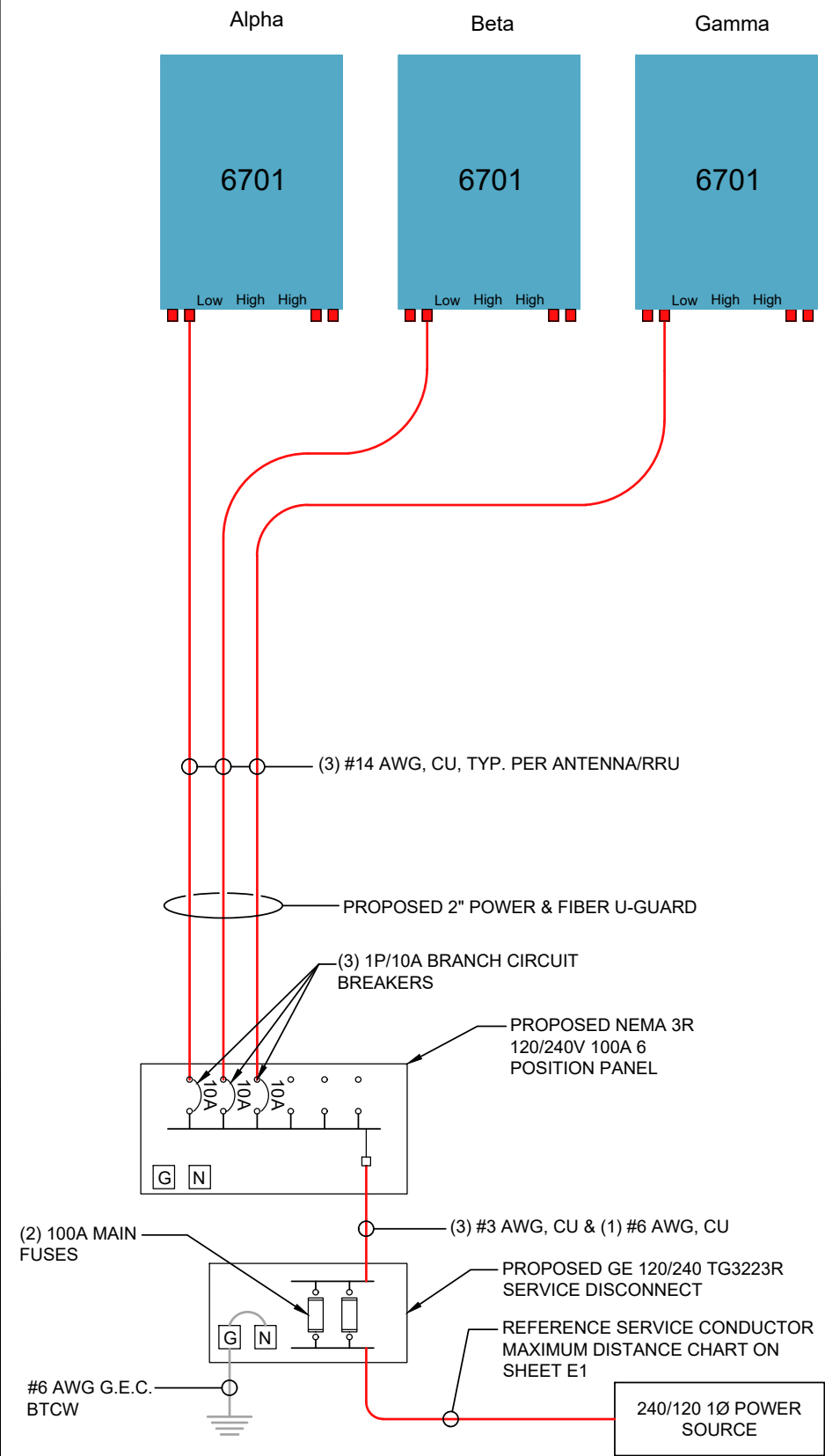
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DESIGN TYPE: RAWLAND

SHEET TITLE:  
**ELECTRICAL DETAILS**

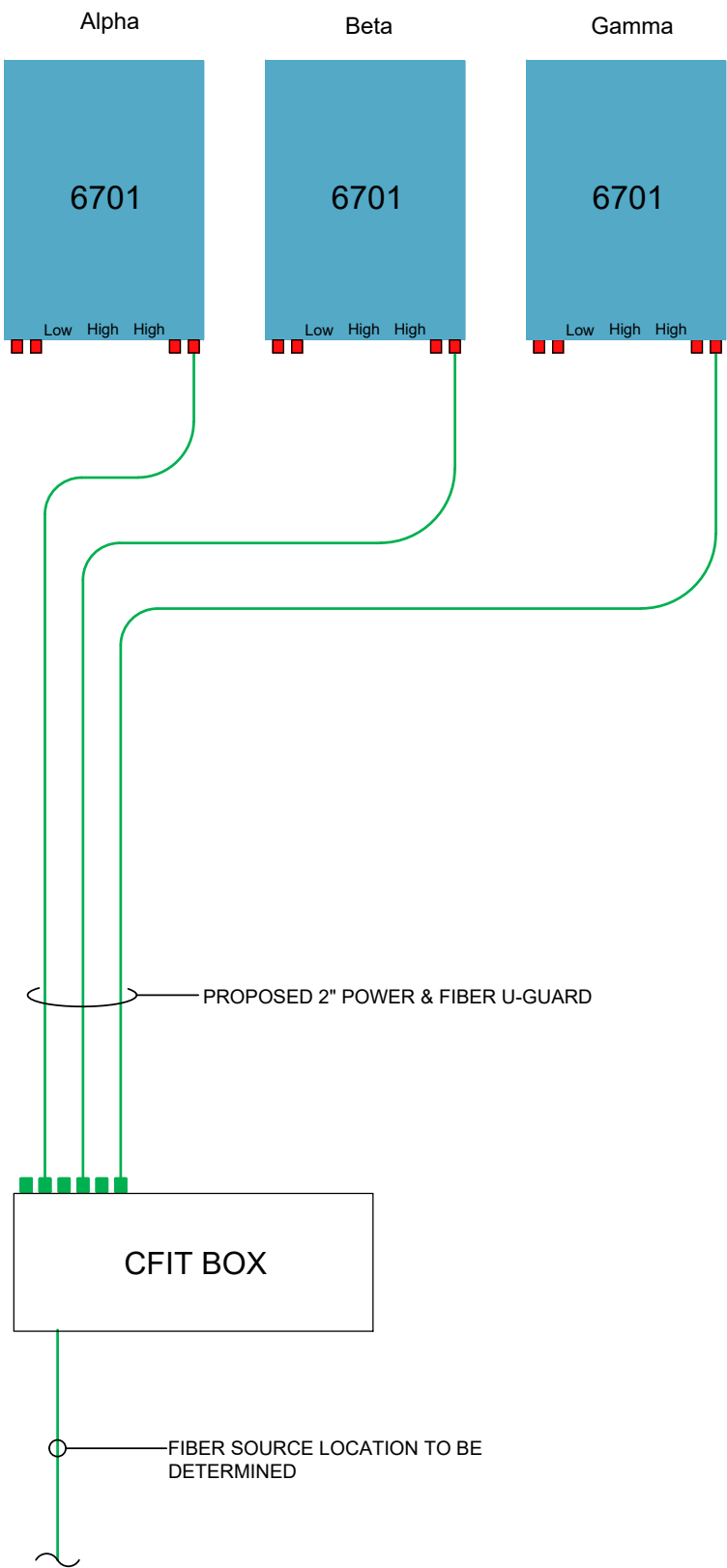
DRAWING NO. **E2**  
REVISION: **0**



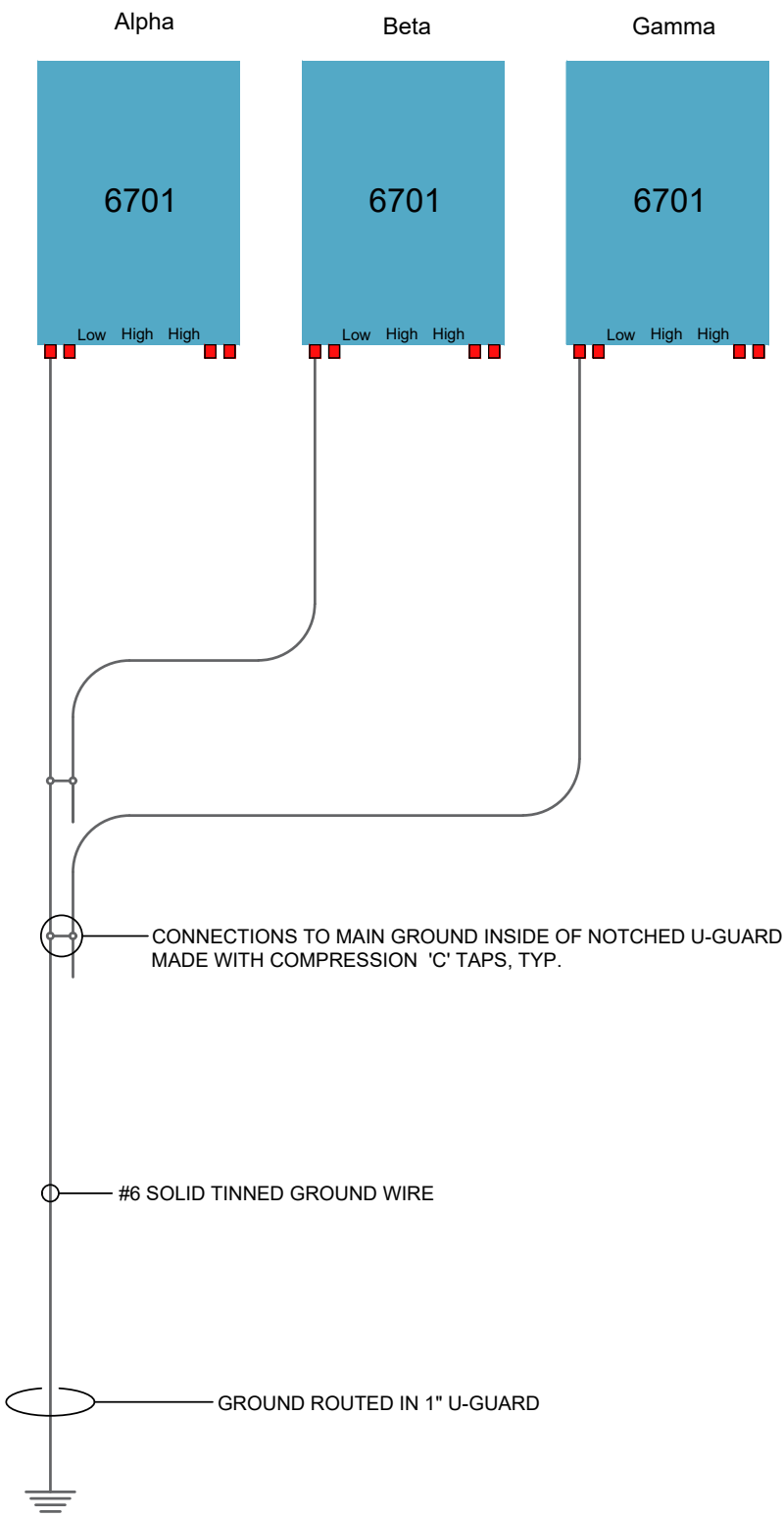
POWER ROUTING



FIBER ROUTING



GROUND ROUTING



PREPARED FOR:



PREPARED BY:



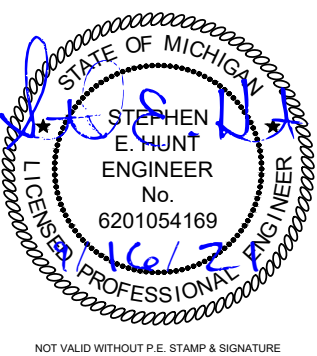
1961 NORTHPOINT BLVD, SUITE 130  
HIXSON, TN 37343  
PH: 423-843-9500  
FAX: 423-843-9509

DRAWING NOTICE:  
THE INFORMATION CONTAINED IN THIS SET OF  
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ANY USE OR DISCLOSURE OTHER THAN THAT  
WHICH RELATES TO THE CLIENT IS STRICTLY  
PROHIBITED.

DRAWN BY:	ACS
CHECKED BY:	CTD

REVISIONS				
0	09/16/21	JSK	CONSTRUCTION ISSUE	
A	09/16/21	ACS	PRELIMINARY REVIEW	
NO.	DATE	BY	DESCRIPTION	

ENGINEER'S STAMP:



SITE NAME:	37551
ADDRESS:	1815 BOWERS ST BIRMINGHAM, MI 48009
COUNTY:	OAKLAND
LATITUDE:	42°32' 37.428" N
LONGITUDE:	83°11' 52.944" W
DESIGN TYPE:	RAWLAND

SHEET TITLE:  
SINGLE LINE DIAGRAM

DRAWING NO.	REVISION:
E3	0

**DATE:** February 9, 2022

**TO:** Thomas M. Markus, City Manager

**FROM:** Scott D. Zielinski, Assistant City Engineer

**SUBJECT:** Setting Hearing Dates for Notice of Necessity and Confirmation of Roll for S. Old Woodward Sidewalk and Streetscape SAD

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## INTRODUCTION:

As part of the Engineering Departments planned downtown area Phase 3 reconstruction project of the pavement along South Old Woodward between Brown St and Landon St this summer the City's streetscape and sidewalks will be improved. Work will be similar to previous phases of work that was completed in 2018 for Phase 1 of Old Woodward from Oakland Ave to Brown St., and in 2020 for Phase 2 work completed on Maple Rd from Southfield Road to Pierce St., and from Old Woodward Ave. to Woodward Ave. The completed work included upgrades to all streetscape features from building face to building face across the road.

## BACKGROUND:

Phase 1 and Phase 2 portions of the downtown reconstruction projects (completed in 2018 and 2020), included complete replacement of the sidewalks, and provided certain landscape enhancements and pedestrian-oriented amenities within the project areas. The costs to the City for construction of these improvements in Phase 1 and Phase 2 were partially defrayed by way of Special Assessment to the property owners adjoining that project area. In the same way, the City intends to assess a portion of the costs for the streetscape improvements that are planned to be constructed with the Phase 3 project.

The new streetscape will consist of an enhanced version of the downtown standard sawcut concrete sidewalk with exposed aggregate sidewalk between the main pedestrian path and the street curb. Elements of the new streetscape design to be included in this project include:

- All new concrete and exposed aggregate sidewalks from the building face to the back of curbs.
- Removal and replacement of all street trees, including excavation and replacement with approximately 1,000 cu.ft. of specially formulated soil designed to encourage tree growth.
- Enlarged, raised planter beds around each new street tree, framed by a 6 inch high exposed aggregate curb, with irrigation, and professionally designed landscaping.
- Granite seating areas where space permits.
- Installation of underground electrical system to provide new lighting opportunities for trees along the sidewalk and in the proposed median

On previous projects of this nature, it has been the City's policy to assess 75% of the streetscape improvements to the properties that share frontage with the improvements. The cost per property will be assessed as an average cost per linear foot of frontage for the improvements. The properties with multiple owners will share the cost of the frontage, and the amount will be based on the square footage of building area owned. The City will bill one-tenth of the assessment, as would be done on other special assessment districts, plus interest, on an annual basis, to make the cost more manageable for the property owners.

The attached map highlights those property frontages that would be subject to a sidewalk streetscape assessment.

For purposes of the assessment district, the properties on the west side of S. Old Woodward from E. Brown St. to Daines St. (the RH development property) have been included in the district. It has been included in case the project plans change, and the City elects to proceed with improvements in this area. However, if the development project begins as planned, about the same time as the City's project (as the developer is currently indicating) then the cost for streetscape improvements in this area will not be expended by the City, nor charged to the property owner as they will be completed by the development.

The Engineering Department plans to provide a detailed spreadsheet with estimated assessment values based off the engineers estimate at the Hearing of Necessity.

#### LEGAL REVIEW:

Chapter 94 – Special Assessments of the Birmingham City Code outlines the process by which a special assessment is conducted in the City of Birmingham. This project will follow the prescribed City Code procedures.

#### FISCAL IMPACT:

Revenue generated from the Sidewalk and Streetscape SAD for the Phase 3 Old Woodward Reconstruction project will defray the costs incurred by the City for construction of these improvements and has been considered as an integral part of the financial forecasting for the General Fund in future years.

#### PUBLIC COMMUNICATIONS:

Notice for the Hearing of Necessity and the Confirmation of Roll is to be distributed by the Clerk's Office. The Engineering Department plans to send all property owners a letter explaining the associated work and an explanation of assessment costs based on the engineers estimate. Additionally, the design team will be holding an informational meeting regarding the project on Monday February 21<sup>st</sup> from 5:30-7:00 PM at City Hall in the Commission Room (with a zoom link to be provided as well on the City website), to discuss the project overview, traffic access during construction, BSD initiatives during construction, and special assessments related to the project.

#### SUMMARY:

The Engineering Department recommends that a Public Hearing of Necessity to form a Special Assessment District for the improvement of sidewalk and streetscape as part of the Phase 3 S.



Old Woodward Reconstruction project be scheduled at the regularly scheduled City Commission meeting on March 14, 2022, followed by a Public Hearing for Confirmation of the Roll on April 11, 2022.

ATTACHMENTS:

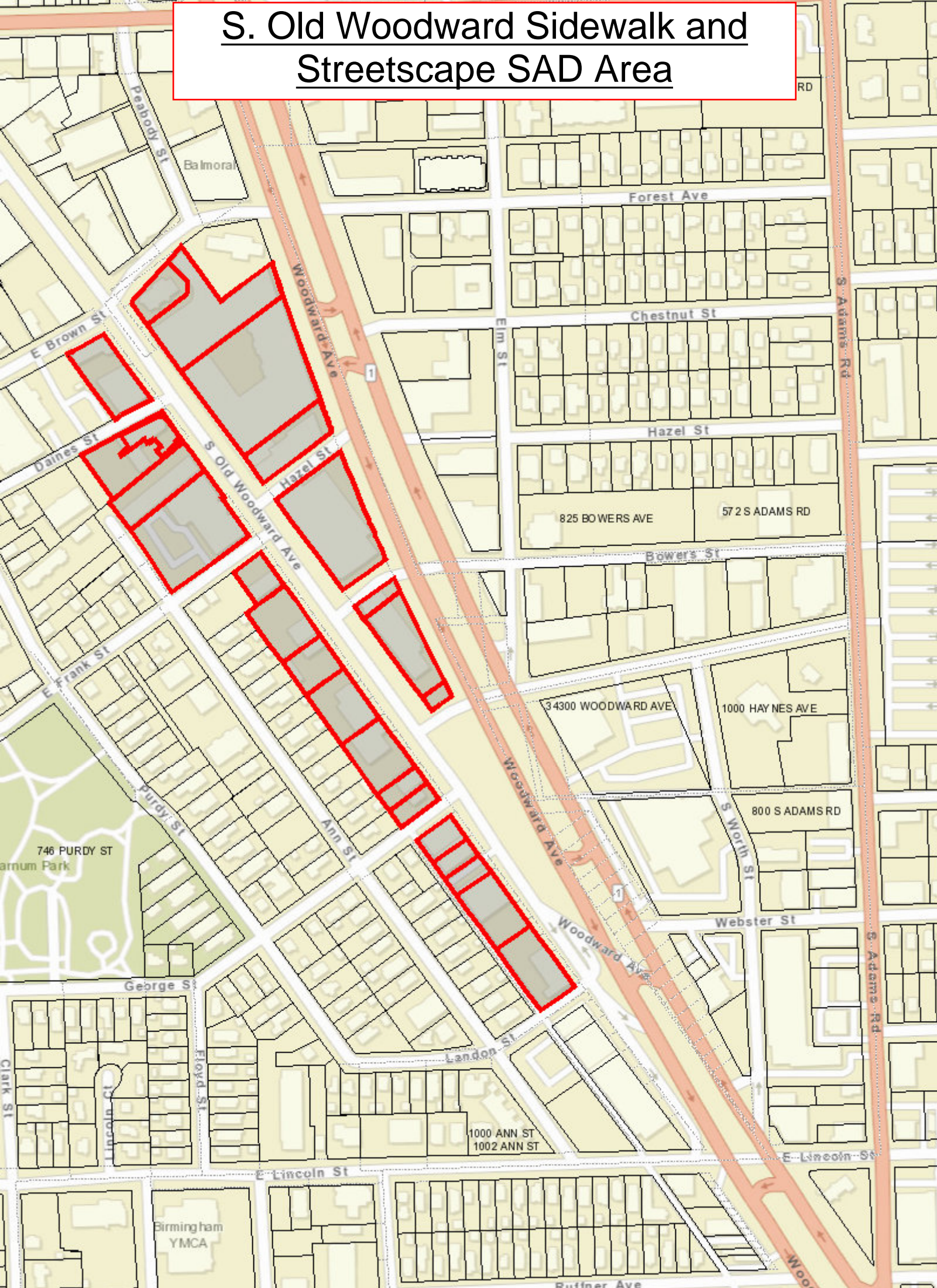
Map of proposed Special Assessment District

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to set the Public Hearing of Necessity for the construction of sidewalk and streetscape improvements adjacent to all properties within the project area on S. Old Woodward Avenue, from Brown St. to Landon St., on Monday, March 14, 2022 at 7:30 P.M.; and

If necessity is determined on March 14, 2022, to meet on Monday, April 11, 2022 at 7:30 P.M., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for construction of sidewalk and streetscape improvements adjacent to all properties within the project area on S. Old Woodward Avenue, from Brown St. to Landon St.

# S. Old Woodward Sidewalk and Streetscape SAD Area





**DATE:** February 9, 2022

**TO:** Thomas M. Markus, City Manager

**FROM:** Scott D. Zielinski, Assistant City Engineer

**SUBJECT:** Setting Hearing Dates for Notice of Necessity and Confirmation of Roll for S. Old Woodward Water and Sewer SAD

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## INTRODUCTION:

As part of the Engineering Departments planned downtown area Phase 3 reconstruction project of the pavement along South Old Woodward between Brown St and Landon St this summer a number of water and sewer leads will be replaced. This project is similar to work that was completed in 2018 for Phase 1 of Old Woodward from Oakland Ave to Brown St., and in 2020 for Phase 2 work completed on Maple Rd from Southfield Road to Pierce St., and from Old Woodward Ave. to Woodward Ave where the City also replaced sewer and water leads. The City intends to replace Sewer and Water leads meeting certain "useful life" criteria in the Right-Of-Way (ROW) in an effort to protect the road improvement investment.

## BACKGROUND:

In accordance with current City policy established to protect the public investment being made when reconstructing roadways, as part of the project, we intend to replace all sewer laterals that are 50 years of age or older, as well as all water services less than 1 inch diameter. All unsuitable sewer services will be replaced with 6" schedule 40 PVC, and water services less than 1 inch in diameter will be replaced with a new 1 inch diameter service, for service lengths located underneath the new planned pavement.

In accordance with 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 on private property, any such water service will also be replaced as part of the project. Per EGLE, the City is not allowed to charge a property owner for costs associated with replacement of an existing lead water service.

The parcels within the project zone that may be potentially subject to the Sewer & Water Lateral Special Assessment are highlighted on the attached map. The Engineering Department will provide additional details confirming a final list of properties that the department plans to include in the assessment, along with estimated construction costs to be assessed at the Hearing of Necessity.

#### LEGAL REVIEW:

Chapter 94 – Special Assessments of the Birmingham City Code outlines the process by which a special assessment is conducted in the City of Birmingham. This project will follow the prescribed City Code procedures.

#### FISCAL IMPACT:

Revenue generated from the Water and Sewer Lateral SAD for the Phase 3 Old Woodward Reconstruction project will defray the costs incurred by the City for construction of these improvements.

#### PUBLIC COMMUNICATIONS:

Notice for the Hearing of Necessity and the Confirmation of Roll is to be distributed by the Clerk's Office. The Engineering Department plans to send all property owners a letter explaining the associated work and an explanation of assessment costs based on the engineers estimate. Additionally, the design team will be holding an informational meeting regarding the project on Monday February 21<sup>st</sup> from 5:30-7:00 PM at City Hall in the Commission Room (with a zoom link to be provided as well on the City website), to discuss the project overview, traffic access during construction, BSD initiatives during construction, and special assessments related to the project.

#### SUMMARY:

The Engineering Department recommends that a Public Hearing of Necessity to form a Special Assessment District for the replacement of Water and Sewer leads as part of the Phase 3 S. Old Woodward Reconstruction project be scheduled at the regularly scheduled City Commission meeting on March 14, 2022, followed by a Public Hearing for Confirmation of the Roll on April 11, 2022.

#### ATTACHMENTS:

Map of proposed Special Assessment District

#### SUGGESTED COMMISSION ACTION:

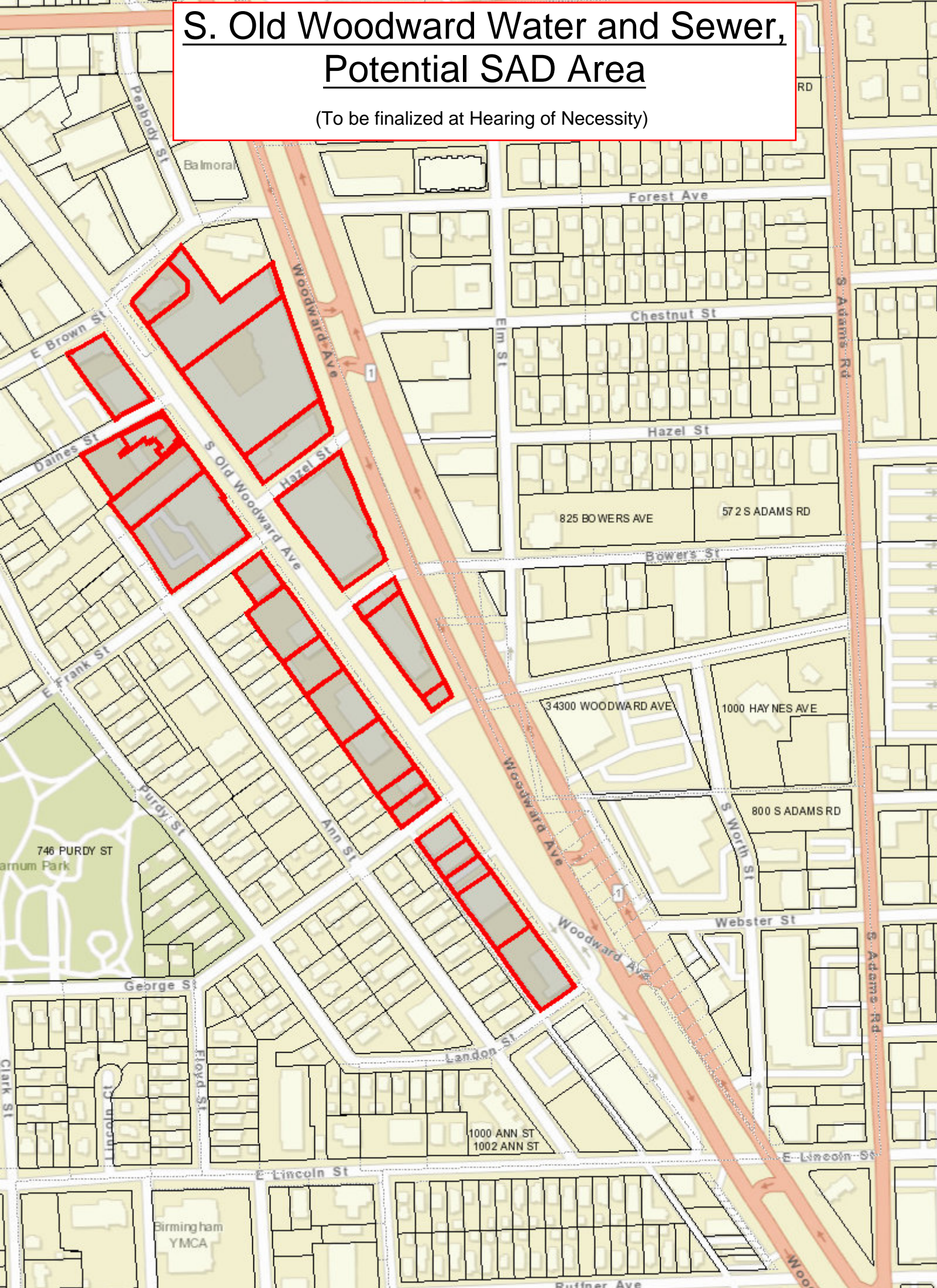
Make a motion adopting a resolution to set the Public Hearing of Necessity for the replacement and improvement of Water and Sewer leads meeting the requirements for assessment, for all properties within project area on S. Old Woodward Avenue, from Brown St. to Landon St., on Monday, March 14, 2022 at 7:30 P.M.; and

If necessity is determined on March 14, 2022, to meet on Monday, April 11, 2022 at 7:30 P.M., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the replacement and improvement of Water and Sewer leads meeting the requirements for assessment, for all properties within project area on S. Old Woodward Avenue, from Brown St. to Landon St.



# S. Old Woodward Water and Sewer, Potential SAD Area

(To be finalized at Hearing of Necessity)



**DATE:** 2/8/2022

**TO:** Thomas M. Markus, City Manager

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

**SUBJECT:** Resolution for Confirming S.A.D. #896  
Maple Road Reconstruction Project

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## INTRODUCTION:

A public hearing on the confirmation of the special assessment roll for sidewalk streetscape improvements and landscape enhancements on Maple is being held on February 14<sup>th</sup>, 2022. The special assessment will reimburse the City for the cost of these improvements. If the City Commission approves the roll, the property owners who benefit from the improvements will be billed for the cost of the improvements.

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.

## BACKGROUND:

At the City Commission meeting on January 24<sup>th</sup>, 2022, the City Commission determined the necessity of the Maple Road Reconstruction project and a Hearing of Confirmation of the Special Roll was set February 14<sup>th</sup>, 2022.

## LEGAL REVIEW:

The purpose of this hearing is to review and hear any objections to the special assessment roll. The special assessment roll is a listing of all of the properties to be assessed for the improvements to the property. Pursuant to the City Code at section 94-9, whenever a special assessment roll shall be confirmed by the commission, it should be final and conclusive.

## FISCAL IMPACT:

The city would collect \$1,454,621.43 from the Sidewalk Streetscape SAD. Property owners have 10 years to pay the special assessment.

## PUBLIC COMMUNICATIONS:

Property owners were notified by mail of the public hearing dates. If the City Commission confirms the special assessment roll, the Treasurer's office will notify the property owners in the special assessment district of the confirmation and the lien on their property.



#### SUMMARY:

The Treasurer's office recommends that the City Commission conduct the public hearing of confirmation of special assessment district 896 and further to confirm the roll as attached to this report.

#### ATTACHMENTS:

- Proposed Special Assessment Roll
- Memorandum: Hearing Dates of Necessity Sidewalk Streetscape Assessment  
Maple Road Reconstruction Project

#### SUGGESTED COMMISSION ACTION:

Motion adopting a resolution confirming special assessment roll 896 as follows:

WHEREAS, Special Assessment Roll, designated Roll No. 896, 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 after the time of construction and

Commission Resolution 01-031-22 provided it would meet this 14<sup>th</sup> day of February, 2022 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this February 14, 2022, 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,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 896 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,

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.

Total Street Scape in SAD				
\$1,939,495.24				
City Cost 25% of Total in SAD		Assessable Total 75% Of Total in SAD	Total Assessable Frontage (ft)	Price Per Linear Foot
\$484,873.81		\$1,454,621.43	2753.31	\$528.32
Address		Property Tax ID	Total Assessable Frontage	SAD Cost Per Property
336	W Maple	19-25-377-006	291	\$153,740.35
180	W Maple	19-25-378-023	327.53	\$173,039.78
168	W Maple	19-25-378-008	44.95	\$23,747.86
166	W Maple	19-25-378-009	40	\$21,132.69
150	W Maple	19-25-378-010	56.23	\$29,707.28
142	W Maple	19-25-378-011	44	\$23,245.96
203	E Maple	19-25-456-018	33.5	\$17,698.63
225	E Maple	19-25-456-019	29.78	\$15,733.29
261	E Maple	19-25-456-035	62.5	\$33,019.83
323	E Maple	19-25-456-023	62.5	\$33,019.83
335	E Maple	19-25-456-024	30.31	\$16,013.30
355	E Maple	19-25-456-034	40	\$21,132.69
361	E Maple	19-25-456-027	20	\$10,566.35
369	E Maple	19-25-456-050	20	\$10,566.35
395	E Maple	19-25-456-029	99.98	\$52,821.17
35001	Woodward	19-25-456-037	195.43	\$103,249.06
34977	Woodward	19-36-207-001	214.5	\$113,324.07
378	E Maple	19-36-206-018	101.6	\$53,677.04
344	E Maple	19-36-206-020	80.5	\$42,529.55
300	E Maple	19-36-206-002	84.5	\$44,642.82
288	E Maple	19-36-206-001	44.5	\$23,510.12
102	Pierce	19-36-129-005	67	\$35,397.26
137	W Maple	19-36-129-004	53	\$28,000.82
163	W Maple	19-36-129-003	40	\$21,132.69
175	W Maple	19-36-129-002	40	\$21,132.69
195	W Maple	19-36-129-001	70	\$36,982.21
211	W Maple	19-36-128-004	112	\$59,171.54
247	W Maple	19-36-128-003	70	\$36,982.21
271	W Maple	19-36-128-002	40	\$21,132.69
299	W Maple	19-36-128-001	59.5	\$31,434.88
320	Martin	19-36-127-004	132.5	\$70,002.05
355	W Maple	19-36-127-001	146	\$77,134.33
Total			2753.31	\$1,454,621.43



**DATE:** January 19, 2022

**TO:** Thomas M. Markus, City Manager

**FROM:** Scott D. Zielinski, Assistant City Engineer  
James J. Surhigh, Consulting City Engineer

**SUBJECT:** Hearing Dates of Necessity Sidewalk Streetscape Assessment  
Maple Road Reconstruction Project

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**INTRODUCTION:**

In 2020, a portion of Maple Road was reconstructed between Chester Street and Pierce Street, and Old Woodward and Woodward, as Phase 2 of the downtown area reconstruction effort that was a continuation of the work completed in 2018 on North Old Woodward and Maple from Pierce to Old Woodward. The Special Assessment District (SAD) associated with the construction of sidewalks and other streetscape improvements as part of the project was not formally established prior to construction. The Engineering Department is recommending the Sidewalk Streetscape SAD be set at this time.

**BACKGROUND:**

As noted at the December 13<sup>th</sup>, 2021 City Commission meeting. Part of the Maple Road Reconstruction project, completed in November 2020, from Southfield Road to Pierce Street and Old Woodward to Woodward, included complete replacement of the sidewalks and provided certain landscape enhancements and pedestrian-oriented amenities within the project area. The Maple Road project was a continuation of the downtown area reconstruction work which was completed in 2018, on North Old Woodward and Maple, from Pierce to Old Woodward, where similar streetscape improvements were made (Phase 1). The costs to the City for construction of these improvements in Phase 1 were defrayed by way of Special Assessment to the property owners adjoining that project area. In the same way, the City had intended to assess a portion of the costs for the streetscape improvements that would be constructed with the Maple Road project, however, due to a number of unprecedented pandemic circumstances during 2020, the Special Assessment District was not formally established prior to construction and an out of sequence hearing process has occurred.

On March 9, 2020, the City Commission agreed to enter the construction agreement with the Michigan Department of Transportation (MDOT) for construction of the Maple Road Reconstruction Project by Angelo Iafrate Construction Company, who was the lowest qualified bidder for the project. Within that agreement, unit prices for the proposed streetscape elements to be assessed were established. At that time, based on the estimated quantities of related work that were to be performed, the amount of construction cost that was associated with the Sidewalk SAD was estimated at \$2,282,918.67, and was authorized to be paid out of account number 101-444.001-985.7900. On similar projects of this nature, including the Phase 1 project on Old

Woodward, it has been the City's policy to assess 75% of the costs for the streetscape improvements.

On the Phase 1 project, the public hearings for the Sidewalk Streetscape SAD were held after the construction contract was awarded and unit prices for the related work were established. The City intended to hold the public hearings for the Sidewalk Streetscape SAD in April of 2020. However, with the onset of the COVID-19 pandemic and uncertainty related to holding public meetings, the City Commission was not asked to set the public hearing dates. By the time there was clarity on the issue related to holding public meetings such as this in the pandemic environment, submittal of this request was inadvertently delayed.

The final payment amount to the contractor has been made by MDOT and based on the final quantities and associated unit prices, the total cost of the sidewalk and streetscape improvements within the proposed SAD is \$1,939,621.24. In accordance with City policy on similar projects of this nature, the City plans to assess 75% of this cost, or \$1,454,621.43 to the adjoining property owners. Based on the length of the frontages within the special assessment area (2,753.31 feet), the assessment cost per foot of frontage is \$528.32. The attached map and table show the parcels that are part of the proposed Sidewalk Streetscape SAD, and the costs that would be assessed.

#### LEGAL REVIEW:

Chapter 94 – Special Assessments of the Birmingham City Code outlines the process by which a special assessment is conducted in the City of Birmingham. The Public Hearing of Necessity should have been set sometime in April or May of 2020 to determine the necessity, and then finally the hearing confirming the special assessment roll as it relates to the proposed Sidewalk Streetscape Maple Road Reconstruction project. At two (2) merchant meetings including one (1) of February 28, 2020, the merchants of Maple Road were put on notice that the money needed in order to complete this project would be defrayed by a Special Assessment. While it was clear that a Special Assessment District for the Sidewalk Streetscape project was to be completed prior to the contracting and construction of these improvements, the Special Assessment District was not created as these improvements commenced during the height, panic and chaos of the unprecedented COVID crisis. As a result, this out of sequence hearing process has occurred.

COVID hit, then the height of restrictions were ordered, and more importantly, the domino effect of reactions occurred during March and April of 2020, lasting for months and months. These restrictions, reactions and shutdown of nearly all public services complicated the order of the sequence of the City's hearing processes as it relates to the Sidewalk Streetscape Maple Road Reconstruction project. Despite the fact that the Chief City Engineer retired in January of 2020, an interim engineering staff did the best they could, the hastened project for the least amount of disruption as possible to the merchants was completed by the end of November of 2020. While we somehow managed to have limited Commission meetings during those critical and chaotic summer months, this out of sequence hearing process occurred due to the COVID situation beyond anyone's control during the time that the City was prohibited from conducting in person hearings. Sec. 94-13. – Adjustments and Corrections at (c) Invalid assessments, offers relief for situations such as this.

"(c) Invalid assessments.

- (1) whenever any special assessment shall, in the opinion of the commission, be incorrect or invalid by reason of any irregularity or informality in the proceedings, or if any court or tribunal of competent jurisdiction shall adjudge the assessment to be illegal, the commission may, regardless of whether the improvement has been made or not, or whether any part of the assessment has been paid or not, cause a new assessment to be made for the same purpose for which the former assessment was made.
- (2) All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment."

With the height of the uncertain COVID restrictions and reactions, including an increase in staff turnover, this out of sequence hearing process has occurred. The improvements that have been completed for the benefit of all property owners on the Maple Road Reconstruction project have been completed and, therefore, the Special Assessment District creation and confirmation of the roll should be completed in order for the Special Assessment District to be assessed.

#### FISCAL IMPACT:

Revenue generated from the Sidewalk Streetscape SAD for the Maple Road Reconstruction project will defray the costs incurred by the City for construction of these improvements and has been considered as an integral part of the financial forecasting for the General Fund in future years.

#### PUBLIC COMMUNICATIONS:

Information related to the overall project and Sidewalk Streetscape SAD was presented at two (2) public "Merchant Meetings" held in cooperation with the Birmingham Shopping District on October 23, 2019 and February 28, 2020, for which all affected property owners were invited to attend. The estimated assessment amount was presented at the City Commissioner meeting held on March 9, 2020.

#### SUMMARY

The Engineering Department recommends that a Public Hearing of Necessity to form a Special Assessment District for the construction of sidewalk and streetscape improvements as part of the Maple Road Reconstruction project be scheduled at the regularly scheduled City Commission meeting on January 24, 2022, followed by a Public Hearing for Confirmation of the Roll on February 14, 2022.

#### ATTACHMENTS:

- Map of proposed Sidewalk Streetscape SAD
- Table listing parcels included in proposed Sidewalk Streetscape SAD
- Presentation Slides from 2/28/2020 Merchant Meeting
- Sign-in Sheets for 10/23/2019 and 2/28/2020 Merchant Meetings
- Presentation for hearing of necessity.

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution to create a Special Assessment District and that special assessments be 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 33 parcels (listed below), and that the Commission meet on Monday, February 14, 2022 at 7:30 P.M. for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the sidewalk and streetscape improvements adjacent to all properties within project area on Maple Road, between Chester Street and Pierce Street, and between Old Woodward Avenue and Woodward Avenue.;

**Site Address** 336 W MAPLE RD,BIRMINGHAM,MI,48009

**Parcel Identification Number** 19-25-377-006

**Owner Name** MAPLE RING LLC

**Property Description**

T2N, R10E, SEC 25 WILLETS' ADD LOTS 5 TO 8 INCL & LOTS 17 TO 20 INCL EXC THAT PART TAKEN FOR RD

**Site Address** 168 W MAPLE RD,BIRMINGHAM,MI,48009

**Parcel Identification Number** 19-25-378-008

**Owner Name** KYJ LEASING INCORPORATED

**Property Description**

T2N, R10E, SEC 25 ASSESSOR'S PLAT NO 19 LOT 2

**Site Address** 166 W MAPLE RD,BIRMINGHAM,MI,48009

**Parcel Identification Number** 19-25-378-009

**Owner Name** KAY BAUM ASSOCIATES

**Property Description**

T2N, R10E, SEC 25 ASSESSOR'S PLAT NO 19 LOT 3 & PART OF LOT 4 BEG AT NW COR OF LOT 4, TH S 68.72 FT ALG W LOT LI, TH ELY 40.62 FT ALG LOT LI, TH NLY TO N LOT LINE, TH SWLY 44.76 FT TO BEG

**Site Address** 150 W MAPLE RD,BIRMINGHAM,MI,48009

**Parcel Identification Number** 19-25-378-010

**Owner Name** LEVINSON-LEVIN PROPERTIES LLC

**Property Description**

T2N, R10E, SEC 25 ASSESSOR'S PLAT NO 19 PART OF LOT 4 BEG AT SW LOT COR, TH N 89-28-20 E 56.23 FT ALG S LOT LINE, TH N 00-02-24 E 86.09 FT, TH S 86-30-36 W 16.82 FT, TH N 05-02-37 W 92.26 FT, TH ALG CURVE CONCAVE LEFT, RAD 42 FT, CHORD BEARS S 86-11-42 W

**Site Address** 142 W MAPLE RD,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-25-378-011  
**Owner Name** LEVINSON-LEVIN PROPERTIES LLC

**Property Description**

T2N, R10E, SEC 25 ASSESSOR'S PLAT NO 19 PART OF LOT 4 BEG AT SE LOT COR, TH N 00-12-16 E 73.05 FT, TH S 89-55-58 W 15.11 FT, TH N 00-02-42 W 14.41 FT, TH S 86-30-36 W 30.06 FT, TH S 00-33-34 E 86.03 FT, TH N 89-28-20 E 44 FT TO BEG

**Site Address** 180 W MAPLE RD,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-25-378-023  
**Owner Name** ESSCO OF WABEEC

**Property Description**

T2N, R10E, SEC 25 WILLETS' ADD LOTS 1 TO 4 INCL, ALSO LOT 1 OF 'ASSESSOR'S PLAT NO 19' 08/13/85 FR 005, 006 & 007

**Site Address** 203 E MAPLE RD,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-25-456-018  
**Owner Name** 3 WEST MAPLE LLC

**Property Description**

T2N, R10E, SEC 25 ASSESSOR'S PLAT NO 21 E 41.5 FT OF LOT 20

**Site Address** 225 E MAPLE RD,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-25-456-019  
**Owner Name** RABBIT HOLDINGS LLC

**Property Description**

T2N, R10E, SEC 25 ASSESSOR'S PLAT NO 21 LOT 19

**Site Address** 323 E MAPLE RD,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-25-456-023  
**Owner Name** SALONIKA PARTNERS LLC

**Property Description**

T2N, R10E, SEC 25 ASSESSOR'S PLAT NO 21 LOTS 14 & 15

**Site Address** 335 E MAPLE RD,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-25-456-024  
**Owner Name** LPI-335 E MAPLE LLC

**Property Description**

T2N, R10E, SEC 25 ASSESSOR'S PLAT NO 21 LOT 13 EXC E 20 FT

**Site Address** 361 E MAPLE RD,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-25-456-027  
**Owner Name** 361 E MAPLE LLC  
**Property Description**  
T2N, R10E, SEC 25 ASSESSOR'S PLAT NO 21 W PART OF LOT 11 MEAS 20 FT ON S LOT LINE & 20.62 FT ON N LOT LINE

**Site Address** 355 E MAPLE RD,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-25-456-029  
**Owner Name** DENNIS A PAZZI  
**Property Description**  
T2N, R10E, SEC 25 ASSESSOR'S PLAT NO 21 LOT 10 EXC W PART MEAS 3 FT ON S LOT LINE & 3.62 FT ON N LOT LINE

**Site Address** 395 E MAPLE RD,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-25-456-034  
**Owner Name** FIRST CHRCH/CHRST SCIENTST  
**Property Description**

T2N, R10E, SEC 25 ASSESSOR'S PLAT NO 21 LOT 12 & E 20 FT OF LOT 13

**Site Address** 261 E MAPLE RD,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-25-456-035  
**Owner Name** TRI-POWER PROPERTIES LLC  
**Property Description**

T2N, R10E, SEC 25 ASSESSOR'S PLAT NO 21 LOTS 16 & 17

**Site Address** 35001 WOODWARD AVE,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-25-456-037  
**Owner Name** SELECT COMMERCIAL ASSETS HOSPITALITY LLC

**Property Description**  
T2N, R10E, SEC 25 ASSESSOR'S PLAT NO 21 LOTS 1, 2 & 3, ALSO PART OF LOTS 4 & 5, ALSO PART OF VAC ALLEY ALL DESC AS BEG AT PT DIST N 18-50-30 W 23.13 FT FROM SE COR OF LOT 1, TH S 34-32-10 W 23.86 FT, TH S 87-54-50 W 47.66 FT, TH ALG CURVE CONCAVE NELY, RAD 57 FT, CHORD BEARS N 64-29-25 W 52.81 FT, DIST OF 54.91 FT, TH N 01-48-10 W 135.76 FT, TH N 88-16-35 E 34.77 FT, TH N 88-17-00 E 31 FT, TH S 18-40-40 E 30.80 FT, TH S 18-50-30 E 116.06 FT TO BEG 2-1-99 CORR

**Site Address** 369 E MAPLE RD # 1,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-25-456-050  
**Owner Name** MELVIN M KAFTAN  
**Property Description**

T2N, R10E, SEC 25 OAKLAND COUNTY CONDOMINIUM PLAN NO 1778 369 EAST MAPLE  
CONDOMINIUM UNIT 1 L 36226 P 260 9-12-05 FR 028

**Site Address** 369 E MAPLE RD # 2,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-25-456-050  
**Owner Name** MELVIN M KAFTAN  
**Property Description**

T2N, R10E, SEC 25 OAKLAND COUNTY CONDOMINIUM PLAN NO 1778 369 EAST MAPLE  
CONDOMINIUM UNIT 2 L 36226 P 260 9-12-05 FR 028

**Site Address** 111 S OLD WOODWARD AVE,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-36-206-001  
**Owner Name** FULLER CENTRAL PARK PROPTS  
**Property Description**

T2N, R10E, SEC 36 ASSESSOR'S REPLAT OF PART OF BROWNELL SUB & HUNTERS EASTERN ADD LOTS 1  
& 2

**Site Address** 300 E MAPLE RD,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-36-206-002  
**Owner Name** FULLER CENTRAL PARK PROPTS  
**Property Description**

T2N, R10E, SEC 36 ASSESSOR'S REPLAT OF PART OF BROWNELL SUB & HUNTERS EASTERN ADD LOT 5  
EXC E PART MEAS 80.5 FT ON N LOT LINE & 80.21 FT ON S LOT LINE

**Site Address** 378 E MAPLE RD,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-36-206-018  
**Owner Name** FULLER CENTRAL PARK PROPERTIES  
**Property Description**

T2N, R10E, SEC 36 ASSESSOR'S REPLAT OF PART OF BROWNELL SUB & PART OF HUNTERS EASTERN  
ADD LOT 6 EXC BEG AT NE LOT COR, TH S 00-40-00 W 99.99 FT ALG E LOT LINE, TH N 04-50-59 W  
100.30 FT, TH N 89-56-20 E 9.65 FT TO BEG

**Site Address** 370 E MAPLE RD,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-36-206-020  
**Owner Name** FULLER CENTRAL PARK PROPERTY  
**Property Description**  
T2N, R10E, SEC 36 ASSESSOR'S REPLAT OF PART OF BROWNELL SUB & PART OF HUNTERS EASTERN  
ADDITION ELY PART OF LOT 5 MEAS 80.50 FT ALG N LOT LINE & 80.21 FT ALG S LOT LINE, ALSO ALL OF  
LOT 7

**Site Address** 34977 WOODWARD AVE,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-36-207-001  
**Owner Name** CATALYST DEVELOPMENT CO & LLC  
**Property Description**

T2N, R10E, SEC 36 HUNTER'S EASTERN ADD LOTS 5 & 6, ALSO E 4 FT OF LOT 7

**Site Address** 355 W MAPLE RD,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-36-127-001  
**Owner Name** ST JAMES CHURCH  
**Property Description**

T2N, R10E, SEC 36 MERRILL'S PLAT LOTS 16 TO 21 INCL

**Site Address** 320 MARTIN ST STE 100,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-36-127-004  
**Owner Name** 320 INVESTMENTS LLC  
**Property Description**

T2N, R10E, SEC 36 MERRILL'S PLAT LOTS 13, 14 & 15, ALSO LOTS 22, 23 & 24

**Site Address** 299 W MAPLE RD,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-36-128-001  
**Owner Name** MAPLE BATES LLC  
**Property Description**

T2N, R10E, SEC 36 MERRILL'S PLAT LOT 12 EXC S 13 FT

**Site Address** 271 W MAPLE RD,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-36-128-002  
**Owner Name** PINESTONE PROPERTIES LLC  
**Property Description**  
T2N, R10E, SEC 36 MERRILL'S PLAT LOT 11 EXC S 13 FT



**Site Address** 247 W MAPLE RD,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-36-128-003  
**Owner Name** PATRICIA FLEMING  
**Property Description**  
T2N, R10E, SEC 36 MERRILL'S PLAT W 30 FT OF LOT 9 & ALL OF LOT 10 EXC S 13 FT THEREOF

**Site Address** 211 W MAPLE RD,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-36-128-004  
**Owner Name** MUFFREY LLC  
**Property Description**

T2N, R10E, SEC 36 MERRILL'S PLAT LOTS 7, 8 & E 10 FT OF LOT 9, ALSO N 41 FT OF LOTS 28, 29 & 30

**Site Address** 193 W MAPLE RD,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-36-129-001  
**Owner Name** FREUND INVESTMENT II LLC  
**Property Description**

T2N, R10E, SEC 36 MERRILL'S PLAT LOT 6 EXC S 9 FT

**Site Address** 175 W MAPLE RD,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-36-129-002  
**Owner Name** SHARER WEST MAPLE PROPERTIES LLC  
**Property Description**

T2N, R10E, SEC 36 MERRILL'S PLAT LOT 5 EXC S 9 FT

**Site Address** 157 W MAPLE RD,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-36-129-003  
**Owner Name** FREUND INVESTMENT LLC  
**Property Description**

T2N, R10E, SEC 36 MERRILL'S PLAT LOT 4 EXC S 9 FT

**Site Address** 137 W MAPLE RD,BIRMINGHAM,MI,48009  
**Parcel Identification Number** 19-36-129-004  
**Owner Name** MONDIAL PROPERTIES II LLC  
**Property Description**

T2N, R10E, SEC 36 MERRILL'S PLAT PART OF LOT 2 & ALL OF LOT 3 ALL DESC AS BEG AT NW COR LOT 3, TH S 94 FT, TH E TO SE COR OF LOT 3, TH N 22.25 FT ON SD LOT LI, TH E 13 FT, TH N 80.75 FT, TH W 53 FT TO BEG

<b>Site Address</b>	102 PIERCE ST,BIRMINGHAM,MI,48009
<b>Parcel Identification Number</b>	19-36-129-005
<b>Owner Name</b>	GEORGE V CARTSOS REVOC TRUST
<b>Property Description</b>	
	T2N, R10E, SEC 36 MERRILL'S PLAT N 80.75 FT OF LOT 1 & N 80.75 FT OF E 27 FT OF LOT 2

**DATE:** February 8, 2022

**TO:** Thomas M. Markus, City Manager

**FROM:** Scott D. Zielinski, Assistant City Engineer

**SUBJECT:** Necessity of Maple Rd. Sewer Lateral S.A.D.

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## INTRODUCTION:

In 2020, a portion of Maple Road was reconstructed between Southfield Road and Pierce Street, and Old Woodward and Woodward, as Phase 2 of the downtown area reconstruction effort that was a continuation of the work completed in 2018 on Old Woodward and Maple from Pierce to Old Woodward. The Special Assessment District (SAD) associated with the sewer lateral replacement as part of the project was not formally established prior to construction. The Engineering Department is recommending the Sewer Lateral SAD be set at this time.

## BACKGROUND:

Part of the Maple Road Reconstruction project, completed in November 2020, from Southfield Road to Pierce Street and Old Woodward to Woodward, included replacement of the existing sewer along Maple Road, with the reconnection of sewer laterals to the new sewer. In accordance with current City policy established to protect the public investment being made, when reconstructing roadways, as part of the project, we replaced all sewer laterals that were 50 years of age or older located underneath the new proposed pavement. City policy is that parcels with sewer laterals meeting this condition are assessed to the parcel owner at cost set by the project contract. The parcels that are subject to the Sewer Lateral Special Assessment are highlighted on the attached maps.

The Maple Road project was a continuation of the downtown area reconstruction work completed in 2018 on Old Woodward and Maple from Pierce to Old Woodward, where similar sewer lateral improvements were made. The costs to the City for construction of these improvements were defrayed by way of a Special Assessment to the associated property owners within the project area. In the same way, the City had intended to assess the costs for the sewer lateral replacements that would be constructed with the Maple Road project, but due to a number of unusual circumstances during 2020, the Special Assessment District was not formally established prior to construction. Prior to construction in April of 2020, with the onset of the COVID-19 pandemic and uncertainty related to holding public meetings, the City Commission was not asked to set the public hearing dates. These issues resulted in this "out of sequence" process for these improvements. By the time there was clarity on the issue related to holding public meetings such as this, in the pandemic environment, submittal of this request was inadvertently delayed.

The cost of replacement of the sewer services was \$145 per linear foot for the Maple Road Project. The following parcels are subject to be part of the SAD:

166 W Maple	08-19-25-378-009
180 W Maple	08-19-25-378-023
193 W Maple	08-19-36-129-001
211 W Maple	08-19-36-128-004
271 W Maple	08-19-36-128-002
299 W Maple	08-19-36-128-001
323 E Maple	08-19-25-456-023
355 E Maple	08-19-25-456-034
369 E Maple (Unit #1&2)	08-19-25-456-050

#### LEGAL REVIEW:

Chapter 94 – Special Assessments of the Birmingham City Code outlines the process by which a special assessment is conducted in the City of Birmingham. The Public Hearing of Necessity should have been set sometime in April or May of 2020 to determine the necessity, and then finally the hearing confirming the special assessment roll as it relates to the proposed Sewer Lateral Replacement for the Maple Road Reconstruction project. At two (2) merchant meetings including one (1) of February 28, 2020, the merchants of Maple Road were put on notice that the money needed in order to complete this project would be defrayed by a Special Assessment. While it was clear that a Special Assessment District for the Sewer Laterals related to the project was to be completed prior to the contracting and construction of these improvements, the Special Assessment District was not created as these improvements commenced during the height, panic and chaos of the unprecedented COVID crisis. As a result, this out of sequence hearing process has occurred.

COVID hit, then the height of restrictions were ordered, and more importantly, the domino effect of reactions occurred during March and April of 2020, lasting for months and months. These restrictions, reactions and shutdown of nearly all public services complicated the order of the sequence of the City's hearing processes as it relates to the Sidewalk Streetscape Maple Road Reconstruction project. While we somehow managed to have limited Commission meetings during those critical and chaotic summer months, this out of sequence hearing process occurred due to the COVID situation beyond anyone's control during the time that the City was prohibited from conducting in person hearings. Sec. 94-13. – Adjustments and Corrections at (c) Invalid assessments, offers relief for situations such as this.

“(c) Invalid assessments.

- (1) whenever any special assessment shall, in the opinion of the commission, be incorrect or invalid by reason of any irregularity or informality in the proceedings, or if any court or tribunal of competent jurisdiction shall adjudge the assessment to be illegal, the commission may, regardless of whether the improvement has been

made or not, or whether any part of the assessment has been paid or not, cause a new assessment to be made for the same purpose for which the former assessment was made.

- (2) All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment."

With the height of the uncertain COVID restrictions and reactions, including an increase in staff turnover, this out of sequence hearing process has occurred. The improvements that have been completed for the benefit of all property owners on the Maple Road Reconstruction project have been completed and, therefore, the Special Assessment District creation and confirmation of the roll should be completed in order for the Special Assessment District to be assessed.

#### FISCAL IMPACT:

Revenue generated from the Sewer Lateral SAD for the Maple Road Reconstruction project will defray the costs incurred by the City for construction of these improvements and has been considered as an integral part of the financial forecasting for the General Fund in future years.

#### PUBLIC COMMUNICATIONS:

Notice for the confirmation of roll is to be distributed by the Clerk's Office.

#### SUMMARY

The Engineering Department recommends forming a Special Assessment District for sewer lateral replacement as part of the Maple Road Reconstruction project, and for the City Commission to schedule the Public Hearing for Confirmation of the Roll on February 28, 2022.

#### ATTACHMENTS:

- Map of SAD
- List of Properties for SAD with actual sewer lateral length installed and cost.

#### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution declaring necessity and creating a Special Assessment District (SAD) and that special assessments be 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 (10) ten parcels (listed below), and that the Commission meet on Monday, February 28, 2022 at 7:30 P.M. for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the SAD for properties within the project area with sewer laterals meeting the requirements for replacement on Maple Road, between Bates Street and Pierce Street, and between Old Woodward Avenue and Woodward Avenue.

**Site Address :** 166 W MAPLE  
RD,BIRMINGHAM,MI,48009  
**Parcel Identification**  
**Number:** 1925378009  
**Owner Name :** KAY BAUM ASSOCIATES  
**Property Description :** T2N, R10E, SEC 25  
ASSESSOR'S PLAT NO 19 LOT 3 & PART OF  
LOT 4 BEG AT NW COR OF LOT 4, TH S  
68.72 FT ALG W LOT LI, TH ELY 40.62 FT  
ALG LOT LI, TH NLY TO N LOT LINE, TH  
SWLY 44.76 FT TO BEG

**Site Address :** 193 W MAPLE  
RD,BIRMINGHAM,MI,48009  
**Parcel Identification**  
**Number:** 1936129001  
**Owner Name :** FREUND INVESTMENT II LLC  
**Property Description :** T2N, R10E, SEC 36  
MERRILL'S PLAT LOT 6 EXC S 9 FT

**Site Address :** 271 W MAPLE  
RD,BIRMINGHAM,MI,48009  
**Parcel Identification**  
**Number:** 1936128002  
**Owner Name :** PINESTONE PROPERTIES LLC  
**Property Description :** T2N, R10E, SEC 36  
MERRILL'S PLAT LOT 11 EXC S 13 FT

**Site Address :** 323 E MAPLE  
RD,BIRMINGHAM,MI,48009  
**Parcel Identification**  
**Number:** 1925456023  
**Owner Name :** SALONIKA PARTNERS LLC  
**Property Description :** T2N, R10E, SEC 25  
ASSESSOR'S PLAT NO 21 LOTS 14 & 15

**Site Address :** 369 E MAPLE RD #  
1,BIRMINGHAM,MI,48009  
**Parcel Identification**  
**Number:** 1925456050  
**Owner Name :** MELVIN M KAFTAN  
**Property Description :** T2N, R10E, SEC 25  
OAKLAND COUNTY CONDOMINIUM PLAN NO  
1778 369 EAST MAPLE CONDOMINIUM UNIT  
1 L 36226 P 260 9-12-05 FR 028

**Site Address :** 180 W MAPLE  
RD,BIRMINGHAM,MI,48009  
**Parcel Identification**  
**Number:** 1925378023  
**Owner Name :** ESSCO OF WABEEC  
**Property Description :** T2N, R10E, SEC 25  
WILLETS' ADD LOTS 1 TO 4 INCL, ALSO LOT  
1 OF 'ASSESSOR'S PLAT NO 19' 08/13/85 FR  
005, 006 & 007

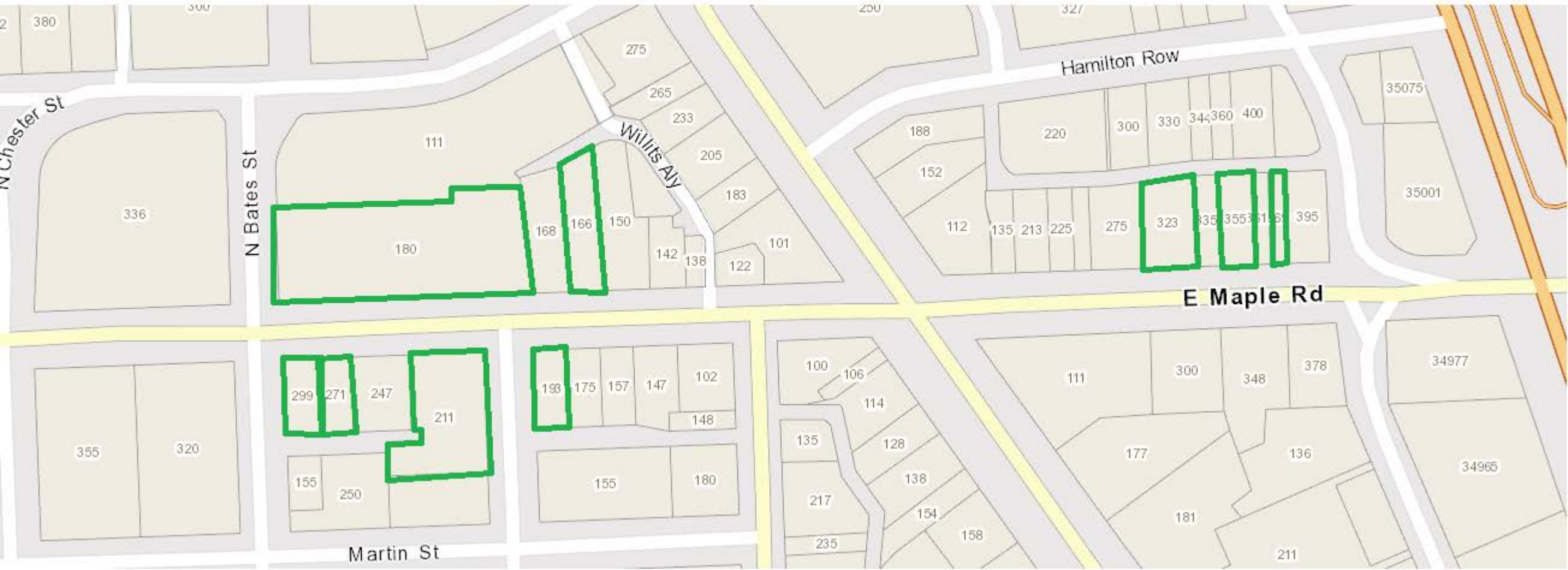
**Site Address :** 211 W MAPLE  
RD,BIRMINGHAM,MI,48009  
**Parcel Identification**  
**Number:** 1936128004  
**Owner Name :** MUFFREY LLC  
**Property Description :** T2N, R10E, SEC 36  
MERRILL'S PLAT LOTS 7, 8 & E 10 FT OF LOT  
9, ALSO N 41 FT OF LOTS 28, 29 & 30

**Site Address :** 299 W MAPLE  
RD,BIRMINGHAM,MI,48009  
**Parcel Identification**  
**Number:** 1936128001  
**Owner Name :** MAPLE BATES LLC  
**Property Description :** T2N, R10E, SEC 36  
MERRILL'S PLAT LOT 12 EXC S 13 FT

**Site Address :** 355 E MAPLE  
RD,BIRMINGHAM,MI,48009  
**Parcel Identification**  
**Number:** 1925456034  
**Owner Name :** FIRST CHRCH/CHRST  
SCIENTST  
**Property Description :** T2N, R10E, SEC 25  
ASSESSOR'S PLAT NO 21 LOT 12 & E 20 FT  
OF LOT 13

**Site Address :** 369 E MAPLE RD #  
2,BIRMINGHAM,MI,48009  
**Parcel Identification**  
**Number:** 1925456050  
**Owner Name :** MELVIN M KAFTAN  
**Property Description :** T2N, R10E, SEC 25  
OAKLAND COUNTY CONDOMINIUM PLAN NO  
1778 369 EAST MAPLE CONDOMINIUM UNIT  
2 L 36226 P 260 9-12-05 FR 028

11/11/2019



## SEWER LATERAL CHART

**Maple. Paving Project - Contract #-20(P)**

Address	Street	Parcel Number	SAD	Actual	Actual
				Length	Cost
					6"
					\$145
166	W. Maple	08-19-25-378-009	Y	38	\$5,510
180	W. Maple	08-19-25-378-023	Y	30	\$4,350
193	W. Maple	08-19-36-129-001	Y	21	\$3,045
211	W. Maple	08-19-36-128-004	Y	8	\$1,160
271	W. Maple	08-19-36-128-002	Y	12	\$1,740
299	W. Maple	08-19-36-128-001	Y	22	\$3,190
323	E. Maple	08-19-25-456-023	Y	32	\$4,640
355	E. Maple	08-19-25-456-034	Y	33	\$4,785
369	E. Maple	08-19-25-456-050	Y	33	\$4,785





## MEMORANDUM

Planning Division

**DATE:** February 14, 2022

**TO:** Thomas Markus, City Manager

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** Public Hearing for 211 Hamilton Row – Sybil – 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 new food and drink establishment serving alcoholic liquors for on premise consumption and associated interior/exterior renovations in an existing first floor tenant space in Downtown Birmingham. The applicant is proposing to utilize an existing Class C liquor license that is currently in escrow.

### BACKGROUND:

On December 16, 2021, the Planning Board moved to recommend approval to the City Commission the Special Land Use Permit, Final Site Plan and Design Review application for 211 Hamilton Row with the following conditions:

1. The applicant must submit specification sheets for the proposed tables and chairs to ensure compliance with Article 4, Section 4.44 of the Zoning Ordinance;
2. The applicant must submit sign plans for review by the Planning Board prior to the public hearing at the City Commission; and
3. The applicant must comply with the requests of all City Departments.

The applicant has submitted revised plans meeting the requirements of the Planning Board. In addition, the applicant has complied with the requests of the Planning Division in regards to reducing the patio extension into the right-of-way, and providing additional dimensions and denotations on the outdoor dining plan.

### LEGAL REVIEW:

The City Attorney has reviewed this application and has no objections as to form and content.

### FISCAL IMPACT:

There are no fiscal impacts for this agenda item.

### PUBLIC COMMUNICATIONS:

As required for Special Land Use Permit and Final Site Plan Reviews, a legal ad was placed in a newspaper of local circulation to advertise the nature of the request in advance of the December 16, 2021 Planning Board meeting, and notices were sent out to all property owners and tenants

within 300 ft. of the property. In addition, a second round of notices was sent out to advertise the public hearing at the City Commission on February 14, 2022.

**SUMMARY:**

The Planning Division requests that the City Commission consider the Special Land Use Permit, Final Site Plan and Design Review application for 211 Hamilton Row – Sybil.

**ATTACHMENTS:**

Please find attached the following documents for your review:

- Special Land Use Permit Resolution and Contract
- Current Site/Design Plans
- Planning Division Reports
- Planning Board Review Site/Design Plans
- Application & Supporting Documents
- Meeting Minutes

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution to APPROVE the Special Land Use Permit, Final Site Plan and Design Review application and contract for 211 Hamilton Row – Sybil – to allow the addition of a new food and drink establishment serving alcoholic beverages for on premise consumption and associated interior/exterior renovations.

## **Sybil**

211 Hamilton Row  
Special Land Use Permit 2022

WHEREAS, A Special Land Use Permit application was filed in November 2021 for approval of a new food and drink establishment serving alcoholic beverages for on premise consumption and associated interior/exterior renovations at 211 Hamilton Row;

WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the north side of Hamilton Row, east of N. Old Woodward;

WHEREAS, The land is zoned B4, which permits the operation of food and drink establishments serving alcoholic beverages for on premise consumption with a Special Land Use Permit;

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

WHEREAS, The Planning Board on December 16, 2021 reviewed the application for a Special Land Use Permit, Final Site Plan and Design Review and recommended approval to the City Commission to allow a new food and drink establishment serving alcoholic beverages for on premise consumption and associated interior/exterior renovations with the following conditions:

1. The applicant must submit specification sheets for the proposed tables and chairs to ensure compliance with Article 4, Section 4.44 of the Zoning Ordinance;
2. The applicant must submit sign plans for review by the Planning Board prior to the public hearing at the City Commission; and
3. The applicant must comply with the requests of all City Departments.

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 SYBIL'S Special Land Use Permit application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that SYBIL'S application for a Special Land Use Permit, Final Site Plan and Design Review at 211 Hamilton Row is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to ensure 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. SYBIL shall abide by all provisions of the Birmingham City Code; and
2. The Special Land Use Permit may be canceled by the City Commission

upon finding that the continued use is not in the public interest.

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

BE IT FURTHER RESOLVED, Except as herein specifically provided, SYBIL 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 SYBIL to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

BE FURTHER RESOLVED that SYBIL is recommended for the operation of a new food and drink establishment serving alcoholic beverages for on premise consumption and associated interior/exterior renovations, 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 February 14, 2022.

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**Alexandria Bingham**  
**City Clerk**

**CONTRACT FOR A SPECIAL LAND USE PERMIT  
FOR 211 HAMILTON ROW**

This Contract is entered into this 10<sup>th</sup> day of February, 2022 by and between Sybil, whose address is 27387 Woodward Ave, Bx 124 (Licensee) and the **CITY OF BIRMINGHAM**, a Michigan Municipal Corporation, whose address is 151 Martin Street, Birmingham, Michigan 48012 (City).

**R E C I T A L S:**

**WHEREAS**, a Special Land Use Permit Application was filed in November, 2021 for approval of a new food and drink establishment serving alcoholic beverages for on premise consumption and associated interior/exterior renovations at 211 Hamilton Row; and,

**WHEREAS**, the land for which the Special Land Use Permit Agreement is sought is located on the north side of Hamilton Row, east of North Woodward; and,

**WHEREAS**, the land is zoned B-4 which permits the operation of food and drink establishments serving alcoholic beverages for on premise consumption with a Special Land Use Permit; and,

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

**WHEREAS**, the City of Birmingham Commission is approving this agreement in granting a contract to ARON F. BELON for the issuance of an on-premises license, Special Land Use Permit.

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

1. Licensee has a liquor license for use solely at the Property. Any transfer of the aforementioned license from the Property to any other location in the CITY OF BIRMINGHAM shall require the approval of the Birmingham City Commission in accordance with Section 10-83. In addition, any expansion, of the Property shall also require the approval of the Birmingham City Commission.

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

3. Licensee acknowledges that no modifications to the site plan, floor plan, elevations

or operation of the establishment may be made unless approved by the City Commission through a Special Land Use Permit Amendment as required in the Zoning Ordinance. Modifications include, but are not limited to, name changes, ownership changes, remodeling, changes in the number of interior or exterior seats, etc.

4. Licensee further acknowledges that outdoor dining is permitted with a valid Outdoor Dining Permit.

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

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

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

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

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

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

11. Any disputes arising under this Contract, not within the jurisdiction of the Michigan

Liquor Control Commission, shall be settled either by commencement of a suit in Oakland County Circuit Court or by compulsory arbitration, at the election of the City. The Licensee shall notify the City of any dispute it has arising out of this Contract and shall demand that the City elect whether the dispute is to be resolved by submitting it to compulsory arbitration or by commencement of a suit in Oakland County Circuit Court. The City shall make its election in writing within thirty (30) days from the receipt of such notice. If the City elects to have the dispute resolved by compulsory arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan, with each of the parties appointing one arbitrator and the two thus appointed appointing a third. In the event the City fails to make such an election, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court.

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

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

14. The City Commission determines that to ensure 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:

a. SYBIL shall abide by all provisions of the Birmingham City Code; and

b. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest.

15. Failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

16. Except as herein specifically provided, SYBIL 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 SYBIL to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

17. SYBIL is recommended for the operation of a new food and drink establishment serving alcoholic beverages for on premise consumption and associated interior/exterior renovations, above all others, subject to final inspection.

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

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

Sybil (Licensee)

By: Aaron F. Belen

Its: Ouncel

Date: 2/10/22

STATE OF MICHIGAN )  
 ) ss:  
COUNTY OF OAKLAND )

On this 10 day of February, 2022, before me personally appeared Aaron F. Belen who acknowledged that with authority on behalf of Sybil to do so he/she signed this Agreement.

Lauree T. Jarocho  
Notary Public

Macomb County, Michigan

Acting in Oakland County, Michigan

My commission expires: December, 2023

#### CITY OF BIRMINGHAM

By: \_\_\_\_\_  
Therese Longe, Mayor

By: \_\_\_\_\_  
Alexandria D. Bingham, City Clerk

APPROVED:

Thomas M. Markus  
Thomas M. Markus, City Manager  
(Approved as to substance)

Nicholas Dupuis  
Nicholas Dupuis, Planning Director  
(Approved as to substance)

Mary M. Kucharek  
Mary M. Kucharek, City Attorney  
(Approved as to form)



320 Martin Street Suite 10  
Birmingham, Michigan 48009  
t:248.554.9500  
Contact Person: Kevin Biddison  
e.mail: kb@biddison-ad.com

PROPOSED BUILDING RENOVATION FOR:

SYBIL

PROJECT LOCATION:

211 HAMILTON ROW,  
BIRMINGHAM, MI 48009

ZONED: D-4 OVERLAY

APPLICANT INFORMATION

AFB HOSPITALITY GROUP LLC  
27387 WOODWARD AVE.  
BERKLEY MI 48072

T. 248.629.9221X205  
E. AFB@AFBHOSPITALITYGROUP.COM

GENERAL CONTRACTOR:

TOWER CONSTRUCTION  
3883 TELEGRAPH RD., SUITE 200 . BLOOMFIELD TWP., MI 48302

P. 248.287.8200  
F. 248.287.8203

SHEET INDEX:

T.101 TITLE SHEET  
SP.001 EXISTING CONDITIONS

A.101 FLOOR PLAN  
A.201 EXTERIOR ELEVATION

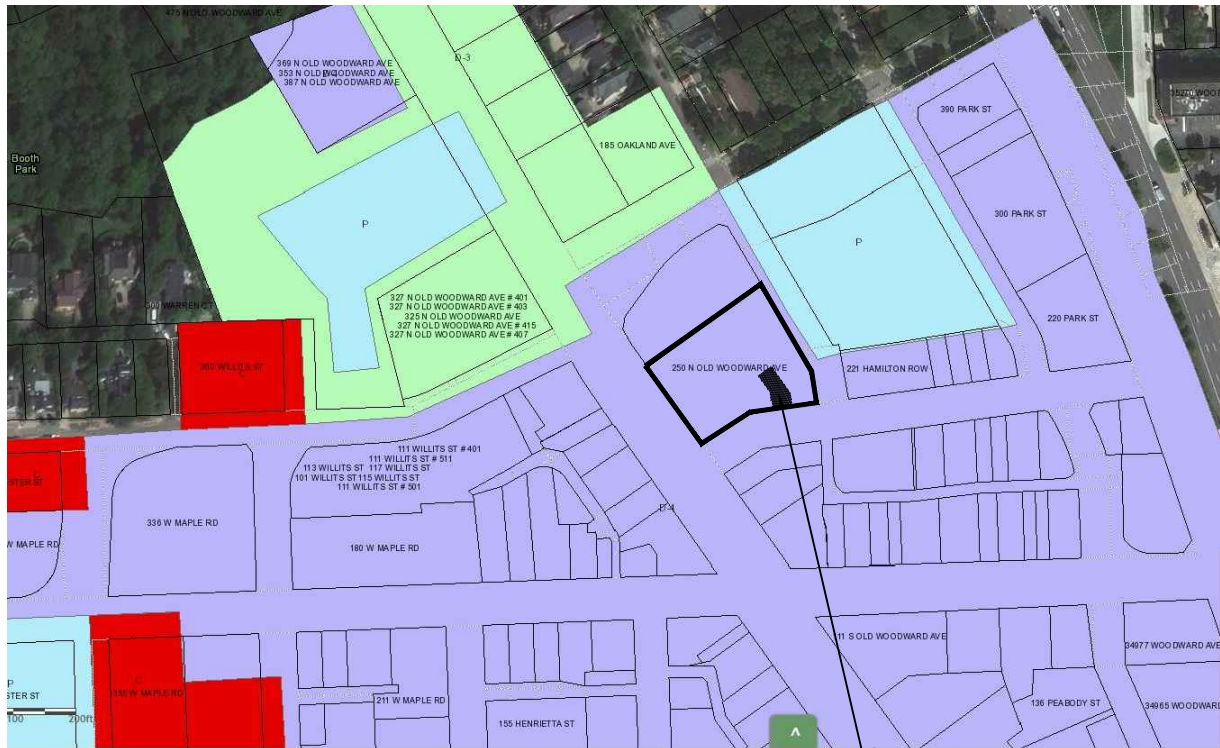
A.301 INTERIOR PERSPECTIVES  
A.302 INTERIOR PERSPECTIVES

FIRE SUPPRESSION NOTE:

THE BUILDING IS PROVIDED WITH A FULLY AUTOMATIC FIRE PROTECTION SPRINKLER SYSTEM INSTALLED (FIRE SUPPRESSION SYSTEM) - WORK WILL BE DESIGNED TO MEET M.B.C. REQUIREMENTS AND CITY OF BIRMINGHAM INSPECTION & PERMIT APPROVAL. FACTORY MUTUAL STANDARDS AND SPECIFICATIONS SHALL ALSO BE USED WHERE NOT OTHERWISE IN CONFLICT WITH LOCAL STANDARDS. SPRINKLER CONTRACTOR SHALL BE FULLY LICENSED AND BE RESPONSIBLE FOR PREPARATION OF ENGINEERED DRAWINGS, SUBMISSION OF DRAWINGS TO ALL LOCAL AND STATE AGENCIES FOR APPROVAL AND FOR COORDINATION OF REQUIREMENTS WITH OWNERS AND TENANTS INSURANCE CARRIER.

FIRE EXTINGUISHER NOTE:

TYPE 2A FIRE EXTINGUISHERS SHALL BE PROVIDED AND SPACED A MAX. OF 75' APART PER SECTION 906.1 OF THE 2013 INTERNATIONAL FIRE CODE AND / OR BY THE DIRECTION OF THE FIRE MARSHAL.



NORTH  
ZONING MAP  
SCALE: NOT TO SCALE

PROJECT LOCATION:  
211 HAMILTON ROW  
ZONED - D4 OVERLAY



NORTH  
LOCATION MAP  
SCALE: NOT TO SCALE

PROJECT LOCATION:  
211 HAMILTON ROW

Consultants

Project data

GOVERNING CODES:

2015 MICHIGAN BUILDING CODE  
2015 MICHIGAN PLUMBING CODE  
2015 MICHIGAN MECHANICAL CODE  
2015 MICHIGAN REHABILITATION CODE  
2015 INTERNATIONAL FUEL GAS CODE  
MICHIGAN ELECTRICAL CODE, 2017 N.E.C.  
W/ PART 8 STATE AMENDMENTS  
ICC/ANSI A117.1-2015 AND MICHIGAN  
BARRIER FREE DESIGN LAW OF PUBLIC  
ACT 1 OF 1966 AS AMENDED  
MICHIGAN UNIFORM ENERGY CODE RULES  
PART 10 WITH ANSI/ASHRAE/IESNA  
STANDARD 90.1-2015  
2015 INTERNATIONAL FIRE CODE  
NFPA 13 - 2010  
NFPA 72 - 2010

TENANT AREA: 1,194.5 SQFT + 192 SQFT (PATIO)

BUILDING USE: A-2 RESTAURANT

TYPE OF CONSTRUCTION:

2012 MBC: TYPE IIA (PROTECTED)  
NFPA 220: TYPE II-000

Issued for

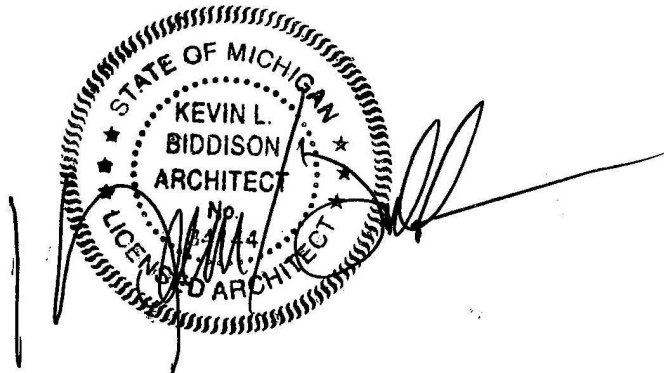
SPECIAL LAND USE PERMITS 11.17.21

Project no.

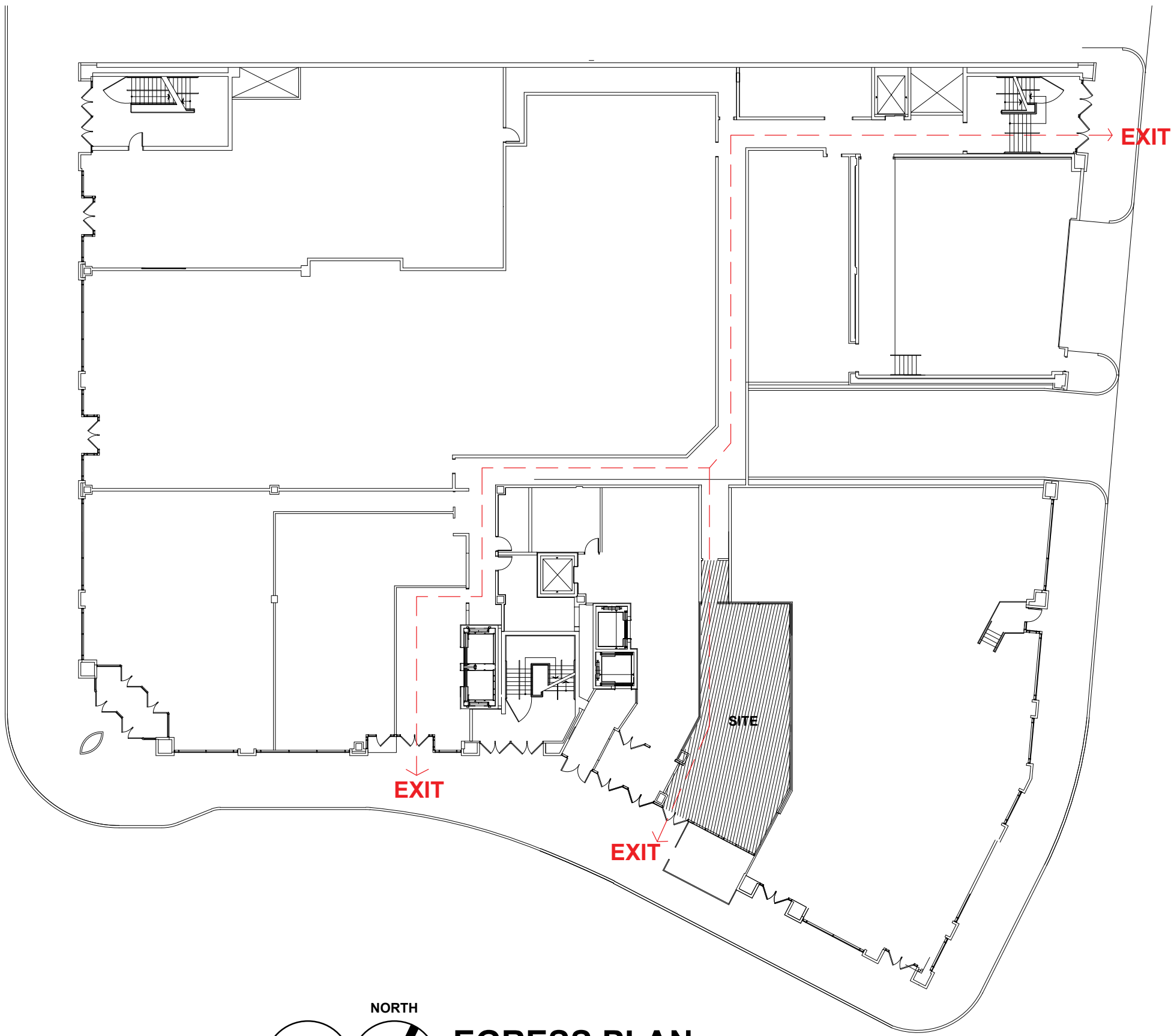
SYBIL 2057.20

Sheet no.

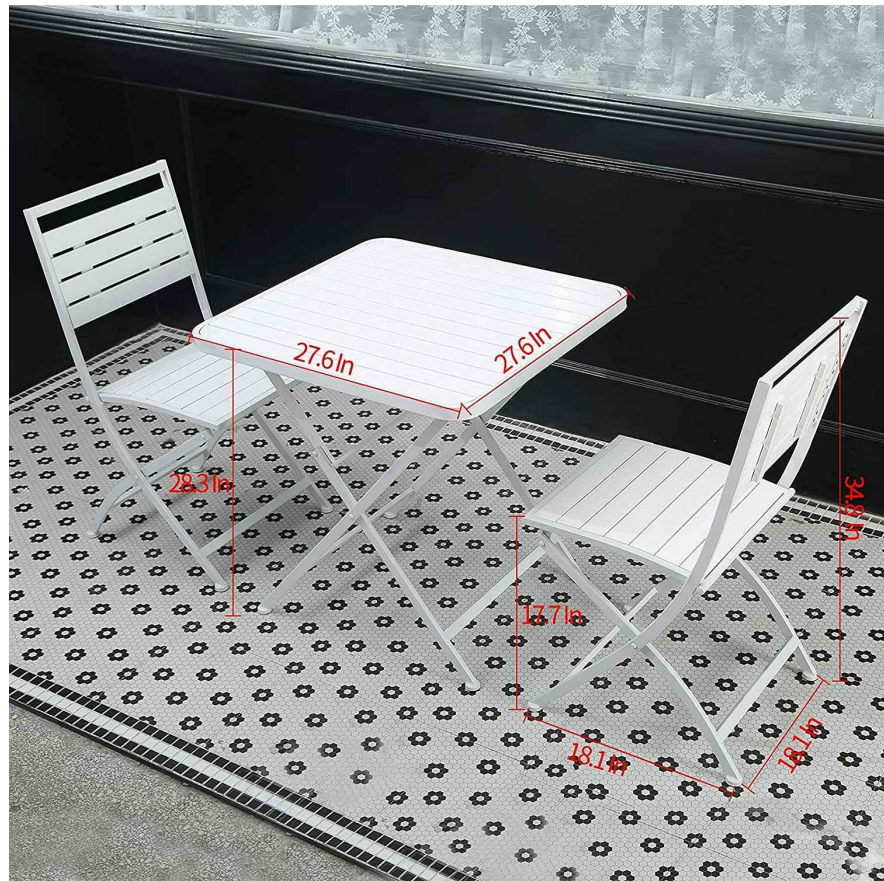
T.101



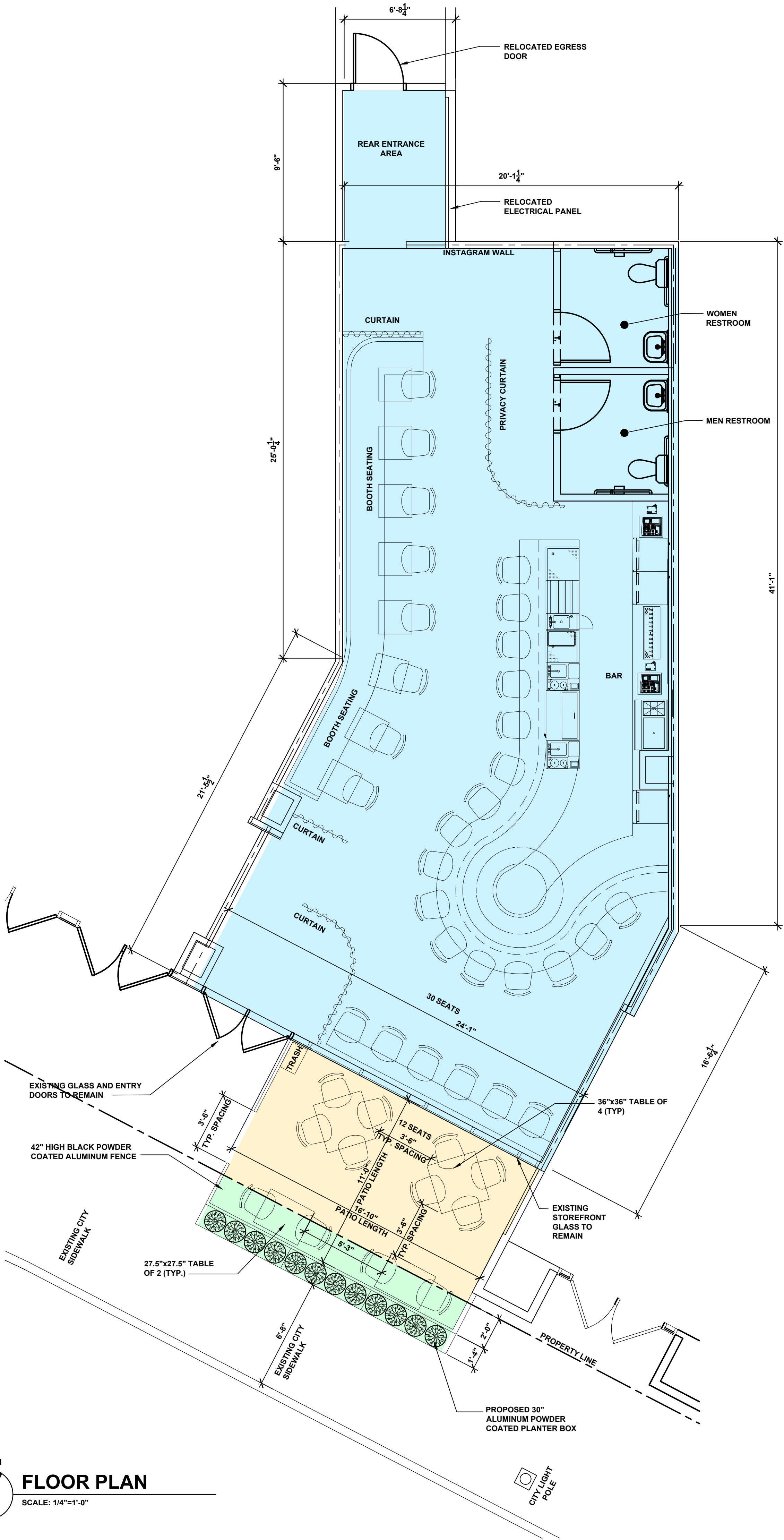




101.03  
A.101  
NORTH  
**EGRESS PLAN**  
SCALE: NOT TO SCALE

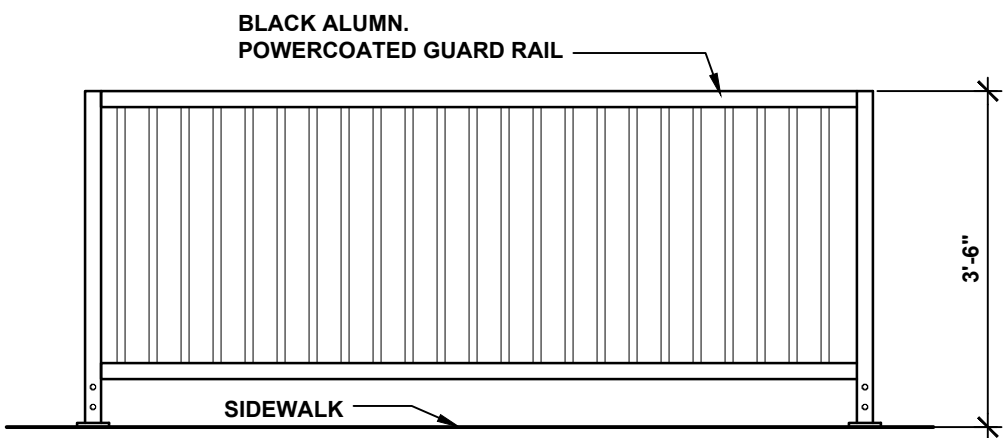
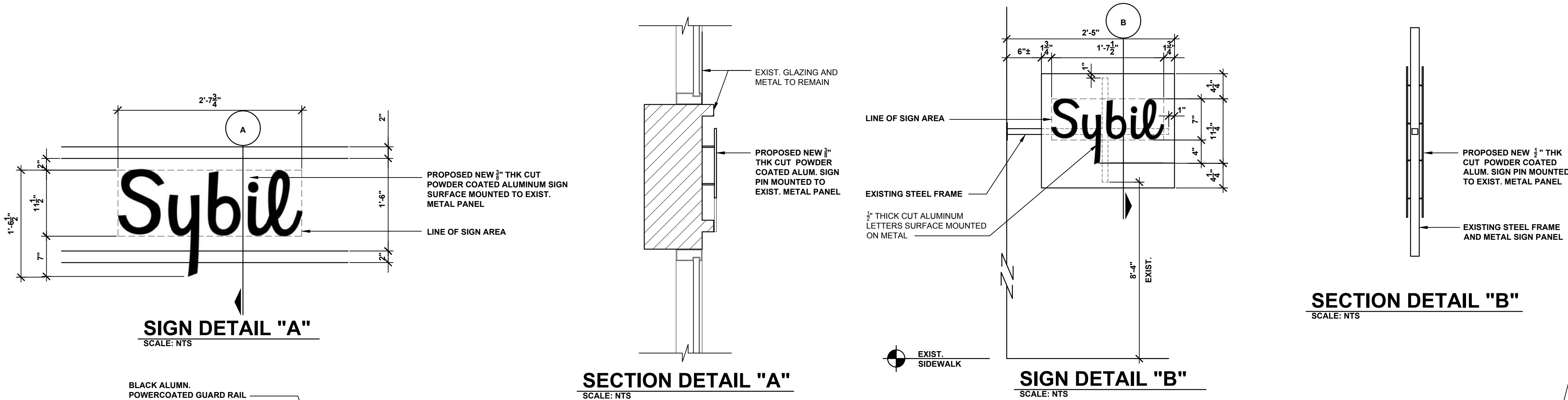


101.02  
A.101  
**PROPOSED METAL PATIO CHAIRS AND TABLE-TYP.**  
SCALE: NOT TO SCALE

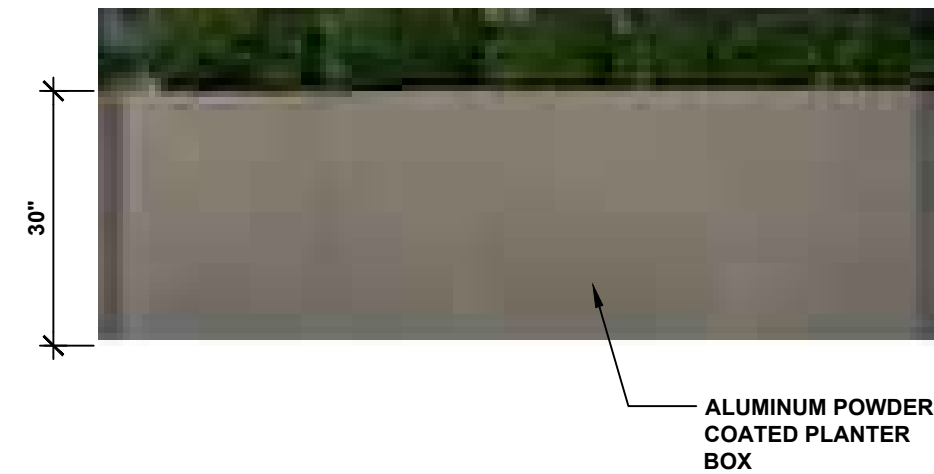


101.01  
A.101  
NORTH  
**FLOOR PLAN**  
SCALE: 1/4"=1'-0"





GUARD RAIL PATIO ELEVATION  
SCALE: NTS



PROPOSED PLANTERS  
SCALE: NOT TO SCALE



PROPOSED FENCE  
SCALE: NOT TO SCALE



42" HIGH ALUMINUM FENCE  
EXISTING GLASS AND ENTRY DOORS TO REMAIN  
PROPOSED 30" ALUMINUM POWDER COATED PLANTER BOX  
EXISTING SIGN TO BE UPDATED -SEE SIGN DETAIL "B"

PROPOSED EXTERIOR ELEVATION  
NOT TO SCALE



Consultants

Project title

PROPOSED BUILDING RENOVATION FOR:  
**SYBIL**

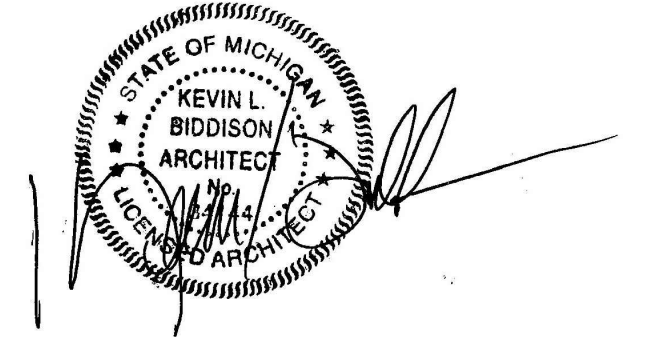
211 Hamilton Row  
Birmingham, MI 48009

Issued dr/ch

SLUP 11.17.21

Sheet title

**EXISTING  
CONDITIONS**

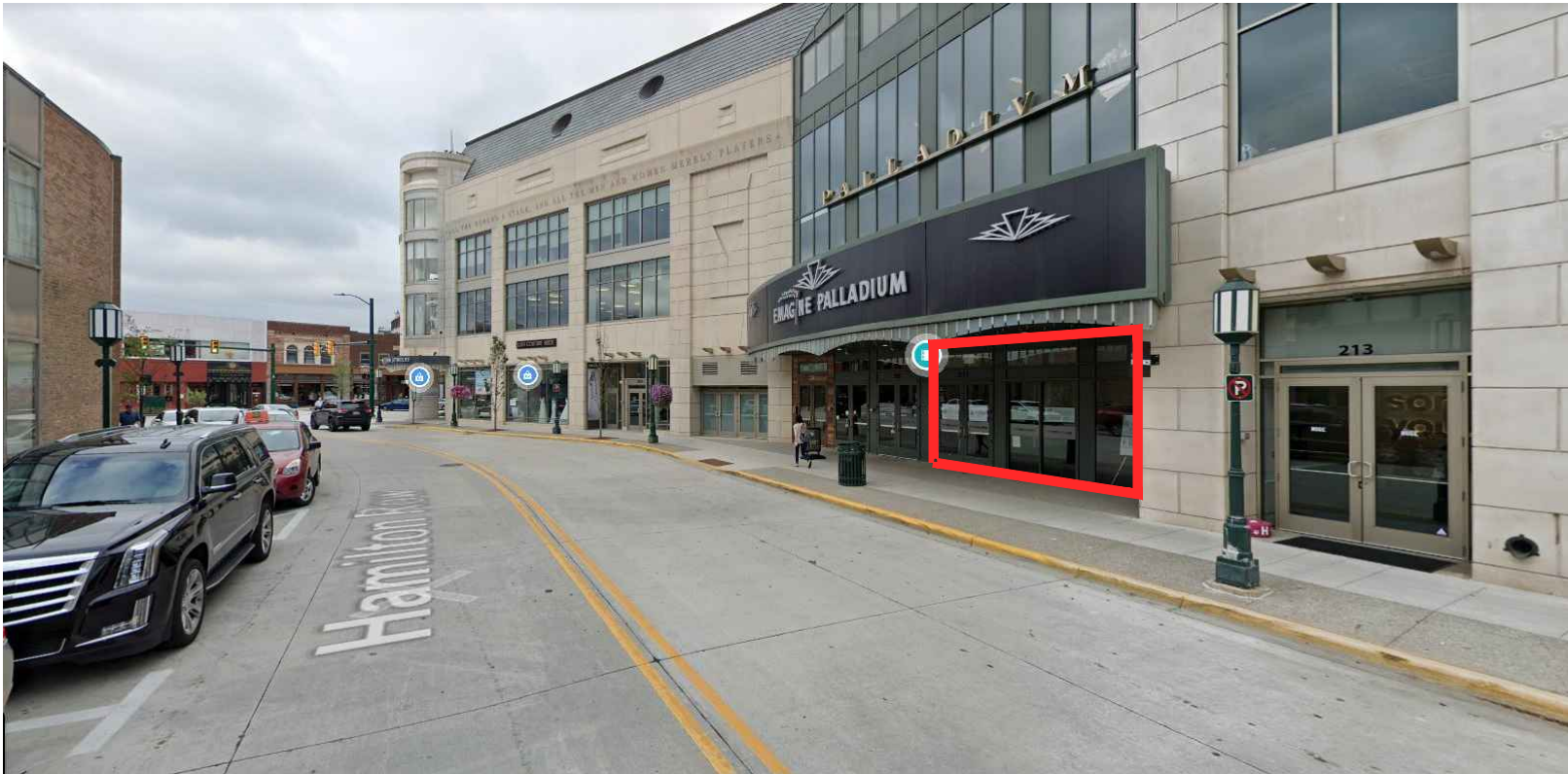
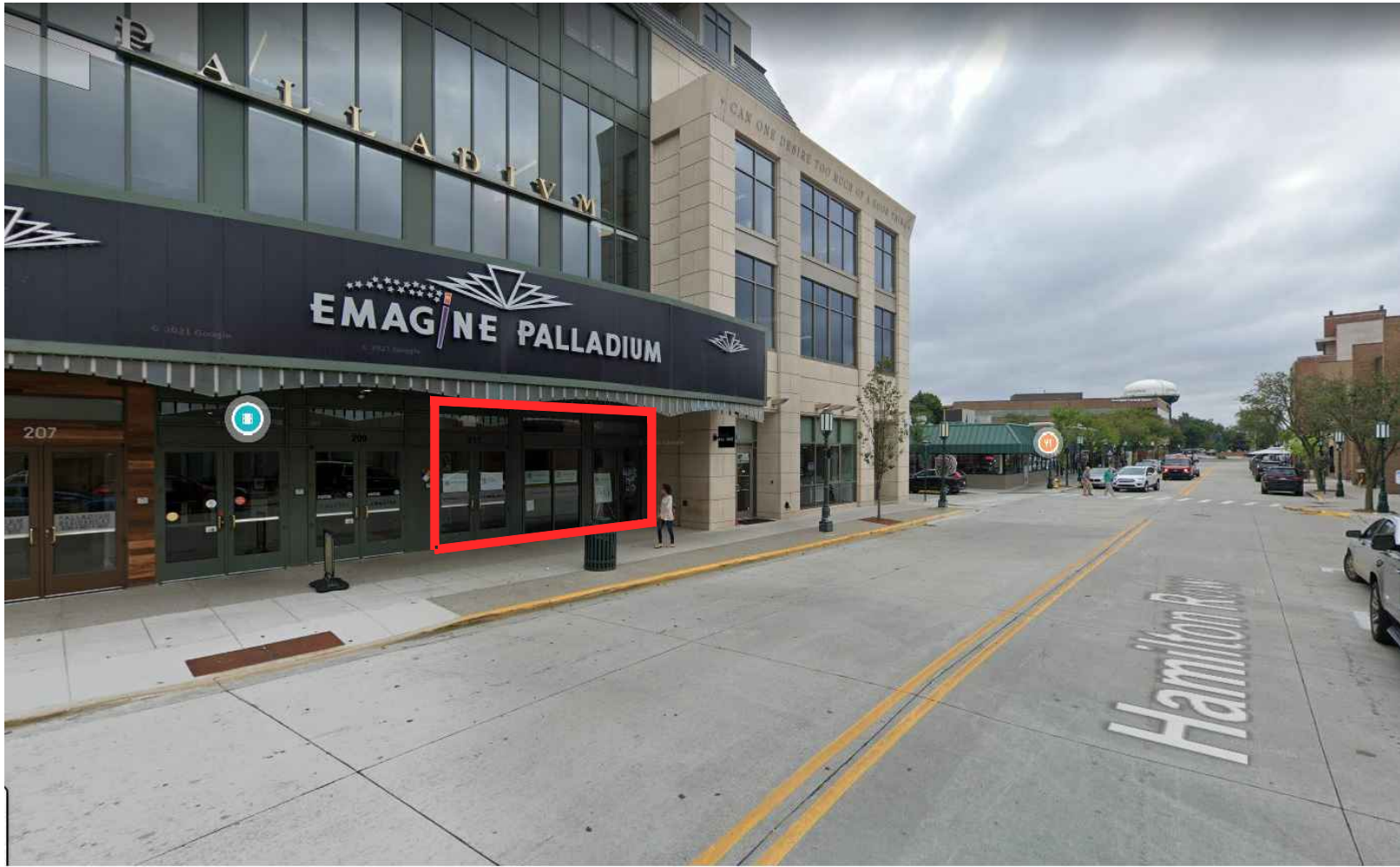


Project no.

2057-20

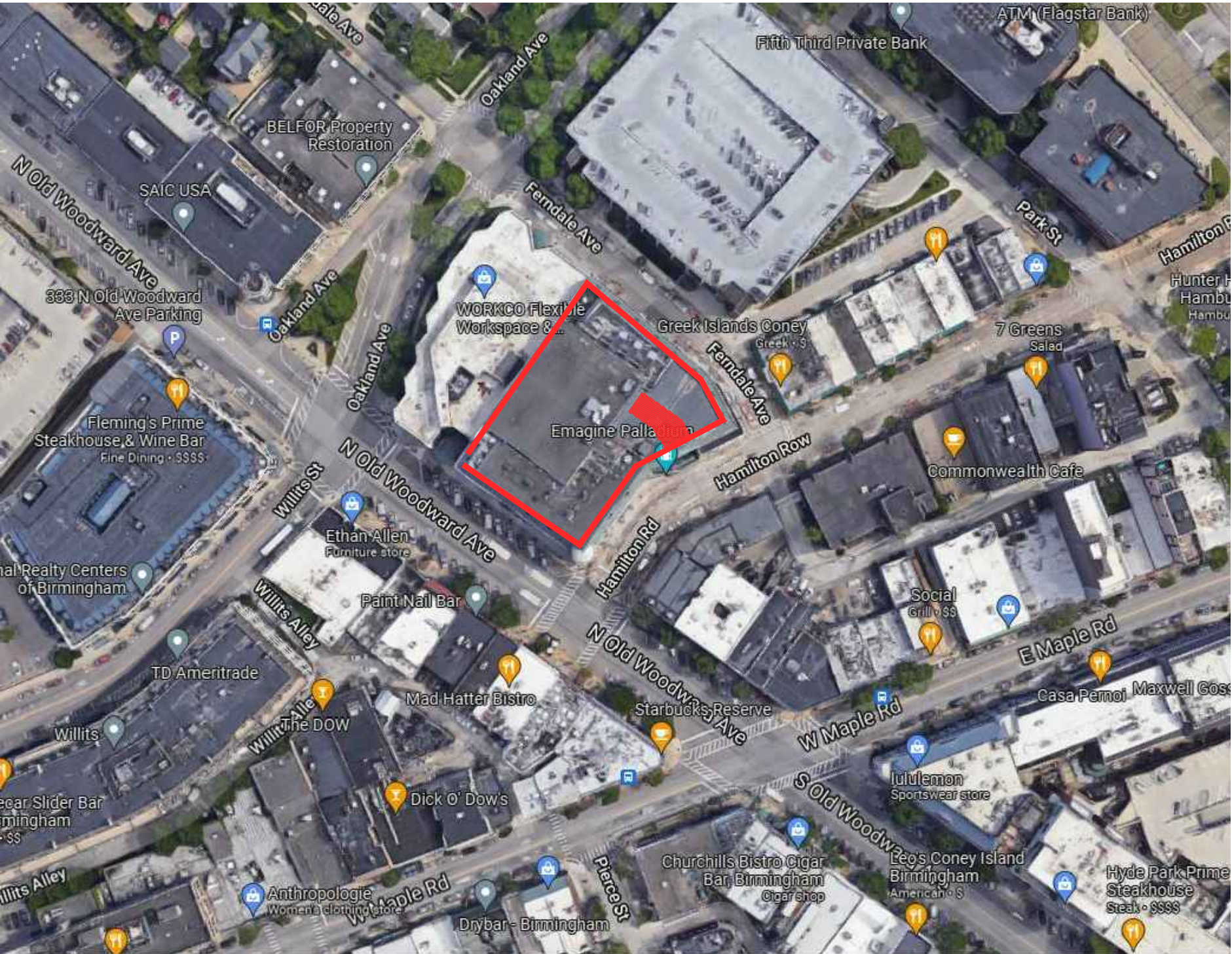
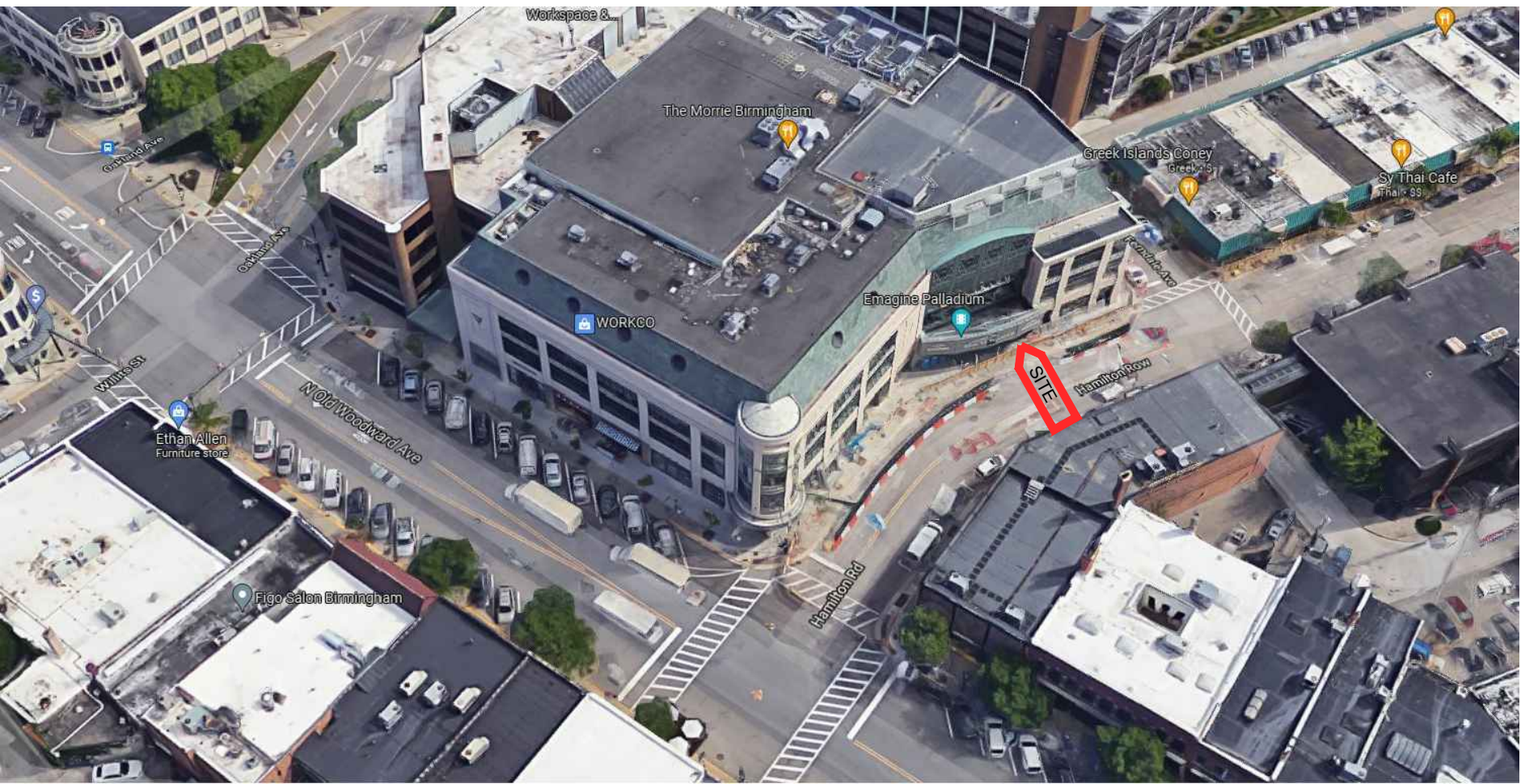
Sheet no.

SP.001



EXIST. SITE CONDITIONS - STREETSIDE VIEWS

NO SCALE



EXIST. SITE CONDITIONS - AERIAL VIEWS

NO SCALE





INTERIOR PERSPECTIVE  
FOR REFERENCE NOT TO SCALE



INTERIOR PERSPECTIVE  
FOR REFERENCE NOT TO SCALE



INTERIOR PERSPECTIVE  
FOR REFERENCE NOT TO SCALE



INTERIOR PERSPECTIVE  
FOR REFERENCE NOT TO SCALE

Consultants

Project title

PROPOSED BUILDING RENOVATION FOR:  
**SYBIL**

211 Hamilton Row  
Birmingham, MI 48009

Issued dr/ch

SLUP 11.17.21

Sheet title

**INTERIOR  
PERSPECTIVE  
IMAGE**

Project no.

**2057-20**

Sheet no.

**A.301**





INTERIOR PERSPECTIVE

FOR REFERENCE NOT TO SCALE



INTERIOR PERSPECTIVE

FOR REFERENCE NOT TO SCALE



INTERIOR PERSPECTIVE

FOR REFERENCE NOT TO SCALE



INTERIOR PERSPECTIVE

FOR REFERENCE NOT TO SCALE

Consultants

Project title

PROPOSED BUILDING RENOVATION FOR:  
**SYBIL**

211 Hamilton Row  
Birmingham, MI 48009

Issued dr/ch

SLUP 11.17.21

Sheet title

INTERIOR  
PERSPECTIVE  
IMAGE

Project no.

2057-20

Sheet no.

A.302





# MEMORANDUM

Planning Division

**DATE:** December 16, 2021

**TO:** Planning Board Members

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** 211 Hamilton Row - Sybil – Special Land Use Permit, Final Site Plan & Design Review

---

The subject site, 211 Hamilton Row, is currently a vacant 1<sup>st</sup> floor tenant space within an existing 5-story commercial building on the corner of N. Old Woodward and Hamilton Row. The applicant has submitted a Special Land Use and Final Site Plan and Design Review application proposing a new restaurant serving alcoholic beverages for on premise consumption, which includes extensive interior renovations, and the addition of a new outdoor dining patio.

The new proposed restaurant, "Sybil", is described as a small, intimate indoor setting featuring seasonal small plates paired with craft cocktails. The applicant has indicated that food will be prepared and provided through the adjacent kitchen of The Morrie restaurant. The proposed hours of operation are indicated as Wednesday-Sunday open until 2 AM, and Monday-Tuesday reserved for private events.

Chapter 10, Section 10-42 of the Birmingham Code of Ordinances states that any and all transfers of a license for consumption of intoxicating liquor on premises require the approval of the city commission of any kind including, but not limited to: ownership of the license; stock in a corporation that owns a license; interest in a license through any entity; or location of the licensed premises. 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. Existing Land Use – 5-story commercial building.
2. Zoning – B4 (Business-Residential) and D4 (Downtown Overlay)

3. Summary of Adjacent Land Use and Zoning –

	North	South	East	West
Existing Land Use	Commercial	Commercial	Commercial/ Parking	Commercial
Existing Zoning District	B4 (Business-Residential)	B4 (Business-Residential)	B4 (Business-Residential) & PP (Public Property)	B4 (Business-Residential)
Overlay Zoning District	D4	D4	D4 & P	D4

**2.0 Setback and Height Requirements**

As the applicant is moving into an existing tenant spaces with no changes to the building, there are currently no issues with bulk, height or placement with the Special Land Use Permit, Final Site Plan/Design Review application submitted.

**3.0 Screening and Landscaping**

1. Dumpster Screening – There are no changes proposed to the dumpster or screening on site. Although the applicant has not indicated as such, the Palladium contains an interior trash facility that may be used by the applicant.
2. Parking Lot Screening – There are no changes proposed to the parking conditions on site.
3. Mechanical Equipment Screening – There are no changes proposed to the mechanical equipment on site.
4. Landscaping – There are no changes proposed to landscaping on site.
5. Streetscape – There are no changes proposed to the streetscape adjacent to the tenant space. However, as the Department of Public Services comments indicate below, the new outdoor dining patio will likely displace an existing city trash can and bike rack.

**4.0 Parking, Loading and Circulation**

1. Parking – There are no changes to the parking requirements on site.
2. Loading – There are no changes to the loading requirements of the building.



3. Vehicular Circulation and Access – There are no changes proposed to the vehicular circulation and access.
4. Pedestrian Circulation and Access – There are no changes proposed to pedestrian access on site.

## 5.0 Lighting

The applicant is not proposing any new light fixtures as a part of this Special Land Use Permit, Final Site Plan and Design Review application.

## 6.0 Departmental Reports

1. Engineering Division – Please see attached Engineering Division Comments.
2. Department of Public Services – The Department of Public Services indicated that the installation of the proposed outdoor dining patio will require the relocation of a city trash can and bike rack.
3. Fire Department – Please see attached Fire Department comments.
4. Police Department – The Police Department has no concerns at this time.
5. Building Division – Please see attached Building Division comments.

## 7.0 Design Review

As the applicant is not proposing any changes to the exterior of the building, the Design Review will be limited to the outdoor dining patio and signage.

### Outdoor Dining

The applicant is proposing a 12-seat, 192 sq. ft. outdoor dining patio directly in front of the tenant space. The patio is proposed to be contiguous, but will exist on both public and private property. The applicant will be expected to apply for an Outdoor Dining Permit annually, and enter into a lease agreement with the City for the use of public property as a part of that permit.

To define the space, the applicant is proposing a 42 in. black aluminum railing around all sides with a small opening on the west side, and an aluminum powder coated planter box along Hamilton Row. The specifications for the tables and chairs have not been provided. **The applicant must submit specification sheets for the proposed tables and chairs to ensure compliance with Article 4, Section 4.44 of the Zoning Ordinance.**

The applicant has also provided a dimension indicating that a 5 ft. 8 in. clear path will be maintained from the curb along Hamilton Row to the front of the planter boxes. This area is comprised of predominantly exposed aggregate, and will force pedestrians to take an awkward route around the outdoor dining patio. The Planning Division recommends that the Planning Board discuss the potential to reduce the size of the patio and redesign/relocate the planters to a different area to reduce the impact of the dining patio on pedestrian traffic.

#### Signage

The applicant indicated in the application that a new projecting sign will be placed on an existing bracket for the new tenant. However, no sign plans have been submitted at this time. Article 2, Section 2.02(A)(2) of the Sign Ordinance states that the City Commission shall hear and deny, approve, or approve with conditions, those signs for special land uses, after receiving the recommendation of the Planning Board. Thus, **the applicant must submit sign plans for review by the Planning Board prior to the public hearing at the City Commission.**

### 8.0 Required Attachments

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

### 9.0 Approval Criteria

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property nor diminish the value thereof.

- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

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.

#### **10.0 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 211 Hamilton Row – Sybil – with the following conditions:

1. The applicant must submit specification sheets for the proposed tables and chairs to ensure compliance with Article 4, Section 4.44 of the Zoning Ordinance;
2. The applicant must submit sign plans for review by the Planning Board prior to the public hearing at the City Commission; and
3. The applicant must comply with the requests of all City Departments.

#### **11.0 Sample Motion Language (*Special Land Use Permit*)**

Motion to recommend **APPROVAL** to the City Commission the Special Land Use Permit for 211 Hamilton Row – Sybil – subject to the conditions of Final Site Plan & Design Review approval.

**OR**

Motion to **POSTPONE** the Special Land Use Permit for 211 Hamilton Row – Sybil – pending receipt of the following:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**OR**

Motion to recommend **DENIAL** to the City Commission the Special Land Use Permit for 211 Hamilton Row – Sybil – for the following reasons:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

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

Motion to recommend **APPROVAL** to the City Commission the Final Site Plan & Design Review for 211 Hamilton Row – Sybil – with the following conditions:

1. The applicant must submit specification sheets for the proposed tables and chairs to ensure compliance with Article 4, Section 4.44 of the Zoning Ordinance;
2. The applicant must submit sign plans for review by the Planning Board prior to the public hearing at the City Commission; and
3. The applicant must comply with the requests of all City Departments.

**OR**

Motion to **POSTPONE** the Final Site Plan & Design Review for 211 Hamilton Row – Sybil – pending receipt of the following:

1. The applicant must submit specification sheets for the proposed tables and chairs to ensure compliance with Article 4, Section 4.44 of the Zoning Ordinance;
2. The applicant must submit sign plans for review by the Planning Board prior to the public hearing at the City Commission; and
3. 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 211 Hamilton Row – Sybil – for the following reasons:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_



# MEMORANDUM

(Engineering)

**DATE:** December 8, 2021

**TO:** Nicholas Dupuis, Planning Director

**FROM:** Scott D. Zielinski, Assistant City Engineer

**SUBJECT:** 211 Hamilton Row (Sybil) Plan comments

---

As requested the Engineering Department has reviewed the preliminary drawings for 211 Hamilton Row, Proposed Building Renovation for SYBIL.

The engineering department is assuming that the facility plans to continue to use the water and sewer connections / leads to the water and sewer mains as they exist from the public.

Before the Engineering Department can approve the use of the exposed aggregate concrete as the primary walkway, the designer would need to evaluate the planned walking path for ADA compliance. If this area is not to ADA compliance the walking path cannot be diverted into this space. Alternatively design considerations should include keeping a clear 5 foot wide walkway in the existing regular concrete walkway, either eliminating the high-top tables or moving them into the exposed aggregate area.





# CITY OF BIRMINGHAM FIRE DEPARTMENT

---

572 SOUTH ADAMS • BIRMINGHAM, MICHIGAN 48009 • 248.530.1900 FAX 248.530.1950

## 211 Hamilton Development

### Review Comments

1. Submit plans for fire suppression and alarm installation / renovations.
2. Follow all life safety requirements per International Fire Code 2015 edition.
3. Knox box installation.
4. Follow all outdoor dining structure requirements.
5. Final occupant load determined by Building Official and determined after site plan reviews.

If you have any questions please contact my office at: 248-530-1903.

Sincerely,

Jack D. Pesha

Fire Marshal

Birmingham Fire Department

[jpesha@bhamgov.org](mailto:jpesha@bhamgov.org)

**CITY OF BIRMINGHAM**  
**Community Development – Building Department**  
**151 Martin Street, Birmingham, MI 48009**

---

December 8, 2021

RE: Final Site Plan Review Comments  
211 Hamilton, SYBIL

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:**

1. The proposed outdoor dining extends two tables and four chairs into the defined walking path of the sidewalk. Pedestrians would have to walk around this area onto the exposed aggregate that may not be accessible. This design seems to interrupt pedestrian flow on this busy sidewalk.

320 Martin Street Suite 10  
Birmingham, Michigan 48009  
t:248.554.9500  
Contact Person: Kevin Biddison  
e.mail: kb@biddison-ad.com

PROPOSED BUILDING RENOVATION FOR:

SYBIL

PROJECT LOCATION:

211 HAMILTON ROW,  
BIRMINGHAM, MI 48009

ZONED: D-4 OVERLAY

APPLICANT INFORMATION

AFB HOSPITALITY GROUP LLC  
27387 WOODWARD AVE.  
BERKLEY MI 48072

T. 248.629.9221X205  
E. AFB@AFBHOSPITALITYGROUP.COM

GENERAL CONTRACTOR:

TOWER CONSTRUCTION  
3883 TELEGRAPH RD., SUITE 200 . BLOOMFIELD TWP., MI 48302

P. 248.287.8200  
F. 248.287.8203

SHEET INDEX:

T.101 TITLE SHEET  
SP.001 EXISTING CONDITIONS

A.101 FLOOR PLAN  
A.201 EXTERIOR ELEVATION

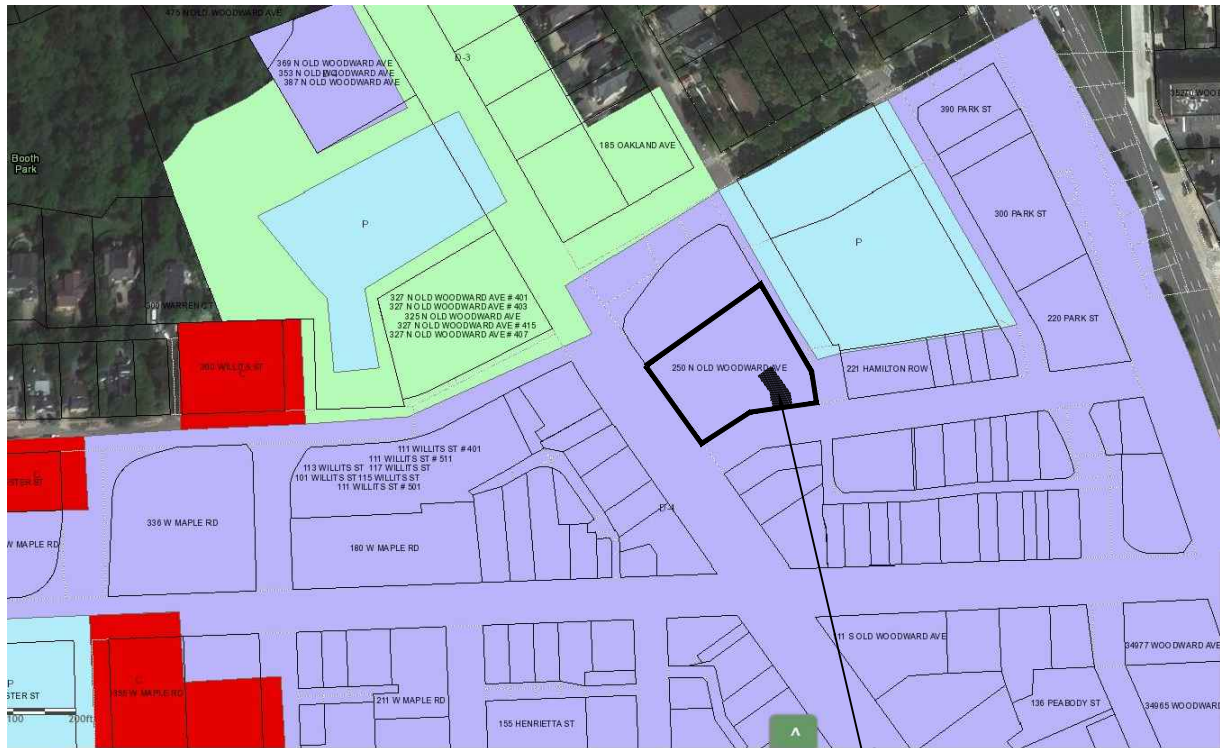
A.301 INTERIOR PERSPECTIVES  
A.302 INTERIOR PERSPECTIVES

FIRE SUPPRESSION NOTE:

THE BUILDING IS PROVIDED WITH A FULLY AUTOMATIC FIRE PROTECTION SPRINKLER SYSTEM INSTALLED (FIRE SUPPRESSION SYSTEM) - WORK WILL BE DESIGNED TO MEET M.B.C. REQUIREMENTS AND CITY OF BIRMINGHAM INSPECTION & PERMIT APPROVAL. FACTORY MUTUAL STANDARDS AND SPECIFICATIONS SHALL ALSO BE USED WHERE NOT OTHERWISE IN CONFLICT WITH LOCAL STANDARDS. SPRINKLER CONTRACTOR SHALL BE FULLY LICENSED AND BE RESPONSIBLE FOR PREPARATION OF ENGINEERED DRAWINGS, SUBMISSION OF DRAWINGS TO ALL LOCAL AND STATE AGENCIES FOR APPROVAL AND FOR COORDINATION OF REQUIREMENTS WITH OWNERS AND TENANTS INSURANCE CARRIER.

FIRE EXTINGUISHER NOTE:

TYPE 2A FIRE EXTINGUISHERS SHALL BE PROVIDED AND SPACED A MAX. OF 75' APART PER SECTION 906.1 OF THE 2013 INTERNATIONAL FIRE CODE AND / OR BY THE DIRECTION OF THE FIRE MARSHAL.



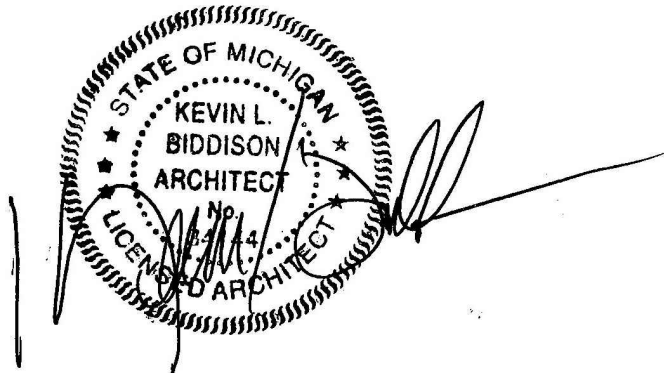
NORTH  
ZONING MAP  
SCALE: NOT TO SCALE

PROJECT LOCATION:  
211 HAMILTON ROW  
ZONED - D4 OVERLAY



NORTH  
LOCATION MAP  
SCALE: NOT TO SCALE

PROJECT LOCATION:  
211 HAMILTON ROW



Consultants

Project data

GOVERNING CODES:

2015 MICHIGAN BUILDING CODE  
2015 MICHIGAN PLUMBING CODE  
2015 MICHIGAN MECHANICAL CODE  
2015 MICHIGAN REHABILITATION CODE  
2015 INTERNATIONAL FUEL GAS CODE  
MICHIGAN ELECTRICAL CODE, 2017 N.E.C.  
W/ PART 8 STATE AMENDMENTS  
ICC/ANSI A117.1-2015 AND MICHIGAN  
BARRIER FREE DESIGN LAW OF PUBLIC  
ACT 1 OF 1966 AS AMENDED  
MICHIGAN UNIFORM ENERGY CODE RULES  
PART 10 WITH ANSI/ASHRAE/IESNA  
STANDARD 90.1-2015  
2015 INTERNATIONAL FIRE CODE  
NFPA 13 - 2010  
NFPA 72 - 2010

TENANT AREA: 1,194.5 SQFT + 192 SQFT (PATIO)

BUILDING USE: A-2 RESTAURANT

TYPE OF CONSTRUCTION:

2012 MBC: TYPE IIA (PROTECTED)  
NFPA 220: TYPE II-000

Issued for

SPECIAL LAND USE PERMITS 11.17.21

Project no.

SYBIL 2057.20

Sheet no.

T.101



Consultants

Project title

PROPOSED BUILDING RENOVATION FOR:  
**SYBIL**

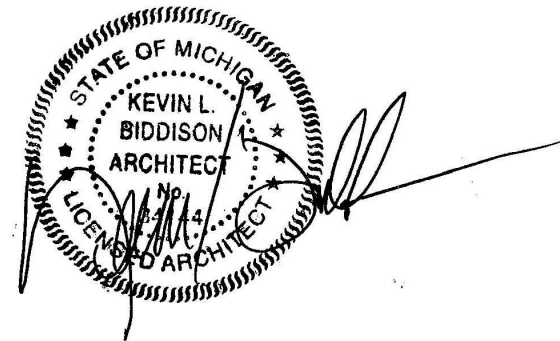
211 Hamilton Row  
Birmingham, MI 48009

Issued dr/ch

SLUP 11.17.21

Sheet title

**EXISTING  
CONDITIONS**

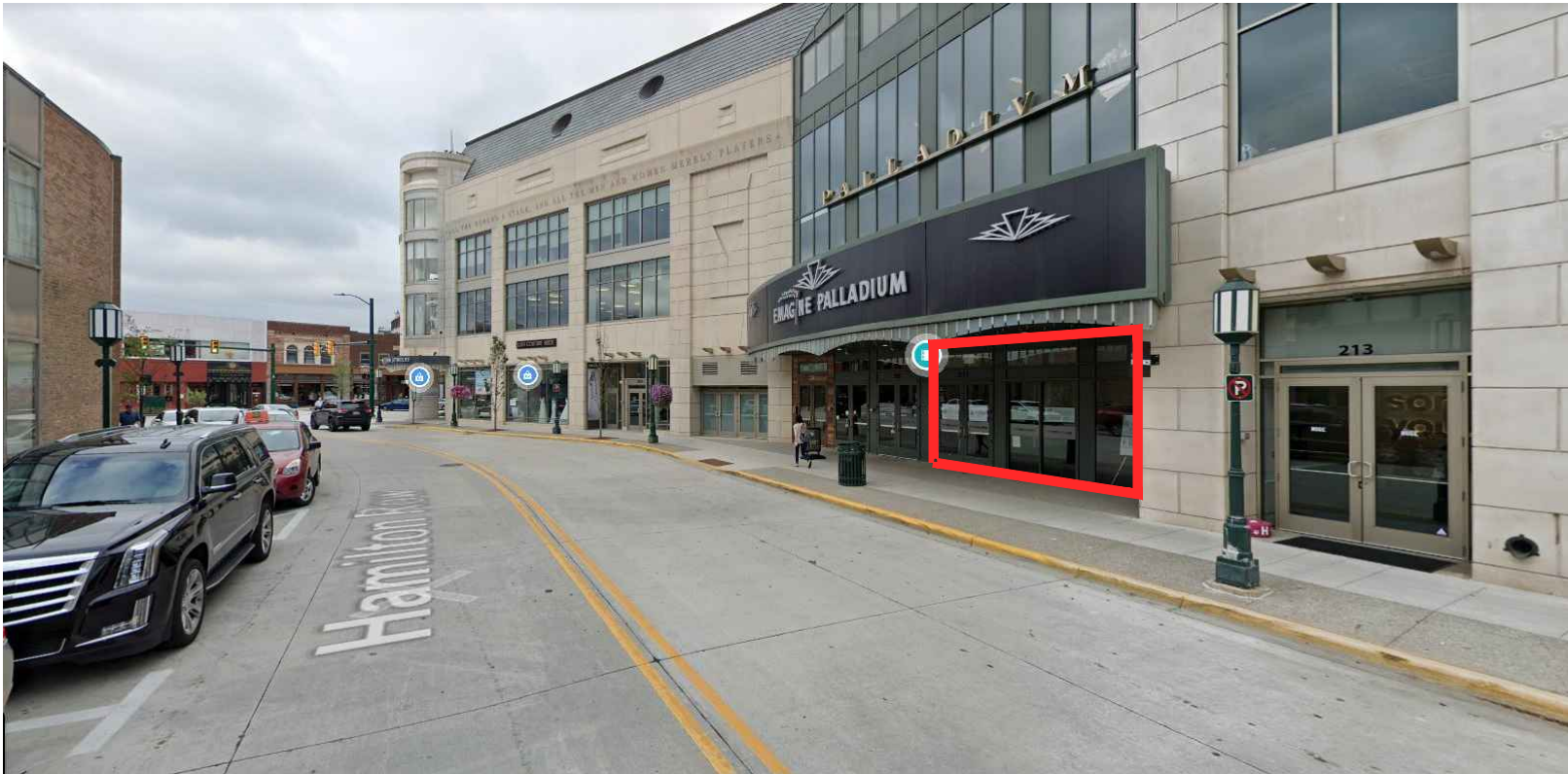
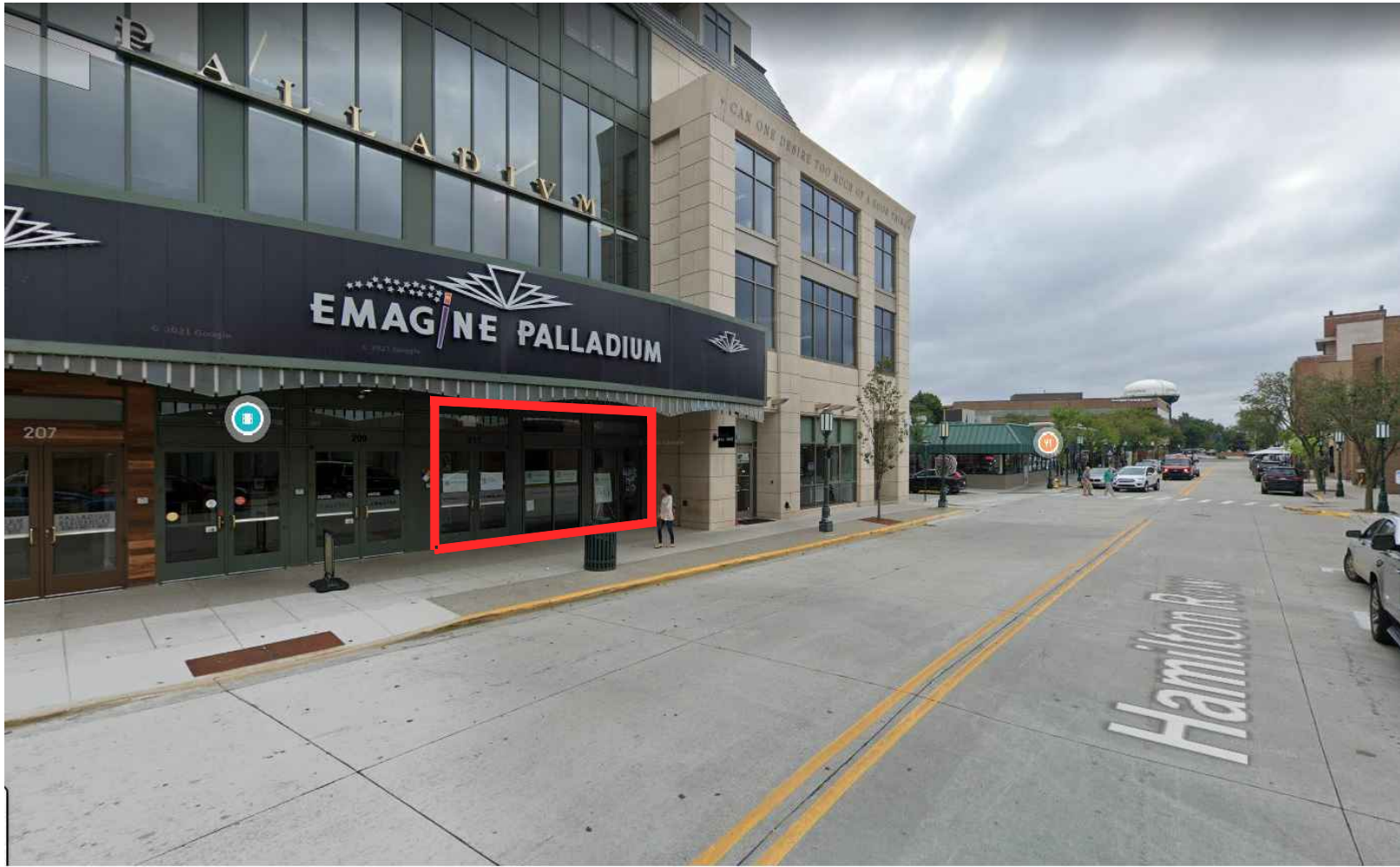


Project no.

2057-20

Sheet no.

SP.001



EXIST. SITE CONDITIONS - STREETSIDE VIEWS  
NO SCALE



EXIST. SITE CONDITIONS - AERIAL VIEWS  
NO SCALE



Consultants

Project title

PROPOSED BUILDING RENOVATION FOR:  
**SYBIL**

211 Hamilton Row  
Birmingham, MI 48009

Issued dr/ch

SLUP 11.17.21

Sheet title

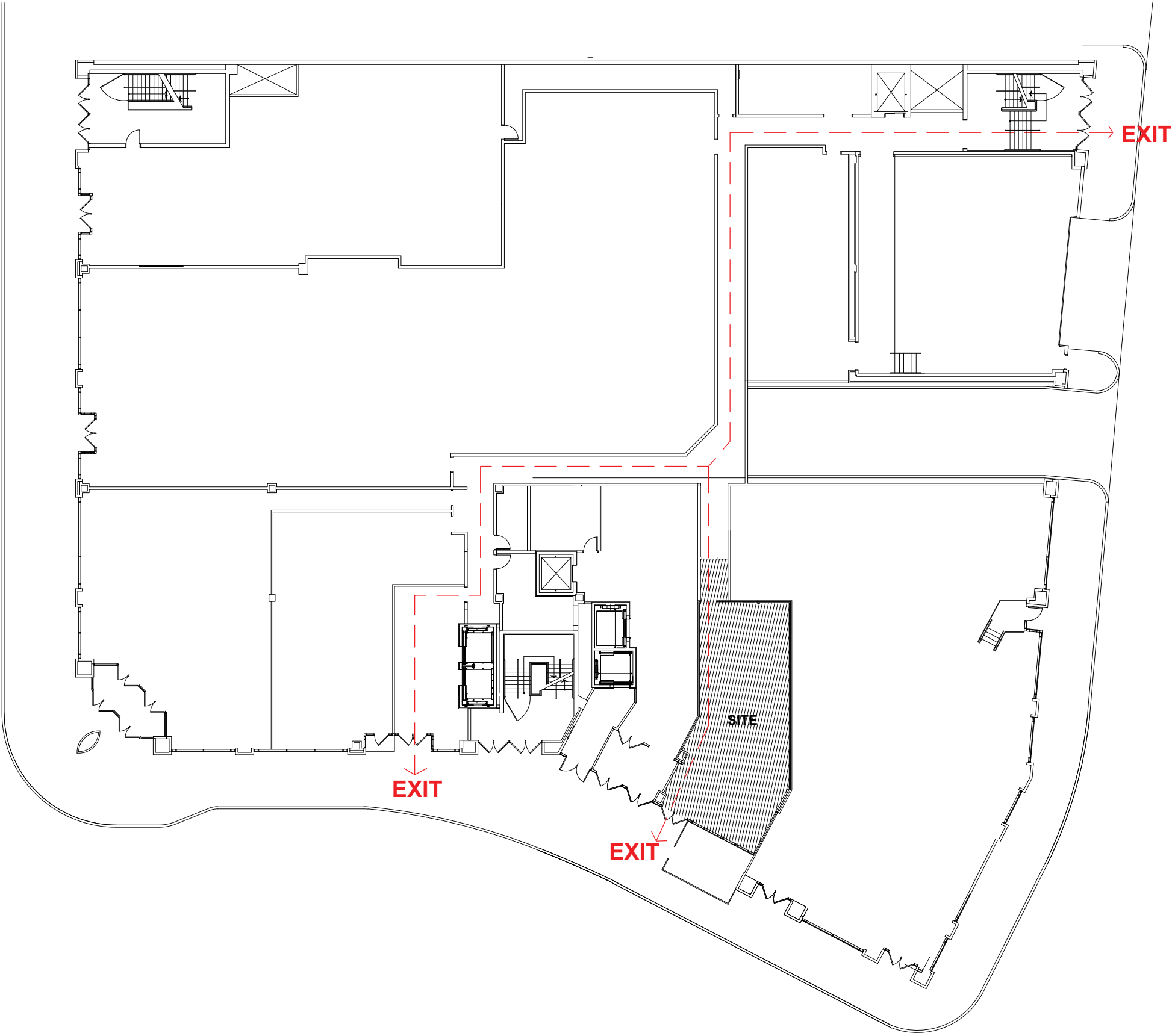
**FLOOR PLAN**

Project no.

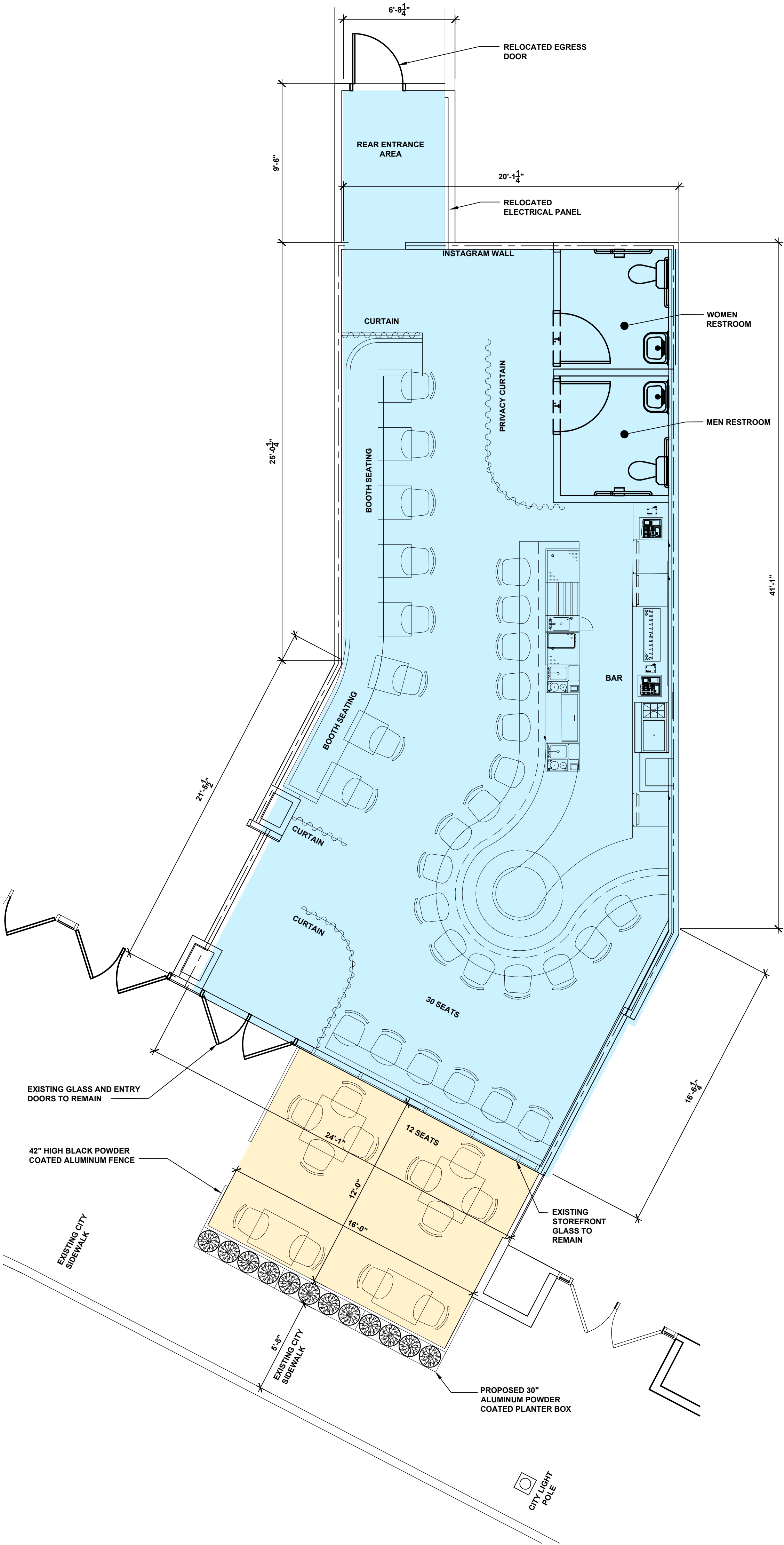
**2057-20**

Sheet no.

**A.101**



NORTH  
**EGRESS PLAN**  
SCALE: NOT TO SCALE



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









INTERIOR PERSPECTIVE  
FOR REFERENCE NOT TO SCALE



INTERIOR PERSPECTIVE  
FOR REFERENCE NOT TO SCALE



INTERIOR PERSPECTIVE  
FOR REFERENCE NOT TO SCALE



INTERIOR PERSPECTIVE  
FOR REFERENCE NOT TO SCALE

Consultants

Project title

PROPOSED BUILDING RENOVATION FOR:  
**SYBIL**

211 Hamilton Row  
Birmingham, MI 48009

Issued dr/ch

SLUP 11.17.21

Sheet title

**INTERIOR  
PERSPECTIVE  
IMAGE**

Project no.

**2057-20**

Sheet no.

**A.301**





INTERIOR PERSPECTIVE

FOR REFERENCE NOT TO SCALE



INTERIOR PERSPECTIVE

FOR REFERENCE NOT TO SCALE



INTERIOR PERSPECTIVE

FOR REFERENCE NOT TO SCALE



INTERIOR PERSPECTIVE

FOR REFERENCE NOT TO SCALE

Consultants

Project title

PROPOSED BUILDING RENOVATION FOR:  
**SYBIL**

211 Hamilton Row  
Birmingham, MI 48009

Issued dr/ch

SLUP 11.17.21

Sheet title

INTERIOR  
PERSPECTIVE  
IMAGE

Project no.

2057-20

Sheet no.

A.302





Roll over image to zoom in



Color: **White 3 Piece Patio Sets**



\$219.99



**\$219.99**

Color	White 3 Piece Patio Sets
Brand	OUSHUAI
Item Dimensions LxWxH	29.53 x 4.72 x 17.72 inches
Style	Garden

### About this item

- 🪑 **【 Simple but Chic Design 】** This 3 Pieces modern Bistro Patio Set is simple in design but it is chic enough to fit into any style home or office decor.
- 🪑 **【 EASY TO MOVE 】** The unfolded dimensions of the folding chair: the seat height is 17.7 inch, the seat width is 18.1 \*18.1 inch, and the back height is 34.8 inch. The size of the card table is 27.6L \* 27.6W \* 28.3H inch when it is in use, and it takes up a small space. But the entire table can be folded in seconds and can be easily hidden in the corner when you want to turn your deck into a dance floor.
- 🪑 **【 VERSATILITY AND ECONOMY 】** When you want to rearrange the place, you don't need to call a couple of burly young men to move this patio furniture. Each piece can be folded up, so it's easy to put it under your arm and get taken away. Set it up in a courtyard, garden, patio, Or by the pool then invite the hunks over for a pool party!
- 🪑 **【 Anti-slip and Stable 】** Both the chairs and the table come equipped with high-quality long-lasting rubber feet, so the legs won't damage hardwood floors or other flooring. They also prevent slippage and slide-age when your guests start to get a little rambunctious. The simple crossbar-structure design maximizes stability.
- 🪑 **【 Warranty FOR A YEAR 】** We offer a one year warranty on all our outdoor furniture sets and if any parts are defective we will promptly replace it—no questions asked. There's no difficult assembly required. anyone can put the whole set together in no time with the free tool kit provided. Our friendly support staff is happy to help you with any questions you have.



## Special Land Use Permit Application

### Planning Division

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

#### 1. Applicant

Name: AFB HOSPITALITY GROUP LLC

Address: 27387 WOODWARD AVE  
BERKELEY MI 48072

Phone Number: 248-629-9221x205

Fax Number: 248-629-9242

Email address: afb@afbhospitalitygroup.com

#### 2. Property Owner

Name: A F JONNA C/O JENNIFER WALKER

Address: 4036 TELEGRAPH RD SUITE 201  
BLOOMFIELD HILLS MI 48302

Phone Number: 248-543-6200 X 107

Fax Number: 248-593-6203

Email address: jwalker@afjonna.com

#### 3. Applicant's Attorney/Contact Person

Name: SCOTT D MACDONALD

Address: 39555 ORCHARD HILL PLACE  
SUITE 737 NOVI, MI 48375

Phone Number: 248-865-8866

Fax Number: 248-865-8822

Email address: scott@macdonald-low.com

#### 4. Project Designer/Developer

Name: BIDDISON ARCHITECTURE

Address: 320 MARTIN ST SUITE LL10  
BIRMINGHAM MI 48009

Phone Number: 248-554-9500

Fax Number: \_\_\_\_\_

Email address: kb@biddison-ad.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 site's property lines;
- ii. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
- iii. A certified Land Survey;
- iv. Interior floor plans;

- v. A Landscape Plan;
- vi. A Photometric Plan;
- vii. Colored elevation drawings for each building elevation;

- II. Specification sheets for all proposed materials, light fixtures and mechanical equipment;
- III. Samples of all proposed materials;
- IV. Photographs of existing conditions on the site including all structures, parking areas, landscaping and adjacent structures;
- V. Current aerial photographs of the site and surrounding properties;
- VI. Warranty Deed, or Consent of Property Owner if applicant is not the owner;
- VII. Any other data requested by the Planning Board, Planning Department, or other City Departments.

#### 6. Project Information

Address/Location of the property: 211 HAMILTON ROW  
BIRMINGHAM, MI 48009

Name of development: SYBIL

Sidwell #: 1925453011

Current Use: \_\_\_\_\_

Proposed Use: A-2 RESTAURANT

Area of Site in Acres: \_\_\_\_\_

Current zoning: D-4 OVERLAY

Is the property located in the floodplain? NO

Name of Historic District Site is located in: \_\_\_\_\_

Date of Historic District Commission Approval: \_\_\_\_\_

Date of Application for Preliminary Site Plan: \_\_\_\_\_

Date of Preliminary Site Plan Approval: \_\_\_\_\_

Date of Application for Final Site Plan: \_\_\_\_\_

Date of Final Site Plan Approval: \_\_\_\_\_

Date of Application for Revised Final Site Plan: \_\_\_\_\_

Date of Revised Final Site Plan Approval: \_\_\_\_\_

Date of Design Review Board Approval: \_\_\_\_\_

Is there a current SLUP in effect for this site? \_\_\_\_\_

Date of Application for SLUP: \_\_\_\_\_

Date of SLUP Approval: \_\_\_\_\_

Date of Last SLUP Amendment: \_\_\_\_\_

Will proposed project require the division of platted lots? \_\_\_\_\_

Will proposed project require the combination of platted lots? \_\_\_\_\_



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

INTERIOR RENOVATION OF THE FORMER CRYO SPACE, ALL EXISTING STOREFRONT GLASS AND ENTRY DOORS TO REMAIN, EXISTING BLADE SIGNAGE TO BE REVISED WITH NEW SIGNAGE OVER THE STOREFRONT ON THE SOLID GREEN BAND. OUTDOOR SEATS ARE BEING PROVIDED ON THE EXISTING DEEP SIDEWALK AREA ENCLOSED WITH PLANTERS AND ALUMINUM RAILING; SMALL INTIMATE INDOOR SETTING, SEASONAL SMALL PLATES PAIRED WITH CRAFT COCKTAILS; COLORS AND FLAVORS TO REFLECT THE SEASONS; FOOD PREPARED AND PROVIDED THROUGH THE MORRIE KITCHEN; HOURS: WEDNESDAY-SUNDAY UNTIL 2:00 AM AND MONDAY-TUESDAY WILL BE AVAILABLE FOR PRIVATE EVENTS

## 8. Buildings and Structures

Number of Buildings on Site: NA  
Height of Buildings & # of Stories: \_\_\_\_\_

Use of Buildings: \_\_\_\_\_  
Height of Rooftop Mechanical Equipment: \_\_\_\_\_

## 9. Floor Use and Area (in Square Feet)

### Proposed Commercial Structures:

Total basement floor area: \_\_\_\_\_  
Number of square feet per upper floor: \_\_\_\_\_  
Total floor area: 1194.5 SF (RENOVATED INTERIOR) + 192 SF (PATIO)  
Floor area ratio (total floor area ÷ total land area): \_\_\_\_\_  
Open space: \_\_\_\_\_  
Percent of open space: \_\_\_\_\_

Office Space: NA  
Retail Space: NA  
Industrial Space: NA  
Assembly Space: \_\_\_\_\_  
Seating Capacity: 30 INDOOR + 12 PATIO  
Maximum Occupancy Load: \_\_\_\_\_

### Proposed Residential Structures:

Total number of units: NA  
Number of one bedroom units: \_\_\_\_\_  
Number of two bedroom units: \_\_\_\_\_  
Number of three bedroom units: \_\_\_\_\_  
Open space: \_\_\_\_\_  
Percent of open space: \_\_\_\_\_

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

### Proposed Additions:

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

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

## 10. Required and Proposed Setbacks

Required front setback: (NO CHANGE TO EXISTING)  
Required rear setback: \_\_\_\_\_  
Required total side setback: \_\_\_\_\_  
Side setback: \_\_\_\_\_

Proposed front setback: \_\_\_\_\_  
Proposed rear setback: \_\_\_\_\_  
Proposed total side setback: \_\_\_\_\_  
Second side setback: \_\_\_\_\_

## 11. Required and Proposed Parking

Required number of parking spaces: (NO CHANGE TO EXISTING)  
Typical angle of parking spaces: \_\_\_\_\_  
Typical width of maneuvering lanes: \_\_\_\_\_  
Location of parking on site: \_\_\_\_\_  
Location of parking off site: \_\_\_\_\_  
Number of light standards in parking area: \_\_\_\_\_  
Screenwall material: \_\_\_\_\_

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



## 12. Landscaping

Location of landscape areas: NA  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed landscape material: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 13. Streetscape

Sidewalk width: 5'-8"  
Number of benches: -  
Number of planters: 3  
Number of existing street trees: NO CHANGE TO EXISTING  
Number of proposed street trees: NO CHANGE TO EXISTING  
Streetscape plan submitted? NA

Description of benches or planters: 30" HIGH ALUM. POWDER COATED PLANTER BOXES  
Species of existing trees: NA  
Species of proposed trees: NA  
\_\_\_\_\_

## 14. Loading

Required number of loading spaces: NA  
Typical angle of loading spaces: \_\_\_\_\_  
Screenwall material: \_\_\_\_\_  
Location of loading spaces on site: \_\_\_\_\_

Proposed number of loading spaces: \_\_\_\_\_  
Typical size of loading spaces: \_\_\_\_\_  
Height of screenwall: \_\_\_\_\_  
Typical time loading spaces are used: \_\_\_\_\_

## 15. Exterior Waste Receptacles

Required number of waste receptacles: NA  
Location of waste receptacles: \_\_\_\_\_  
Screenwall material: \_\_\_\_\_

Proposed number of waste receptacles: \_\_\_\_\_  
Size of waste receptacles: \_\_\_\_\_  
Height of screenwall: \_\_\_\_\_

## 16. Mechanical Equipment

### Utilities and Transformers:

Number of ground mounted transformers: NA  
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: NA  
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: NA  
Type of rooftop units: \_\_\_\_\_  
\_\_\_\_\_  
Screenwall material: \_\_\_\_\_  
Location of screenwall: \_\_\_\_\_  
\_\_\_\_\_

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

## 17. Accessory Buildings

Number of accessory buildings: NA  
Location of accessory buildings: \_\_\_\_\_

Size of accessory buildings: \_\_\_\_\_  
Height of accessory buildings: \_\_\_\_\_

## 18. Building Lighting

Number of light standards on building: NA

Type of light standards on building: \_\_\_\_\_  
\_\_\_\_\_

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

Height from grade: \_\_\_\_\_  
Proposed wattage per fixture: \_\_\_\_\_

## 19. Site Lighting

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

Type of light fixtures: \_\_\_\_\_  
Height from grade: \_\_\_\_\_  
Proposed wattage per fixture: \_\_\_\_\_  
Holiday tree lighting receptacles: \_\_\_\_\_

## 20. Adjacent Properties

Number of properties within 200 ft.: \_\_\_\_\_

### Property #1

Number of buildings on site: 1  
Zoning district: D-4 OVERLAY  
Use type: COMMERCIAL  
Square footage of principal building: \_\_\_\_\_  
Square footage of accessory buildings: \_\_\_\_\_  
Number of parking spaces: \_\_\_\_\_

Property Description: COMERICA BANK  
\_\_\_\_\_  
\_\_\_\_\_  
North, south, east or west of property? SOUTH

### Property #2

Number of buildings on site: 1  
Zoning district: PP  
Use type: PARKING STRUCTURE  
Square footage of principal building: \_\_\_\_\_  
Square footage of accessory buildings: \_\_\_\_\_  
Number of parking spaces: \_\_\_\_\_

Property Description: PARKING STRUCTURE  
\_\_\_\_\_  
\_\_\_\_\_  
North, south, east or west of property? EAST

### Property #3

Number of buildings on site: 1  
Zoning district: D-4 OVERLAY  
Use type: A2 RESTAURANT  
Square footage of principal building: \_\_\_\_\_  
Square footage of accessory buildings: \_\_\_\_\_  
Number of parking spaces: \_\_\_\_\_

Property Description: GRABBA GREEN RESTAURANT  
\_\_\_\_\_  
\_\_\_\_\_  
North, south, east or west of property? WEST

### Property #4

Number of buildings on site: 1  
Zoning district: D-4 OVERLAY  
Use type: A2 RESTAURANT  
Square footage of principal building: \_\_\_\_\_  
Square footage of accessory buildings: \_\_\_\_\_  
Number of parking spaces: \_\_\_\_\_

Property Description: GREEK ISLAND CONEY ISLAND  
\_\_\_\_\_  
\_\_\_\_\_  
North, south, east or west of property? EAST


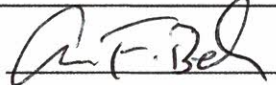

### Property #5

Number of buildings on site: -  
Zoning district: D-4 OVERLAY  
Use type: RETAIL, RESTAURANT, COMMERCIAL  
Square footage of principal building: \_\_\_\_\_  
Square footage of accessory buildings: \_\_\_\_\_  
Number of parking spaces: \_\_\_\_\_

Property Description: OTHER ADJ. TENANTS IN THE PALLADIUM :  
LUCIDO FINE JEWELLERY, BLUSH COUTURE, EMAGINE THEATRE,  
THE MORRIE, HUGE (OFFICE SPACE)  
\_\_\_\_\_  
North, south, east or west of property? \_\_\_\_\_

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

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

Signature of Owner:  Date: 11/16/21  
Print Name: Jordan Jonna  
Signature of Applicant:  Date: 11/16/21  
Print Name: Aaron F Belen  
Signature of Architect:  Date: 11/16/21  
Print Name: Kevin Biddison

*Office Use Only*

Application #: \_\_\_\_\_ Date Received: \_\_\_\_\_ Fee: \_\_\_\_\_  
Date of Approval: \_\_\_\_\_ Date of Denial: \_\_\_\_\_ Accepted by: \_\_\_\_\_





## SPECIAL LAND USE PERMIT APPLICATION CHECKLIST – PLANNING DIVISION

Applicant: AFB Hospitality LLC Case #: \_\_\_\_\_ Date: 11/17/21  
Address: 211 Hamilton Row Birmingham, MI 48009 Project: Sybil

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

### Site Plan for Special Land Use Permit

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

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

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

### Elevation Drawings

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

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





## Notice Signs - Rental Application Community Development

### 1. Applicant

Name: AFB HOSPITALITY GROUP LLC  
Address: 27387 WOODWARD AVE  
BERKELEY MI 48072  
Phone Number: 248-629-9221x205  
Fax Number: 248-629-9242  
Email address: afb@afbhospitalitygroup.com

### Property Owner

Name: A F JONNA C/O JENNIFER WALKER  
Address: 4036 TELEGRAPH RD SUITE 201  
BLOOMFIELD HILLS MI 48302  
Phone Number: 248-543-6200 X 107  
Fax Number: 248-593-6203  
Email address: jwalker@afjonna.com

### 2. Project Information

Address/Location of Property: 211 HAMILTON ROW  
Name of Development: SYBIL  
Area in Acres: \_\_\_\_\_

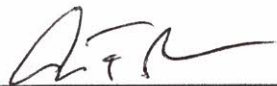
Name of Historic District site is in, if any: \_\_\_\_\_  
Current Use: \_\_\_\_\_  
Current Zoning: D-4 OVERLAY

### 3. Date of Board Review

Board of Building Trades Appeals: \_\_\_\_\_  
City Commission: \_\_\_\_\_  
Historic District Commission: \_\_\_\_\_  
Planning Board: \_\_\_\_\_

Board of Zoning Appeals: \_\_\_\_\_  
Design Review Board: \_\_\_\_\_  
Housing Board of Appeals: \_\_\_\_\_

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to post the Notice Sign(s) at least 15 days prior to the date on which the project will be reviewed by the appropriate board or commission, and to ensure that the Notice Sign(s) remains posted during the entire 15 day mandatory posting period. The undersigned further agrees to pay a rental fee and security deposit for the Notice Sign(s), and to remove all such signs on the day immediately following the date of the hearing at which the project was reviewed. The security deposit will be refunded when the Notice Sign(s) are returned undamaged to the Community Development Department. Failure to return the Notice Sign(s) and/or damage to the Notice Sign(s) will result in forfeiture of the security deposit.

Signature of Applicant:  Date: 11/16/21

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

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.

*leh*

APR 23 2014

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

1.00

78470  
LIBER 46980 PAGE 443  
\$19.00 DEED - COMBINED  
\$4.00 REMONUMENTATION  
04/23/2014 04:28:55 P.M. RECEIPT# 37699  
PAID RECORDED - OAKLAND COUNTY  
LISA BROWN, CLERK/REGISTER OF DEEDS

003439

COVENANT DEED ①

THIS COVENANT DEED, dated as of April 23, 2014, from **CROWLEY-WILLITS RETAIL, L.L.C.**, a Delaware limited liability company ("Grantor") having an address of c/o The Related Companies, L.P., 60 Columbus Circle, New York, New York 10023 to **The Palladium of Birmingham, LLC**, a Michigan limited liability company (the "Grantee") having an address of 4036 Telegraph Road, Suite 201, Bloomfield Hills, Michigan 48302.

WITNESSETH

That said Grantor, in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, convey and warrant unto Grantee, its successors and assigns, all of Grantor's right, title and interest in and to the parcel or parcels of land described in Exhibit A hereto (the "Real Estate"), together with the appurtenances and rights of Grantor with respect to the Real Estate, and Grantor's interest in the buildings, structures and other improvements, including the building fixtures therein, now or hereafter located on and permanently annexed to the Real Estate, (the "Improvements"), which Improvements are and shall remain real property. The Real Estate and Improvements are collectively referred to herein as the "Property".

TO HAVE AND TO HOLD the Property together with the appurtenances and all the estate and rights of Grantor in and to the Property, unto the Grantee, its successors and assigns forever. It is the intent of Grantor by virtue of this instrument to transfer to Grantee all of Grantor's entire interest in the Property.

Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend all and singular the title to said estate in the Property unto the said Grantee, its successors and assigns, against all and every person or persons whomsoever lawfully claiming or to claim the same by, through, or under Grantor, subject only to those validly existing encumbrances, easements, conditions and restrictions relating to the hereinabove described Property as now reflected by the real estate records of the Register of Deeds for Oakland County of Michigan and those matters listed on Exhibit B attached hereto and made a part hereof.

CONSIDERATION: For the full consideration as set forth in the Real Estate Transfer Tax Valuation Affidavit, the receipt and adequacy of which is hereby acknowledged.

REVENUE TO BE AFFIXED  
AFTER RECORDING

OK - AN

44  
R


87



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.

IN WITNESS WHEREOF, said Grantor has caused these presents to be executed as of the date first above written.

CROWLEY-WILLITS RETAIL, L.L.C.,  
a Delaware limited liability company

By:   
Name: GOPAL RAJEGOWDA  
Title: Authorized Officer

STATE OF New York )  
 ) ss:  
COUNTY OF Kings )

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of April, 2014 by Gopal Rajegowda, an Authorized Officer of CROWLEY-WILLITS RETAIL, L.L.C., a Delaware limited liability company. He / She is personally known to me (~~or has produced~~ as identification).

[Notarial Seal] ERIN M. CUNNINGHAM  
Notary Public, State of New York  
No. 01CU6283130  
Qualified in Kings County  
Commission Expires 5/28/2017

Erin M. Cunningham  
Notary Public  
Kings County, ~~Michigan~~ New York  
Acting in New York County  
My Commission Expires: 5/28/2017

DRAFTED BY:  
Richard A. Zussman  
Jaffe, Raitt, Heuer & Weiss, P.C.  
27777 Franklin Road, Suite 2400  
Southfield, Michigan 48034

AFTER RECORDING, RETURN TO:

SEND SUBSEQUENT TAX BILLS TO: Grantee

TAX INDEX NOS.: 19-25-453-011

When Recorded Return to:  
Title Source, Inc. -  
Commercial Team  
662 Woodward Avenue  
Detroit, MI 48226  
TSI#: 58844352 JRV

## **EXHIBIT A**

### **LEGAL DESCRIPTION**

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

#### **PARCEL 1**

Part of Lots 50, 53, 56 and 57, ASSESSOR'S PLAT NO. 21, according to the recorded plat thereof, as recorded in Liber 54 of Plats, page 19, Oakland County Records, beginning at the Southwest corner of Lot 51, thence North 35 degrees 11 minutes 35 seconds West 128.29 feet, thence North 54 degrees 51 minutes 55 seconds East 222.63 feet, thence South 30 degrees 00 minutes 55 seconds East 132.74 feet, thence South 08 degrees 33 minutes 06 seconds East 52.76 feet, thence South 82 degrees 28 minutes 25 seconds West 110.96 feet, thence South 54 degrees 39 minutes 25 seconds West 88.72 feet to Beginning.

Also all of Lots 51, 52, 58 and 59 of said Subdivision.

#### **PARCEL 2:**

Part of Lots 53, 56 and 57, ASSESSOR'S PLAT NO. 21, according to the plat thereof, as recorded in Liber 54 of Plats, page 19, Oakland County Records, beginning at point distant 128.29 feet from the Southwest corner of Lot 51, thence North 35 degrees 11 minutes 35 seconds West 25 feet, thence North 54 degrees 51 minutes 55 seconds East 224.90 feet, thence South 30 degrees 00 minutes 55 seconds East 25.10 feet, thence South 54 degrees 51 minutes 55 seconds West 222.63 feet.

## **EXHIBIT B**

### **PERMITTED EXCEPTIONS**

1. Liens for taxes and assessments which are not yet due and payable.
2. Right of Way granted to The Detroit Edison Company recorded February 22, 1973 in Liber 6249, Page 128.
3. Resolution recorded July 2, 1984 in Liber 8715, Page 120.
4. Terms and Conditions of Consent Judgment recorded November 12, 1999 in Liber 20789, Page 58.
5. Building and zoning laws and ordinances for the municipality where the Property is located and any county, state or federal regulations affecting the Property.
6. Matters that would be disclosed by an accurate survey of the Property.



## **F. Rezoning Applications**

None.

**12-204-21**

## **G. Community Impact Studies**

None.

**12-205-21**

## **H. Special Land Use Permits**

1. **211 Hamilton Row – Sybil** – SLUP request for new restaurant service alcoholic liquors for on premises consumption and associated exterior building modifications.

PD Dupuis presented the item.

Kevin Biddison, architect, and Jordan Jonna of AF Jonna, owners of the Palladium Building, spoke on behalf of the project.

Mr. Jonna stated that Sybil would be using an escrow Class C liquor license assigned to 211 Hamilton Row.

In reply to Mr. Jeffares, Mr. Biddison said he would add outdoor trash receptacles to the plan.

In reply to the Chair, Mr. Biddison said the ADA crossing is in front of the fourth door to the left, and the outdoor dining would be well to the right of the crossing.

Mr. Boyle said this project could be beneficial for the area if well-done and well-managed. He noted that the plan leaves well over five feet for pedestrians.

Mr. Koseck concurred with Mr. Boyle that the project could benefit the area.

Mr. Williams said that while the plans somewhat reroute the pedestrian traffic, the proposal is better than having pedestrians walk between outdoor dining on either side of the pedestrian path. He stated the plans leave ample room for pedestrians between the outdoor dining and the curb.

Mr. Share said he was not in favor of the plans. He opined that gaining four seats was not worth moving the pedestrians closer to the street.

Chair Clein said he was in favor of the project. He cautioned the project team that the greenery in the planters should not be overly tall, stating that the outdoor dining should activate the street and not be walled off from the street with plants. The Chair emphasized that in broader

considerations of outdoor dining he believed the City needed prioritize enhancing and maintaining ADA and pedestrian pathways over eking out a few more tables for outdoor seating.

Mr. Koseck said it would be nice if the planters could round the corner. He suggested that a foot could be added to the sidewalk while preserving the total number of outdoor occupants if the tables and seating arrangements were slightly modified.

In reply to Mr. Koseck, Mr. Biddison said he would explore ways of modifying the seating, tables, and/or planters to add an additional foot to the width of the pedestrian path.

Chair Clein reminded Mr. Biddison to work with City Staff to ensure that any proposed changes would be ADA compliant.

**Motion by Mr. Williams**

**Seconded by Mr. Boyle to recommend approval to the City Commission for the Special Land Use Permit for 211 Hamilton Row – Sybil – subject to the following conditions:**

- 1. The applicant must submit specification sheets for the proposed tables and chairs to ensure compliance with Article 4, Section 4.44 of the Zoning Ordinance;**
- 2. The applicant must submit sign plans for review by the Planning Department prior to the public hearing at the City Commission; and,**
- 3. The applicant must comply with the requests of all City Departments.**

**Motion carried, 5-1.**

VOICE VOTE

Yeas: Williams, Boyle, Jeffares, Koseck, Clein

Nays: Share

**12-206-21**

**I. Site Plan & Design Reviews**

- 1. 211 Hamilton Row – Sybil** – FSP & DR request for new restaurant service alcoholic liquors for on premises consumption and associated exterior building modifications

Presented and discussed during previous item.

**Motion by Mr. Williams**

**Seconded by Mr. Boyle to recommend approval to the City Commission for the Final Site Plan & Design Review for 211 Hamilton Row – Sybil – subject to the following conditions:**

- 1. The applicant must submit specification sheets for the proposed tables and chairs to ensure compliance with Article 4, Section 4.44 of the Zoning Ordinance;**
- 2. The applicant must submit sign plans for review by the Planning Department prior to the public hearing at the City Commission; and,**

**3. The applicant must comply with the requests of all City Departments.**

**Motion carried, 5-1.**

VOICE VOTE

Yeas: Jeffares, Koseck, Williams, Clein, Boyle

Nays: Share

**2. 460 N. Old Woodward – FSP & DR request for a new 4-story mixed use building**

Chair Clein recused himself at 8:01 p.m. due to a business relationship with one of the applicants.

Vice-Chair Williams assumed facilitation of the meeting at 8:01 p.m.

PD Dupuis presented the item.

Alex Saroki, architect, introduced the project. He stated:

- Plans for a masonry trash enclosure with a limestone cap and an opaque door will be added;
- The dumpster will be rolled out to the curb for emptying and then be returned to the enclosure;
- The photometric plans will be updated to comply with City requirements;
- The glass specifications were submitted to PD Dupuis after the December 16, 2021 agenda was published;
- The project will comply with all departmental reviews;
- The existing grading will be maintained along the south property line;
- An easement was reached with 450 N. Old Woodward for drive access;
- The drive will be 17 feet across, instead of the 18 feet showed on the previous plans, because the owners of 450 N. Old Woodward did not want to modify their staircase to add the extra foot.

PD Dupuis confirmed that he had received the glass specifications.

Vice-Chair Williams noted that the property to the south may have concerns about trucks in the driveway area. He advised the project team to solicit feedback from the neighboring property owners and to attempt to resolve any concerns before this item returns to the Board for a bistro review.

In reply to Mr. Koseck, Alex Saroki confirmed the project team would find a way to indicate to drivers that the height to the second story cantilever is eight feet in order to avoid vehicle collisions.

In reply to Mr. Jeffares, Victor Saroki, architect, said the project team was only seeking approval for the knee wall presently and not the planter that was shown on some earlier renderings.

After discussion, the Board asked the applicant if they would agree to comply with any existing streetscape plans for the area of 460 N. Old Woodward.



## MEMORANDUM

Planning Division

**DATE:** February 14, 2022

**TO:** Thomas M. Markus, City Manager

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** Public Hearing for Amendments to Article 4, Section 4.44 – Outdoor Dining Standards

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### INTRODUCTION:

The COVID-19 pandemic has affected many businesses in Birmingham. In 2020, the City made an effort to provide some relief to local businesses, which included an expansion of outdoor dining patios through July 2021. Noting the persistence of COVID-19 and the possibility for continued detriment, the City Commission wished to explore the option of eliminating the seasonality of outdoor dining and permitting it year-round.

### BACKGROUND:

On October 11, 2021, the Planning Board and City Commission met at a joint meeting to discuss planning topics and get some feedback on key items in the Planning Board pipeline. During the discussion on outdoor dining, City Commission and Planning Board members discussed the possibility of an ordinance amendment to allow for year-round outdoor dining as soon as this year, while also considering a change to the rule in which outdoor dining operators are required to bring in all outdoor dining fixtures and furnishings each night for snow removal.

On October 25, 2021, the City Commission directed the Planning Board to study the Outdoor Dining ordinance to amend the November 15 end of regular outdoor dining season date and provide recommendations to the City Commission.

On October 28, 2021, the Planning Division sent a letter to all permit-holding outdoor dining establishments indicating that there will be study regarding a change in the outdoor dining ordinance that could eliminate the November 15 end of regular outdoor dining season date for outdoor dining patios in the public right-of-way, and that the City will be pausing enforcement of this deadline while the study session progresses.

On November 10, 2021, the Planning Board discussed the proposed ordinance amendments to Section 4.44 of the Zoning Ordinance, and moved to set a public hearing for December 8, 2021 to consider the amendments and make a recommendation to the City Commission.

On December 8, 2021, the Planning Board moved to recommend approval to the City Commission the ordinance amendments to Article 4, Section 4.44, Outdoor Dining Standards, to remove temporal restrictions on outdoor dining patios in the public right-of-way, and to allow outdoor dining fixtures and furnishings to stay outside overnight.

**LEGAL REVIEW:**

The City Attorney has reviewed the documentation as to form and substance and has no objections.

**FISCAL IMPACT:**

If adopted, the proposed amendments will increase the terms of the lease agreements for outdoor dining patios that utilize public land and the costs associated for such.

**PUBLIC COMMUNICATIONS:**

As required for proposed Zoning Ordinance amendments, a legal ad was placed in a newspaper of local circulation to advertise the proposed amendments to the Zoning Ordinance in advance of the December 8, 2021 public hearing at the Planning Board. A second legal ad was placed in a newspaper of local circulation to advertise the public hearing at the City Commission meeting on February 14, 2022.

**SUMMARY:**

The Planning Division requests that the City Commission consider ordinance amendments to Article 4, Section 4.44, Outdoor Dining Standards, to remove temporal restrictions on outdoor dining patios in the public right-of-way, and to allow outdoor dining fixtures and furnishings to stay outside overnight.

**ATTACHMENTS:**

- Proposed Ordinance Language
- Planning Board Staff Reports
- Relevant Minutes

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting an ordinance to amend Article 4, Section 4.44, Outdoor Dining Standards, to remove temporal restrictions on outdoor dining patios in the public right-of-way, and to allow outdoor dining fixtures and furnishings to stay outside overnight.



CITY OF BIRMINGHAM

ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 4, SECTION 4.44, OUTDOOR DINING STANDARDS, TO REMOVE TEMPORAL RESTRICTIONS ON OUTDOOR DINING PATIOS IN THE PUBLIC RIGHT-OF-WAY, AND TO ALLOW OUTDOOR DINING FIXTURES AND FURNISHINGS TO STAY OUTSIDE OVERNIGHT.

---

**4.44 OD-01 Outdoor Dining Standards**

This Outdoor Dining Standards section applies to the following districts:

B1 B2 B2B B2C B3 B4 MX O1 O2 TZ3

The following outdoor dining standards apply:

- A. Outdoor Dining: Outdoor dining is permitted immediately next to the principal use, subject to Site Plan Review, and the following conditions:
  1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.
  2. All outdoor activity must cease at the close of business or as noted in subsection 3 below.
  3. When an outdoor dining area is immediately adjacent to any single-family or multiple-family residential district, all outdoor activity must cease at the close of business or 10:00 p.m., whichever is earlier.
  4. Outdoor dining may be permitted on the sidewalk throughout the year with a valid Outdoor Dining License, ~~provided that all outdoor dining fixtures and furnishings must be stored indoors each night between November 16 and March 31 to allow for snow removal.~~
  5. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.
  6. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.
  7. For outdoor dining located in the public right-of-way:
    - a. All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.

- b. In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.
  - c. Outdoor dining is permitted to extend in the right-of-way in front of neighboring properties, with the written permission of the property owner(s) and with Planning Board approval, if such property is vacant or the first floor storefront(s) is/are vacant. Outdoor dining areas may extend up to 50% of the width of the neighboring lot(s) storefront(s), or up to 50% of the lot(s) frontage, if such lot is vacant.
  - d. City Commission approval is also required for outdoor dining extensions onto neighboring property if the establishment making such a request holds a bistro license.
  - e. An elevated, ADA compliant, ~~enclosed~~ platform may be erected on the street in front of an eating establishment to create an outdoor dining area ~~from April 1 through November 15~~ only if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
  - f. No such facility shall erect or install permanent fixtures in the public right-of-way.
8. Outdoor dining is permitted in a B1 District at a rate of 4 seats for every 12 linear feet of store frontage, with no more than 12 seats total per building; no elevated enclosed platforms on the street are permitted in a B1 District.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2022 to become effective 7 days after publication.

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Therese Longe, Mayor

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Alex Bingham, City Clerk



## MEMORANDUM

Planning Division

**DATE:** November 10<sup>th</sup>, 2021

**TO:** Planning Board

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** Outdoor Dining Ordinance (Outdoor Dining End Date Removal) – Study Session #1

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On October 11<sup>th</sup>, 2021, the Planning Board and City Commission met at a joint meeting to discuss planning topics and get some feedback on key items in the Planning Board pipeline. During the discussion on outdoor dining, City Commission and Planning Board members discussed the possibility of an ordinance amendment to allow for year-round outdoor dining as soon as this year, while also considering a change to the rule in which outdoor dining operators are required to bring in all outdoor dining fixtures and furnishings each night for snow removal.

On October 25<sup>th</sup>, 2021, the City Commission directed the Planning Board to study the Outdoor Dining ordinance to amend the November 15<sup>th</sup> end of regular outdoor dining season date and provide recommendations to the City Commission.

On October 28<sup>th</sup>, 2021, the Planning Division sent a letter to all permit-holding outdoor dining establishments indicating that there will be study regarding a change in the outdoor dining ordinance that could eliminate the November 15<sup>th</sup> end of regular outdoor dining season date for outdoor dining patios in the public right-of-way, and that the City will be pausing enforcement of this deadline while the study session progresses.

At this time, the Planning Division proposes the following ordinance amendments to Chapter 4, Section 4.44 of the Zoning Ordinance (*please see next pages*):

CITY OF BIRMINGHAM

ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 4, SECTION 4.44, OUTDOOR DINING STANDARDS, TO REMOVE TEMPORAL RESTRICTIONS ON OUTDOOR DINING PATIOS IN THE PUBLIC RIGHT-OF-WAY, AND TO ALLOW OUTDOOR DINING FIXTURES AND FURNISHINGS TO STAY OUTSIDE OVERNIGHT.

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**4.44 OD-01 Outdoor Dining Standards**

This Outdoor Dining Standards section applies to the following districts:

B1 B2 B2B B2C B3 B4 MX O1 O2 TZ3

The following outdoor dining standards apply:

- A. Outdoor Dining: Outdoor dining is permitted immediately next to the principal use, subject to Site Plan Review, and the following conditions:
  - 1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.
  - 2. All outdoor activity must cease at the close of business or as noted in subsection 3 below.
  - 3. When an outdoor dining area is immediately adjacent to any single-family or multiple-family residential district, all outdoor activity must cease at the close of business or 10:00 p.m., whichever is earlier.
  - 4. Outdoor dining may be permitted on the sidewalk throughout the year with a valid Outdoor Dining License, ~~provided that all outdoor dining fixtures and furnishings must be stored indoors each night between November 16 and March 31 to allow for snow removal.~~
  - 5. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.
  - 6. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.
  - 7. For outdoor dining located in the public right-of-way:
    - a. All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.

- b. In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.
  - c. Outdoor dining is permitted to extend in the right-of-way in front of neighboring properties, with the written permission of the property owner(s) and with Planning Board approval, if such property is vacant or the first floor storefront(s) is/are vacant. Outdoor dining areas may extend up to 50% of the width of the neighboring lot(s) storefront(s), or up to 50% of the lot(s) frontage, if such lot is vacant.
  - d. City Commission approval is also required for outdoor dining extensions onto neighboring property if the establishment making such a request holds a bistro license.
  - e. An elevated, ADA compliant, enclosed platform may be erected on the street in front of an eating establishment to create an outdoor dining area ~~from April 1 through November 15~~ only if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
  - f. No such facility shall erect or install permanent fixtures in the public right-of-way.
8. Outdoor dining is permitted in a B1 District at a rate of 4 seats for every 12 linear feet of store frontage, with no more than 12 seats total per building; no elevated enclosed platforms on the street are permitted in a B1 District.





## MEMORANDUM

Planning Division

**DATE:** December 8<sup>th</sup>, 2021

**TO:** Planning Board

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** Outdoor Dining Ordinance (Outdoor Dining End Date Removal) – Public Hearing

---

On October 11<sup>th</sup>, 2021, the Planning Board and City Commission met at a joint meeting to discuss planning topics and get some feedback on key items in the Planning Board pipeline. During the discussion on outdoor dining, City Commission and Planning Board members discussed the possibility of an ordinance amendment to allow for year-round outdoor dining as soon as this year, while also considering a change to the rule in which outdoor dining operators are required to bring in all outdoor dining fixtures and furnishings each night for snow removal.

On October 25<sup>th</sup>, 2021, the City Commission directed the Planning Board to study the Outdoor Dining ordinance to amend the November 15<sup>th</sup> end of regular outdoor dining season date and provide recommendations to the City Commission.

On October 28<sup>th</sup>, 2021, the Planning Division sent a letter to all permit-holding outdoor dining establishments indicating that there will be study regarding a change in the outdoor dining ordinance that could eliminate the November 15<sup>th</sup> end of regular outdoor dining season date for outdoor dining patios in the public right-of-way, and that the City will be pausing enforcement of this deadline while the study session progresses.

On November 10<sup>th</sup>, 2021, the Planning Board discussed the proposed ordinance amendments to Section 4.44 of the Zoning Ordinance, and moved to set a public hearing for December 8<sup>th</sup>, 2021 to consider the amendments and make a recommendation to the City Commission.

At this time, the Planning Division proposes the following ordinance amendments to Chapter 4, Section 4.44 of the Zoning Ordinance (*please see next pages*):

**Sample Motion Language:**

Motion to recommend APPROVAL to the City Commission the ordinance amendments to Article 4, Section 4.44, Outdoor Dining Standards, to remove temporal restrictions on outdoor dining

patios in the public right-of-way, and to allow outdoor dining fixtures and furnishings to stay outside overnight.

CITY OF BIRMINGHAM

ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 4, SECTION 4.44, OUTDOOR DINING STANDARDS, TO REMOVE TEMPORAL RESTRICTIONS ON OUTDOOR DINING PATIOS IN THE PUBLIC RIGHT-OF-WAY, AND TO ALLOW OUTDOOR DINING FIXTURES AND FURNISHINGS TO STAY OUTSIDE OVERNIGHT.

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**4.44 OD-01 Outdoor Dining Standards**

This Outdoor Dining Standards section applies to the following districts:

B1 B2 B2B B2C B3 B4 MX O1 O2 TZ3

The following outdoor dining standards apply:

- A. Outdoor Dining: Outdoor dining is permitted immediately next to the principal use, subject to Site Plan Review, and the following conditions:
  - 1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.
  - 2. All outdoor activity must cease at the close of business or as noted in subsection 3 below.
  - 3. When an outdoor dining area is immediately adjacent to any single-family or multiple-family residential district, all outdoor activity must cease at the close of business or 10:00 p.m., whichever is earlier.
  - 4. Outdoor dining may be permitted on the sidewalk throughout the year with a valid Outdoor Dining License, ~~provided that all outdoor dining fixtures and furnishings must be stored indoors each night between November 16 and March 31 to allow for snow removal.~~
  - 5. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.
  - 6. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.
  - 7. For outdoor dining located in the public right-of-way:
    - a. All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.

- b. In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.
  - c. Outdoor dining is permitted to extend in the right-of-way in front of neighboring properties, with the written permission of the property owner(s) and with Planning Board approval, if such property is vacant or the first floor storefront(s) is/are vacant. Outdoor dining areas may extend up to 50% of the width of the neighboring lot(s) storefront(s), or up to 50% of the lot(s) frontage, if such lot is vacant.
  - d. City Commission approval is also required for outdoor dining extensions onto neighboring property if the establishment making such a request holds a bistro license.
  - e. An elevated, ADA compliant, ~~enclosed~~ platform may be erected on the street in front of an eating establishment to create an outdoor dining area ~~from April 1 through November 15~~ only if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
  - f. No such facility shall erect or install permanent fixtures in the public right-of-way.
8. Outdoor dining is permitted in a B1 District at a rate of 4 seats for every 12 linear feet of store frontage, with no more than 12 seats total per building; no elevated enclosed platforms on the street are permitted in a B1 District.

appropriate on Mondays when brick-and-mortar restaurants are often closed. He also said he would not view them as encroaching into the neighborhoods.

A Birmingham resident stated he and his wife were food truck operators and could provide insight into what would be required to make Birmingham attractive for food truck operators.

Mayor Boutros recommended the aforementioned member of the public reach out to PD Dupuis to further discuss his experiences operating a food truck.

## B. Outdoor Dining

PD Dupuis introduced the item.

There was general consensus that full enclosures should not be permitted as part of an expansion of the outdoor dining standards.

Commissioner Nickita said he was in favor of finding ways to activate the streets in winter. He noted that there are occasionally warmer days in winter where dining outside would be pleasant.

Mr. Koseck said architectural standards and codes' impact on outdoor dining would require further study.

Commissioner Nickita recommended exploring how other local municipalities have interpreted and enforced building, plumbing, fire or other codes for winter outdoor dining. He stated that guardrails much shorter than 42 inches might suffice and asked the Planning Board to look into it further.

Mayor Pro Tem Longe, Commissioner Nickita and Mr. Jeffares concurred that snow clearing or similar needs could be figured out and should not be treated as an impediment to winter outdoor dining.

The Mayor Pro Tem said that restaurant staff might be willing to help clear the street in front of their restaurants.

Commissioner Baller stated that it was not the City's responsibility to legislate to protect certain kinds of dining establishments. He noted outdoor dining's overwhelming popularity per the Engage Birmingham survey and said it likely did not matter to residents whether a particular establishment was a bistro or Class C license holder. He said it was worth considering relaxing the bistro outdoor dining standards for the winter months since people are in favor of being able to dine outside.

Mr. Jeffares said he was not overly concerned with maintaining the distinction between Class C and bistro outdoor dining since colder temperatures would cause outdoor dining to be self-limiting regardless. He said if outdoor dining decks were not being used by an establishment during the winter they should be taken inside.

Mayor Pro Tem Longe and Mr. Boyle also both noted the overwhelming popularity of outdoor dining according to the Engage Birmingham survey and said it was the City's responsibility to



figure out how to deliver that option to residents. They both noted the importance of being responsive to feedback received.

Mr. Jeffares and Mayor Pro Tem Longe said the City needed to determine what it would do on November 15, 2021 while the study of outdoor dining standards was still on-going.

Mayor Boutros said it would be important to determine whether there is demand for winter outdoor dining from restauranteurs, especially in light of current staffing difficulties in the service industry.

Chair Clein noted that the Planning Board would not make changes to the distinction between bistro and Class C licenses since that falls under the Commission's purview. Consequently, he said the Planning Board was focusing on keeping them distinct while trying to determine what outdoor dining allowances would be appropriate. He stated that the decision about what to do for Winter 2021-2022 was a Commission one since the Planning Board would not have its ordinance recommendations ready by then.

Commissioner Baller said the Commission should discuss the matter of outdoor dining during Winter 2021-2022 during its next two meetings.

Commissioner Sherman said there could be temporary regulations for Winter 2021-2022.

Allowing decks to remain and allowing wind breaks were mentioned as possibilities for Winter 2021-2022.

Commissioner Hoff observed that dining establishments already had an option in the City for offseason outdoor dining and suggested that no changes be made for Winter 2021-2022. She said that perhaps the City could not charge for offseason licenses during this season only as a compromise.

CM Markus stated that the Birmingham Shopping District was in the process of collecting feedback from its members regarding the potential expansion of the outdoor dining standards.

Commissioner Baller said he did not want to see the outdoor dining standards stem the creativity of the restauranteurs too much.

Mr. Williams, Chair Clein, Mr. Jeffares spoke in favor of having some sort of trial period once the ordinance recommendations are determined. Mr. Jeffares specified that they would have to make clear to the restauranteurs that it would be a trial period.

CM Markus expressed concerns about the management and enforcement that will be required of Staff for trial periods.

Commissioner Baller said the City would have to ensure that the costs to the City are outweighed by the benefits.

Mr. Share said the Planning Board was not looking to guarantee all-weather dining.

Mr. Share, CM Markus and Commissioner Hoff all commented on the importance of preventing outdoor dining from encroaching beyond its permitted areas.

#### Public Comment

Anthony Long said residents would need to know what outdoor dining might look like to provide relevant feedback. He recommended posting another survey to Engage Birmingham with descriptions. He also concurred with prior comments that the restaurateurs' interest in having outdoor dining needs to be ascertained. Mr. Long also recommended extending outdoor dining through the winter since Covid-19 remains an issue, and then soliciting further feedback from the public and restaurateurs then.

Mr. Bloom said it would be positive if the Planning Board could recommend temporary standards for Winter 2021-2022. He said the City should also consider two sets of outdoor dining standards: one for normal circumstances and one for ongoing Covid-19 issues.

#### C. 2040 Master Plan Update

PD Dupuis introduced the item.

Chair Clein, Mr. Williams and Commissioner Baller all noted that the Planning Board was presently working with the second draft of the master plan, and not with a finalized document.

Commissioner Nickita said the Planning Board should pay specific attention to what changed between the first and second drafts.

PD Dupuis confirmed that would be the case.

Commissioner Baller said more attention should be paid to the presentation of the Master Plan, including keeping maps on one page and with legible street names. He said the presentation should make it easy for residents to review.

In reply to Mr. Share, PD Dupuis said that in addition to speaking at Planning Board meetings members of the public could submit feedback on the Master Plan directly to staff or at [thebirminghamplan.com](http://thebirminghamplan.com).

Mr. Williams encouraged the public to attend Planning Board meetings and submit feedback. He said there were likely to be a number more changes before review of the second draft is completed.

Mr. Boyle noted Commissioners Nickita, Sherman and Hoff were stepping down in November and acknowledged them for their contributions to the City.

#### Public Comment

Mr. Bloom said he would like to see redline maps to see what how the maps changed from draft one to draft two. He expressed concern about some of the draft's recommendations and said he wanted to make sure they would all be thoroughly vetted. He said he also wanted to ensure that residents' concerns about the draft would be taken into account.

**MOTION:** Motion by Commissioner Baller, seconded by Mayor Pro Tem Longe:  
To approve the proposed credit card policy and procedures and to increase the City's total credit card limit to \$25,000.

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

Nays, None

### **10-279-21 Outdoor Dining**

ACM Ecker summarized the item.

**MOTION:** Motion by Mayor Pro Tem Longe, seconded by Commissioner Host:  
To direct Staff to prepare amendments to the Zoning Ordinance to amend the November 15th end of the regular outdoor dining season.

Mayor Pro Tem Longe said this was an appropriate option for extending outdoor dining and allowing the Planning Board to continue their study of longer-term outdoor dining ordinance recommendations.

CM Markus noted that Staff would have to write the ordinance amendments, bring them to the Planning Board for a hearing, and then return them to the Commission for a hearing, meaning there would be time for the Commission to provide additional comment on the proposed amendments.

Commissioner Sherman recommended Staff consider having the amendment expire November 15, 2022 to ensure it does not last longer than the year.

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

Nays, None

### **Commission discussion on items from prior meeting**

**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**

Chair Clein said that while that was a great idea, it would probably have limited public use. He said the colors and a brief explanation of the zoning districts would likely be sufficient.

SP Cowan updated the Planning Board on the Multi-Modal Transportation Board's ongoing study of the Eton St. bicycle lane, sidewalks in the southwest portion of the City, and the Neighborhood Loop.

In response to a point raised by Ms. Whipple-Boyce, Chair Clein asked Mr. Lambert to create maps to show all changes proposed to land use, not just changes to seams and commercial destinations.

## **2. Outdoor Dining**

PD Dupuis presented the item.

Mr. Share noted that the word 'enclosed' in Article 4, Section 4.44(A)(7)(e) on page 81 might lead to confusion since the Board did not want to allow enclosed spaces.

Mr. Williams recommended that 'enclosed' be omitted from the aforementioned section in response to Mr. Share's comment.

In reply to Ms. Whipple-Boyce, ACM Ecker confirmed that snow removal is already required of business operators.

Mr. Koseck said the implementation of this temporary policy would be a good opportunity for Board members to observe the winter outdoor dining options and to integrate those observations into the Board's more general discussion of the outdoor dining standards.

### **Motion by Mr. Williams**

**Seconded by Mr. Koseck to set a public hearing on December 8, 2021 to amend Article 4, Section 4.44 Outdoor Dining Standards of the zoning ordinance to remove temporal restrictions on outdoor dining patios in the public right-of-way and to allow outdoor dining fixtures and furnishings to stay outside.**

**Motion carried, 7-0.**

VOICE VOTE

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

Nays: None

**11-184-21**

## **K. Miscellaneous Business and Communications**

**a. Communications**

**b. Administrative Approval Correspondence**

**c. Draft Agenda for next meeting**

Mr. Williams said further exploration of zoning to allow main-floor additions, instead of vertical additions like ADUs, would likely be more beneficial in terms of keeping seniors in the community.

Ms. Whipple-Boyce said she was curious to learn more about ADUs and was glad they had not been eliminated entirely from the draft Plan. She said study of ADUs would be appropriate.

Chair Clein concurred with Ms. Whipple-Boyce, adding that he was not persuaded that denser areas were the appropriate trial locations for ADUs.

Chair Clein responded to Mr. Bertollini's comments. The Chair noted that sometimes broader Master Plan efforts supersede more local Master Plan efforts, as may be the case with the 2040 Plan and the Kenning Park Master Plan. Chair Clein acknowledged that can be disappointing when one has put effort into the more local Master Plan, but can also be necessary when trying to plan for a whole community. He concluded by stating that he did not believe the best use for the northeast corner of Eton and Lincoln was pickleball or tennis courts.

Chair Clein thanked all participants.

## **2. Outdoor Dining (End Date)**

PD Dupuis and Chair Clein introduced the item.

There was no Board or public comment or inquiry.

### **Motion by Mr. Williams**

**Seconded by Mr. Boyle to recommend approval to the City Commission the ordinance amendments to Article 4, Section 4.44, Outdoor Dining Standards, to remove temporal restrictions on outdoor dining patios in the public right-of-way, and to allow outdoor dining fixtures and furnishings to stay outside overnight.**

**Motion carried, 7-0.**

### **ROLL CALL VOTE**

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

Nays: None

## **3. Outdoor Dining (Comprehensive)**

PD Dupuis reviewed the item. He noted that an establishment's outdoor dining is restricted in most cases by ordinance to only being in front of said establishment's storefront.

Mr. Jeffares stated that while the resident survey on Engage Birmingham regarding outdoor dining had hundreds of respondents, he had heard from Birmingham Shopping District (BSD) members that very few business owners participated in writing the letter from the BSD to the Planning Board. He noted that page six of the BSD letter specified that the BSD received minimal feedback



**DATE:** February 8, 2022

**TO:** Thomas M. Markus, City Manager

**FROM:** Melissa Fairbairn, Assistant to the City Manager

**SUBJECT:** Next Long-Term Written Agreement with Birmingham Public Schools

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## INTRODUCTION:

The City of Birmingham is pursuing a resolution in support of Next entering a long-term written agreement with Birmingham Public Schools for their continued use of Midvale School located at 2121 Midvale Street in Birmingham, Michigan.

## BACKGROUND:

Since 1978, the age 50+ population of Birmingham, Beverly Hills, Bingham Farms, and Franklin have utilized Next's recreational and support services. Next serves a membership of over 2,000 seniors who attend lifelong learning programs, fitness activities, travel opportunities, and health information sessions.

Next has operated from Midvale School through a verbal in kind agreement with Birmingham Public Schools since 1995 and occupies about one-third (1/3) of the building. Next has indicated that it would like to enter into a long term written agreement with Birmingham Public Schools for the use of the space at Midvale. Securing a long-term written agreement with BPS would allow Next to develop long range plans to make physical improvements to the building and expand the footprint of the Midvale space to meet the growing demands for its services. The City Manager requests that the City Commission approve a formal resolution in support of the creation of a written agreement between Next and Birmingham Public Schools for the use of space in Midvale School to continue the organization's senior programs.

## LEGAL REVIEW:

No legal review of the resolution is necessary.

## FISCAL IMPACT:

The resolution will not impact the City of Birmingham's fiscal contributions to Next. However, a long-term lease and subsequent improvements may require additional funding from the City of Birmingham and the participating neighboring jurisdictions.

## PUBLIC COMMUNICATIONS:

If the City Commission adopts the formal Resolution Concerning Next and Their Need for a Long Term Written Agreement to House Next Services and Operate at Midvale School in Birmingham, Michigan, the resolution will be forwarded to the BPS School Board, BPS School Superintendent,

and the governing boards and chief administrative officers of Bingham Farms, Beverly Hills, and Franklin.

**SUMMARY:**

The City Manager requests that the City Commission approve a formal resolution in support of Next and Birmingham Public Schools entering into a long term written agreement for the use of Midvale School. The agreement would allow Next to develop long range plans for making physical improvements to the building and expand to meet the growing demand for services.

**ATTACHMENTS:**

- Resolution Concerning Next and Their Need for a Long Term Written Agreement to House Next Services and Operate at Midvale School in Birmingham, Michigan
- Next Long Range Planning presentation

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a formal Resolution Concerning Next and Their Need for a Long Term Written Agreement to House Next Services and Operate at Midvale School in Birmingham, Michigan.

**City of Birmingham**  
**A Resolution Concerning Next and Their Need for a Long-Term Written Agreement  
to House Next Services and Operate at Midvale School in Birmingham, Michigan**

At a meeting of the City Commission of the City of Birmingham, Oakland County, Michigan, held on the 14<sup>th</sup> day of February, 2022, at City Hall, 151 Martin Street, Birmingham, Michigan 48009.

Moved by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

**WHEREAS**, Next, a non-profit 501-(c)3, is our area's version of a Senior Center serving 2,250 50-plus area residents from Birmingham, Bingham Farms, Beverly Hills, Franklin and the surrounding areas;

**WHEREAS**, Next is housed at Midvale School at 2121 Midvale St, Birmingham, Michigan, and;

**WHEREAS**, Next has occupied, without a written agreement, approximately 10,000 square feet or 1/3 of the square footage of Midvale School, since 1995 provided through the generous support of Birmingham Public Schools;

**WHEREAS**, Next resulted in large part from a progressive vision of the Birmingham Public Schools in the 1990s endorsing a public school philosophy of lifelong learning;

**WHEREAS**, the relationship between BPS and Next has proven most beneficial to both Next and BPS, by contributing to a stable tax base, providing assistance as caregivers and tutors, fostering civic involvement and stability with strong support for school bonds and millages supported by our senior population;

**WHEREAS**, the four communities of Birmingham, Bingham Farms, Beverly Hills and Franklin recently entered into an inter-local agreement pledging continued financial support in addition to the in-kind assistance providing the use of Midvale School by BPS;

**WHEREAS**, local demographic trends are similar but occurring much earlier than national demographic trends which project double digit increases in the 65 and over population resulting for the first time in our history, with people 65 and older outnumbering those 17 and younger;

**WHEREAS**, locally the four funding communities households with seniors will increase by more than 50% by 2045 with a significant percentage of 65+ residents living alone;

**WHEREAS**, Next is close to capacity in the use of their space at Midvale School;

**WHEREAS**, the Next Executive Director, the Birmingham Public Schools Superintendent and Birmingham City Manager have been discussing the need for a long-term written agreement (lease) between Next and BPS;

**WHEREAS**, the BPS School Superintendent has advised Next and the City that she would hope to address this issue during discussions expected to come about while updating the BPS Strategic Plan and would then advise us of their position regarding a long-term written agreement (lease);

**WHEREAS**, the BPS School Superintendent has advised Next and the City representatives that we should expect a response in May of 2022;

**WHEREAS**, Next and the City believe a long-term written agreement (Lease of Midvale Space) would allow Next to develop long range plans for making physical improvements to the existing building, expanding the footprint of the Midvale space for the growing demands of the Next services and to start both fundraising and financial requests to the four communities for increased financial support for such;

**Therefore Be It Resolved**, that the Birmingham City Commission supports Next in their request to BPS for a long-term written agreement (lease) for the use of space for the Next operation and services at Midvale School and encourages the citizens of Birmingham to communicate their support for a long-term written agreement (lease) to the Birmingham Public School Board and Superintendent, and further directs the City Clerk to forward this resolution along with an appropriate cover letter to the BPS School Board and School Superintendent and to further direct the City Clerk to forward this letter to the governing boards and chief administrative officers of Bingham Farms, Beverly Hills, and Franklin to also consider approving a similar resolution and sending it to the School Board and School Superintendent and to encourage their citizens to communicate their support as well.



2121 Midvale

[www.BirminghamNext.org](http://www.BirminghamNext.org)



## PARTNERING COMMUNITIES

The City of Birmingham

The Village of Beverly Hills

The Village of Franklin

The Village of Bingham Farms

And we welcome all surrounding communities -  
no membership required to receive support services.







## Next beginnings:

Next was created out of the need for mutual support between The Birmingham Schools and area seniors. The initial vision was the idea that BPS should be an important part of the greater community, offering enrichment opportunities for learners of all ages.

In 1978, Next (formerly BASCC), opened their first office in one classroom at Derby Middle School, and \$3,000 from the City of Birmingham.

After three additional moves to other BPS locations, Next has now called the Midvale building home since 1995.





## Current BPS - Next arrangements:

Next continues to utilize space at Midvale through a verbal in-kind agreement with BPS.

Next uses 10,000 square feet of the 30,000 square foot building, sharing the gym and parking lots with the Early Childhood Center.

BPS carries insurance on the building structure, maintains the grounds, provides computers and phones, and tech help if needed.

BPS pays the utilities on the building and has recently installed security cameras and a new generator driven by needs of the ECC.







Current BPS - Next arrangements continued:

Next holds general liability insurance covering the business of Next, employees, members and board members, building contents, buses, and a one million dollar policy for each of the communities we represent.

Next is responsible for all custodial services, building & office supplies including the copier, internet, and cable. Next installed and also maintains new audio visual equipment.

Next paid half of the air conditioner for the gym, as well as gym updates to the windows and wall padding.

Next covers all cosmetic improvements such as updating the bathrooms, new carpet and paint throughout, fitness studio walls, updated storage, classroom, lobby and cafe furniture, and the installation of the outdoor Fit Park.





# Mission:

The purpose of Next, is to be a welcoming place that enriches the lives of our community.

We are guided by the following principles:

- To be a recognized leader in serving the community.
- Deliver lifelong learning and wellness through comprehensive, quality programming .
- Be an integral part of the larger community.
- Provide exceptional customer service.







Prior to COVID - Next was tracking for our best year yet.

Membership was over 2000 people, hours of operation were increased to include evenings and weekends. We introduced a vast variety of quality programs to include life-long learning and enrichment opportunities, health care presentations, intergenerational activities, fitness, art, travel and so many ways to stay connected.







And then COVID hit and Next looked very different.

Instead of shying away, Next made the decision in March 2020 to increase operations for the many residents that rely on Next for support services.

The Next Building has remained open to the community, offering a place of support and comfort. We made thousands of well-check calls and hundreds of home visits. With 7,200 hot meals delivered and reliable transportation offered, Next played a key role in keeping our most vulnerable population safe and healthy.





Next continues everyday to be a much needed lifeline to those who are in need of assistance in order to remain healthy, and independent.

Our comprehensive Support Services Department serves the growing needs of this expanding demographic by providing:

- Informational and referrals
- Medical equipment loans
- Meals on Wheels
- Free legal counseling
- Nutritional support & Health screenings
- Yard maintenance & minor home repairs programs
- Transportation
- Senior Housing Tours
- Flu Shot Clinic and Health Care Expo







We understand COVID is dangerous, but so is isolation. Following CDC guidelines, we resumed programming as soon as possible in June of 2020.

By offering many of our programs outside under the large tent in our shady courtyard, on Zoom and with small in-person groups, we were once again able to keep our members engaged with their community.







As vaccines became readily available, our operations have resumed to (almost) pre-Covid levels.

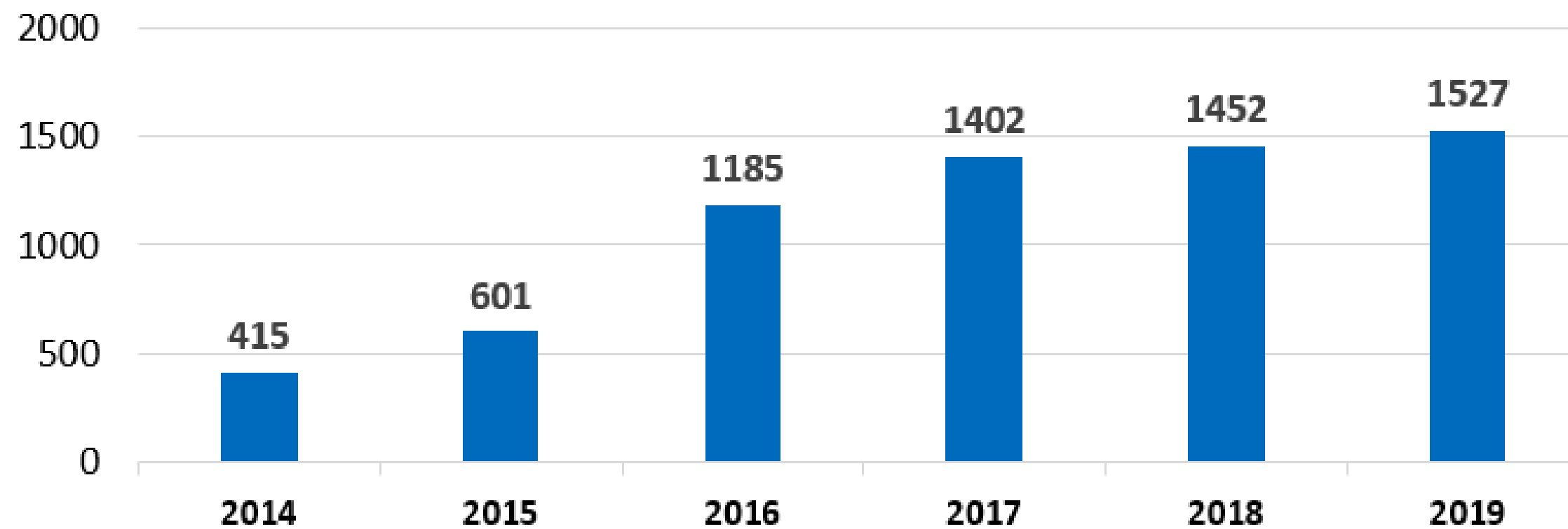
With concerts, cook-outs, day trips, more fitness, and more creative arts, members have been eager to jump right in. But most importantly, Next offers many ways to socialize; through team sports, book clubs, roundtables, card games and celebrations - being with friends in a warm, caring environment is the foundation of what we do.



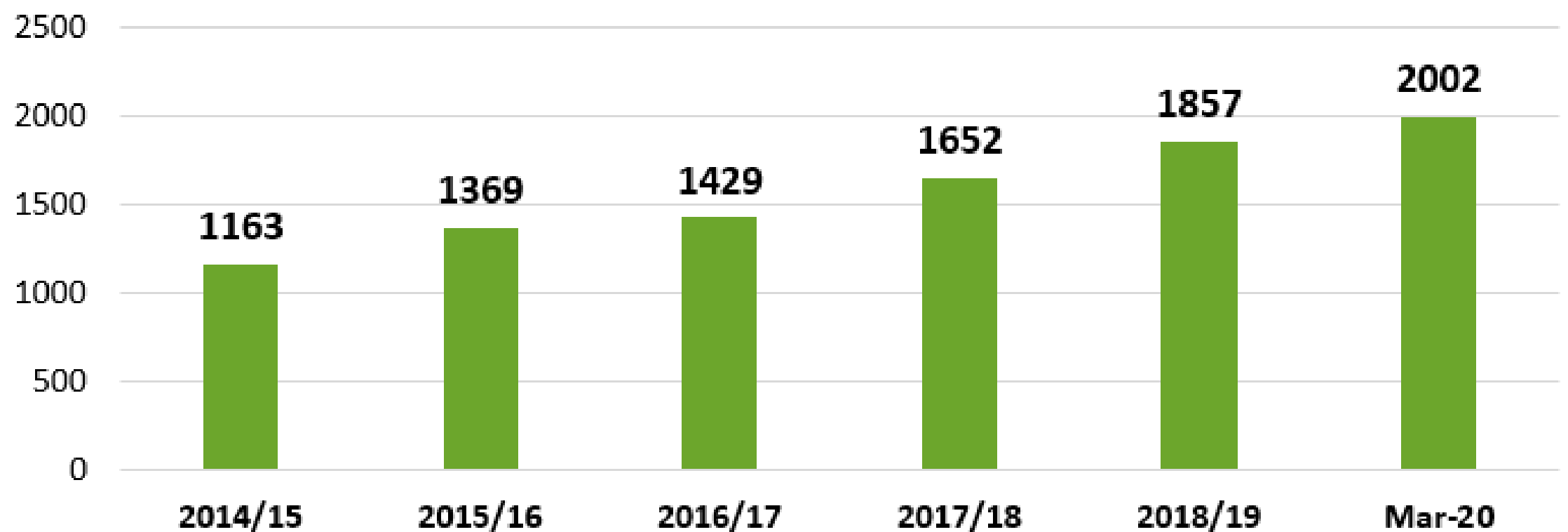




**Next Program Attendance for a Typical Week**



**Next Membership**







## Next building capacity:

Next is using their current building well, close to full capacity, but that unfortunately means Next is unable to offer all it should for Birmingham seniors. The physical space is no longer adequate, putting our community at a cross road.

Next is an inclusive, warm and welcoming center where residents want to gather. But in order to continue to meet the growing needs, and desires of this very wide and diverse demographic, one that is reshaping our population, we need to come together and make concrete plans for the future.

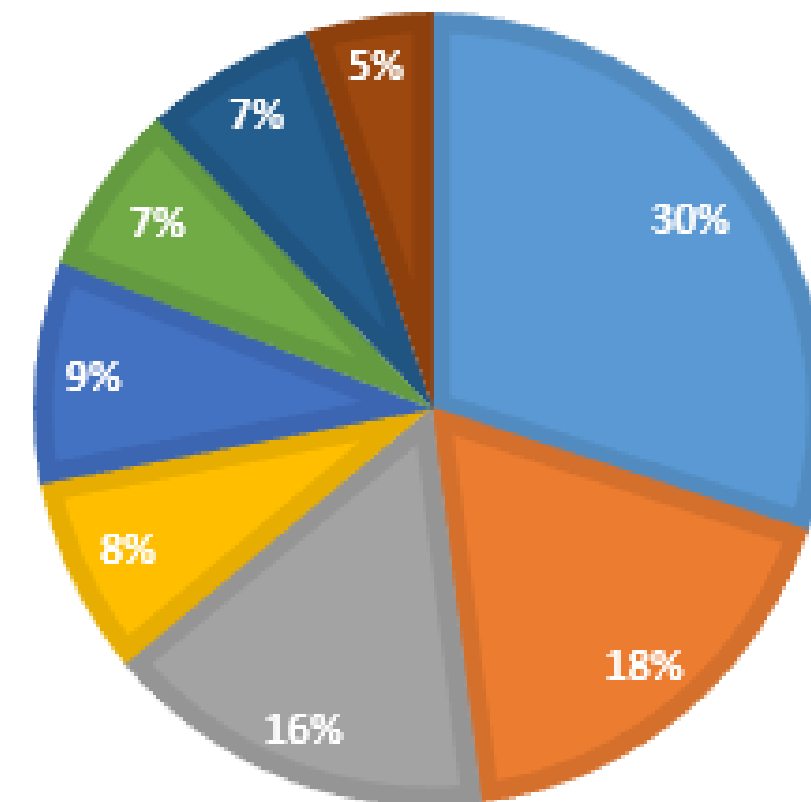




At Next, we are proud of serving the growing 50 plus population in our community. We are armed with an entrepreneurial spirit and a dynamic approach to addressing community issues.

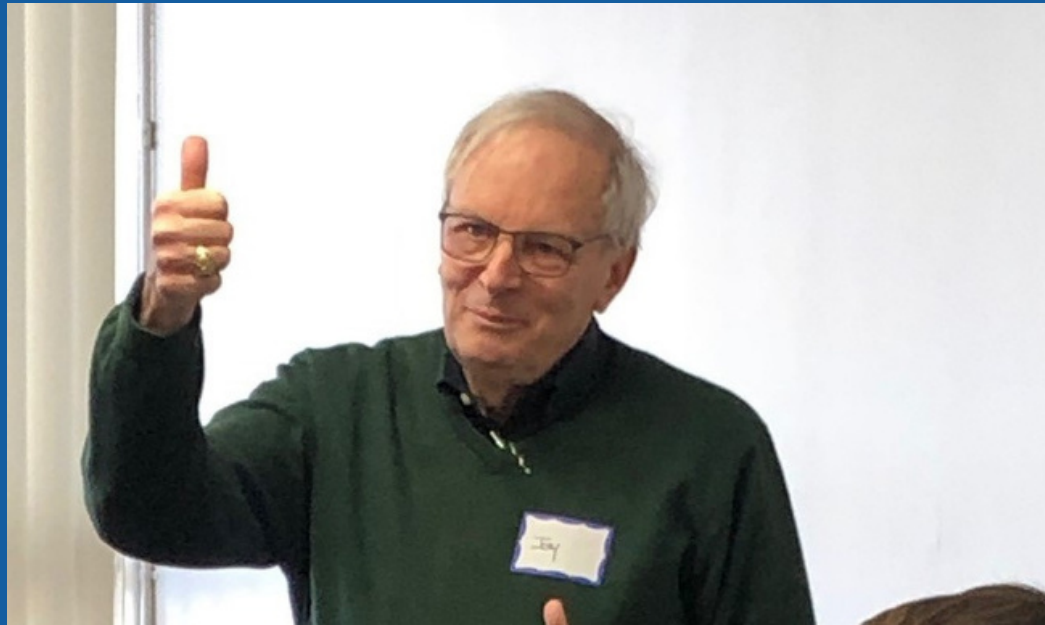
### APPROXIMATE ANNUAL BUDGET

- |               |              |               |                  |
|---------------|--------------|---------------|------------------|
| ■ In-Kind     | ■ Municipal  | ■ Fundraisers | ■ Transportation |
| ■ Program Fee | ■ Membership | ■ Grants      | ■ Sponsors       |



Next is not taxpayer supported, and relies on a diverse revenue stream to support its day-to-day operations. Philanthropy is key to keeping our programs and services growing and thriving while ensuring accessibility to all who want to participate.





## Board Of Directors:

Jay Reynolds- President  
Don Brundirks - Treasurer  
Lori Soifer - Past President

Marcia Wilkinson- Vice President  
David Underdown - Secretary

## Community Representatives:

Rock Abboud - Beverly Hills  
Ken Marten - Bingham Farms  
Anne Cron - Birmingham Schools

Mike Seltzer - Franklin  
Pierre Boutros - Birmingham

## Board Members:

Paul Buckles  
Greg Burry  
Sandy Debicki  
George Dilgard  
Stuart Jeffares  
Bob Koenigsknecht  
Julie Mandich

Elaine McLain  
Ed Pugh  
Eileen Pulker  
Gordon Rinschler  
Joe Valentine  
Doug Weaver MD





“A society grows great when old men plant trees in whose shade they shall never sit.”

Chinese Proverb

# Questions?

Next

2121 Midvale Road

Birmingham, MI 48009

(248) 203-5270

[www.BirminghamNext.org](http://www.BirminghamNext.org)

## MEMORANDUM

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**DATE:** February 14, 2022  
**TO:** Thomas M. Markus, City Manager and City Commission  
**FROM:** Mary M. Kucharek  
**SUBJECT:** Closed Session on 2/14/22 to Discuss A Written Attorney/Client Privilege Communication

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### INTRODUCTION:

This matter involves a discussion of a written Attorney/Client privilege communication.

### LEGAL REVIEW:

I am requesting a closed session on February 14, 2022 pursuant to MCL § 15.268 Sec. 8 of the Open Meetings Act to discuss a written Attorney/Client privilege communication.

### FISCAL IMPACT:

To be discussed in closed session.

### ATTACHMENTS:

Open Meetings Act excerpt at 267 of 1976 MCL § 15.268 Closed sessions permissible meetings.

### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to meet in closed session to discuss an Attorney/Client privilege communication pursuant to MCL § 15.268 Sec. 8(h) of the Open Meetings Act.

(Roll call vote must be by 2/3 of Commission, which is 5 persons.)



**OPEN MEETINGS ACT (EXCERPT)**  
**Act 267 of 1976**

**15.268 Closed sessions; permissible purposes; applicability to independent citizens redistricting commission.**

Sec. 8. (1) Except as otherwise provided in subsection (2), a public body may meet in a closed session only for the following purposes:

(a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named individual requests a closed hearing. An individual requesting a closed hearing may rescind the request at any time, in which case the matter at issue must be considered after the rescission only in open sessions.

(b) To consider the dismissal, suspension, or disciplining of a student if the public body is part of the school district, intermediate school district, or institution of higher education that the student is attending, and if the student or the student's parent or guardian requests a closed hearing.

(c) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.

(d) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.

(e) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.

(f) To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, except as otherwise provided in this subdivision, all interviews by a public body for employment or appointment to a public office must be held in an open meeting pursuant to this act. This subdivision does not apply to a public office described in subdivision (j).

(g) Partisan caucuses of members of the state legislature.

(h) To consider material exempt from discussion or disclosure by state or federal statute.

(i) For a compliance conference conducted under section 16231 of the public health code, 1978 PA 368, MCL 333.16231, before a complaint is issued.

(j) In the process of searching for and selecting a president of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963, to review the specific contents of an application, to conduct an interview with a candidate, or to discuss the specific qualifications of a candidate if the particular process of searching for and selecting a president of an institution of higher education meets all of the following requirements:

(i) The search committee in the process, appointed by the governing board, consists of at least 1 student of the institution, 1 faculty member of the institution, 1 administrator of the institution, 1 alumnus of the institution, and 1 representative of the general public. The search committee also may include 1 or more members of the governing board of the institution, but the number does not constitute a quorum of the governing board. However, the search committee must not be constituted in such a way that any 1 of the groups described in this subparagraph constitutes a majority of the search committee.

(ii) After the search committee recommends the 5 final candidates, the governing board does not take a vote on a final selection for the president until at least 30 days after the 5 final candidates have been publicly identified by the search committee.

(iii) The deliberations and vote of the governing board of the institution on selecting the president take place in an open session of the governing board.

(k) For a school board to consider security planning to address existing threats or prevent potential threats to the safety of the students and staff. As used in this subdivision, "school board" means any of the following:

(i) That term as defined in section 3 of the revised school code, 1976 PA 451, MCL 380.3.

(ii) An intermediate school board as that term is defined in section 4 of the revised school code, 1976 PA 451, MCL 380.4.

(iii) A board of directors of a public school academy as described in section 502 of the revised school code, 1976 PA 451, MCL 380.502.

(iv) The local governing board of a public community or junior college as described in section 7 of article VIII of the state constitution of 1963.

(l) For a county veteran services committee to interview a veteran or a veteran's spouse or dependent regarding that individual's application for benefits or financial assistance and discuss that individual's

application for benefits or financial assistance, if the applicant requests a closed hearing. This subdivision does not apply to a county veteran services committee voting on whether to grant or deny an individual's application for benefits or financial assistance. As used in this subdivision, "county veteran services committee" means a committee created by a county board of commissioners under section 1 of 1953 PA 192, MCL 35.621, or a soldiers' relief commission created under section 2 of 1899 PA 214, MCL 35.22.

(2) This act does not permit the independent citizens redistricting commission to meet in closed session for any purpose. As used in this subsection, "independent citizens redistricting commission" means the independent citizens redistricting commission for state legislative and congressional districts created in section 6 of article IV of the state constitution of 1963.

**History:** 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1984, Act 202, Imd. Eff. July 3, 1984;—Am. 1993, Act 81, Eff. Apr. 1, 1994;—Am. 1996, Act 464, Imd. Eff. Dec. 26, 1996;—Am. 2018, Act 467, Eff. Mar. 27, 2019;—Am. 2021, Act 31, Imd. Eff. June 24, 2021;—Am. 2021, Act 166, Imd. Eff. Dec. 27, 2021.

**Compiler's note:** Enacting section 1 of Act 166 of 2021 provides:

"Enacting section 1. This amendatory act is intended to clarify that the independent citizens redistricting commission for state legislative and congressional districts, since its establishment under section 6 of article IV of the state constitution of 1963, has been required to conduct all of its business at open meetings, without exception and in a manner that invites wide public participation throughout this state, as provided in section 6(10) of article IV of the state constitution of 1963, and that the commission continues to be subject to this unqualified open meetings requirement."



## MEMORANDUM

City Manager's Office

**DATE:** February 3, 2022

**TO:** Thomas Markus, City Manager

**FROM:** Jana Ecker, Assistant City Manager

**SUBJECT:** Previous City Commission Discussion on Social Districts

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Based on the recent requests of City Commissioners to discuss the establishment of a Social District in Birmingham, I offer the following background information.

Early on in the COVID pandemic, the City Commission considered many economic and operational initiatives to assist residents and businesses. Proposals included waiving fees and assessments, providing hand sanitizing stations across the City, enhancing sanitation of public parks, the addition of online City services, and programs to support local businesses, to name a few.

On May 11, 2020, the City Commission approved 25 different pandemic relief initiatives, including resolutions to expand the size of outdoor dining areas and to allow for outdoor display and service. One of the initiatives discussed was a resolution allowing the evening closure of several streets to allow for expanded outdoor seating and activity areas as people sought to avoid enclosed areas due to the pandemic. The proposal to allow for street closures was pulled from the agenda by the City Manager, as we were awaiting clarification from the MLCC and MML due to pending bills under consideration by the legislature, for instance House Bill 5781 dated May 19, 2020, which proposed permitting the designation of Social Districts to allow for alcohol consumption in specified common areas.

On June 8, 2020, the City Commission rescinded the prior resolution on expanded outdoor dining and adopted a new resolution that allowed for greater expansion of outdoor dining space in order to compensate restaurants for the 50% indoor capacity reduction in place at the time. At the same meeting, a draft resolution was also prepared to designate the Shain Park area and the surrounding streets of Henrietta, Martin, Bates and Townsend as a Social District through October 31, 2020, based on proposed bills under consideration by the State legislature. At that time, Bill 5781 had been introduced to allow local governments to designate an area as a Social District, and to include within it a commons area in which alcohol could be consumed. Bill 5781 had been approved by the House, and was under review by the Senate. The City Manager advised the City Commission that the Social District bill was being tracked, and that recommendations would be brought back once the bill was approved.

On July 1, 2020, Bill 5781 was signed into law and established Social Districts through December 31, 2024. Key provisions included the following:

- Local governments can designate a Social District that includes a commons area within that is shared by and is contiguous to the premises of at least two qualified alcohol licensees;
- A Social District is created by the local government's governing body by resolution, and must include a management and maintenance plan, include hours of operation, a map and signage plan that defines the boundaries of the Social District, and boundaries of the commons area that identify at least two contiguous qualified licensees;
- Resolutions with all attachments must be filed with the MLCC;
- Qualified licensees within the Social District must seek application approval from the local government that created the Social District, and then apply to the MLCC for a Social District Permit;
- Once approved for a Social District Permit, a qualified licensee may sell alcohol in their privately licensed establishment only, in approved containers, and then patrons may consume alcohol within the private establishment or within the commons area outside of the private establishment;
- Approved containers must not contain glass, must be 16 oz. or less in size, and must contain both the licensee's trade name or logo and a logo unique to the specific commons area; and
- Local police and the MLCC are responsible for enforcement within Social Districts.

For reasons unclear to current City staff, the issue of Social Districts was not brought back to the City Commission for formal consideration after it was signed into law in July 2020.

#### Attachments:

- City Commission minutes
- Shain Park Draft Resolution to create a Social District
- Bill 5781 and related analysis
- MML Fact Sheet on Social Districts (September 2020)



**BIRMINGHAM CITY COMMISSION  
VIRTUAL MEETING MINUTES  
MONDAY, MAY 11, 2020  
7:30 P.M.**

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

Mayor Pierre Boutros called the meeting to order at 7:30 P.M. with everyone reciting the Pledge of Allegiance.

**II. ROLL CALL**

Alexandria Bingham, City Clerk Designee, called the roll.

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

ABSENT: None

Administration: City Manager Valentine, Assistant City Manager Gunter, Finance Director Gerber, City Attorney Currier, Attorney Kucharek, Planning Director Ecker, DPS Director Wood, BSD Executive Director Tighe, City Engineer Johnson, Police Chief Clemence, Officer Grewe, IT Manager Brunk, Acting City Clerk Arft, City Clerk Designee Bingham.

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

**ANNOUNCEMENTS:**

- All city offices remain closed to the public. All departments are accessible via phone and email. Payments may be dropped off using the convenient drop box, located behind City Hall and accessible via the Police Department parking lot off Henrietta Street.
- The City has created a hotline to provide residents with information about City and County COVID19 resources. Elderly, quarantined and immuno-compromised individuals are encouraged to use the hotline to request assistance with essential

Mr. Stern commented that he has 35 years in the cemetery business and the report that he gave to Mr. Bloom was a report presented to the GCAB, suggesting that an independent auditor look at the staff analysis for reasonableness and the City Commission should have a neutral party look at the report presented by the City administration. He went on to say that, this is a typical "make or buy" decision.

Commissioner Hoff requested that since the contract would be reviewed for completeness, that the contractor identify as a cemetery services contractor in the agreement.

Commissioner Sherman withdrew the motion contingent on the second being withdrawn. Commissioner Nickita withdrew the second.

No action was taken on the suggested resolution and staff was directed to complete the contract language to move forward at a subsequent meeting.

#### **05-073-20                      COVID-19 ECONOMIC AND OPERATIONAL ASSISTANCE INITIATIVES**

City Manager Valentine presented recommendations developed by the administration and staff to assist the residential and business community through the COVID-19 crisis.

1. Delaying invoicing and collection of special payments until January 2021
2. Waiving penalties on delinquent water and sewer bills, special assessment, and invoices rolled to taxes.
3. Waiving penalties on delinquent water and sewer bills through the end of the year.
4. Waiving fees for outdoor dining platforms.
5. Waiving fees for outdoor dining meter fees during the 2020 outdoor dining season.
6. Waiving annual fees for valet licenses.
7. Waiving liquor license renewal fees.
8. Waiving fees for temporary signage or eliminating temporary signage permits through the end of summer.
9. Waive e-check fees for online payments to encourage utilization as opposed to in-person visits.
10. Waive the field, park, and shelter rental fees for the current year to incentivize congregating with consideration to social distancing, if permitted.
11. Waive access fees to BS&A records to increase efficiencies and minimize physical contact at the Treasurer's office.
12. Keep on-street parking fees during the day, and eliminate on-street parking fees after 5P.M.
13. Waive parking structure fees for public use through September.
14. Waive parking structure permit fees through September.
15. Waive initial merchant license fee for the remainder of 2020.
16. Waive temporary structure permit fees to encourage businesses to accommodate social distancing.
17. Waiving pet license fees through the end of 2020.

Commissioner Baller asked City Manager Valentine to clarify the economic impact of each recommendation in terms of whether or not the funds would be recoverable over time to the City for each recommendation.

Commissioner Sherman expressed concern about the habitual abuse of rolling delinquent bills onto the tax roll and waiving penalties in those situations.

Commissioner Baller asked if Commissioner Sherman would be amenable to a reduction as opposed to a waiver.

Commissioner Sherman would be amenable to delaying tax roll transfers or roll delinquencies that occurred prior to the date of the Governors Executive Order and hold the rest until next year.

Commissioner Host asked for the percentage of residential delinquencies compared to commercial delinquencies. Finance Director Gerber did not have that information available.

Commissioner Nickita expressed that if the intent is to address the need of people affected by the current environment, then it would make sense for the City Commission to look at the timing recommended and put dates on the water and tax initiatives, thus eliminating previous offenders.

Mayor Boutros suggested limiting the water and tax recommendations to residents.

Commissioner Host agreed with Mayor Boutros.

Finance Director Gerber expressed that the ordinance did not differentiate between residential and commercial. The Commission would have to make the determination. He further offered that under ordinance, water and sewer bills must be delinquent six months prior to transferring to the tax roll. Therefore, the delinquencies in question did not occur after the emergency was declared.

Commissioner Sherman reminded everyone that the residential and business community are combined in this circumstance. He went on to say the initiatives before the City Commission is to help the people that were harmed by the COVID-19, and not reward the habitual abusers.

City Manager Valentine expressed that based on the abovementioned comments; the administration could come back with recommendations including effective dates that are more in line with the impact if that is the pleasure of the commission.

Commissioner Hoff agreed with City Manager Valentine.

Commissioner Baller affirmed that the community should be assisted, but the focus should be on those that are actually distressed by the situation.

Public Comment:

David Bloom suggested, because bistros are required to have outdoor dining, making it optional for bistros to install platforms for the 2020 dining season.

Mayor Boutros advised to Mr. Bloom that the City Commission have flexibility in dealing with each situation. He went on to advise that bistros are charged extra for the space that is used outside to expand capacity.

Commissioner Baller asked if signage standards would be relaxed. He also asked if anything displayed to date appeared to be egregious.

Planning Director Ecker explained that what is proposed would change the regulations according to the draft resolution included in the agenda packet. In response to the egregiousness of current displays, there are some signs that are larger and have been displayed longer than currently allowed. She assured everyone that permits would be required, to make sure social distancing is considered, but the fees would be waived.

Commissioner Sherman commented that he appreciates the gesture put forth for the park fee waiver; and expressed that he is not sure whom this would benefit.

Mayor Boutros expressed that if it does not hurt anyone; why not put forth the gesture.

Mayor Pro-Tem Longe felt it would benefit the individuals whom rent the Springdale shelter for gatherings.

Commissioner Hoff asked what the acronym BS&A represent. Finance Director Gerber explained that it is not an acronym but the name of the software used by the City for all financial transactions.

Commissioner Host applauded the efforts of the administration and staff to increase customer satisfaction.

In reference to the parking initiatives, Commissioner Hoff asked if mechanisms are in place to determine what effect this would have based on the potential for evening workers to use the metered parking.

Assistant City Manager Gunter expressed that on-street parking used by employees has not been a factor after 5 P.M.

Commissioner Nickita expressed the same concern, but would like to stay focused on the reason that short term metered parking is in place. He suggested that because on-street parking would be free, long-term users would park in short term spaces and could negatively



affect the existing parking concerns. He further stated that with parking along Maple St. eliminated, there are unforeseen consequences in terms of the short-term user.

City Manager Valentine expressed that designated spots are proposed for pick-ups and drop-off outside of retailers to accommodate the short-term visitor and would be discussed later in the presentation.

Mayor Pro-Tem Longe pointed out that item #12 is a two-part proposal.

Commissioner Baller suggested contacting Park Mobile for their input on this initiative. He went on to suggest signage in the parking structures to encourage social distancing.

Mayor Pro-Tem Longe suggested that signage related to social distancing would be appropriately posted on the elevators, which is the risk environment.

Commissioner Hoff suggested monitoring #14 to see how many people would be returning to work and how that would affect occupancy.

Commissioner Host reminded everyone that the current initiatives are mainly to assist the downtown businesses, and approximately 85% of the general fund is from residents; therefore, the next round of initiatives should mainly support residents.

Commissioner Sherman asked if there was information available on cities that use installment plans for property taxes.

City Manager Valentine did not have anything available, but assured the City Commission that it is under review.

Public Comment:

Andrew Haig, resident, expressed that the measures brought by the staff for relief was very impressive; he thanked everyone who worked on the initiatives.

David Bloom, resident, requested to speak about the Hunter House. He was asked to wait until public comment on matters not on the agenda.

City Manager Valentine presented initiatives to resume City operations:

1. Install hand sanitizer stations around the business district.
2. Install hand sanitizer stations in City parks.
3. Cleaning regimen of playground equipment, park furnishings, and bus shelters.
4. Allow curbside pickup in the business district.
5. Allow business to use City parks for classes to support social distancing.
6. Install Plexiglas partitions in municipal building and other City facilities to minimize public contact at counters.
7. Expand on-line service offerings.
8. Modifying outdoor dining area regulations to allow for social distancing.

9. ~~Closing designated streets in the evening to accommodate expanded on-street dining.~~<sup>2</sup>
10. Provide additional seating along the streets for restaurants to allow patrons to wait outside for carryout.
11. Increasing communications and promoting information about voting in upcoming elections to encourage absent voting for safety and convenience.

Commissioner Hoff asked, in reference to the revised temporary use regulations due to COVID-19, how would it work on Maple Street and allow for social distancing.

Planning Director Ecker expressed that Maple Street along the construction zone was not included in the plan, because there was not a path for it to work.

Commissioner Baller asked for an explanation for providing picnic tables to businesses. He went on to say that, he would prefer to purchase more of the furnishings that are in Shain Park, which are durable, attractive, and could be stored and used forever.

City Manager Valentine offered that in anticipation of a mid-May reopening, the surplus of picnic tables could be used until businesses redesigned their outdoor dining, again, to accommodate social distancing. However, now that there is more time until reopening, he agreed with Commissioner Baller that his solution is appropriate.

Commissioner Nickita added that the comments by City Manager Valentine are very important in considering the ramifications of the action; and while he supports assisting the businesses in reopening in the current environment, he advised the commissioners to proceed carefully.

Public Comment:

Mr. Henke expressed that he has been working with the business district and staff and would appreciate the City Commission giving direction to staff immediately so that everyone can begin mobilizing.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Host:  
To approve the COVID-19 Economic Assistance Initiatives numbers 1, 4, 5, 6, 7, 8, 9, 10, 11, 12A, 13, 14, 15, 16, and 17.

**And**

COVID-19 Operational Initiatives number 1-8, 10, and 11 and adopt the resolutions for Temporary Outdoor Dining Standards, Temporary Signage Regulations, and Temporary Use Regulations.

Commissioner Nickita asked for clarification of the motion. City Manager Valentine clarified the motion and the suggested resolution.

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<sup>2</sup> City Manager Valentine pulled this initiative until more clarity could be attained from the State Liquor Commission and the Michigan Municipal League.

Commissioner Baller asked how flexibility in the parking permit scenario outlined in number 14 of the Economic Assistance Initiatives played out in the resolution. He went further to ask if the City Commission was approving the resolution in concept and allowing the administration to apply flexibility as needed.

City Manager Valentine affirmed and added that if any significant changes arose, it would be brought back to the City Commission. He also anticipates these discussions to be on going as we move forward in the current environment.

Public Comment:

David Bloom, resident, commented on behalf of Paul Reagan that he is supportive of helping residents and business owners impacted by COVID-19, as well as the parking initiatives. He expressed that he is not supportive of spending to benefit wealthier, larger property owners, and developers.

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

**BSD COVID-19 BUSINESS RELIEF INITIATIVES**

Ingrid Tighe, BSD Executive Director presented this item.

- BSD has been acting as a conduit for information on Federal and State programs designed to help small businesses, such as the Paycheck Protection program.
- Helped facilitate focus groups with Congresswoman and State Representative.
- Active in working with Oakland County for grants and other relief available on a County level.
- Merchant meetings to provide construction updates and expectations for the next 30, 60, and 90 days.
- Identified essential services that the Birmingham Shopping District must continue in the next year.
- Developed relief initiatives for downtown businesses that were not identified as essential.
- BSD committees collaborated to insure relief efforts were successful.
- Identified over \$100,000 in budget to reallocate to COVID-19 relief efforts.
- Identified \$75,000 in budget to put aside for contingencies.
- Identified another \$225,000 that was set aside for construction assistance to help downtown businesses.
- Four committees using a 30, 90, and 180 day plan for business development and retention.

- Gift certificate programs “quarantine cash” to incentivize shopping.
- Providing small business kits to Birmingham businesses that includes masks, gloves, etc.
- Pro bono speakers to identify pressure points that businesses are experiencing
- Small business relief fund based on donations that may be earmarked for Birmingham businesses sponsored by Oakland County.
- Working on attracting new business through enhanced social media and marketing.
- Continue to maintain maintenance projects in Downtown Birmingham.
- Anticipating a soft opening of businesses at the end of the month, a “Back to Birmingham” promotion is in progress.

In closing, BSD Director Tighe, expressed that the unseen benefit has been that all of the cities in the State have been working together in seeking solutions to revive the economy in Michigan and she appreciates the many contributions.

**05-074-20**

## **RESOLUTION TO MEET IN CLOSED SESSION**

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

To approve the resolution to meet in closed session to:

1. ~~Review pending litigation in the matter of Coulston v City of Birmingham pursuant to Section 8(e) of the Open Meetings Act, MCL 15.261 – 15.275,~~<sup>3</sup>

### **AND**

2. Discuss an Attorney/Client communication pursuant to Section 8(h) of the Open Meetings Act.

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

## **VII. REMOVED FROM CONSENT AGENDA**

None

## **VIII. COMMUNICATIONS**

None

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

David Bloom commented on the Hunter House and asked that the City not build or approve more commercial/residential buildings in the City without discussions about parking. He

<sup>3</sup> City Manager Valentine pulled this item from consideration; insufficient information.



# **BIRMINGHAM CITY COMMISSION MEETING MINUTES**

**JUNE 8, 2020**

**MUNICIPAL BUILDING, 151 MARTIN**

**7:30 P.M.**

**VIRTUAL MEETING**

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

Pierre Boutros, Mayor

## **II. ROLL CALL**

Alexandria Bingham, City Clerk Designee, called the roll:

PRESENT:	Mayor Boutros
	Mayor Pro-Tem Longe
	Commissioner Baller
	Commissioner Hoff
	Commissioner Host
	Commissioner Nickita
	Commissioner Sherman
ABSENT:	None

Administration: City Manager Valentine, Assistant City Manager Gunter, Finance Director Gerber, Planning Director Ecker, Police Chief Clemence, Commander Grewe, Acting City Clerk Arft, City Clerk Designee Bingham

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

### **ANNOUNCEMENTS**

- The Parkinson's Walk Special Event Application has been withdrawn due to the executive orders in place that limit outside gatherings to a maximum of 100 people.
- Mayoral Proclamation on Social Injustice.
- All city offices remain closed to the public. All departments are accessible via phone and email. Payments may be dropped off using the convenient drop box, located behind City Hall and accessible via the Police Department parking lot off Henrietta Street.
- The Baldwin Public Library will begin accepting materials returns on June 8. Starting, June 15, the Library will be offering Curbside Pickup service to patrons on Mondays through Thursdays from 11:00 a.m. to 7:00 p.m. and on Fridays and Saturdays from 9:30 a.m. to 5:30 p.m. Find more details about Curbside Pickup and the Library's reopening plan at [www.baldwinlib.org/reopening](http://www.baldwinlib.org/reopening).
- The City will maintain the hotline to provide residents with information about City and County COVID-19 resources through the end of the month. Elderly, quarantined and immuno-compromised individuals are encouraged to use the hotline to request assistance

**06-092-20**

**UPDATING THE TEMPORARY COVID-19 OUTDOOR DINING STANDARDS.**

Planning Director Ecker presented the item that allows for a greater expansion of outdoor space to accommodate for the 50% of space loss due to the Governor's order for restaurants. This would be in effect until October

Commissioner Hoff asked how the decision is being made to expand into the parking spaces and pedestrian walking path.

Planning Director Ecker expressed that the restaurants would be using the parking spaces in front of their establishment as allowed by code complimentary based on the resolution adopted at the May 11, 2020 Commission meeting and the existing code requires a 5ft walk path for pedestrians.

Commissioner Sherman asked why the City would need to set a limit on the seats if the establishment has the capacity outside.

Planning Director Ecker explained that this is an effort to make the establishments whole. The Commission has the authority to eliminate the limits.

City Manager Valentine expressed that the effort has to be equitable and in consideration of the adjoining neighbors. He further stated that there might be an opportunity to expand on private property.

Commissioner Nickita agreed that there has to be a balance with non-restaurant retailers. He asked how to be fair where the Class C license holders that can expand without restriction and the Bistros are restricted.

Planning Director Ecker affirmed that everyone is on equal footing.

Commissioner Baller pointed out that this is about liquor. He suggested giving restaurants the option of offering seating in a food only section or one that would include beverages.

Mayor Boutros asked for clarification of the amendment as written. If the neighbor objects to the expansion than the restaurant would not be able to do it.

Planning Director Ecker agreed that consent is required for private property but does not apply to public space in the right-of-way. An example is Hazel Ravine Downtown, which is next to an empty lot.

Commissioner Hoff asked if expansion could take place in front of a retail store.

Planning Director Ecker affirmed that it could be done as long as a walk path is clear.

Mayor Boutros clarified that the City is trying to benefit everyone and feels that restaurants should not affect traffic into retail stores.

### Public Comment

Beth Hussey, Hazel Ravine Downtown, spoke out in support of the Commission doing everything possible to help out the business community in Birmingham. She shared the results of a survey that she sponsored and the residents want to dine outdoors.

David Bloom, resident, agreed with Commissioner Baller in terms of using additional space for the restaurants to use that could be monitored by the BSD.

Planning Director Ecker expressed that the current issue is liquor and removal of liquor from the property is not allowed in the State of Michigan.

Commissioner Nickita to Planning Director Ecker's point, the BSD has been working on plans to expand restaurant options on public space. Following up on the social district, has been approved by the House and being reviewed by the Senate right now; he anticipates that it would come on line soon.

City Manager Valentine expressed that the bills are tracked as they evolve and recommendations would be brought back as passed.

**MOTION:** Motion by Commissioner Hoff, seconded by Sherman:  
Approving the resolution updating the temporary COVID-19 outdoor dining standards taking effect immediately and rescinding resolution #05-073-20a, as previously adopted by the city commission on May 11, 2020.

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

### **06-093-20 2020-2021 BUDGET APPROVAL**

Finance Director presented this item.

City Manager Valentine clarified that the budget was impacted by the COVID-19, and recommends adopting the budget this evening and revisit it at the end of the year for any adjustments.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Hoff:  
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, 2020 and ending June 30, 2021 (complete resolution in agenda packet).

Mayor Pro-Tem Longe asked why the audit would be required before reviewing changes.

City Manager Valentine expressed that the audit would give a picture of what the impact of COVID-19 was on the current year's budget and a better view of how it would affect 2020-2021.

Commissioner Host recognized that the job of the Commission is to do due diligence and as a Commission there has not been any discussion about the budget. He presented two misgivings.

**RESOLUTION # \_\_\_\_\_**  
**TEMPORARY COVID-19 OUTDOOR DINING STANDARDS**

WHEREAS the novel coronavirus (COVID-19) is a respiratory disease that is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person;

WHEREAS the spread of COVID-19 has resulted in the State of Michigan declaring a State of Emergency under Section 1 of Article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, and the Emergency Powers of the Governor Act, 1945 PA 302, as amended, as evidenced in Executive Order 2020-4;

WHEREAS the City of Birmingham has activated their Emergency Operation Center to respond to the COVID-19 pandemic;

WHEREAS the City of Birmingham is committed to encouraging economic activity and assisting local businesses impacted by the COVID-19 pandemic to ease back into operation while containing the spread of COVID-19;

WHEREAS the City of Birmingham wishes to ensure that establishments permitted to open to the public have the ability to accommodate social distancing guidelines currently in force within the State of Michigan;

NOW THEREFORE BE IT RESOLVED, the City of Birmingham establishes a Social District in accordance with the Michigan Liquor Control Commission's temporary 2020 Limited Permanent Outdoor Service Permission program, to encompass the Shain Park area including the entirety of Shain Park and the surrounding streets of Henrietta, Martin, Bates and Townsend. Any food and drink establishment in existence in Birmingham as of the date of this resolution may be permitted to operate outdoor dining areas within the Social District in accordance with the following Temporary COVID-19 standards through October 31, 2020:

1. Establishments may add new outdoor dining areas or expand previously approved outdoor dining areas in order to add additional seating to compensate for lost interior seating as a result of COVID-19 related restrictions to accommodate social distancing and/or to allow for phased reopening;
2. The number of seats to be removed from the interior of the restaurant due to health guidelines is the maximum number that each establishment shall be permitted to outdoors in the public right-of-way on the sidewalk, in the on-street parking zone and/or in a via;
3. Outdoor dining areas must commence adjacent to the establishment, and may extend out in front of neighboring establishments, as space permits;
4. All establishments seeking temporary changes in accordance with this resolution must submit an Administrative Approval application to the Planning Division, and include the following documents:
  - i) A plan view of the proposed outdoor dining area showing all fixtures and furnishings with all distances clearly marked for pedestrian paths and between seating;



- ii) Proof of insurance to include coverage of the existing outdoor dining area and the area proposed for expansion; and
- iii) A temporary license agreement, if located on public property.

BE IT FURTHER RESOLVED, that all existing and expanded outdoor dining areas on both public and private property are required to alter the design and layout of tables, chairs, fixtures and enclosure systems to meet social distancing guidelines in effect and contain the spread of COVID19 as follows:

1. Reconfigure the layout of the entire outdoor dining area, to the maximum extent practical, to provide a minimum 6' clear pedestrian walking path adjacent to the dining area;
2. Reconfigure tables and chairs to allow seating for patrons only in accordance with social distancing guidelines in effect;
3. Remove all previously approved chairs and other seating that does not meet social distancing guidelines;
4. Install temporary signage to encourage compliance with social distancing guidelines;
5. Provide a temporary hand sanitizing station adjacent to the outdoor dining area; and
6. Provide a temporary service station outdoors that includes a trash receptacle and disinfecting wipes or other supplies for the cleaning of tables and chairs between patrons and of high touch points in the outdoor dining area.

BE IT FURTHER RESOLVED, that the City of Birmingham will waive all application fees, license and rental fees for the expanded portion of the outdoor dining area permitted by this resolution, including the use of both on street and off street right-of-ways and City owned property.

BE IT FURTHER RESOLVED, Except as herein specifically provided, all ordinances of the City of Birmingham in effect at the time of the issuance of this resolution, and as they may be subsequently amended, shall remain in force. Failure to comply with all the ordinances of the City may result in enforcement action and/or termination of an existing Special Land Use Permit.

I, Alexandria Bingham, City Clerk Designee, 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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
Alexandria Bingham, City Clerk Designee

# HOUSE BILL NO. 5781

May 19, 2020, Introduced by Reps. Webber, Sabo, Steven Johnson, Bollin, Slagh, Rendon, Paquette, Crawford, Hall, Huizenga, Kahle, Lightner, Meerman, Hood, Elder, Leutheuser and Reilly and referred to the Committee on Regulatory Reform.

A bill to amend 1998 PA 58, entitled  
"Michigan liquor control code of 1998,"  
(MCL 436.1101 to 436.2303) by adding section 551.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 551. (1) The governing body of a local unit of government  
2       may designate a social district that contains a commons area that  
3       may be used by on-premises licensees that obtain a social district  
4       permit. If the governing body of a local unit of government  
5       designates a social district that contains a commons area under  
6       this section, the governing body must define and clearly mark the



DAW



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1 commons area in a manner prescribed by the commission. The  
2 governing body may, at any time, revoke the designation if it  
3 determines that the commons area threatens the health, safety, or  
4 welfare of the public or has become a public nuisance. The  
5 governing body shall file the designation or the revocation of the  
6 designation with the commission.

7 (2) The holder of a social district permit may sell alcoholic  
8 liquor for consumption on the premises within the confines of a  
9 commons area. The consumption of alcoholic liquor in the commons  
10 area may only occur during the legal hours for the sale of  
11 alcoholic liquor by the permittee. Only the holder of a social  
12 district permit or employees of that permittee may sell or dispense  
13 alcoholic liquor in the commons area.

14 (3) The holder of a social district permit may only serve  
15 alcoholic liquor to be consumed in the commons area in containers  
16 that prominently display the permittee's trade name or logo or some  
17 other mark that is unique to the permittee under the permittee's  
18 on-premises license. The holder of a social district permit shall  
19 not allow alcoholic liquor to leave the commons area or its  
20 premises.

21 (4) An on-premises licensee that is adjacent to a commons area  
22 in a social district designated by the governing body of a local  
23 unit of government under this section may obtain from the  
24 commission an annual social district permit as provided in this  
25 section. The social district permit must be issued for the same  
26 period and may be renewed in the same manner as the on-premises  
27 license held by the applicant. The commission shall develop an  
28 application for a social district permit and shall charge a fee of  
29 \$250.00 for a social district permit. On receipt of a completed



1 application and the fee, the commission shall notify the governing  
2 body of the local unit of government and verify the designation of  
3 a social district and that the location listed on the application  
4 is adjacent to and qualifies for a social district permit under  
5 this section. An application for a social district permit must be  
6 approved by the governing body of the local unit of government in  
7 which the applicant's place of business is located before the  
8 permit is granted by the commission. The commission shall provide  
9 the governing body of the local unit of government and the local  
10 chief of police with the applicant's name, business address, and  
11 business telephone number to accomplish the review as required by  
12 this subsection.

13 (5) As used in this section, "commons area" means an area  
14 within a social district designated by the governing body of the  
15 local unit of government that is shared by and abuts the premises  
16 of at least 2 other on-premises licensees.





# Legislative Analysis



## LIQUOR CONTROL CODE AMENDMENTS

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5781 (H-3) as reported from committee**  
**Sponsor: Rep. Michael Webber**

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 5811 (H-6) as reported from committee**  
**Sponsor: Rep. Sarah Anthony**

**1st Committee: Regulatory Reform**  
**2nd Committee: Ways and Means**

**Senate Bill 942 (H-3) as reported from House committee**  
**Sponsor: Sen. Aric Nesbitt**

**House Committee: Ways and Means**  
**Senate Committee: Regulatory Reform**

**Complete to 6-17-20**

### SUMMARY:

House Bills 5781 and 5811 and Senate Bill 942 would amend the Michigan Liquor Control Code to do the following:

- Until December 31, 2024, allow certain on-premises licensees and manufacturers to obtain a permit to sell alcohol for consumption in the commons area of a social district. (HB 5781)
- Until December 31, 2025, allow certain on-premises licensees and manufacturers to fill and sell a qualified container with alcohol for consumption off the licensed premises and deliver a container to a Michigan consumer under certain conditions. (HB 5811)
- For spirits bought by on-premises retailers from specially designated distributors, change the allowable amount and the time period over which that amount is calculated, and require reports to the Michigan Liquor Control Commission (MLCC). (SB 942)
- Increase, from 17% to 23%, the discount allowed to on-premises licensees on liquor bought from the state, for the 12 months after the bill is enacted. (SB 942)
- Allow a mixed spirit manufacturer to sell or provide samples of its mixed spirit drink at certain off-premises tasting rooms under certain circumstances. (SB 942)
- Beginning March 1, 2020, allow manufacturers to refund or replace purchases of beer or wine by wholesalers when the beer or wine has gone out of date or when the wholesaler has refunded or replaced a retailer's purchase for similar reasons. (SB 942)
- Allow an on-premises licensee to sell and advertise two-drink specials. (SB 942)

**House Bill 5781** would allow, through December 31, 2024, a *qualified licensee* to obtain a permit to sell and dispense alcohol to customers for consumption in the commons area of a social district.

*Qualified licensee* would mean either of the following:

- A retailer that holds a license, other than a special license, to sell alcoholic liquor for consumption on the licensed premises.
- A manufacturer that has an on-premises tasting room permit, off-premises tasting room license, or joint off-premises tasting room license issued under the code.

#### **Commons area**

Currently, an on-premises license allows the licensee to sell alcohol for consumption only on the licensed premises. The bill would allow the governing body of a *local governmental unit* to designate a social district containing a *commons area* that could be used by a qualified licensee that obtained a social district permit.

*Local governmental unit* would mean a city, township, village, or charter authority.

*Commons area* would mean an area within a social district that is clearly designated and clearly marked by the governing body of the local governmental unit and that is shared by and contiguous to the premises of at least two qualified licensees. A commons area would not include the licensed premises of any qualified licensee.

The governing body could not designate a social district that closed a road without the prior approval of the road authority with jurisdiction. The governing body of the local governmental unit would have to define and clearly mark the commons area with signs and submit to the MLCC local management and maintenance plans for the commons area, including hours of operation. The governing body would have to maintain the commons area in a way that protected the safety and health of the community. The governing body could revoke the social district designation, after at least one public hearing on the proposed revocation, if it determined that the commons area was a public nuisance or threatened the health, safety, or welfare of the public. A designation or a revocation would have to be filed with the MLCC.

#### **Social district permit**

A qualified licensee whose licensed premises were shared by and contiguous to a commons area in a designated social district could obtain an annual social district permit from the MLCC. A social district permit would allow the permittee to sell alcohol for consumption within the confines of a commons area as long as the permittee only sold and served alcoholic liquor on its licensed premises and only served alcohol to be consumed in the commons area in a container meeting all of the following:

- It is not glass.
- Its liquid capacity does not exceed 16 ounces.
- It prominently displays a logo or other mark unique to the commons area.

- It prominently displays the permittee's trade name or logo or some other mark unique to the permittee under its on-premises license.

A person who bought a container of alcoholic liquor from a social district permittee as described above could take the container from the permittee's premises and into the commons area but could not take it out of the commons area or onto the licensed premises of another social district permittee. Alcohol consumption in the commons area as allowed by the bill would be limited to the legal hours for the sale of alcohol by the permittee.

A social district permit would have to be issued for the same period and be renewed in the same manner as an applicant's on-premises license. The MLCC would have to develop an application for a social district permit. The permit fee would be \$250, which would be deposited into the Liquor Control Enforcement and License Investigation Revolving Fund. The governing body of the local governmental unit where the applicant's place of business is located would have to approve a permit before an application could be made to, or a permit granted by, the MLCC.

Finally, if the MLCC issued a special license to a special licensee located in a social district, the special licensee could not sell and serve alcohol under the special district permit while the special license was in effect.

The bill's provisions would no longer apply after December 31, 2024.

MCL 436.2021 and proposed MCL 436.1551

**House Bill 5811** would allow a *qualified licensee* to fill and sell a container with alcoholic liquor for consumption off the licensed premises and to deliver the container to a consumer in Michigan under certain conditions. (*Qualified licensee* would have the same meaning as in HB 5781, above.)

Under the bill, notwithstanding anything in the code to the contrary, a qualified licensee could fill and sell *qualified containers* with *alcoholic liquor* for consumption off the premises under the following conditions:

- The qualified licensee or his or her agent or employee does not fill a qualified container in advance of the sale.
- The qualified licensee or his or her agent seals the qualified container.
- The qualified licensee complies with all applicable rules promulgated by the MLCC.

*Qualified container* would mean a clean, sealable container that is for the sale of alcoholic liquor for consumption off the premises, that has a liquid capacity that does not exceed one gallon, and that is sealed after filling with a substance or device that fully closes off the container securely with no perforations or straw holes.

*Alcoholic liquor* means any spirituous, vinous, malt, or fermented liquor, powder, liquids, and compounds, whether or not medicated, proprietary, or patented, and by whatever name called, containing 1/2 of 1% or more of alcohol by volume that are

fit for use as a food or a beverage as defined and classified by the MLCC according to alcoholic content as belonging to one of the varieties defined in chapter 1 of the code.

In addition, and also notwithstanding anything in the code to the contrary, a qualified licensee could deliver alcoholic liquor to a *consumer* in the state under all of the following conditions:

- The qualified licensee complies with all laws of the state, including the prohibition on alcohol sales to minors.
- The qualified licensee stamps, prints, or labels the outside of the qualified container with the words “Contains Alcohol. Must be delivered to a person 21 years of age or older.” (The recipient would have to provide identification to verify his or her age at the time of delivery.)
- The qualified licensee or his or her agent seals the qualified container.
- If the qualified licensee is a retailer, the alcoholic liquor is delivered by an employee of the qualified licensee or by a *third party facilitator service*.
- If the qualified licensee is a manufacturer, the alcoholic liquor is delivered by an employee of the qualified licensee.

*Consumer* would mean an individual who purchases beer, wine, or spirits for personal consumption and not for resale.

*Third party facilitator service* means a person licensed by the commission to deliver or facilitate the sale of beer or wine, or spirits, to a consumer on behalf of a retailer that holds a specially designated merchant license (for beer or wine) or a specially designated distributor license (for spirits) located in this state.

A qualified licensee could not sell alcoholic liquor in its original packaging under these provisions, except as otherwise allowed under the code.

The bill’s provisions would no longer apply after December 31, 2025.

Proposed MCL 436.1537a

**Senate Bill 942** would amend the Michigan Liquor Control Code as described below.

#### **Sales of spirits**

Currently under the act, a specially designated distributor can sell up to 9 liters of spirits to an on-premises licensee in any one month, and an on-premises licensee can buy up to 9 liters of spirits collectively from specially designated distributors in any one month.

The bill would instead allow a specially designated distributor to sell up to 120 liters of spirits to an on-premises retailer during a calendar year and allow an on-premises retailer to buy up to 120 liters of spirits collectively from specially designated distributors in a calendar year.



An on-premises retailer would have to submit to the MLCC a report indicating the purchases the retailer made under the above provisions for each month in which such purchases were made. The MLCC would have to establish the method and form for electronic reporting of these purchases within 30 days after the effective date of the bill. The MLCC could not require a retailer to submit a report in less than monthly intervals and could not require a report for a month when such purchases were not made.

#### Discount

Currently, specially designated distributors and on-premises licensees can deduct 17% from the price of alcoholic liquor bought from the state. Under the bill, for 12 months after the bill's enactment date, on-premises licensees would be entitled to a 23% discount on those purchases.

#### Mixed spirit drink manufacturer tasting rooms

The bill would allow a small distiller<sup>1</sup> or distiller that also holds a mixed spirit drink manufacturer license to do all of the following, subject to the applicable limitations described in the code:

- Sell its mixed spirit drink for consumption off the licensed premises of an approved off-premises or joint off-premises tasting room.
- Sell its mixed spirit drink for consumption on the premises of an approved off-premises or joint off-premises tasting room.
- Sell or give away samples of any size of its mixed spirit drink for consumption on the licensed premises of an approved off-premises or joint off-premises tasting room.
- Sell or give away samples of up to three ounces of its mixed spirit drink for consumption on the premises of an approved off-premises or joint off-premises tasting room.

#### Outdated beer or wine

Beginning March 1, 2020, a manufacturer could refund to a wholesaler up to the amount the wholesaler paid for beer or wine, or replace the beer or wine, for either of the following reasons:

- The beer or wine the wholesaler bought from the manufacturer has gone out of date while in the wholesaler's possession.
- The wholesaler bought the beer or wine from the manufacturer and refunded to a retailer the amount paid by the retailer for that beer or wine, or replaced it, under provisions that allow for such refund or replacement when, among other reasons, the beer or wine is outdated, defective, misdelivered, discontinued, or likely to spoil.

#### Two-drink specials

Currently, an on-premises licensee cannot sell, offer to sell, or advertise the sale of two or more identical drinks containing alcohol to an individual for his or her consumption for one price. If two or more identical drinks are served at one time, the second must cost the same as the first.

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<sup>1</sup> A small distiller is a manufacturer of spirits that annually manufactures in Michigan not more than 60,000 gallons of spirits, of all brands combined.

The bill would amend the above prohibition to apply to the sale or advertisement of three or more identical drinks and provide that if three or more drinks are served at one time, the third must cost the same as the first. Under the bill, an on-premises licensee could sell, offer to sell, or advertise the sale of two drinks for one price or sell the second identical drink for a different price than the first. However, except on prior written order by the MLCC, the licensee could not sell alcoholic liquor to an individual under these provisions for a price that is less than the licensee's cost for the alcoholic liquor.

MCL 436.1205 et seq.

The bills are tie-barred to one another, which means that none of them could take effect unless all of them were enacted.

### **FISCAL IMPACT:**

**House Bill 5781** would have an indeterminate fiscal impact on the Department of Licensing and Regulatory Affairs (LARA) and local units of government. The bill would require the MLCC, within LARA, to issue social district permits. A \$250 fee would be established for the social district permit. Revenues from this fee would be deposited to the Liquor Control Enforcement and License Investigation Revolving Fund, which is appropriated for the MLCC's enforcement of the Michigan Liquor Control Code and associated rules and for license investigations. It is unclear what the costs of administration would be for the MLCC, so the net fiscal impact is presently indeterminate. The bill would create administrative responsibilities for local governments that choose to designate a social district, requiring the establishment of local management and maintenance plans, maintenance of commons areas, commons area signage, and approval of social district permit applications. The magnitude of these costs for local units of government is presently indeterminate.

**House Bill 5811** would not have a significant fiscal impact on LARA.

**Senate Bill 942** would have a significant fiscal impact on LARA and on state funds. The MLCC, within LARA, would be responsible for establishing a reporting method and form for on-premises retailers that purchase spirits from specially designated distributors under the bill. This action is not expected to result in any significant cost for the MLCC.

The bill would increase the amount of the existing 17% discount given to on-premises licensees on uniform liquor prices. Under the bill, the discount would be increased to 23% for the 12 months following the bill's enactment date. The increased discount would reduce revenues to the Liquor Purchase Revolving Fund, which is the state's enterprise fund for the wholesaling of liquor. The net revenue of the LPRF lapses to the state's general fund (GF/GP), so the bill would ultimately result in a reduction to GF/GP revenue. The exact amount of this reduction is presently indeterminate.

The impact of refunds to wholesalers by liquor manufacturers would be indeterminate, as it would depend on the volume of liquor subject to refund.

## POSITIONS:

A representative of the Michigan Restaurant and Lodging Association testified in support of the bills. (6-17-20)

The following entities indicated support for the bills (6-17-20):

- Michigan Licensed Beverage Association
- Bedrock
- Michigan Spirits Association

Representatives of the following entities testified in support of HB 5781:

- Cotton Brewing (6-17-20)
- Grand Rapids Chamber (6-3-20)
- Barfly Ventures (6-3-20)
- Downtown Grand Rapids, Inc. (6-3-20)

The following entities indicated support for HBs 5781 and 5811:

- City of Grand Rapids (6-17-20)
- Detroit Regional Chamber (6-17-20)
- Traverse City Tourism (6-17-20)
- Saginaw Chamber of Commerce (6-17-20)
- Northern Michigan Chamber Alliance (6-17-20)
- Bay Area Chamber of Commerce (6-17-20)
- Lansing Regional Chamber (6-17-20)
- Southwest Michigan First (6-17-20)
- Midwest Independent Retailers Association (6-3-20)

The following entities indicated support for HB 5781:

- Michigan West Coast Chamber of Commerce (6-17-20)
- Muskegon Lakeshore Chamber of Commerce (6-17-20)
- Lakeshore Advantage (6-17-20)
- The Chamber of Grand Haven, Spring Lake & Ferrysburg (6-17-20)
- Midland Business Alliance (6-17-20)
- City of Muskegon DDA (6-17-20)
- Michigan Municipal League (6-3-20)
- City of Muskegon (“in concept” 6-3-20)
- Michigan Downtown Association (6-3-20)
- Michigan Chamber of Commerce (6-3-20)
- Oakland Community College (6-3-20)
- Ilitch Holdings (6-3-20)

The following entities indicated support for HB 5811:

- Downtown Grand Rapids, Inc. (6-17-20)
- Grand Rapids Chamber (6-17-20)
- R Street Institute (6-3-20)

The Michigan Liquor Control Commission indicated a neutral position on the bills.  
(6-17-20)

The Michigan Council on Alcohol Problems indicated opposition to HBs 5781 and 5811.  
(6-3-20)

Michigan Alcohol Policy indicated opposition to HB 5781. (6-3-20)

Legislative Analysts: Rick Yuille  
Susan Stutzky  
Fiscal Analyst: Marcus Coffin

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.



## **MDA Q & A RE: RECENT LEGISLATION SOCIAL DISTRICTS/COCKTAILS TO GO**

**June 30, 2020**

For many months various groups including, but certainly not limited to, but the Michigan Municipal League ("MML"), the Michigan Restaurant and Lodging Association ("MRLA") and the Michigan Licensed Beverage Association ("MLBA") have worked to achieve relief for bars and restaurants who have suffered enormously as a result of the COVID Crisis.

Three pieces of the legislation, tie-barred to one another, passed the Senate this week and are on the Governor's desk for signature.

### **SOCIAL DISTRICTS**

**House Bill 5781 was introduced by Representative Webber (R – District 45) on 5/19/20. HB 5781 would allow a municipality to establish a "social district". HB5781 is summarized as follows:**

- **Statement of Bill.** Through December 31, 2024, a qualified licensee would be able to obtain a permit to sell and dispense alcohol to customers for consumption in the commons area of a social district.

- **FAQ's:**

- **Who obtains the permit?** The qualified licensee.
- **Who approves the permit?** The MLCC after working with the municipality.
- **Who designates the social district?** The municipality.
- **Where is alcohol purchased?** From the qualified licensee.
- **Where can the alcohol be consumed?** Within the commons area which is designated within the social district.
- **How many licensees are needed to designate the commons area?** The commons area must be shared by and contiguous to the premises of at least two qualified licensees.
- **Who is responsible for clearly marking the commons area?** The municipality.

- **Who is responsible for enforcing the law if enacted?** MLCC and local police.
- **Can the municipality enact rules and procedures for designating social districts?** Yes, as long as the rules are not less restrictive than those set forth in the bill.
- **Is it likely that the Governor will sign the bills into law?** Yes.
- **When?** The belief is that the Governor will sign the bills into law in early July; however, anything in the new laws which contravene any provision of an Executive Order would be subject to enforcement by the Attorney General's office. For example, if a social district is designated, and more than 100 people gather and social distancing is not implemented, the gathering would be deemed in violation of the current Executive Order.
- **Qualified licensee which can obtain a permit in the commons area of a social district includes:**
  - A retailer that holds a license, other than a special license, to sell alcoholic liquor for consumption on the licensed premises. (i.e. bar, restaurant, brewpub, hotel)
  - A manufacturer that has an on-premises tasting room permit, off-premises tasting room license, or joint off-premises tasting room license issued under the Liquor Code. (i.e. micro brewery, small wine maker, small distiller)
- **Social District.** The governing body of a local governmental unit (city, village, and township) may designate a social district containing a commons area that could be used by a qualified licensee that obtained a social district permit. The governing body is referred to as the "municipality".
- **Commons Area.** "Commons area" means an area (one or more) within a social district that is clearly designated and clearly marked by the municipality and that is shared by and contiguous to the premises of at least two qualified licensees. A commons area would not include the licensed premises of any qualified licensee.

Practically speaking, the qualified licensee would sell the alcoholic beverage to the consumer who could then walk to and consume the beverage in the commons area, only. The consumer is not allowed to take the beverage out of the commons area.

- **Municipality's obligations and restrictions regarding the social district.**
  - The municipality could not designate a social district that closed a road without the prior approval of the road authority with jurisdiction.
  - The municipality must define and clearly mark the commons area with signs.
  - The municipality must submit to the MLCC a local management and maintenance plan for the commons area, including hours of operation.
  - The municipality must maintain the commons area in a way that protected the safety and health of the community.
  - The municipality could revoke the social district designation, after at least one public hearing on the proposed revocation, if it determined that the commons area was a public nuisance or threatened the health, safety, or welfare of the public. A designation or a revocation would have to be filed with the MLCC.
- **Social district permit.** A qualified licensee whose licensed premises were shared by and contiguous to a commons area in a designated social district could obtain an annual social district permit from the MLCC, which would allow:
  - A social district permit would allow the permittee to sell alcohol for consumption within the confines of a commons area as long as the permittee only sold and served alcoholic liquor on its licensed premises and only served alcohol to be consumed in the commons area in a container meeting all of the following:
    - ✓ It is not glass.
    - ✓ Its liquid capacity does not exceed 16 ounces.
    - ✓ It prominently displays a logo or other mark unique to the commons area.
    - ✓ It prominently displays the permittee's trade name or logo or some other mark unique to the permittee under its on-premises license.
  - A person who bought a container of alcoholic liquor from a social district permittee as described above could take the container from the permittee's premises and into the commons area but could not take it out of the commons area or onto the licensed premises of another social district permittee.
  - Alcohol consumption in the commons area as allowed by the bill would be limited to the legal hours for the sale of alcohol by the permittee.

- A social district permit would have to be issued for the same period and be renewed in the same manner as an applicant's on-premises license.
- The MLCC will have to develop an application for a social district permit. The permit fee would be \$250, which would be deposited into the Liquor Control Enforcement and License Investigation Revolving Fund.
- Prior approval of the permit must be obtained from the municipality before an application could be made to, or a permit granted by, the MLCC.
- If the MLCC issued a special license to a special licensee located in a social district, the special licensee could not sell and serve alcohol under the special district permit while the special license was in effect.
- The bill's has a sunset date of December 31, 2024 and the provisions would no longer apply after that date.

A discussion of some practical considerations should take place such as:

- municipal oversight and meetings with the stakeholders to gauge success and problems; and
- liability insurance issues.

## COCKTAILS TO GO

House Bill 5811 was introduced by Representative Anthony (D – District 68) on 5/28/20. HB 5811 allows qualified on-premises licensees (i.e. bars, restaurants, hotels) to sell alcohol to go, in a qualified container, for consumption off the licensed premises, and to deliver alcohol, until December 31, 2025, and is summarized as follows:

- The licensee or his or her agent or employee may not fill a qualified container in advance of the sale.
- The licensee or his or her agent must seal the qualified container
- The licensee complies with all applicable rules promulgated by the MLCC.
- Qualified container would mean a clean, sealable container that is for the sale of alcoholic liquor for consumption off the premises, which has a liquid capacity that does not exceed one gallon, and that is sealed after filling with a substance or device that fully closes off the container securely with no perforations or straw holes.
- The licensee complies with all laws of the state, including the prohibition on alcohol sales to minors.
- Alcoholic liquor means any spirituous, vinous, malt, or fermented liquor, powder, liquids, and compounds, whether or not medicated, proprietary, or patented, and by whatever name called, containing 1/2 of 1% or more of alcohol by volume that are for use as a food or a beverage as defined and classified by the MLCC according to alcoholic content as belonging to one of the varieties defined in chapter 1 of the code.
- Notwithstanding anything in the code to the contrary, a licensee could deliver alcoholic liquor to a consumer in the state under all of the following conditions:
  - The qualified licensee complies with all laws of the state, including the prohibition on alcohol sales to minors.
  - The qualified licensee stamps, prints, or labels the outside of the qualified container with the words "Contains Alcohol. Must be delivered to a person 21 years of age or older." (The recipient would have to provide identification to verify his or her age at the time of delivery.)
  - The qualified licensee or his or her agent seals the qualified container.
  - If the qualified licensee is a retailer, the alcoholic liquor is delivered by an employee of the qualified licensee or by a third party facilitator service.
  - If the qualified licensee is a manufacturer, the alcoholic liquor is delivered by an employee of the qualified licensee. A qualified licensee



could not sell alcoholic liquor in its original packaging under these provisions, except as otherwise allowed under the code.

## Social Districts

### Introduction

The State of Michigan enacted a new law intended to spur economic activity and provide flexibility for hospitality businesses by enabling the on-site sale and off-site consumption of alcoholic beverages in designated “Social District” areas. On July 1, 2020, Governor Whitmer signed House Bill 5781 into law (MCL 436.1551) creating the “Social District Permit,” which allows local governments to designate a Social District within their jurisdictions. Businesses that are granted a Social District Permit may sell alcoholic liquor (beer, wine, mixed spirits, or mixed drinks) on their licensed premises to customers who may then consume the alcoholic liquor within the commons area of the Social District.

### Permit Information for Local Governments

Local governments may now designate a Social District that contains a “commons area.” Once designated, “qualified licensees” whose licensed premises are contiguous to the commons area within the Social District and who obtain a license from the Michigan Liquor Control Commission (MLCC) may permit patrons to leave the licensed premises with the alcohol and consume it within the commons area.

Under MCL 436.1551(8)(a), a “commons area” is defined as: “an area within a social district clearly designated and clearly marked by the governing body of the local governmental unit that is shared by and contiguous to the premises of at least two other qualified licensees. Commons area does not include the licensed premises of any qualified licensee.”

Along with designating a Social District that contains a commons area, which must be clearly defined and marked with signs, a local government must establish local management and maintenance plans, including hours of operation, for a commons area. The statute provides that a local governmental unit shall not designate a Social District that would close a road unless the governing body receives prior approval from the road authority with jurisdiction over the road. In addition, the commons area must be maintained in a manner that protects the health and safety of the community.

A Social District designation must be filed with the MLCC, and include:

- A copy of the resolution passed by the governing body designating the Social District and commons area;
- A copy of management and maintenance plans, including the hours of operation, established by the local governmental unit for the Social District and commons area; and
- A diagram or map that clearly shows the boundaries of the Social District and commons area and identifies the qualified licensees that are contiguous to the commons area on the diagram or map.

To the extent a commons area threatens the health, safety, or welfare of the public or has become a public nuisance, a local government may revoke the Social District designation. Before revoking the designation, the local government must hold at least one public hearing on the proposed revocation, with appropriate notice being given under the Open Meetings Act (OMA). Any revocation of the Social District must be filed with the MLCC.

### Bars and Restaurants May Apply for a Social District Permit

Bars and restaurants who are “qualified licensees” and wish to take advantage of the new law must first seek application approval from the governing body of their local government. Qualified licensees may then apply to the MLCC for a Social District Permit.

Pursuant to the statute, with some restrictions, qualified licensees include holders of Class C, Tavern, A-Hotel, B-Hotel, Club, G-1, G-2, and Brewpub licenses as well as licensees with on-premises and off-premises tasting rooms.

Upon receiving a Social District Permit, and upon additional approvals that may or may not be required by the municipality, a licensee may sell alcohol on its licensed premises in approved containers for customers to remove and consume in the commons area. A licensee is not permitted to sell alcohol in a commons area.

Approved containers must be glass free and not more than 16 oz., must prominently display the licensee's trade name or logo or some other mark that is unique to the licensee that sold the alcohol as well as a logo or mark unique to the commons area.

This Fact Sheet was provided by Sarah J. Gabis of the law firm of Foster Swift Collins & Swift, P.C.

Tecumseh documents:

Resolution

Map

Qualified licensees

Common Areas Management and Maintenance Plan

Commons Area Use Application



CITY OF TECUMSEH  
CITY COUNCIL

## Resolution R-16-20

### Resolution #16-20 - Establishing Social Districts

**WHEREAS**, Michigan Public Act 124 of 2020 was signed into law on July 1, 2020; and

**WHEREAS**, the law allows Michigan municipalities to establish Social Districts that allow for Commons Areas where two or more contiguous licensed establishments could sell alcoholic beverages in special cups to be taken into the Commons Areas for consumption; and

**WHEREAS**, the Tecumseh Social District would be created and managed by the City through a collaboration with its Downtown Development Authority; and

**WHEREAS**, the Tecumseh Social District boundaries are generally Logan Street, Ottawa Street, Pottawattamie Street, and Pearl Street; and

**WHEREAS**, the Commons Areas boundaries incorporate the City-owned parking lots in the downtown area as well as the adjoining sections of North and South Evans Street. The Commons Areas include the sidewalks and streets along with the public parking lots within the boundaries that are not included in the qualified licensees' premises; and

**WHEREAS**, the City of Tecumseh will follow all stipulations of Michigan Public Act 124 of 2020 and follow established best practices in the creation and maintenance of the Social District; and

**WHEREAS**, the creation of the Tecumseh Social District will assist our downtown businesses in adapting to the social distancing requirements of the COVID-19 crisis as well as attract customers for enhanced outdoor dining and entertainment experiences in downtown Tecumseh.

**NOW, THEREFORE, BE IT RESOLVED**, that the Tecumseh City Council does hereby approve the creation of the Tecumseh Social District as depicted in the attached map (Exhibit A) for consideration by the Michigan Liquor Control Commission.

**Motion for adoption by:** Naugle

**Supported by:** Harmon

**AYES** Harmon, Naugle, Riddle, See, Wimple, Baker, Fox




**NAYS**

**ABSENT**

This is to certify that this resolution was duly adopted at the meeting of the City Council on **Sep 8, 2020**.


  
Jackson L. Baker  
Mayor

  
Tonya A. Miller  
Tecumseh City Clerk

**CERTIFICATION**

I, the undersigned, the duly qualified City Clerk for the City of Tecumseh, County of Lenawee, Michigan do hereby certify that the foregoing constitutes a true and complete copy of a motion adopted by the City Council of the City of Tecumseh, on **September 8, 2020**, the original of which is in my office, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the full set of minutes from said meeting will be made available, as required by said Act.

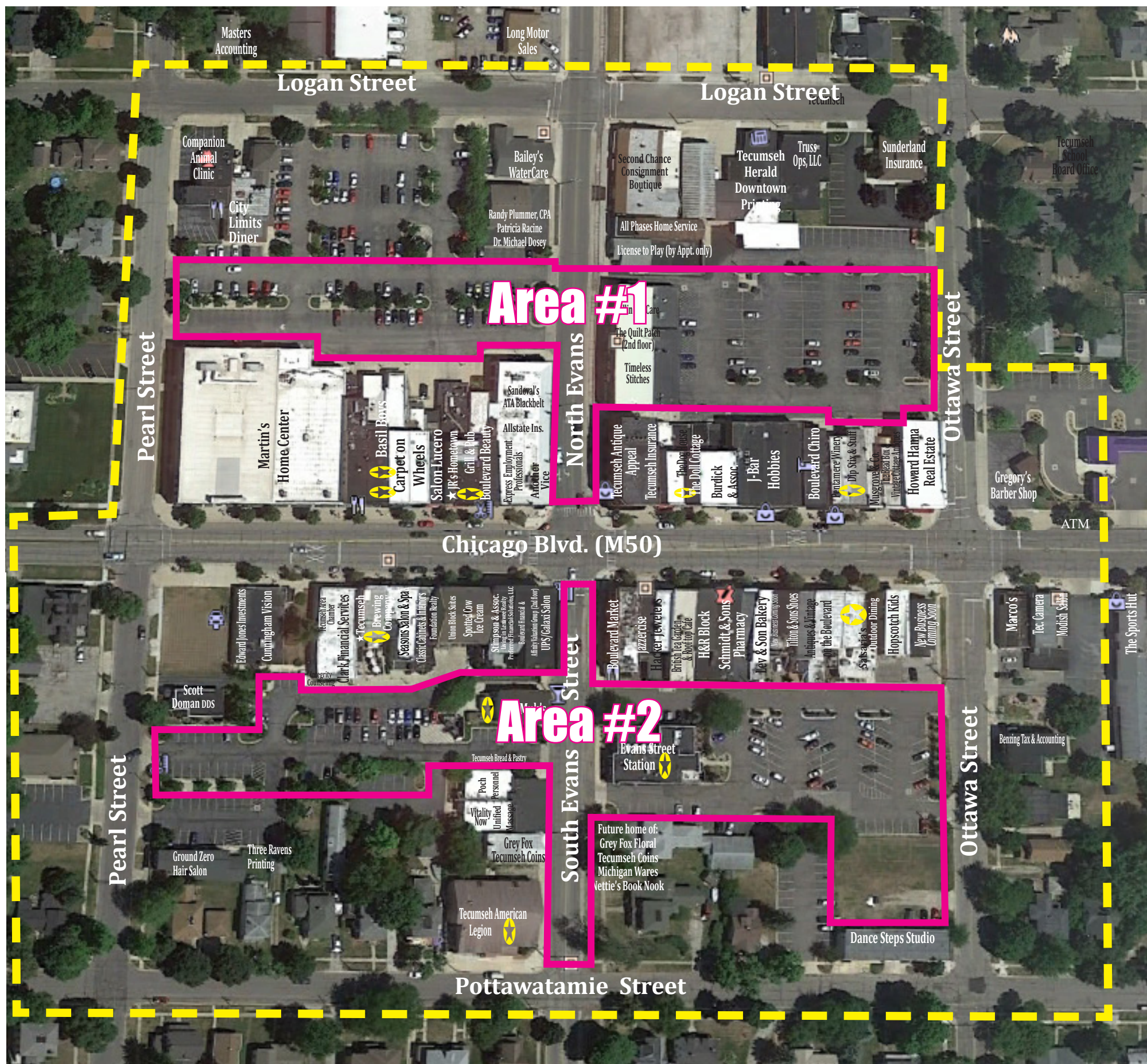
Dated: 9/10/2020

  
Tonya A. Miller  
Tecumseh City Clerk





# Downtown Tecumseh Social District Commons Area



 Social District  
 Commons Area  
 Qualified Licensees



City of Tecumseh  
Social District  
Qualified Licensees

<b>LARA ID</b>	<b>Account Name</b>	<b>DBA</b>	<b>Address</b>
2098	Wrong Way Pub Inc.	Wrong Way Pub	107 S. Evans St. Tecumseh 49286
8127	American Legion Memorial Home Assn. of Tecumseh	American Legion Memorial Home Assn. of Tecumseh	101 W. Pottawatomie St. Tecumseh 49286
133417	Pentamere Winery, LLC	Pentamere Winery	131 E. Chicago Blvd. Tecumseh 49286
134702	Evans Street Station LLC	Evans Street Station	110 S. Evans St. Tecumseh 49286
153852	The Tecumseh Club	The Tecumseh Club	123 W. Chicago Blvd. Tecumseh 49286
215099	Devniks, Inc.	Basil Boys	125 W. Chicago Blvd. Tecumseh 49286
226011	LRS Restaurant Holdings, LLC	JR's Hometown Grill & Pub	111 W. Chicago Blvd. Tecumseh 49286
227486	The Dog House Restaurant, LLC	The Doghouse Restaurant	107 E. Chicago Blvd. Tecumseh 49286
235137	Salsaria's LLC	Salsarias	146 E. Chicago Blvd. Tecumseh 49286
237108	Tecumseh Brewing Company, LLC	Tecumseh Brewing Co	128 W. Chicago Blvd. Tecumseh 49286



P.O. Box 396, Tecumseh, MI 49286 • [www.mytecumseh.org](http://www.mytecumseh.org)

## **Commons Areas Management and Maintenance Plan**

### **Overview**

In an effort to support local restaurants, microbreweries, bars, and similar food service businesses, the City of Tecumseh has established a permitting process for temporary outdoor social districts and commons areas ("Commons Areas"). Commons Areas are intended to allow for outdoor dining and alcoholic beverage consumption on City properties that are adjacent to or near associated business establishments. This application package is designed to ensure compliance with the Michigan Liquor Control Commission (MLCC) guidelines and Public Act 58 of 1998 as amended by Public Act 124 of 2020.

The Commons Areas are proposed to be administered through the City's Developmental Services Office and permits from both the MLCC and the City are required prior to utilization by any qualified establishment(s).

### **Intent**

Commons Areas are intended provide extra outdoor space for dining and consumption of alcoholic beverages while ensuring sufficient separation between unrelated parties. This is in response to the social distancing requirements necessitated by the COVID-19 crisis. The areas will accommodate tables, chairs, barriers, boundaries, and accessory materials related to the offered services. Qualified establishments, as defined by PA 124 of 2020 may apply to utilize **certain specifically designated places within** the established Commons Areas:

1. City owned parking lots in the Central Business District.
2. The North and South Evans Street road right-of-way.
3. In accordance with the MLCC guidelines, all Commons Areas must be "contiguous to the premises of at least 2 qualified licensees."

It is also intended that Commons Areas may be shared by multiple businesses, so long as the shared use is defined by the City authorization and joint operation and maintenance guidelines are established.

However, public spaces immediately in front of or behind a business establishment will be reserved solely for that business (exp. public sidewalks and parking spaces).

All designated spaces will be subject to review by Tecumseh Police and Fire Departments for traffic and safety considerations.

**City of Tecumseh**  
**Commons Areas Management and Maintenance Plan**

Page 2 of 5

### **Other Options for Outdoor Dining and Alcoholic Beverage Consumption**

The establishment of the Commons Areas in accordance with the new MLCC provisions in no way negates the ability of businesses to establish sidewalk cafes for outdoor dining and alcoholic beverage consumption in accordance with the pre-existing MLCC guidelines and City ordinances. The Commons Areas are intended to be supplemental and in addition to these previous provisions.

### **Signage and Barriers**

The City will prepare generic signs as required by the MLCC Rules that identify the general boundaries of the Commons Areas. The individual establishments may be required to provide additional barriers to define the portion of the Commons Area they plan to utilize and provide for the safety of their customers/patrons. Additional barriers or barricades as specified by the City **will** be required when the area utilized is within a public parking lot and/or on a public street or sidewalk. The City will assist in coordination between the permitted establishments to minimize the necessary investment in additional barriers/barricades.

### **Application Process**

Commons Area permits must be requested by the business owner or an authorized representative. Applications and supplemental information must be provided in complete form for review and approval by the Building Official.

Required checklist items are the following:

1. Completed City application form.
2. Copy of Michigan Liquor Control Commission Permit. *Note: The City will conduct a preliminary review prior to the applicant submitting their MLCC permit in order to determine if the proposed use of the Commons Area is acceptable to the City.*
3. Certificate of Liability Insurance, naming the City of Tecumseh additionally insured.
4. Commons Area layout plan (drawn to-scale with dimensions noted and all information in legible form).
  - a. Lot lines, portion(s) of Commons Area intended for use, and proposed barriers/barricades.
  - b. Existing entries/exits, sidewalks, structures, and building footprints.
  - c. Proposed location of tables, chairs, tents, shelters, and other fixtures, allowing for at least 6 feet minimum between unrelated parties. *Note: The City may*



**City of Tecumseh**  
**Commons Areas Management and Maintenance Plan**

Page 3 of 5

*require the removal or relocation of these furnishings and fixtures at the end of each business day in order to facilitate access to the surrounding properties.*

- d. Outdoor service and host area(s) (if any).
- e. Proposed occupancy. *Attached is the section of the International Building Code (IBC) which has been adopted as the standard for the State of Michigan related to occupancy calculations to provide you with a starting point. This does not consider the requirements in item (c) above.*

## **General Requirements**

Commons Areas are subject to the following requirements:

1. Boundaries, structures, and materials associated with Commons Areas shall:
  - a. Not impede drivers, pedestrians, or wheelchair users. *Note: The City will consider the extended closure of sections of public parking lots and streets, subject to maintaining adequate access to the surrounding properties.*
  - b. Not block sight visibility of remaining parking lot aisles or intersections.
  - c. Not impede emergency vehicle and personnel access.
  - d. Not prevent access to nearby businesses or homes.
  - e. Be approved by City of Tecumseh Police and Fire Departments.
2. Alcohol service shall conform to all Michigan Liquor Control Commission requirements, including any Social District and Commons Areas Permit requirements. Specifically:
  - a. The serving container must prominently display the licensee's trade name or logo or some other mark that is unique to the licensee that sold the alcohol.
  - b. The serving container must prominently display a logo or some other mark that is unique to the commons area.
  - c. The serving container is not made of glass.
  - d. The serving container does not have a liquid capacity over 16 ounces.
3. **Hours of operation shall begin no earlier than 10:00 AM and food and beverage service shall discontinue in the Commons Areas no later than 11:00 PM.** However, hours shall be further restricted when adjacent to residential land uses. Service shall not extend beyond the range established in the MLCC or City permits.
4. Service shall conform to the permitted days of operation.
5. The layout of boundaries, structures, and materials shall conform to the proposed outdoor Commons Area layout plan during open hours. Tables, chairs, and temporary barriers may be permitted to remain outdoors during closed hours but must be secured. Service items, decorations, cleaning materials and equipment and other easily stored items must be removed from

**City of Tecumseh**  
**Commons Areas Management and Maintenance Plan**

Page 4 of 5

the area at the end of each business day. Solid barriers, if incorporated, may remain for the duration of the permitted timeframe.

6. Sites and surfaces shall be cleaned before service hours and upon close.
7. Tents and other temporary shelter structures shall be approved by the Fire Department and Building Official.
8. Amplified music shall be set at reasonable levels so as not to disturb owners and occupants of neighboring properties.
9. Temporary lighting shall be established to ensure safe conditions during evening hours but shall not result in excessive glare onto adjacent properties.
10. Waste receptacles shall be provided within the Commons Area and shall be emptied regularly during open hours and at close each day.
11. Heaters must be approved by the Fire Department (type and location).
12. Smoking is not permitted within designated Commons Areas.

### **Review and Approval**

The review of Commons Areas will occur in conjunction with the Developmental Services Office and Police Department and Fire Departments. The City reserves the right to request additional details and information to ensure the protection of public health, safety, and welfare.

If requirements and standards are met, the proposed outdoor social zone will be permitted for a period of time specified by the Building Official. Reasonable conditions may be applied by the City to ensure the protection of public health, safety, and welfare. Plan amendments may be considered at any time but must comply with all requirements for Commons Areas.

**Building Services Department**

P.O. Box 396, Tecumseh, MI 49286

Ph: 517-424-6544

[www.mytecumseh.org](http://www.mytecumseh.org)**COMMONS AREA USE APPLICATION**

Date of Application:

Name of Business:

Requested Date Range for Commons Area Use

From:

To:

Recurring Dates Requested:

*(Attach additional sheet if needed)*

Name of Owner / Responsible Party:

Mailing Address:

Business Address:

*(If different from above)*

Contact Person:

Phone #:

E-Mail:

Description of Commons Area Services/Uses:

Required Attachments:



Layout Plan

*(See Management Plan for Requirements)*

Proof of MLCC Approval



Proof of Liability Insurance

*(Naming City Additionally Insured)***X**

Signature of Owner/Responsible Party

Date: \_\_\_\_\_

*I verify all of the information on and attached to this application is accurate to the best of my knowledge; and I commit to adhere to the City of Tecumseh Commons Area Management Plan and the MLCC requirements for Social Districts/Commons Areas.***CITY USE ONLY BELOW THIS LINE**☐ ALL Required Attachments Provided☐ Logistics Meeting NeededDepartment Approval Needed: ☐ Police ☐ Fire ☐ Building ☐ DPW

Permit #:

☐ Approved

Date of Approval: \_\_\_\_\_

Conditions of Approval:

**X**

Signature of Building Official

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

January 9, 2022

JAN 11 2022

Hilary Callaghan  
666 Lakeview  
Birmingham, MI

RECEIVED

To the Birmingham City Commission:

As a long-time Birmingham resident, I would like to express my concern about the direction of residential development in the city. For most of its history Birmingham has been distinguished by its charming neighborhoods, distinguished by homes built over decades which has resulted in an interesting architectural mix.

That has changed radically in the years since the City Commission loosened restrictions on big foot homes. The result has been a proliferation of mansions throughout the city. Actually it is basically the same mansion appearing all of the city, resulting in a less interesting mix - more the look of a subdivision albeit a very expensive one. Existing, older homes are dwarfed by the huge houses that now loom over them. Even for those who prefer this look, city streets have been clogged with construction vehicles, making it hazardous to navigate the streets which have been narrowed in the interests of traffic calming. Windows are kept shut year after year even during summer months in the losing battle to minimize the overwhelming construction noise. The air has been thick with cement dust as crews violate regulations which prohibit the cutting of cement without water.

Even when these homes are completed, problems remain. Since a greater surface area of lots are taken up by the footprint of newer homes and gardens and lawn are replaced by large patio areas made of non-porous materials there is nowhere for rain water to go except into basements. Adding to this problem is the increasing frequency of major storms. Following these storms the streets are lined with furniture destroyed by these floods as well as by trucks whose crews attempt to remove the standing water (and in some cases sewage)

and to treat lower levels to prevent mold from forming. While the city argues in favor of these big-foot houses because they result in higher tax revenue, the truth is that the costs associated with this permissiveness is a hidden tax on existing residents as they pay the high cost of mitigating flood damage.

I was under the impression (perhaps incorrect) that the city had investigated the down-side of allowing big-foot homes and had consulted with climate scientists regarding the possible or probable impact of climate change in terms of frequency of major storms. Am I incorrect and this was not seriously studied? If the studies were conceited, were the results dismissed or were the studies themselves seriously flawed. In either case, I think that it is time to seriously reconsider current rules. There is no way to undo the damage that has already been done but at the very least the Commission needs to act promptly to stop further damage.

Thank you all for your service and for considering this quality of life issue.

Best regards,

A handwritten signature in cursive script, reading "Hilary Callaghan". The signature is written in dark ink and is positioned below the text "Best regards,".





February 10, 2022

Hilary Callaghan  
666 Lakeview  
Birmingham, MI 48009

**RE: Residential Development in Birmingham**

Ms. Callaghan,

Thank you for your letter regarding your views and observations on residential development in Birmingham. The City Commission reviewed your letter on January 24, 2022, and we have been asked to respond with some information on the City's current guidelines, as well as our plans for the future to try to mitigate some of the effects that you have observed over time. This is a combined effort of the Planning, Building and Engineering divisions of the Community Development Department of the City of Birmingham. We each have unique roles to play in the development of Birmingham.

In terms of the Planning Division, we do not play a large role in single-family development. However, as you may know, we do oversee the City's historic preservation program, which has a robust inventory of protected historic resources. When it comes to the retention of character, charming neighborhoods, and environmental impact, historic preservation can play a very important role. We are actively promoting historic preservation as one solution of many possible solutions. In addition, the Planning Division is beginning to encourage green infrastructure solutions to storm water runoff that will add some relief to the storm water problem in our urbanized area. The current draft of the 2040 Master Plan offers a strong set of recommendations to further that cause, which will be used to further increase a commitment to green infrastructure.

As far as the Building Division goes, our primary role in single-family development is enforcing the City's rules and regulations found in the City Code. New houses must be designed in conformance with the Michigan Residential Code and the City's Zoning Ordinance. The residential code prescribes the minimum standards for how the structure is to be built ensuring the health safety and welfare of the occupants once it is completed. The regulations within the zoning ordinance prescribe among other things where the house can be located on the lot, how tall it can be, maximum lot coverage and minimum open space requirements.

The City added lot coverage and open space regulations to the ordinance along with lowering building heights in the early 2000's that reduced the size of homes being constructed at that time. Any future changes in the zoning ordinance would run through the Planning Division and Planning



Board (which is comprised of volunteer Birmingham residents) for in-depth study prior to going to the City Commission for adoption.

Before a building permit is issued for a new house, a detailed plan review is conducted to ensure compliance with both the building code and zoning ordinances. After a permit is issued we perform several inspections along the way to make sure the building is in fact built in accordance with the approved plan. The City also has requirements for construction site maintenance.

The City Code has specific regulations that builders must follow during the construction process to keep construction sites safe including dust control, construction hours, noise control and keeping streets and sidewalks passable. Our Code Enforcement Officers actively monitor construction sites for compliance with the City Code and respond to complaints from citizens. Builders and contractors are ticketed when violations are observed and the fines are progressive for repeat offenses.

Finally, the Engineering Division has some thoughts to share on the issues that were raised. As part of the permit review process for each new single-family home construction, reconstruction, or building addition, the applicant submits a site plan that is reviewed by the Engineering Department. The amount of impervious surface permitted on a site is established in the City's Zoning Ordinance. A key component of the engineering review is verifying that site features and grading are designed in a way so that runoff from the site is conveyed in a manner that is respectful to the pre-construction drainage patterns, and that it is allowed to responsibly drain away from the site without detrimentally impacting neighboring properties. Features such as sloped driveways with curbs, side-yard swales, and drainage structures in the backyard all work towards those goals.

We all share your concerns about changing precipitation patterns and how resilient our infrastructure is to those changes, but we would like to make a couple observations to help keep the issue in context. 2021 was a very unusual year for rainfall, where record-setting precipitation occurred for the months of June through October. The total amount of rainfall received over the year has not been seen since 2011, and the number of cases of reported basement flooding is more than that received in a given year since the late 1990's. In August of 1998, nearly 7 inches of rain fell in the area over that single month, resulting in hundreds of reports of basement flooding. Over 7 inches of rain fell in both June and July of 2021, and close to or more than 6 inches in each of August, September and October of 2021. While much more rain fell in 2021 compared to 1998, the amount of reported flooding was similar, which is a testament to all of the sewer improvements made in the City and in the region since that time. This is stated not to celebrate that "it could have been worse", but to point out that the City has led the way in the region for the amount of effort and dollars being spent on improving its sewer infrastructure.



Each and every flooding incident is traumatic and costly, and we continue to work on improving the City sewer system to reduce the risk of this occurring again. Sewer conditions are evaluated on every street reconstruction project, and improvements made when needed. In some areas of the City, we have the opportunity to construct storm sewers that drain to the Rouge River or Quarton Lake, thereby removing that rain water from the combined sewer systems that private sanitary services are connected to. Opportunities for installing "green infrastructure" are also being explored on City projects, some of which are planned for the next phase of the S. Old Woodward reconstruction project.

The City isn't alone in having concern over the resilience of the sewer infrastructure to changing precipitation patterns. This is an ongoing and frequent topic of discussion with our regional partners (State of Michigan Department of Environment, Great Lakes & Energy, Oakland County Water Resources Commissioner, Southeast Michigan Council of Governments, Southeastern Oakland County Water Authority) and neighboring communities (Royal Oak, Beverly Hills, Bloomfield Township, Berkley for example) who are experiencing similar issues. Sustainable, long-term solutions to this issue are not as simple as building bigger pipes. Discussions are happening related to effectiveness of design standards that have been used for years throughout the region. Everyone has a role to play in this effort, and not just the regional sewer authorities, agencies, and local governments. Individuals can install rain gardens, rain barrels, and other features to reduce peak runoff flows from their property, and while each one of these efforts on its own may not have a large effect, as more and more are implemented, significant improvements can occur. The City encourages this practice, and offers individual credits on the "storm water fee" component of your utility bill when these features are implemented.

If you should have any additional questions, please do not hesitate to reach out to us in the Community Development Department.

Regards,



Nicholas Dupuis, Planning Director



Bruce Johnson, Building Official



Jim Surhigh, Consulting City Engineer

Cc: Birmingham City Commission  
Tom Markus, City Manager  
Jana Ecker, Assistant City Manager



## City of Bloomfield Hills

45 E Long Lake Rd

Bloomfield Hills, MI 48304

Phone: (248) 644-1520 | Fax: (248) 644-4813

Susan McCarthy  
**Mayor**

Alice Buckley  
**Mayor Pro Tem**

Brad Baxter  
**Commissioner**

Sarah McClure  
**Commissioner**

Lauren Fisher  
**Commissioner**

David Hendrickson  
**City Manager**

January 25, 2022

Mr. Tom Markus  
City Manager  
City of Birmingham  
151 Martin  
Birmingham, MI 48009

Dear Mr. Markus:

Pursuant to Section 9 of the 1985 48<sup>th</sup> District Court Agreement, this letter is notification that the City of Bloomfield Hills confirms the City's October 13<sup>th</sup>, 2021 notification that the City of Bloomfield Hills is terminating the 1985 48<sup>th</sup> District Court Agreement, as amended, effective for the 2022 calendar year, which termination shall become effective at 12:00am on January 1, 2022.

Sincerely,

David Hendrickson  
City Manager



February 10, 2022

Mr. David Hendrickson, City Manager  
City of Bloomfield Hills  
45 E. Long Lake Road  
Bloomfield Hills, MI 48304

Dear Mr. Hendrickson:

This letter is to acknowledge receipt of your letter dated January 25, 2022 wherein you provided notification that the City of Bloomfield Hills confirms its October 13, 2021 notification that the City of Bloomfield Hills is terminating the 1985 48<sup>th</sup> District Court Agreement. You stated that this notice is for the "2022 calendar year," and that the termination shall become effective at 12:00 am. on January 1, 2022. However, the termination of the 1985 Agreement as noticed to terminate in January would necessarily have to be in effect through December 31, 2022. Your notice is different than required pursuant to the 1985 contract and deficient.

You acknowledge that you have an obligation to comply with Section 9 of the 1985 48<sup>th</sup> District Court Agreement that was executed with the City of Birmingham, the Township of Bloomfield, the Charter Township of West Bloomfield, and the City of Bloomfield Hills. Section 9 of the 1985 Agreement states:

" 9. The term of this Agreement shall commence January 1, 1985, and shall continue in effect until terminated in accordance with the terms of this Agreement by one of the parties hereto. A party may terminate this Agreement by giving written notice to the other parties to this Agreement signifying such intent, in writing, during the month of January in each calendar year. In the event by February 1, of each calendar year of this Agreement, such a notice has not been received by the other parties hereto, then this Agreement shall continue in effect throughout the balance of said calendar year."

Please note that nowhere in that paragraph, which the City of Bloomfield Hills was obligated to perform if it intended to terminate the Agreement as acknowledged by your letter, states the notice requirement is retroactive. In fact, that would be illogical. It definitely states that:



"A party may terminate this Agreement by giving written notice to the other parties to this Agreement signifying such intent, in writing, during the month of January in each calendar year..."

It does not stand to reason or logic that this provision could be retroactive. As you are no doubt aware, the City of Birmingham, the Township of Bloomfield, and the Charter Township of West Bloomfield entered into a new Agreement to provide funding for the Court despite Bloomfield Hills leaving. The three (3) new partners are bound by the same termination terms in their new contract, as in the 1985 Agreement. Birmingham, while stating that we may have given our intent to leave in January 2022, we recognized that we were obligated to pay our fair share through the end of the calendar year. How can the same verbiage in the 1985 Agreement to which Bloomfield Hills was a party not have the same effect?

This challenge to the inadequate notice by Bloomfield Hills and your requirement to pay for the funding of the 48<sup>th</sup> District Court through 2022 was questioned to your legal counsel. This notice is clearly ineffective in nature and demonstrates the conflict your attorney had when he was advising three (3) different clients, all with very differing interests, at the same time. As a result of the competing and conflicting interest, the counsel that serves Bloomfield Hills, Bloomfield Township and the Charter of West Bloomfield, believes that Bloomfield Hills could opt out retroactively which, again, is illogical and does not make sense.

We believe the notice provision was to be prospective, meaning that you give notice in January to be out at the end of December of that same calendar year, and then at the end of that calendar year, the Agreement is terminated. You were erroneously permitted to give notice in a time that was not January, which is directly in conflict with the written words of Section 9 of the 1985 Agreement. The interpretation of allowing Bloomfield Hills to go back in time in the termination of this contract and its obligation to pay for funding for the 48<sup>th</sup> District Court back to December 31, 2021 is not in keeping with the clear interpretation or the common reading of Section 9. Any legal counsel will come to the same conclusion unless, of course, they were being counseled and paid by one client to exit the Agreement, in spite of the terms of the Agreement, and detrimental to the other three (3) parties of the Agreement, two (2) of whom were clients as well.

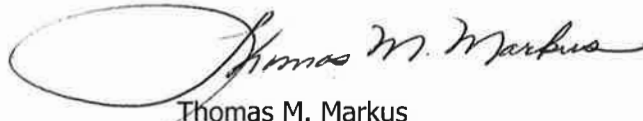
I am stating all of this because I would like to place you on notice that we believe the notice provision provided by Bloomfield Hills is invalid and is in violation of the clear language of Section 9 of the Agreement. Certainly, Bloomfield Hills cannot possibly try to invoke the provisions of the new Agreement of which Bloomfield Hills is not a party.

While your letter of January 25, 2022 is both an acknowledgement of your community's understanding that you were obligated to comply with Section 9 of the 1985 Agreement, it is also an acknowledgement that the City of Bloomfield Hills' attitude is to win at all costs. Your City's willingness to extricate itself from the 1985 Agreement and have the remaining jurisdictions bear your financial burden to operate the Court, speaks volumes about your indifference for your neighbors' needs and challenges while boosting your own bottom line. Your decision was certainly not based upon your community's needs as Bloomfield Hills is regularly ranked as one of the richest cities in Michigan, if not in the entire country.

Please be certain that all of this was pointed out to the other two (2) jurisdictions, that being Bloomfield Township and West Bloomfield Township, and we took the position multiple times that the City of Bloomfield Hills should be obligated to pay its fair share through December 31, 2022. Again, the attorney of record for you is the same that should have been recommending to the other two (2) jurisdictions that they too should have the same opinion as we do. It is interesting to note that when the City of Birmingham could have followed in Bloomfield Hills' footsteps, the nuclear option was declared by Bloomfield Township, including threats of shutting down the 48<sup>th</sup> District Court to the City of Birmingham, suing the City of Birmingham, involving the 48<sup>th</sup> District Court to sue the City of Birmingham, and also to violate the terms of the Lease Agreement that exists between Bloomfield Township as the landlord and the 48<sup>th</sup> District Court causing the 48<sup>th</sup> District Court to no longer be located within the jurisdictional boundaries of the Township of Bloomfield.

In conclusion, I acknowledge receipt of your notice, and I am putting you on notice that you have not conformed to the requirements of paragraph 9 of the 1985 Agreement, and we believe that Bloomfield Hills is still under the obligation to continue to fund the 48<sup>th</sup> District Court through December 31, 2022.

CITY OF BIRMINGHAM

A handwritten signature in black ink, reading "Thomas M. Markus". The signature is written in a cursive style with a large, looping initial "T".

Thomas M. Markus  
City Manager

cc: Dani Walsh, Supervisor/Bloomfield Township  
Steven Kaplan, J.D., Supervisor/West Bloomfield Township  
Tammy Neeb, City Manager/Keego Harbor  
John Martin, City Manager/Sylvan Lake  
Gerry McCallum, Director of City Services/Orchard Lake



## **NOTICE OF INTENTION TO APPOINT TO THE PARKS & RECREATION BOARD**

At the regular meeting of Monday, March 28, 2022, the Birmingham City Commission intends to appoint one regular member and two alternate members to the Parks and Recreation Board:

- one regular member to a three-year term to expire March 13, 2025,
- one alternate member to a three-year term to expire March 13, 2025, and
- one alternate member to the remainder of a three-year term to expire March 13, 2023.

Interested citizens may submit an application available at the City Clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 23, 2022. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

### Responsibilities

The Parks & Recreation Board consists of seven members and two alternate members who serve for three-year terms without compensation. The goal of the board is to promote a recreation program and a park development program for the City of Birmingham. The Board shall recommend to the City Commission for adoption such rules and regulations pertaining to the conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals, and welfare of the public.

The meetings are held the first Tuesday of the month at 6:30 P.M.

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
Members must be electors (registered voters) of the City of Birmingham.	3/23/2022	3/28/2022

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



## **NOTICE OF INTENTION TO APPOINT TO THE MULTI-MODAL TRANSPORTATION BOARD**

At the regular meeting of Monday, March 28, 2022, the Birmingham City Commission intends to appoint to the Multi-Modal Transportation Board four regular members to serve three-year terms that will expire March 24, 2024, and one alternate member to serve the remainder of a three-year term expiring October 27, 2022.

In so far as possible, the seven member committee shall be composed of the following: one pedestrian advocate member; one member with a mobility or vision impairment; one member with traffic-focused education and/or experience; one bicycle advocate member; one member with urban planning, architecture or design education and/or experience; and two members at large living in different geographical areas of the City. At least five board members shall be electors or property owners in the city. The remaining board members may or may not be qualified electors or property owners in Birmingham.

Interested citizens may submit an application available at the City Clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 23, 2022. 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.

### Duties of the Multi-Modal Transportation Board

The purpose of the Multi-Modal Transportation Board shall be to assist in maintaining the safe and efficient movement of motorized and non-motorized vehicles and pedestrians on the streets and walkways of the city and to advise the City Commission on the implementation of the Multi-Modal Transportation Plan, including reviewing project phasing and budgeting.

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
In so far as possible, members shall represent pedestrian advocacy, mobility or vision impairment, traffic-focused education/experience, bicycle advocacy, urban planning, architecture or design education/experience, or different geographical areas of Birmingham.  Members may or may not be electors (registered voter) or property owners of the City of Birmingham.	3/23/22	3/28/22

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



## **NOTICE OF INTENTION TO APPOINT TO PLANNING BOARD**

At the regular meeting of Monday, March 28, 2022, the Birmingham City Commission intends to appoint two regular members to the Planning Board to serve three-year terms to expire March 28, 2025. One of these two members must be a building owner in the Central Business or Shain Park Historic District.

Members must consist of an architect duly registered in this state, a building owner in the Central Business or Shain Park Historic District, and the remaining members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions. Members must be residents of the City of Birmingham.

Interested citizens may submit an application available at the City Clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 23, 2022. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

### **PLANNING BOARD DUTIES**

The Planning Board consists of seven regular and two alternate members who serve three-year terms without compensation. The board meets at 7:30 P.M. on the second and fourth Wednesdays of each month to hear design reviews, zoning ordinance text amendments and any other matters which bear relation to the physical development or growth of the city.

Specifically, the duties of the Planning Board are as follows:

1. Long range planning
2. Zoning ordinance amendments
3. Recommend action to the city commission regarding special land use permits.
4. Site plan/design review for non-historic properties
5. Joint site plan/design review for non-residential historic properties
6. Rezoning requests.
7. Soil filling permit requests
8. Requests for opening, closing or altering a street or alley



Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
<p>Building owner in central business or Shain Park Historic district.</p> <p>Attorney.</p> <p>Other members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions.</p> <p>Resident of the City of Birmingham.</p>	3/23/2022	3/28/2022



## NOTICE OF INTENTION TO APPOINT TO THE CABLECASTING BOARD

At the regular meeting on Monday, March 28, 2022, the Birmingham City Commission intends to appoint two regular members and one alternate member to the Cablecasting Board:

- one regular member to serve a three-year term expiring March 30, 2025,
- one regular member to serve the remainder of a three-year term expiring March 30, 2024, and
- one alternate member to serve a three-year term expiring March 30, 2025.

Applicants must be residents of the City of Birmingham.

Interested citizens may submit an application available at the City Clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 23, 2022. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

### Duties of the Cablecasting Board

- 1) Advise the municipalities on matters relating to cable communications;
- 2) Monitor the franchisee's compliance with the franchise agreement and the cable communications ordinance;
- 3) Conduct performance reviews as outlined in Chapter 30, Article VII of the city code;
- 4) Act as liaison between the franchisee and the public; hear complaints from the public and seek their resolution from the franchisee;
- 5) Advise the various municipalities on rate adjustments and services according to the procedure outlined in Chapter 30; Article VI
- 6) Advise the municipalities on renewal, extension or termination of a franchise;
- 7) Appropriate those moneys deposited in an account in the name of the Cablecasting Board by the member communities;
- 8) Oversee the operation of the education, governmental and public access channels;
- 9) Apprise the municipalities of new developments in cable communications technology;
- 10) Hear and decide all matters or requests by the operator (Comcast Cablevision);
- 11) Hear and make recommendations to the municipalities of any request of the operator for modification of the franchise requirement as to channel capacity and addressable converters or maintenance of the security fund;
- 12) Hear and decide all matters in the franchise agreement which would require the operator to expend moneys up to fifty thousand dollars;
- 13) Enter into contracts as authorized by resolutions of the member municipalities;
- 14) Administer contracts entered into by the Board and terminate such contracts.

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
Member must be resident of the City of Birmingham	3/23/22	3/28/2022

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



**NOTICE OF INTENTION TO APPOINT  
ALTERNATE HEARING OFFICER**

At the regular meeting of Monday, February 14, 2022, the Birmingham City Commission intends to appoint the alternate hearing officer to serve the remainder of a three-year term to expire June 30, 2024. In the absence of the hearing officer, the alternate hearing officer shall be responsible for hearing disputes to a fee or bill that a property owner or resident of the city shall receive pursuant to the fee collection ordinances (section 1-17).

The hearing officer and alternate shall be residents of the City of Birmingham who have legal, administrative or other desirable qualifications that will aid him or her in the performance of the duties in accordance with provisions of the applicable code. The hearing officer and the alternate hearing office shall serve without compensation.

The hearing officer or alternate shall schedule periodic meetings for hearings as needed.

Interested citizens may submit an application available at the City Clerk's office on or before noon on Wednesday, February 23, 2022. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointment.

*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.*

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
Members shall be residents of the city who have legal, administrative or other desirable qualifications that will aid him or her in the performance of the duties of the hearing officer.	2/23/2022	2/28/2022

February 7, 2022

Mr. Thomas M. Markus, City Manager  
***City of Birmingham***  
151 Martin Street  
P.O. Box 3001  
Birmingham, MI 48012-3001

***Re: Attorney General's Opinion Regarding OMA and Virtual Accommodations for Disabled Persons***

Dear Mr. Markus:

On February 4, 2022 the State of Michigan Attorney General, Dana Nessel, released an Opinion that asked the question on how the Michigan Open Meetings Act intersects with federal law when a person with a disability either serves on a body subject to the OMA or desires to fully participate in the meetings of such body and request an accommodation for their disability. The question is whether a person with a disability can have the option to participate virtually even if they are members of the public body under the demands and scrutiny of the OMA.

The Attorney General stated:

“The OMA does not generally provide any affirmative accommodation, upon request, for a disabled individual’s access to a public body on which he or she serves, and more importantly may not allow for a disabled public member including one who is immune compromised or has other health issues to be accommodated to fully participate in public meetings.”

The Attorney General also noted that “there is nothing in the OMA that requires a public body to accommodate a disabled member of that body.” The Attorney General analyzed how a state law, such as the OMA, can answer to the federal law of the American Disabilities Act. The Attorney General stated, “the ADA does contemplate modification to and thereby a preemption of, state laws when necessary to effectuate the protections afforded under the ADA.” It is clear that Michigan’s OMA does not provide any affirmative accommodations for disabled individuals to participate in public meetings and, therefore, because the OMA does not provide any accommodations, and it is, therefore, inconsistent with the requirements of the ADA, the Michigan OMA will be preempted, meaning that the federal law trumps state law.

Mr. Thomas M. Markus, City Manager

***City of Birmingham***

February 7, 2022

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When examining the American Disabilities Act, the Attorney General focused on Title II which is the most relevant to this analysis. Title II states:

“No qualified individual with a disability shall, by reason of such disability, be excluded from participation in, or be denied in the benefits of the services, programs, or activities of the public entity, or be subject to discrimination by any such entity.”

All local and state boards and commissions would be considered public entities under Title II of the ADA. In order to have proper accommodations to fully participate in any public meeting, including a board member or a person serving on a board or commission, a person must first show that they have “a disability and they are a qualified individual with a disability” in order to have the protections of the ADA. The ADA defines disability as “a physical or mental impairment that substantially limits one or more of the major life activities of such an individual.” The ADA and its examinations provide lists of medical conditions that are generally accepted as a disability, however, the Attorney General recognizes that impairments and disabilities that are not previously listed could surely require an assessment of their effect on the individual and whether or not their particular situation makes it so they are unable to attend a meeting in person. The Attorney General even states:

“But the existence of such a condition, or any other underlying condition, that makes an individual particularly susceptible to contracting an illness or disease such as COVID-19 if they were to attend a meeting in a public, physical, can very well form the basis for sufficient showing.”

So what does all this mean? Well first, there has to be a request for an accommodation from a “qualified individual with a disability.” Therefore, any person on a board or commission must first request the accommodation, i.e. to appear virtually for a meeting. The next step is to determine whether the requested accommodation is appropriate under the reasonable modification portion of the ADA. Then, the question is whether or not the legislative body can modify its meetings without incurring any undue burden. While the legislature’s clear intent behind the Open Meetings Act is to have in person meetings and the point of the OMA is to include greater transparency in government, and while the legislature, of course could amend the OMA to permit fully virtual meetings as it has done throughout this pandemic, the Attorney General is suggesting that each individual municipality should evaluate each request for accommodation. The final statement by the Attorney General is:

“It is my opinion, therefore that the Americans with Disability Act and Rehabilitation Act requires state and local boards and commissions to provide reasonable accommodations which could include an option to participate virtually to qualified individuals with a disability who request an accommodation in order to



# Beier Howlett

Mr. Thomas M. Markus, City Manager

***City of Birmingham***

February 7, 2022

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fully participate as a board or commission member or as a member of the general public and meetings that are required by the Open Meetings Act be held in a place available to the general public.”

While the Attorney General cannot tell a municipality to violate a state law, the AG is suggesting the municipality recognizes a legal preemptive issue, and balance the issue on the side of the ADA.

Therefore, it is my recommendation, that if a request to appear virtually is made by a person who is required to meet in person, we should evaluate whether or not that person has a qualified disability, and then determine if based upon that qualifying disability, they may be allowed to meet virtually. While I appreciate the Attorney General’s Opinion, and I believe her analysis is accurate, her analysis was long overdue, however, the burden upon assuring the disability now falls upon the individual municipality. It would have been better for the Attorney General to have convinced the legislature to change the requirements of the OMA and to continue the exceptions it has for the past 20 or so months. Nonetheless, if we allow persons with disabilities to receive the accommodation as articulated by the Attorney General, and we are challenged for a violation of the OMA, I believe if we do our due diligence to determine the disability, and the fact that a person could be compromised, I believe that we may be protected. I believe it is legally more prudent to comply with the constitutional mandates of the ADA, than the strict confines of the OMA.

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

Very truly yours,

**BEIER HOWLETT, P.C.**



Mary M. Kucharek

MMK/jc



I, \_\_\_\_\_, have received a reasonable accommodation by the City of Birmingham to appear at this meeting virtually in accordance with the American Disabilities' Act Title II and as suggested by the Attorney General of Michigan Dana Nessel. I have a disability that has been recognized by the ADA, and, therefore, I am entitled to receive a reasonable accommodation so that I am able to appear at this meeting virtually, in recognition of my disability and my Constitutional right to appear and participate in a public meeting, notwithstanding the Michigan Open Meetings Act.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Printed Name: \_\_\_\_\_



I, \_\_\_\_\_, serve on the City of Birmingham's \_\_\_\_\_ Board, or Commission, and do hereby request that the City make a reasonable accommodation for me to participate and appear at my Board's/Commission's meeting, due to the fact that I have a disability as enumerated or defined by the American Disabilities Act at Title II.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Printed Name: \_\_\_\_\_

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF MICHIGAN**

**ERICA COULSTON,**

**Plaintiff,**

**Case No.: 2:19-cv-13038-GCS-DRG**

**v**

**Honorable George Caram Steeh, III**

**CITY OF BIRMINGHAM,  
DOWNTOWN DEVELOPMENT  
DISTRICT**

**Defendant**

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**DEFENDANTS' SECOND ANNUAL REPORT  
REGARDING ADA UPDATES**

**INFORMATION ONLY**

## **DEFENDANTS' SECOND ANNUAL REVIEW OF ADA UPDATES**

**NOW COME Defendants**, by and through its attorneys, **BEIER HOWLETT, P.C.**, and for its Second Annual Review of ADA Updates, states that this report is submitted as required by Section XII of the First Consent Decree entered on May 26, 2020 (Doc # 7).

Since the Consent Decree was completed, the City of Birmingham began its five (5) year project to correct areas that are not compliant with the American Disabilities Act regarding parking space and curb ramps within its Central Business District. During the first year of the project of 2020, a significant amount of work was completed. Of the One Hundred Sixty-five (165) ADA parking spaces in the Central Business District, fifty-one (51) on street and thirty-seven (37) structure ADA spaces received compliance updates. In addition to the reconstruction of Maple Rd., the south area of Maple, north of Brown, east of Southfield and west of Pierce was targeted and all curb ramps out of compliance received updates and are now in compliance with ADA requirements. Many of these occurred during 2021.

In 2022, the City will begin the reconstruction of South Old Woodward from Brown to Landon. This area covers the vast majority of remaining non-compliant curb ramps that will be corrected as part of this project. As a result, the 2022 project



areas that are targeted as those remaining non-compliant ramps shall be brought into compliance.

The Police Department along with the City's Engineering Department has identified the remaining crosswalk curb ramps that are non-compliant. Of these remaining locations, many are in the construction area scheduled for the 2022 South Old Woodward Project. It should be noted that fourteen (14) ramps outside of this area were selected and repaired in 2021. Ramps at those locations are now up-to-date with current MDOT and ADA standards.

In addition to the ramps replaced, twenty-one (21) ramps were added at the existing ADA parking spaces where no previous ramp existed. Also, five (5) ADA parking locations received improvements by installing a concrete pad in an area where no previous landing pad existed. It should be noted that some of the repairs did not occur as quickly due to material shortage. ADA domes at curb ramps have become difficult to obtain due to supply chain shortage due to the COVID-19 pandemic.

Since entering the Consent Decree, all metered ADA spaces that required moving to a more compliant location have been moved. All curb ramps as identified have been reviewed, and now all are compliant. The Police Department is currently in the process of identifying any remaining ramps or ADA parking locations that are outside of the 2022 South Old Woodward construction project for design and repair

in 2022 and the Police Department will provide a list to engineering for the 2022 construction season so the City of Birmingham will be on pace to complete this project ahead of schedule.

## **I. PART ONE**

Part One consists of a spreadsheet showing all curb ramps and crosswalks that were measured prior to the filing of the instant lawsuit. The spreadsheet includes measurements of each space as well as an indication for curb ramps / crosswalks that were replaced in 2021. Additionally, it denotes curb ramps and crosswalks that still need to be replaced pursuant to the First Consent Decree. Further measurements will be taken to update this spreadsheet as weather permits in the spring of 2022.

## **II. PART TWO**

Part Two consists of a spreadsheet showing all relevant spaces that were relocated and brought into compliance through December, 2021. It denotes any spaces that remain to be relocated, which will be completed pursuant to the timeline

contained in the First Consent Decree.

Respectfully submitted,

Dated: January 25, 2022

BEIER HOWLETT

By: /s/Mary M. Kucharek

Mary M. Kucharek (P46870)

Attorneys for Defendants

3001 W. Big Beaver Rd.,

Ste. #200

Troy, MI 48084

(248) 645-9400

Fax: (248) 645-9344

mkucharek@bhlaw.us.com

**PROOF OF SERVICE**

The undersigned certifies that the foregoing was served upon counsel of record via the Court electronic efilng system on January 25, 2022.

Dated: January 25, 2022

/s/Janine A. Cochran

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF MICHIGAN**

**ERICA COULSTON,**

**Plaintiff,**

**Case No.: 2:19-cv-13038-GCS-DRG**

**v**

**Honorable George Caram Steeh, III**

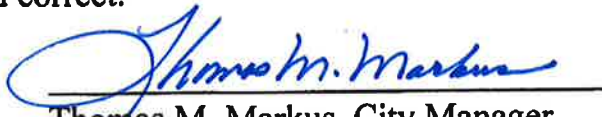
**CITY OF BIRMINGHAM,  
DOWNTOWN DEVELOPMENT  
DISTRICT**

**Defendant**

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**CERTIFICATION**

I, Thomas M. Markus, City Manager of the City of Birmingham, declare under penalty of perjury that the City of Birmingham has inspected each ramp listed herein. I have researched the City's records and certify that the information provided in Part One and Part Two is true and correct.



Thomas M. Markus, City Manager  
City of Birmingham

Dated: 1-25-22

# PART ONE



# ADA Ramp Measurements

X-Street	Corner	Direction	Dome	A	B	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Bates																				
Townsend	SE	W	Y	4'8"	4'10"	0.6	0.4	0.1	0	0.1	0.2	0	0.2		3.9	4.2			0	3.6
	SE	N	Y	4'10"	4'8"	0.2	0	0	0.5	0.3	0.1	0.6	1.8		3.9	4.2			0.6	2.9
	SW	E	Y	4'8"	4'10"	0.2	1.6	2	0.3	0.8	0.5	1.6			2.3				0.6	1.8
	SW	N	Y	4'10"	4'8"	0.3	0.7	0.7	1.9	1.8	1.1	0.9	0.5		2.7	2.5			0.1	1.8
	NW	S	Y	6'	5'3"	0.1	0.3	0.4	0.5	1.1	1.5	0.5	0.7	0.4	2.1	1.5	2.8		0.5	2.3
	NW	E	Y	5'3"	6'	0.7	1.2	1.5	0.4	0.1	0	1.5	2		1.9	3.8			1.4	2.2
	NE	W	Y	5'1"	5'2"	0.7	1.7	2	1.3	1.2	0.9	1.8	1.8		0.8	1.4			1.8	0.6
	NE	S	Y	5'2"	5'1"	1.6	2	1.4	1.4	0.9	1.8	1.2	1.1		3.6	4.3			1.1	1
S. of Merrill	W	E	Y	5'1"	5'	1	1	0.7	1	1.6	1.8	0	0.8		12	13.1			0.2	3
Merrill	SE	W	Y	6'	6'3"	1.6	0.8	1	2	1.9	1.7	0	0.4		1.8	3.1			1.2	2.4
	SE	N	Y	6'3"	6'	1.6	1.9	2	0.8	0.4	0.4	2	2.3	1.8	0.7	0.3	0.7		0.7	2.4
	NE	S	Y	6'	5'	0.9	1	1.4	1.7	2.1	2.4	1.4	2	3.9	0.8	0.4	1.7		1.8	0.6
	NE	W	Y	5'	6'	2.4	2	1.6	1	0.9	1.5	1.3	0.8		0.6	0.5			0	1.3
	NW	E	Y	5'	5'9"	1	0.8	0.6	0.9	1.2	1.2	0.9	0.6		1.5	1			0.8	1.2
	NW	S	Y	5'9"	5'	1.4	1.2	0.7	0.6	0.9	0.2	0.7	0.3		1.1	1.1			0.2	0.7
	SW	N	Y	5'	5'1"	2.6	1.7	1.8	0.7	0.9	0.8	0.8	0.1		1.7	2.4			0.9	0.6
	SW	E	Y	5'1"	5'	0.8	0.8	0.8	2.3	1.3	1.3	0	0.6		3.9	5.1			1.5	2.8
Martin	SE	W	Y	10'	6'6"	0.2	0.4	0.2	0.8	1.5	0.8	0.4	0.3		1.6	2.8			1	1.4
	SE	N	Y	6'6"	10'	0.8	1.5	0.8	0.2	0.4	0.2	0.1	0.2	0.1	0.9	1.7	1.4		0.9	0.5
	NE	S	Y	5'4"	5'9"	0.2	1.1	0.3	1.1	1.4	1.1	0.4	0.9	1.2	0.3	0.7	1.8	0.6	0.2	0.7
	NE	W	Y	5'9"	5'4"	1.1	1.4	1.1	0.3	1.1	0.2	0.7	0.3		3.2	2.4			0.8	3.1
	NW	E	Y	5'	5'	1.1	1.2	1.1	0.8	0.2	0.1	1.2	0.1		2.8	3.3			0.3	2.2
	NW	S	Y	5'	5'	0.1	0.2	0.8	1.1	1.2	1.1	0.1	0.9	0.2	0.6	1.3	1.2	0.2	0.9	0.6
library	SW	N																		
construction	SW	E																		
Willits	SW	N																		
	SW	E																		
	NW	S	Y	5'	5'	0.4	0.4	0.7	2.2	2.3	1.8	1.9			3.5				0.3	3.5
	NW	E	N	5'	5'	0.3	0.4	0.2	1.7	2.7	2.9	0.5	1.1		3.9	5.6			2.4	3.1

	NE	S	N	5'	5'	3.6	3.6	7.3	1	4.3	4.2	8.7	9.2		2.1			4.8	2.3
	NE	W	n	5'	5'	0.4	0.2	0.3	1.2	1.2	1.1	2.8	2.9		4.3	5		4.4	8.8
Bowers																			
Woodward																			
Brown																			
Woodward	NW	S	Y	8'	8'	0.4	0.2	0.8	1.5	0.9	0.1	0.5	0.8	0.4	3	2.6	3	1.3	3.1
	NW	E	Y	8'	8'	0.4	0.4	1	0.6	0.1	0.2	1	0.3	0.6	1.8	1.6	2.3	1.4	0.8
	SW	N	Y	8'	8'	0.3	0.3	0.5	0.5	0.4	0.1	0.4	0.1		3.6	2.6		2.2	2.8
Peabody	SE	N	Y	5'	3'	0.2	0.6	1	2.2	2.2	1.2	0.1			1.8			0.9	2.6
	NE	S	Y	5'	5'	0.6	0.1	0.1	0.9	0.6	0	0.5	0.4	0	4.8	3.8	1.4	0.4	1.8
	NE	W	Y	5'	5'	0.2	0.2	0.3	1.9	2.2	1.8	0.4	0.8		3.3	2.3		1.3	2.4
	NW	E	N	4'	4'	3	1.3	0.6	2.7	3.1	3.8	0.1	0.6		4.3	5.2		1.8	3.2
	NW	S	Y	5'	5'	1.2	0.6	0.3	1.9	1.7	2.1	1	0.6	0.8	4.5	4.2	5.2	0.3	0.8
	SW	N	Y	4'	4'	1.5	2.2	1.3	0.8	0.7	0.7	1.1	1		4.6	5.6		0.6	0.4
260 E. Brown	SS	N	N	5'	5'	0.1	0	0.2	2	1.9	2.3	0.9	0.3		6.2	5.2		0.9	1.7
	NS	S	N	5'	5'	0.2	0.2	0.1	0.7	0.8	0.8	0.2	0.1		4.2	3.9		0	0.8
Purdy	SE	W	Y	4'	5'	1	1.1	0.1	1.5	1.9	2.5	0.5	0.1	0.2	0.8	0.8	2.8	0.8	1.6
	SW	E	Y	5'	5'	1.1	1	0.9	1.6	1.9	2.3	0.9	1.4	0.9	3.4	3.4	4.2	0.2	0.1
Pierce	NW	E	Y	5'	5'	1.5	1.4	1.7	1.4	1.3	1.5	1.4	2.1	0.4	5.5	6.2	6.5	0.1	0.2
	NW	S	Y	5'	5'	0.1	0.6	0.4	0.1	1.4	1.3	0.7	0.4	0.1	5.5	4.5	4.9	0.2	0.2
	NE	W	Y	5'	5'	1.7	1.6	2.5	1.4	2.2	0.6	1.8	1.7	2.1	3	1.9	2.2	2.5	1.4
	NE	S	Y	5'	5'	0.6	1	0.1	1.4	1.8	1.6	0.3	0.3	1.3	5.2	4.5	5.2	0.2	0.8
	SE	W	N	5'	5'	0.4	0.4	0.5	2.6	2.4	1.4	1.5	0.7		1.8	4.8	0.7	1.8	0.8
	SE	N	N	5'	5'	1.4	2.4	2.6	0.4	0.4	0.5	0.8	0.1	1.1	2.4	3.5	2.6	0.1	1.4
	SW	E	Y	5'	5'	0.5	0.5	0	0.6	0.7	0.6	0.1	1.2		1.5	3.1		0.4	0.1
	SW	N	Y	5'	5'	0.6	0.7	0.6	0.5	0.5	0	0.1	1.6		0.8	1.5		1.4	0.4
Henreitta	NW	E	N	4'	4'	2.6	2.3	2.9	3.1	3	3.4	4.2	5.3	5	5.8	5.9	5.1	3.1	2.1
	NW	S	N	4'	4'	3.1	3	3.4	2.6	2.3	2.9	4.3	2.6		6.4	6.5		2.5	1.6
	NE	W	Y	6'	6'	0.3	0.8	0.9	0.3	0.8	0.3	0.6	0.9	2	1.1	2	2.5	2.2	0.7
	NE	S	N	6'	6'	0.9	0.8	0.3	0.9	0.8	0.3	1.1	1.9		4.8	4.9		0.3	0
	SE	W	Y	4'	4'	1.9	1.9	3.5	1.9	1.9	3.5	1.4			2.7			0.4	1.9
	SE	N	Y	4'	4'	1.9	3.5	1.9	1.9	1.9	3.5	0.7			2.4			0.4	2.5
	SW	E	N	4'	4'	1.9	3.6	4.8	1.9	4.5	4.5	4.7	4.8		5.2	5.7		0.6	1.1

[illegible]



Martin	NE	S	Y	5'	5'	1.5	0.8	0	0.2	0.2	0.1	0.3	1	1.4	2.1	2.5	3.4	1.2	2.5
	NE	W	Y	5'	5'	0.1	0.2	0.2	0	0.8	1.5	0.2	0.1		2.4	2		0.7	1.6
	NW	E	Y	5'1"	5'	1.8	1.5	1.5	1.2	0.7	0.9	1.7	1.3	1.7	2.1	1.7	3.5	0	1.6
	NW	S	Y	5'	5'1"	0.9	0.7	1.2	1.5	1.5	1.8	0.6	0.9		1	1.4		1.2	1.6
	SW	N	Y	5'	5'10"	1.4	0.9	0.7	0.7	0.5	0.6	1.3			2.4			0.7	0.9
	SW	E	Y	5'10"	5'	0.5	0.2	0	1.6	1.6	1.2	0.6	0.4		3.9	3.4		0.6	3.5
	SE	N	Y	5'	5'	0.9	0.9	1.1	0	0.3	0.5	1	0.6	1.1	1.8	1.8	1.7	0.5	1.3
	SE	W	Y	5'	5'	0.5	0.3	0	1.1	0.9	0.9	0	0.3	0.8	2.7	2.2	2.3	0.5	2
Willits	SW	N	Y	5'	5'	0	0.1	0	0.8	0.7	0.6	0.1	0.3		3.9	3		0.2	1
	NW	S	Y	5'	4'	2.4	1.8	1.1	1.5	2.6	2.9	0.6	0.9		3.5			0.8	3.7
Daines																			
Purdy																			
Ferndale																			
N. of Hamilton																			
Hamilton																			
Woodward																			
Park																			
Ferndale	NW	E	Y	5'	5'	1.4	0.1	0.1	1.3	1.9	2.2	0.6			2			1.2	4.1
Haynes																			
Woodward																			
Ramp to nowhere, should be eliminated																			
Hazel																			
Woodward	NW	S	Y	5'	5'	0.1	0.2	0.5	0.2	0.4	0.4	0.5			0.7			0.2	3.9
	SW	N																	
Not enough room for landing pad.																			
Hennietta																			
Townsend	NE	W	Y	5'4"	5'	1	0.8	0.9	1.5	1.7	1.1	0.9	1.1		2.2	1.9		0.6	1.1
	NE	S	Y	5'	5'4"	2	1.7	1.1	0.9	0.9	1	1.3			1.8			0.7	3.7
	SE	W	Y	6'10"	5'3"	1.3	0.9	0.4	0.7	1.4	0.6	0.4	1.1		2.4	3.9		0.2	2.1
	SE	N	Y	5'3"	6'10"	0.1	1.1	0.7	1.5	0.7	0.3	0.6	0.4		2.5	3.2		0.4	4.5
	SW	E	Y	4'1"	5'	1.4	1.5	1.2	1	0.6	0.8	1.5	1.4	0.8	1.9	2.4		0.6	2.4
	SW	N	Y	5'	4'1"	0.9	0.7	0.9	1.3	1.5	1.5	0.7	0.4	0.4	2.2	2.2		0.1	3
	NW	E	Y	5'	8'2"	2.7	2.4	2.4	1.1	1.2	1.3	1.7	2		2.5	2.8		0	3.2
	NW	S	Y	8'2"	5'	1.5	1.4	1.2	2.6	2.1	2.2	1	0.5		2.4	3.5		1.4	2.5
Merrill	NE	W	Y	7'5"	5'8"	0.1	0.4	0.1	1.2	1	1.5	0.1	0.1		1	2.1		0.2	2.5





Southfield	SE	N	N	5'	4'2"	1.2	2	2	0.4	1.1	1.1	3.7	2.3	4.2	4	1.5	1
	NE	S	N	5'	5'	2.1	3.3	3.1	1.7	1.9	0.9	3.7	3.2	5.6	4.8	1.5	4.2
N. Old Woodward																	
Oakland	NW	S	Y	5'	5'	1	0.7	1.5	1.1	1.7	1.4	1.7	2.2	3.9	3.7	0.8	0.3
	NW	E	Y	5'	5'	1.8	1.6	1.9	3.2	3.2	2.4	1.8	1.6	0.5	4	3.4	4.2
Euclid	SE	N	Y	5'	5'	0.7	0.3	0.5	4	4.1	4.2	2.1	2.8	2.3	4.5	3.6	3.7
	NE	S	Y	5'	5'	1	1.2	0.7	3.7	3.6	3.3	1.2	1.5	3.9	2.9	1.7	0.1
Ravine	SE	N	Y	5'	5'	1.5	1.4	1.8	1.5	1.7	1.9	1.9	1.6	1.3	4.6	5.3	3.5
	NE	S	Y	5'	5'	0	0.3	0.6	0.3	0.9	1.2	0.9	0.4	0.5	0.5	3.6	3.8
Harmon	NW	S	Y	5'	5'	1.5	1.1	0.8	0.4	0.2	0.1	1	1.2	5.7	6.2	0.6	1.3
	SW	N	Y	5'	5'	0.5	0.2	0	0.8	1	1.4	0.4	0.6	4.5	5.3	0.1	2.7
	E	W	Y	5'	5'	0.6	0.7	0.4	1.9	2.1	2.2	0.1	0.1	0.3	1.7	1.6	1.1
	W	E	Y	4'	4'	0.9	0.8	0.5	4.6	4.1	3.5	0.3		2.2		0	1.9
MEDIAN	E		Y	4'	4'	0.8	0.9	1.1	3.2	4.2	3.8	1.8		0.5		0.1	2.4
	W		Y	5'	5'	0	0.2	0.2	0.6	1.1	1.4	0.5	0.4	4.6	4.7	0.4	0.3

Needs engi

S. Old Woodward																	
N. of Merrill																	
Merrill																	
Brown	SW	N	Y	5'	5'	0.4	0.4	0.1	0.5	0.1	0.1	0.1	0.1	5.2	5.7	1.1	2.6
	SW	E	Y	5'	5'	1.6	1.5	1	0.7	0.2	0.3	0.5		0		0.3	8
	SE	W	Y	5'	5'	0.4	0.4	0.7	3.5	2.8	3.1	0.3		2.2		0.8	1.2
	SE	N	Y	5'	5'	0.7	0.9	0.6	0.9	0.5	0.4	1.6		0.7		0.3	0.4
	NW	E	Y	5'	5'	0.7	0.7	0.7	1	1	0.8	0.6	0.5	0	2.8	3.2	3.8
	NW	S	Y	5'	5'	0.6	0.7	1.1	1.2	1.9	0.6	0.8	0.5	3.3	3	0.2	3.4
	NE	W	Y	5'	5'	0.7	0.3	0.3	2.3	2.5	2.3	0.2	0.4	2.6	2.7	0.5	1.5
	NE	S	Y	5'	5'	0.4	1.5	1.2	1.7	1.5	1.5	1.1	0.3	1.9	0.8	0.4	2.4
Daines	SW	N	Y	5'	5'	2.3	1.2	0.6	1.4	1.1	1.7		1.4	0.2	1.9	1	1
	SW	E															
	NW	S	Y	5'	5'	1.4	1.4	0.6	1.4	1.1	0.6	0.5	1.6	2.2	2.2	3.5	0.4
	NW	E	Y	5'	5'	1.4	0.8	1.3	1	1.8	1.4	0.8	0.6	0.1	3	2.3	1
	E	W	N	5'	5'	0.7	0.9	0.5	4	0.3	0.3	0.9	1.2	1	2.9	4.3	0.8
Hazel	SE	W	N	5'	5'	1.7	0.7	0.9	1.6	1.5	1	0.1	0.3	4.2	4.1	0.9	1.2
	SE	N	N	5'	5'	1.9	2.2	1.6	0.8	1.3	0.2	2.4	3.5	2.2	4.1	3.1	0

	NE	S	N	5'	5'	1.4	0.8	0.3	2.3	2.4	2.8	0.2	1.4	3.9	6.7		0.3	3.8
Frank	SW	N	N	5'	5'	0.2	0.2	0.4	0.6	0.2	0.6	0.3	2.1	1	1.5		0.7	2.8
	NW	E	N	5'	5'	1	1	1.2	1.7	1.3	1.5	1.3	1.6	1.8	2.9	3.4	0.4	
	NW	S	N	5'	5'	1.5	1	1.7	1	1	1.2	2	2.8	3.2	2.9		1.7	2.7
Bowers	NE	W	N	5'	5'	0.7	2.3	2.7	0.7	2.4	2.7	1.3	1.4	3.2	3.1		0.8	0.1
	NE	S	N	5'	5'	0.2	1.4	2.8	2.8	2	0.6	2.4	1.6	3.4	3.7		0	1.1
	SE	N	Y	5'	5'	2.3	2.5	2.1	1.1	1.2	1.2	2	1.8	2	0.8	0.3	1.6	0.9
Haynes	SW	E	N	9'	5'	0.2	0.2	0.1	1.5	1	1.9	0.4	0	0.4	9.1	8.4	7.5	0.8
	SE	W	Y	4'	5'	0.5	0.1	1.6	1.1	0.7	0.5	2.1	1.9	4.8	4.8		0.5	0.8
	SE	N	Y	5'	5'	0.5	0.7	0.7	1.1	1.6	0.5	2	2.8	4.6	5		0.1	1.5
	NE	S	N	5'	5'	2.1	2.5	1.8	1.1	1.1	1.1	1.4	0.9	3.7	4.1		1.1	1
George	NW	S	Y	5'	5'	0.6	0.3	1.2	0	0.7	0.5	1.7	1.9	2.3	2.7	3.7	1.9	1.6
	SW	N	Y	5'	5'	0.4	1	1.8	1	0.1	0.4	2.4	1	1	3.6	2.8	0.3	1.1
Landon	NW	S	Y	6'	5'	0.7	0.2	0.5	0.2	0.1	0	1	0.9	0.9	4.7	3.5	4	0.9
	SW	N	Y	5'	5'	2	2.1	2.2	0	0.2	0	3.1	2.2	2.3	5.1	4.9	4.7	2.2
Lincoln	NW	S	Y	5'	5'	1	1.5	0.7	0.7	1.3	1.2	0.4	0	3.9			0	3.1
	NW	E	Y	5'	5'	1	1.5	0.7	0.7	1.3	1.2	0.4	0	3.9			0	3.1

Oakland

Park	SW	N	Y	5'	5'	0.9	0.6	0.7	1.5	0.8	1.2	0.9		1.9			0.5	3.6
	SW	E	Y	5'	5'	0.4	0	0.4	0.7	0.1	0.2	1.1		4.6			1.3	4
	SE	W	Y	5'	5'	0	0.1	0.6	0.5	0.6	1.1	0.4		3.1			0.7	2.7
	SE	N	Y	5'	5'	0.4	0.1	0.3	0.8	0.4	0.6	0.7		3.8			0.6	3.9
Median E	S		Y	5'	5'	1	0.2	0	0.7	0.2	0.5	0.2	0.3	0.8	1.4	3.5	0.8	5.1
	N		Y	5'	5'	0.7	0.9	0.9	0.5	0.2	0.5	1.3	1.1	0.9	1.1	1	0.6	5.2
Median W	N		Y	5'	5'	1.1	1.1	0.6	1.2	0.7	1.1	0.8	0.8	1	1.9		1.1	1.8
	S		Y	5'	5'	0.7	1	1.3	0.1	0.3	0.5	1.2	1.7	2.9			1.4	2.7
	NE	S	Y	6'	5'	0.6	0.1	0.4	0.4	0.3	0.1	0.1		3				0.1
	NE	W	Y	5'	5'	0.2	0	0.4	0.4	0	0.4	0.4	0.7	3.9			1.3	2.4
	NW	E	Y	5'	5'	0.4	0	0.2	1.8	1.4	1.1	0.7	1.3	5.1	4.8		3.2	3.7
	NW	S	Y	5'	5'	1.2	1.4	1.8	0.7	0	0.2	1.3	1.6	1.3			0.2	0.5
Ferndale	SW	N	Y	5'	5'	0	0.1	0.1	0.9	0.6	0.5	0.3		5.3			0.2	0.1
	SW	E	Y	5'	5'	0.4	0.1	0.1	0.4	0.3	0.2	1.1		1.7	4.5		0.8	2.7
	SE	W	Y	5'	5'	0.7	0.8	0.9	0.4	0.3	0.4	1.3		1.1			0.9	0.1

	SE	N	Y	5'	5'	0.9	0.8	0.8	0.9	0.6	0.6	0.2			4.1			0.8	1.2
Median W	N		N	5'	5'	0.4	0	0.1	0.8	0.8	0.4	0.3	0.6		2.6	4.5		0.3	0.1
	S		Y	5'	5'	0.3	0.7	0.3	0.1	0.7	0	0.6	1.2		3.5	3.2		0.5	1.9
Median E	S		N	5'	5'	0	0.3	0.8	0.4	0.3	0	0.1	0.3		3.1	3.9		1.4	4.2
	N		N	5'	5'	0.1	0.2	1.1	0.6	1.3	1.9	1.4	1.6		3	3.1		0.1	1.6
	NE	S	N	4'	4'	2.6	2.5	3	0.7	2.1	1.8	1.7			4.4			1.7	1.3
	NE	W	N	4'	4'	2.5	1.7	1.4	1.5	2.5	3	0.4	1		7.5	5.7		3.4	2
	NW	E	N	5'	5'	1.7	2	2.2	0.8	1	1.4	0.4	0.2		3.4	6.2		0.2	2.7
	NW	S	N	5'	5'	1.2	0.7	0.3	2.9	3.7	2.4	0.5			2.7			0.3	2.4

### Park

### 300 Park

### Pierce

	SE	W	Y	7'4"	5'	0.7	0.9	0.6	1	1.5	1.1	0.5	0.2		4.2	4.8		0.5	1.2
	SW	E	Y	6'	4'5"	0.6	0.1	0.1	0.7	0.6	0	0.2	0.7		5.3	5.1		0.7	4.3
	SW	N	Y	5'	7'4"	0.1	0.6	0	0.7	0.1	0.6	0.3			3.2			1.6	4
	NW	S	Y	5'3"	5'7"	0.6	0.6	0.4	0.7	0.7	0.6	1	1.9		4.6	4.3		2.2	4.1
	SE	N	Y	5'	5'	1.9	2.1	2.5	0.3	1	0.6	2.4			0.6			0.7	1.2
	SE	W	Y	5'	5'	0.3	1	0.6	2.5	2.1	1.9	1.1			2.4			0.3	3.6
	NE	S	Y	6'	5'2"	0	0	0.5	0.6	1.1	0.2	0.4			4.5			0.2	1.4
	NE	W	Y	5'2"	6'	0.8	1	0.5	0	0	0.5	0.9			3			0.9	2.1
	NW	E	Y	5'1"	5'3"	1.1	1.1	1.4	0.5	0.5	0.3	2			2.5			1.2	1.7
	NW	S	Y	5'3"	5'1"	0.3	0.5	0.5	1.1	1.1	1.4	0			3.5			0.6	2.1
	SW	N	Y	5'11"	5'9"	2.3	2	1.3	0.9	1	0.2	1.9	2.7		2.3	2		1.6	0.9
	SW	E	Y	5'9"	5'11"	0.2	1	0.9	2.3	1	1.3	0.9	0.5		4.4	3.2		0.1	3.1
	SW	E	Y	5'	5'10"	0.7	0.9	0.3	1.7	1.2	0.7	0.5	0.8		1.2	1.5	2.2	0.8	2.3
	SW	N	Y	5'10"	5'	1.7	1.2	0.7	0.7	0.9	0.3	0.5	0.2	0	0.9	1.2	1.2	0.9	0.2
	NW	S	Y	5'8"	5'6"	0.3	1.1	1.9	0.1	0.3	0.5	1.4	0.9	0.9	0.6	0.1	1.4	0.8	0.1
	NW	E	Y	5'6"	5'8"	0.1	0.3	0.5	1.9	1.1	0.3	0.4	0.8		1.6	2.2		1.7	0.2
	NE	W	Y	5'5"	5'2"	0.8	0.2	0.2	1.3	1.3	2	0.4	0.5		2.4	2.4		0.6	1.8
	SE	W	Y	6'8"	5'8"	0.5	0.2	0	3.8	3.1	2.8	0.4	0	0.2	3.8	3.4	4.2	0.6	1.6

= Completed 2020

Completed 2021





# PART TWO



## ADA SPACE RELOCATIONS UPDATED DEC 10 2020

[illegible]

ADA SPACE RELOCATIONS UPDATED DEC 10 2020

ITEM	LOCATION	TO DO	HART PAVEMENT STRIPING	CEMENT WORK (RAMP / PAD)	MOVE POST	MOVE SIGN	PARKING MAINT	POLE CUT	Finished
11	360 S. OWW FRANK'S SHOE REPAIR	79101-12		ADD RAMP			COMPLETE 10/13/20	COMPLETE 10/19/20	
12	BROWN AT BATES	79106-18	COMPLETE	ADD RAMP / ADD PAD (complete 2021)		SIGN AND SIGNPOST NEEDED 12/7/20	COMPLETE 10/2/20	X	
13	BROWN AT HENRIETTA	79106-19	COMPLETE	ADD RAMP / ADD PAD (complete 2021)			COMPLETE 12/1/2016		
14	BROWN AT PIERCE	79106-20		ADD PAD WITH X FOR ACCESS				X	
15	BROWN AT PURDY	79102-21	COMPLETE	ADD RAMP	NEEDS BLUE POST PAINT	MOVE SIGN AND POST TO NEW SPOT 12/7/20	COMPLETE 12/1/2020		
16	MERRILL AT PIERCE	79102-22	COMPLETE						
17	MERRILL AT BATES	79102-23	COMPLETE	PAINT SPACE 7977-2 WHITE (1ST SPACE W OF BATES IN FRONT OF LIBRARY) (complete 2021)					
18	N SIDE MARTIN E. OF CHESTER BEHIND CHURCH	79102-26	COMPLETE				COMPLETE 10/7/20	COMPLETE 10/15/20	
19	ACROSS FROM 221 HAMILTON (ACROSS FROM GREEK ISLES) AT COMERICA BANK DRIVEWAY	79102-28	COMPLETE	ADD RAMP			COMPLETE 10/14/20	COMPLETE 10/19/20	
20	N SIDE HAMILTON EAST OF PARK	79102-29	COMPLETE	ADD RAMP	YES AWAY FROM TREE WELL	STILL IN TREE WELL	NO CHANGE	X	

ADA SPACE RELOCATIONS UPDATED DEC 10 2020

ITEM	LOCATION	TO DO	HART PAVEMENT STRIPING	CEMENT WORK (RAMP / PAD)	MOVE POST	MOVE SIGN	PARKING MAINT	POLE CUT
21	E. SIDE FERINDALE N. OF HAMILTON	79102-30	COMPLETE	ADD RAMP		MOVE BIKE RACK 12/10/20	COMPLETE 10/14/20	COMPLETE 10/19/20
22	N. SIDE WILLITS W OF BATES IN FRONT OF FIRST BAPTIST CHURCH	79102-31	COMPLETE	ADD RAMP (complete 2021)			COMPLETE 10/22/20	COMPLETE 10/19/20
23	N. SIDE WILLITS E. OF BATES ACROSS FROM 117 WILLITS SLIDER RAMP	79102-32		ADD RAMP		COMPLETE 12/3/20	COMPLETE 10/16/20	COMPLETE 10/19/20
24	322 N. OWW	79102-35	COMPLETE	ADD RAMP			NO CHANGE	
25	380 N. OWW SPC LAW FIRM	79102-36		ADD RAMP (complete 2021)		COMPLETE 12/3/20	COMPLETE 10/14/20	COMPLETE 10/19/20
26	470 N. OWW RED SALON	79102-37		ADD RAMP		COMPLETE 12/3/20	COMPLETE 10/16/20	COMPLETE 10/19/20
27	554 N. OLD WW	79102-38		ADD PAD / RAMP (complete 2021)			NO CHANGE	
28	W SIDE N. OWW S. OF OAK	79105-40		ADD RAMP (complete 2021)			COMPLETE 10/16/20	COMPLETE 10/19/20
29	525 N. OLD WW	79101-41		ADD RAMP (complete 2021)			NO CHANGE	
30	OLD WW AT HARMON	79101-42		ADD RAMP (complete 2021)		COMPLETE 12/3/20	COMPLETE 10/16/20	COMPLETE 10/19/20
31	OLD WW AT HARMON	79101-43		ADD RAMP (complete 2021)			NO CHANGE	

ADA SPACE RELOCATIONS UPDATED DEC 10 2020

ITEM	LOCATION	TO DO	HART PAVEMENT STRIPING	CEMENT WORK (RAMP / PAD)	MOVE POST	MOVE SIGN	PARKING MAINT	POLE CUT
32	BATES AT TOWNSEND	79104-45		PAINT WHITE PAINT AT SPACE 7961-6	YES	REMOVE OLD SIGN AT BATES & TOWNSEND AT SPACE 7961-6		
33	BATES AT MERRILL	79104-46		ON HOLD		ON HOLD	ON HOLD	SG
33	BATES AT MERRILL	79104-47		ON HOLD		ON HOLD	ON HOLD	SG
34	BATES AT MERRILL	79102-48	G & P MOVE SPOT OVER EXISTING X. MOVE X NORTH OF SPOT TO REAR OF ADA SPOT. PAINT ACCESSIBLE AREA TO REAR.	ADD RAMP ON HOLD	YES	ON HOLD	MOVE ASSETS ONLY	
35	BATES AT MAPLE	79102-49		ADD RAMP (complete 2021)			NO CHANGE	
36	CHESTER AT TOWNSEND	79106-50		DONE 11/10/20			NO CHANGE	
37	CHESTER AT MERRILL	79104-51		DONE 11/10/20			NO CHANGE	
38	W SIDE CHESTER S OF MARTIN	79104-52		DONE 11/10/20			NO CHANGE	
39	W SIDE CHESTER N OF MARTIN AT STRUCTURE	79104-53		DONE 11/10/20			COMPLETE 10/2/20	COMPLETE 10/15/20
40	MARTIN AT BATES	79102-54		ADDED RAMP (complete 2020)			NO CHANGE	
41	MARTIN AT HENRIETTA	79102-55		ADDED RAMP (complete 2020)			NO CHANGE	
42	MARTIN AT PIERCE	79102-56		DONE 11/10/20			NO CHANGE	



ADA SPACE RELOCATIONS UPDATED DEC 10 2020

ITEM	LOCATION	TO DO	HART PAVEMENT STRIPING	CEMENT WORK (RAMP / PAD)	MOVE METER POST	MOVE SIGN	PARKING MAINT	POLE CUT	Finished
43	N SIDE TOWNSEND E. OF BATES	79102-57		DONE 11/10/20			COMPLETE		
44	W. SIDE PIERCE S. OF MAPLE	79102-59		ADD RAMP		COMPLETE 12/3/20	COMPLETE 10/20/20	COMPLETE 10/19/20	
45	PIERCE AT MERRILL	79102-60		ADDED RAMP			NO CHANGE		
46	PIERCE AT TOWNSEND	79102-61		ADD RAMP			NO CHANGE		
47	TOWNSEND AT BATES	79104-62		DONE 11/10/20			NO CHANGE		
48	HAMILTON ALLEY	79102-63	MOVE METER TO FRONT EDGE OF ADA ACCESSIBLE AREA AND LOWER TO PROPER HEIGHT	RAMP IN ACCESSIBLE AREA AND MOVE METER POST LOCATION	YES	LOWER POST??	NO CHANGE		
49	LOT 7	79104-71		METER POST MOVED		COMPLETE 12/3/20	NO CHANGE		
	LOT 7	79104-72		METER POST MOVED		COMPLETE 12/3/20	NO CHANGE		
50	LOT 9	79102-73		METER POST MOVED		COMPLETE 12/3/20	NO CHANGE		
51	HENRIETTA AT MERRILL	79102-79		DONE 11/10/20			10/20/2020		
NEW	800 N. OWNV ACCESS DRIVE	79102-77		ENGINEER JIM TO ADJUST RAMP FOR PEARL ACCESS 11/11/20		COMPLETE 12/3/20	10/20/2020		
NEW	856 N. OLD WOODWARD	79101-39	MOVE 79101-39 TO 7927-1 AND DELETE SPACE 7927-1. ADD ADA ACCESS MARKINGS ON S SIDE OF NEW SPACE DONE		YES	YES			



## NEWS RELEASE

### **Cavell introduces resolution to address housing security in Oakland County**

*Four proposed interventions aim to support families, seniors, veterans and the homeless*

**February 4, 2022, OAKLAND COUNTY, MI.** – Commissioner **Charlie Cavell** (D-Ferndale) introduced a resolution at last night's Oakland County Board of Commissioners meeting that is aimed at increasing housing security for families, seniors, veterans and the homeless. The resolution will make housing more attainable for families through a generational investment fund for working families. In addition, it addresses the growing needs of those on a fixed income, including seniors, veterans and the homeless, and it will help ensure those already in houses are able to keep up with critical home maintenance.

"After almost a year of meetings and collaboration with community members, housing advocates, property developers and county departments, I'm so excited that we are taking this great step forward to ensure housing stability for all Oakland County residents," Cavell said.

The resolution details four policy interventions to support housing security efforts in Oakland County communities. Those four interventions include:

- the creation of the Oakland Together Attainable Housing Trust Fund to increase available attainable rental and homeowner occupied housing throughout Oakland County
- the creation of a Shelter Capacity Fund to increase the number of available emergency shelter beds for both individuals and families experiencing homelessness in our community, and to de-congregate currently available units to improve safety and privacy
- increase funding for the Roofs, Ramps and Repairs program, which provides critical home repairs to residents throughout Oakland County
- a comprehensive scan of zoning policies and processes in all Oakland County communities

"With these proposals, Oakland County will lead the way when it comes to removing barriers to attainable housing and increasing opportunities for everyone," Board Chairman **David T. Woodward** (D-Royal Oak) said. "A sustainable and strong economy requires access to attainable housing for all."

The resolution was referred to the Public Health and Safety Committee and the Finance Committee.

For more information about the Board of Commissioners, visit [www.oakgov.com/boc](http://www.oakgov.com/boc) or call 248-858-0100.

# # #



Alex Bingham &lt;abingham@bhamgov.org&gt;

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**Fwd: Leaf Blowers**

1 message

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**Tom Markus** <tmarkus@bhamgov.org>  
To: Alex Bingham <abingham@bhamgov.org>  
Cc: Stuart Jeffares <stuartjeffares@gmail.com>

Thu, Jan 27, 2022 at 1:55 PM

Please add to next agenda as info only.

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

From: **Stuart Jeffares** <stuartjeffares@gmail.com>  
Date: Thu, Jan 27, 2022 at 1:31 PM  
Subject: Leaf Blowers  
To: MARKUS Tom <tmarkus@bhamgov.org>

Tom - I caught wind that the city commission had recently discussed leaf blowers. I'm not sure exactly what was discussed but I thought I would share my experience. I'm sure, as many residents probably can relate to, it is very annoying to get home from a long day of work to sit on your patio and have a symphony of yard crews on three sides of you with deafening leaf blowers and trimmers. I recently switched services to an outfit that happened to be 100% electric. Electric mowers, leaf blowers and edgers. In fact they also clear our walks and drive using electric blowers. They are so quiet that when I am at home and they come I usually do not know that they have been here until I go outside. They are similar in price to other services that I have used (a bit cheaper than my last service). Additionally, I recently switched to an electric mower and trimmer at our cottage and can attest that the experience is great...no more ringing ears and the performance is great. With our close proximity to each other in Birmingham, the switch to electric equipment would help our enjoyment of our small outdoor spaces, allow us to have our windows up more but also let us do our part for our air quality.

Please forward my input to the Commission. I hope that they can put together a plan that gets us to a place where we can increase our collective enjoyment of our property by reducing noise and emissions.

Thanks for listening,

Stuart Jeffares

STUART JEFFARES, ASSOCIATE BROKER



THEJEFFARESGROUP@GMAIL.COM

C/248.321.2120

O/248.644.6700

**INFORMATION ONLY**



**STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION  
NOTICE OF HEARING  
FOR THE GAS CUSTOMERS OF  
CONSUMERS ENERGY COMPANY  
CASE NO. U-21062**

- Consumers Energy Company requests Michigan Public Service Commission's approval of a gas cost recovery plan and authorization of gas cost recovery factors for the 12-month period April 2022-March 2023.
- The information below describes how a person may participate in this case.
- You may call or write Consumers Energy Company, One Energy Plaza, Jackson, MI 49201, 517-788-0550 for a free copy of its application. Any person may review the documents at the offices of Consumers Energy Company or on the Commission's website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets).
- A pre-hearing will be held:

**DATE/TIME:      Wednesday, February 9, 2022 at 9:00 AM**

**BEFORE:          Administrative Law Judge Martin Snider**

**LOCATION:        Video/Teleconferencing**

**PARTICIPATION:**      Any interested person may participate. Persons needing any assistance to participate should contact the Commission's Executive Secretary at (517) 284-8090, or by email at [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov) in advance of the hearing.

The Michigan Public Service Commission (Commission) will hold a pre-hearing to consider Consumers Energy Company's (Consumers Energy) December 23, 2021, application requesting the Commission to: 1) approve its Gas Cost Recovery (GCR) plan and monthly Gas Cost Recovery factors for the period April 2022 through March 2023 consisting of the sum of two parts: a) a base factor of \$3.6996 per Mcf; plus, b) additional amounts contingent upon future events, determined using the GCR Factor Ceiling Price Adjustment (Contingency) Mechanism, as proposed by Consumers Energy, or such higher factors as may be lawful and reasonable; 2) review Consumers Energy's plans and projections through March 2027, and determine that the five-year plan is reasonable and that there are no cost items which the Commission would be unlikely to permit Consumers Energy to recover from its customers in the future; and 3) grant Consumers Energy such other and further relief as is lawful and appropriate, including approval of higher GCR factors than requested in Consumers Energy's initial filing if circumstances warrant.

**INFORMATION ONLY**



All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: [mpscedockets@michigan.gov](mailto: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 February 2, 2022. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy Company's Legal Department – Regulatory Group, One Energy Plaza, Jackson, MI 49201.

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-21062. Statements may be emailed to: [mpscedockets@michigan.gov](mailto: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.

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.

The Utility Consumer Representation Fund has been created for the purpose of aiding in the representation of residential utility customers in various Commission proceedings. Contact the Chairperson, Utility Consumer Participation Board, Department of Licensing and Regulatory Affairs, P.O. Box 30004, Lansing, Michigan 48909, for more information.

Jurisdiction is pursuant to 1909 PA 300, as amended, MCL 462.2 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.; 1982 PA 304, as amended, MCL 460.6h 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.

**{CONSUMERS ENERGY COMPANY HAS REQUESTED THE GAS COST RECOVERY FACTORS DESCRIBED IN THIS NOTICE. THE MICHIGAN PUBLIC SERVICE COMMISSION MAY APPROVE, REJECT OR AMEND THE FACTORS AND OTHER PROPOSALS.}**

**STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION  
NOTICE OF HEARING  
FOR THE GAS CUSTOMERS OF  
CONSUMERS ENERGY COMPANY  
CASE NO. U-21176**

- Consumers Energy Company requests Michigan Public Service Commission's approval for accounting and ratemaking approval of depreciation rates for gas utility plant.
- The information below describes how a person may participate in this case.
- You may call or write Consumers Energy Company, One Energy Plaza, Jackson, MI 49201, 517-788-0550 for a free copy of its application. Any person may review the documents at the offices of Consumers Energy Company or on the Commission's website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets).
- A pre-hearing will be held:

**DATE/TIME:**      **Thursday, February 10, 2022 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 [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov) in advance of the hearing.

The Michigan Public Service Commission (Commission) will hold a pre-hearing to consider Consumers Energy Company's (Consumers Energy) December 29, 2021, application requesting the Commission to: 1) approve Consumers Energy's gas utility plant depreciation accrual rates that would, based on year-end 2020 plant balances, result in a decrease of approximately \$0.9 million in annual depreciation expense relative to the depreciation rates currently in effect; and 2) grant Consumers Energy other relief.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov).

**INFORMATION ONLY**

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by February 3, 2022. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Consumers Energy Company's Legal Department – Regulatory Group, One Energy Plaza, Jackson, MI 49201.

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-21176**. Statements may be emailed to: [mpscedockets@michigan.gov](mailto: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.

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.

The Utility Consumer Representation Fund has been created for the purpose of aiding in the representation of residential utility customers in various Commission proceedings. Contact the Chairperson, Utility Consumer Participation Board, Department of Licensing and Regulatory Affairs, P.O. Box 30004, Lansing, Michigan 48909, for more information.

Jurisdiction is pursuant to 1909 PA 300, as amended, MCL 462.2 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.



January 27, 2022

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

**STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION NOTICE OF HEARING  
FOR THE ELECTRIC CUSTOMERS OF  
DTE ELECTRIC COMPANY  
CASE NO. U-20836**

- DTE Electric Company requests Michigan Public Service Commission's approval for authority to increase its rates, amend its rate schedules and rules governing the distribution and supply of electric energy, and for miscellaneous accounting authority.
- 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 or on the Commission's website at: [michigan.gov/mpscdockets](http://michigan.gov/mpscdockets).
- A pre-hearing will be held:

**DATE/TIME:** Friday, February 18, 2022 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](mailto:mpscdockets@michigan.gov) in advance of the hearing.

The Michigan Public Service Commission (Commission) will hold a pre-hearing to consider DTE Electric Company's (DTE Electric) January 21, 2022 application requesting the Commission to: 1) approve an additional annual revenue increase in the amount of approximately \$388 million effective as early as November 10, 2022, in order to recover, among other things, DTE Electric's increased investments in plant involving generation and the electric distribution system and the associated depreciation and property tax increases; 2) approve DTE Electric's proposed capital structure and return on equity; 3) grant DTE Electric's request for tree trimming expenditures and the associated request for regulatory asset treatment through 2024; 4) approve new rates effective as early as November 10, 2022 as proposed by DTE Electric; 5) grant DTE Electric's request to approve the PSCR base; 6) approve DTE Electric's proposals to implement certain customer rate schedules and tariffs; 7) approve recovery of DTE Electric's generation investments; 8) approve recovery of DTE Electric's investments related to the

**INFORMATION ONLY**

strengthening of its distribution system and reliability improvements; 9) approve all proposed pilot programs as requested by DTE Electric; 10) approve all proposed regulatory accounting treatments as requested by DTE Electric; 11) approve a capacity charge based on the methodology established in Case No. U- 20162 and the capacity-related costs approved as proposed; 12) grant any other relief described and requested as proposed by DTE Electric.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: [michigan.gov/mpscdockets](http://michigan.gov/mpscdockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: [mpscdockets@michigan.gov](mailto:mpscdockets@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: [mpscdockets@michigan.gov](mailto:mpscdockets@michigan.gov).

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by February 11, 2022. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon DTE Electric Company's attorney, Jon P. Christinidis, 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-20836**. Statements may be emailed to: [mpscdockets@michigan.gov](mailto:mpscdockets@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.

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.

The Utility Consumer Representation Fund has been created for the purpose of aiding in the representation of residential utility customers in various Commission proceedings. Contact the Chairperson, Utility Consumer Participation Board, Department of Licensing and Regulatory Affairs, P.O. Box 30004, Lansing, Michigan 48909, for more information.

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-20836



# CRAIN'S DETROIT BUSINESS

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February 01, 2022 02:16 PM

## First wireless EV-charging road in U.S. to be built near Michigan Central Station

KURT NAGL

Electreon

Israeli startup Electreon's wireless EV charging system is powered through electromagnetic induction.

The first wireless EV-charging road system in the country will be built near Michigan Central Station in Detroit by Israeli startup Electreon, officials announced Tuesday.

The mile-long stretch of public road, which will be designed to wirelessly charge electric vehicles while they are stationary and in motion, is expected to be complete by 2023, according to a news release from the state. Electreon will work with NextEnergy and Jacobs Engineering Group on the project.

The inductive vehicle charging pilot, first [announced](#) by Gov. Gretchen Whitmer last year at the Motor Bella show in Pontiac, will be funded through \$1.9 million from the Michigan Department of Transportation and an unspecified contribution from Electreon.

Electreon declined to say how much it is investing, but the request for proposal for the project required the contract winner to match at least 25 percent of the \$1.9 million, said Michele Mueller, senior project manager, connected and automated vehicles, for MDOT.

The project will also be supported by Ford Motor Co., DTE Energy Co. and the city of Detroit.

"As we aim to lead the future of mobility and electrification by boosting electric vehicle production and lowering consumer costs, a wireless in-road charging system is the next piece to the puzzle for sustainability," Whitmer said in the release.

The road will be located within Ford's Michigan Central mobility innovation district, though the exact location has not been determined, MDOT spokesman Michael Frezell said.

## INFORMATION ONLY

The wireless roadway project symbolizes Michigan's commitment to building EV charging infrastructure and staying ahead of the curve on technology, according to officials. It also fits into MDOT's plan for a new 40-mile "[connected corridor](#)" from Detroit to Ann Arbor.

"Michigan is aggressively rolling out various charging solutions and we need to continue to stay ahead of the technology curve," MDOT Director Paul Ajegba said in the release. "A wireless in-road charging system will be revolutionary for electric vehicles, potentially extending their charge without having to stop."

Electreon, founded in 2013, has projects in Tel Aviv; Gotland, Sweden; and Lombardy, Italy. The foundation of its wireless charging technology is electromagnetic induction. The company installs copper coils under the asphalt of roadways, through which it transfers energy from the electricity grid and creates a magnetic field. Receivers installed on the floor of an electric vehicle capture the energy and transmit it to the battery and motor.

"We're excited to be transferring our success in wireless charging for a variety of electric fleets — from cars to buses and heavy-duty trucks — to this innovative project," Stefan Tongur, vice president of Electreon, said in the release. "There's important work ahead with our partners in Detroit to develop scalable, 'plug-free' charging that will future-proof the city's EV infrastructure."

Electreon will not generate revenue through the project in Detroit, Mueller said. The company said its aim is to prove its concept effective and then scale beyond pilot projects to generate revenue.

"...We offer flexible approaches, depending on the customer/client use case and what's the best fit, including public-private partnership, relationships and CaaS - Charging as a Service," according to the company's business model.

Mueller said the pilot is a learning opportunity for the startup and the state.

"This will allow us the opportunity to set standards and specifications for the system," she said. "We do have the vision for having electrification here, and that's why we're doing the pilot. We're going to learn a lot."

Inline Play

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**Source URL:** <https://www.crainsdetroit.com/infrastructure/first-wireless-ev-charging-road-us-be-built-detroit>

Submitted by Brad Host

FAX TO: Brad Host  
Birmingham City Commission

FROM: Allene Warbler

DATE: January 26, 2022

Brad, as we discussed:

## Royal Oak offers free metered parking on streets, in lots

Frank Witsil  
Detroit Free Press  
USA TODAY NETWORK

Royal Oak, which is tinkering with its downtown parking, said Wednesday it is offering free parking on streets and in surface lots to give the city time to work out problems in its new system.

The city also is asking folks to leave their parking related complaints, questions and suggestions online at [romi.gov/feedback](http://romi.gov/feedback).

Fees, however, will be charged for parking in downtown parking structures.

The city said on its website it is working "through bringing the new parking system online" and wanted to make "sure it's a smooth transition for all residents and guests," adding that "we look forward to seeing you the next time you visit."

In the past few years, Royal Oak has been growing up, with new high-rise structures that have brought new residents, parking decks and offices. It also has been a major hub for the city's economy.

Royal Oak has adapted to shopping malls, which, at first, drew shoppers and traffic away from them. But these suburbs have been serving as the shopping centers declined.

Royal Oak has been testing new, high-tech parking meters on Main Street and has installed hundreds more downtown. These Sentry Smart Meters accept coins and electronic payments and are designed to photograph license plates and ticket violators.

But they also offer motorists 5 minutes to add time before ticketing and charge only for the time motorists are parked.



Royal Oak's new parking system is meant to give the city time to work out problems in its new system. The city is asking for feedback.

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The city claims the new meters are more convenient. In addition, some of the city parking spaces have been designated as back-in-angle parking, which the city said should be safer for drivers putting packages in their trunks.

In recent months, however, local news outlets reported the meters have generated complaints, assessed incorrect fines and generated tickets that were difficult to recognize because they looked like junk mail.

Staff writer Bill Latner contributed to this report.

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INFORMATION ONLY

# Detroit Free Press

## OAKLAND

# Royal Oak lifts parking fees, fines until February to fix glitches in high-tech meters



**Frank Witsil**

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In the past few years, Royal Oak has been growing up, with more high-rise structures that include condo towers, apartments, parking decks and offices. It also has been attempting to reinvented its downtown.

Like other main street suburbs nationally, Royal Oak has adapted to shopping malls, which, at first, drew shoppers and traffic away from them. But these suburbs have been reviving as the shopping centers declined.

Royal Oak has been testing new, high-tech parking meters on Main Street and has installed hundreds more downtown. These Sentry Smart Meters accept coins and electronic payments and are designed to photograph license plates and ticket violators.

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*Staff writer Bill Laitner contributed to this report.*

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