

**AMENDED 2**  
**BIRMINGHAM CITY COMMISSION AGENDA**  
**FEBRUARY 28, 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**

- 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 COVID-19 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. <sup>1</sup>

**APPOINTMENTS**

**A. Recognition of Outgoing Student Reps**

To recognize the following fourteen student representatives for their service in 2021 on Birmingham boards and committees and award each student a certificate in appreciation for their civic involvement:

HDC-DRB	Charles Cusimano—Groves Elizabeth Wiegand—Seaholm
Multi-Modal Transportation Board	Lauren Morris—Groves Justin Schoener—Seaholm Alex Walters—Seaholm
Museum Board	Carter Lutz – Groves Aidan Schoener—Seaholm
Planning Board	Daniel Murphy—Seaholm Jane Wineman—Seaholm
Public Arts Board	Hadley Lovell—Seaholm Nora Sherifaj—Seaholm

<sup>1</sup> Corrected 2/25/22

Parks & Recreation Board	R.J. Carrel—Groves Alison Chapnick—Groves Kyle Sayers—Seaholm
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- B. 2022 Student Appointments to City Boards and Committees  
To appoint the following students as non-voting members for the calendar year 2022.

HDC-DRB	Meghan Murray - Seaholm Charlie Vercellone - Seaholm
Multi-Modal Transportation Board	Isabela Betanzos - Seaholm Ben Rosenfield - Seaholm
Museum Board	Jordan Snyder - Seaholm
Planning Board	MacKinzie Clein - Seaholm Andrew Fuller - Seaholm
Parks & Recreation Board	Zachary Miketa - Seaholm Matthew Windsor - Seaholm

- C. Board of Zoning Appeals
- a. Luke Joseph
  - b. Pierre Yaldo
  - c. Erin Rodenhouse
    - 1) Letter from Mary Kucharek
    - 2) Letter of resignation from Erin Rodenhouse
  - d. Ron Reddy

To appoint \_\_\_\_\_ as a regular member to the Board of Zoning Appeals to serve the remainder of a three-year term to expire October 10, 2022.

To appoint \_\_\_\_\_ as a regular member to the Board of Zoning Appeals to serve the remainder of a three-year term to expire October 10, 2022.

- D. Alternate Hearing Officer
- a. Larry Lyng

To make a motion to appoint \_\_\_\_\_ as the Hearing Officer to serve the remainder of a three-year term to expire June 30, 2024.

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

#### **V. CONSENT AGENDA**



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

- A. Resolution to approve the City Commission workshop meeting minutes of February 14, 2022.
- B. Resolution to approve the City Commission meeting minutes of February 14, 2022.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated February 16, 2022, in the amount of \$1,502,550.28.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated February 23, 2022, in the amount of \$5,008,283.70.
- E. Resolution to approve a one (1) year agreement with MSCA Group, Inc. for professional design services for improvements to the Rouge River Trail Corridor (RRTC) in an amount not to exceed \$11,200.00. 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 # 408-751.000-979.0000
- F. Resolution to authorize the IT department to purchase the security subscription and support license extension for the Palo Alto firewall from AmeriNet. The purchase price not to exceed \$11,360.40. Funds are available in the IT computer maintenance fund account # 636-228.000-933.0600
- G. Resolution to approve a one (1) year agreement with Bang the Table for a subscription to its public engagement platform in the amount not to exceed (\$13,300). 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 #636-228.000-933.0700.
- H. Resolution to authorize the City Clerk to complete the Local Approval Notice at the request of Station MLCC, LLC to transfer ownership of the Class C and SDM Liquor License with Sunday Sales (AM/PM) Permit, (4) Additional Bar Permits, Catering Permit, Off Premise Storage, Outdoor Service Area Permit and Dance/Entertainment Permit from Eton Street Restaurant Inc. (Business I.D. # 392) located at 245-235 S. Eton Street, Birmingham, Oakland County, MI 48009 to Station MLCC, LLC; and request to cancel the Catering Permit, Off Premise Storage and (2) Additional Bar Permits
- I. Resolution to authorize the City Clerk to complete the Local Approval Notice at the request of Forest Grill 2, LLC to approve the request of Forest Grill 2, LLC to transfer the membership in Forest Grill 2, LLC which holds the Class C and SDM License with Sunday Sales (PM) and Outdoor Service Area located at 735 Forest, Birmingham, Oakland County, MI from 50% Elm Restaurant Group, LLC and 50% SSE Restaurant Group, LLC to 100% SSE Restaurant Group, LLC.
- J. Resolution to approve the art donation of a piano to be placed in Shain Park beneath the pavillion from the beginning of May 2022 to the end of November 2022.

- K. Resolution approving a call for entry for artwork with the following terms for fiscal year 2021-2022:
- 1.) Timeframe options include a loan with a minimum 3-year term, or an accepted donation to the City.
  - 2.) The four locations indicated by the Public Arts Board are prioritized, however the Public Arts Board may recommend other sites more suitable within the City;
  - 3.) Each artist will coordinate with the relevant City Departments for requirements related to installation;
  - 4.) Each artist involved in the call for entry is to be provided a stipend for approved artwork, for a total amount not to exceed \$9,000 from the General Administration Budget, account #101-721.000-811-0000.
- L. Resolution to approve new bench installations at the 16 proposed locations listed below and attached in the MKSK document.
1. W. Maple and Lutheran Church – bus stop
  2. W. Maple and Larchlea – bus stop
  3. W. Maple and First Presbyterian Church – bus stop
  4. W. Maple and First Presbyterian Church
  5. W. Maple and Fairfax (Fairfax Park) – bus stop
  6. W. Maple and First Methodist Church – bus stop
  7. W. Maple and Pilgrim - bus stop
  8. W. Maple between Puritan & Lake Park – bus stop
  9. W. Maple & Lake Park – midblock crossing
  10. W. Maple near Waterfall Court
  11. W. Maple midblock crossing to Liden Park
  12. W. Maple & Trail entry to Quarton Lake Park
  13. Baldwin Road – along sidewalk between Wm. Maple and Rouge bridge
  14. Linden Park near Valley View Lane
  15. Maple Road – bus stop between Birmingham Museum and Baldwin Road
  16. Martha Baldwin Park – along sidewalk
- M. Resolution to approve a special event permit as requested by the Birmingham Public Services Department for the 2022 Birmingham Concert In The Park series for the dates as presented, 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.
- N. Resolution to approve a special event permit as requested by the Birmingham Museum to hold the 2022 Birmingham Museum Heritage Plant Exchange on Saturday, June 4, 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.
- O. Resolution to approve a request from Eisenhower Dance Detroit to hold their NewDanceFest on the stage at Shain Park on July 23, 2022, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant

to any modifications or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.

- P. Resolution to approve a special event permit as requested by the Birmingham Shopping District to hold the 2022 Day on the Town on Saturday, July 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.
- Q. Resolution to approve a special event permit as requested by the Birmingham Shopping District to hold the 2022 Farmers Market days beginning on Sunday, May 1, 2022 – October 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.
- R. Resolution to approve a special event permit as requested by the Birmingham Shopping District to hold the 2022 Birmingham Movie Nights on June 10, 2022, July 15, 2022, August 12, 2022, and September 16, 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.
- S. Resolution accepting the resignation of Leland Feiste from the Board of Review, to thank him for his service and to direct the City Clerk to begin the process of filling the vacancy.

## **VI. UNFINISHED BUSINESS**

## **VII. NEW BUSINESS**

- A. Public Hearing – Confirming Roll for Special Assessment District #896 – Maple Road Sewer Lateral Project
  - 1. Resolution for Confirming Special Assessment District #896S, Maple Road Sewer Laterals as indicated in the staff report
- B. Public Hearing – Corridor Improvement Authority Development & TIF Plan Update
  - 1. Resolution to approve the updates to the City of Birmingham’s Corridor Improvement Authority Development and TIF Plan.
- C. Resolution authorizing the issuance of the Request for Proposals as recommended by the Library Board to finalize designs and prepare for the expansion and renovation of the Front Entrance and Circulation area of the Baldwin Public Library, with the necessary funds to be paid by the Library
- D. Resolution directing the City Manager to prepare a draft Code of Conduct for the City for placement on a future City Commission agenda for review and consideration.

E. Resolution to approve the renewal of liquor licenses for the 2022 licensing period, for the following establishments holding a Class B, Class C, or Microbrewery Liquor License that are in compliance with Chapter 10, Alcoholic Liquors of the City Code:

- Brooklyn Pizza
- Community House
- Elie's Mediterranean
- Emagine Palladium/Ironwood Grill
- Fleming's #3302
- Forest Grill
- Hazel & Ravines
- La Strada Cafe
- Lincoln Hills Golf Course
- Mad Hatter
- Market North End
- Springdale Golf Course
- Streetside Seafood
- The Morrie

AND

To make a motion adopting a resolution to set public hearings on Monday, March 28, 2022 to consider whether the City Commission shall file objections with the Michigan Liquor Control Commission for the renewal of licenses held by the owners/operators of the following establishments that are in violation of Chapter 10, Alcoholic Liquors of the City Code:

- 220 Merrill
- Adachi Restaurant
- All Seasons Of Birmingham
- Bella Piatti
- Birmingham 8 Theater
- Birmingham Pub
- Churchill's Bistro/Cigar Bar
- Daxton
- Dick O Dow's Irish Pub
- Griffin Claw Brewing Company
- Hyde Park Prime Steakhouse
- Luxe Bar And Grill
- Maple Road Tap Room (Whole Foods)
- Mare
- Papa Joe's Gourmet Market Place Birmingham
- Per Noi
- Phoenicia
- Salvatore Scallopini
- Slice/Shift/Sidecar
- Social Kitchen And Bar
- Tallulah Wine Bar & Bistro

- The Townsend
- Toast
- Townhouse

AND

Further, to make a motion adopting a resolution to direct the City Manager to notify the owners/operators of licensed establishments for which a public hearing is set, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel, and that the licensee may present witnesses or written evidence at the hearing.

- F. Commission Items for Future Discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.
- G. Commission discussion on items from prior meeting
  - 1. None

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

<b>X. REPORTS</b>
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- A. Commissioner Reports
  - 1. Notice of intention to appoint to the Board of Review
  - 2. Notice of intention to appoint to the Museum Board
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. 2nd Quarter Investment Report
  - 2. 2nd Quarter Budget Report
  - 3. City Manager's Report
    - a. Mary Kucharek – Board Appointment Nominations
    - b. Letter to Paul Reagan
  - 4. Mary Kucharek – Regarding ethics and the February 14, 2022 City Commission meeting<sup>2</sup>

INFORMATION ONLY

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<sup>2</sup> Included 2/25/22

## **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).*



## MEMORANDUM

Office of the City Manager

**DATE:** February 22, 2022

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

**FROM:** Melissa Fairbairn, Assistant to the City Manager

**SUBJECT:** 2021 Student Representative Certificates of Appreciation

### INTRODUCTION:

In appreciation of their service as a student representative on City boards and committees throughout 2021, the following Birmingham Public School students will be recognized with a service award for their civic involvement over the past year at the February 28, 2022 Commission meeting:

STUDENT	BOARD / COMMISSION
Charles Cusimano	Historic District Commission / Design Review Board
Elizabeth Wiegand	Historic District Commission / Design Review Board
Lauren Morris	Multi-Modal Transportation Board
Justin Schoener	Multi-Modal Transportation Board
Alex Walters	Multi-Modal Transportation Board
Carter Lutz	Museum Board
Aidan Schoener	Museum Board
Daniel Murphy	Planning Board
Jane Wineman	Planning Board
Hadley Lovell	Public Arts Board
Nora Sherifaj	Public Arts Board
R.J. Carrel	Parks & Recreation Board
Alison Chapnick	Parks & Recreation Board
Kyle Sayers	Parks & Recreation Board

### BACKGROUND:

In 1996, the City Commission approved a Birmingham Public Schools (BPS) program placing student representatives who are residents of the city on city boards and commissions. This program was designed to establish an educational partnership that has been very successful since its inception. Students wanting to serve as representatives to city boards and commissions complete an application and go

through a selection process by a school district pre-screening committee. The committee membership reviews student applications based on specific criteria and then forwards approved applications to the city for appointment consideration.

LEGAL REVIEW:

N/A

FISCAL IMPACT:

N/A

SUMMARY:

The fourteen Birmingham Public Schools students mentioned above have participated in monthly meetings of their respective advisory boards and engaged in public discussions that afforded them direct input into areas that affect their community. This program partnership with the Birmingham Public Schools has been successful for the City, the schools, and the students. The City congratulates the fourteen student representatives and looks forward to the student's continued interest in civic involvement. Each student will be sent a certificate of appreciation for their involvement in the program.

ATTACHMENTS:

N/A

SUGGESTED RESOLUTION:

To recognize the following fourteen student representatives for their service in 2021 on Birmingham boards and committees and award each student a certificate in appreciation for their civic involvement:

HDC-DRB	Charles Cusimano—Groves Elizabeth Wiegand—Seaholm
Multi-Modal Transportation Board	Lauren Morris—Groves Justin Schoener—Seaholm Alex Walters—Seaholm
Museum Board	Carter Lutz – Groves Aidan Schoener—Seaholm
Planning Board	Daniel Murphy—Seaholm Jane Wineman—Seaholm
Public Arts Board	Hadley Lovell—Seaholm Nora Sherifaj—Seaholm
Parks & Recreation Board	R.J. Carrel—Groves Alison Chapnick—Groves Kyle Sayers—Seaholm





## MEMORANDUM

Office of the City Manager

**DATE:** February 22, 2022

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

**FROM:** Melissa Fairbairn, Assistant to the City Manager

**SUBJECT:** 2022 Student Appointments to City Boards and Committees

### INTRODUCTION:

The following students are being recommended by Birmingham Public Schools for appointment to their respective board by the City Commission for the 2022 calendar year. The students will receive agenda packets and are able to participate in all discussions, but will serve as non-voting members of the boards to which they are appointed.

Student	Board
Meghan Murray	Historic District / Design Review Board
Charlie Vercellone	Historic District / Design Review Board
Isabela Betanzos	Multi-Modal Transportation Board
Ben Rosenfield	Multi-Modal Transportation Board
Andrew Fuller	Planning Board
MacKinzie Clein	Planning Board
Jordan Snyder	Museum Board
Zachary Miketa	Parks & Recreation Board
Matthew Windsor	Parks & Recreation Board

### BACKGROUND:

In 1996, the City Commission approved a Birmingham Public Schools (BPS) program placing student representatives who are residents of the city on city boards and commissions. This program was designed to establish an educational partnership that has been very successful since its inception.

Students wanting to serve as representatives to city boards and commissions complete an application and go through a selection process by a school district pre-screening committee. The committee membership reviews student applications based on specific criteria and then forward approved applications to the city for appointment consideration.

Attached is a copy of the BPS program with the city along with application materials submitted by the students in the course of the application process.

LEGAL REVIEW:

N/A

FISCAL IMPACT:

N/A

SUMMARY:

Nine qualified Seaholm students have submitted applications for appointment as student representatives on city boards for consideration by the City Commission during the February 28, 2022 meeting.

ATTACHMENTS:

- Birmingham Public Schools Program Guidelines
- Student applications and essays

SUGGESTED RESOLUTION:

To appoint the following students as non-voting members for the calendar year 2022.

HDC-DRB	Meghan Murray - Seaholm Charlie Vercellone - Seaholm
Multi-Modal Transportation Board	Isabela Betanzos - Seaholm Ben Rosenfield - Seaholm
Museum Board	Jordan Snyder - Seaholm
Planning Board	Mackinzie Clein - Seaholm Andrew Fuller - Seaholm
Parks & Recreation Board	Zachary Miketa - Seaholm Matthew Windsor - Seaholm



## A PARTNERSHIP BETWEEN:

THE CITY OF BIRMINGHAM AND BIRMINGHAM PUBLIC SCHOOLS  
Student Representatives on City Boards and Commissions

### PROGRAM GUIDELINES

#### I. PURPOSE:

To promote citizenship and student leadership and to encourage future citizen participation in government. The interaction between student representatives and appointed members of city boards and commissions will produce a greater understanding of adult decision making in addition to lending the perspective and ideas of youth. The majority of citizens who volunteer in their later years report that they have done so because of a volunteer experience in their youth. By investing in efforts to support and promote service and volunteerism now, we will be able to count on these individuals to volunteer later in life.

#### II. BENEFITS TO STUDENTS AND COMMUNITY:

##### Students will:

- Learn how local city government operates and makes decisions.
- Learn practical ways of helping the community...makes government real.
- Establish a service and volunteer habit for the future.
- Learn how to research data before making community decisions.
- Learn from contact with adult members of city boards and commissions.

##### Community:

- Will have the unique perspective of youth in decision making.
- Students will learn valuable lessons about public service...grooming them for future public service.
- May have a longer term participation of the student in community affairs.

#### III. SELECTION PROCESS:

Students wishing to serve as representatives to city boards and commissions should take the following steps:

1. If you have questions and would like to talk with a fellow student, contact student organizers Dounia Senawi at Groves High School or Todd Hertzler at Seaholm High School.
2. Complete a STUDENTS on CITY BOARDS and COMMISSIONS application available in the office of the community service organizer (Groves; Mrs. Dana Cunningham 203-3509 & Seaholm; Mrs. Sheila Brice 203-3725).
3. Submit the application along with two letters of recommendation and a brief personal essay to your school's community service organizer no later than NOVEMBER 22, 1996 at 3 p.m.

All applications will be reviewed by a school district screening committee where one applicant will be chosen to serve on each selected city board or commission.

The screening committee will include the following individuals:

- An administrator from both Groves and Seaholm High Schools (2)
- A student from both Groves and Seaholm High Schools (2)
- The high school community service organizers (2)
- A teacher (1)
- A member of the board of education (1)
- A member of the school district central administration (1)

Note: Administrators from both The City of Birmingham and the Village of Beverly Hills are involved in the development of the Students on City Boards and Commissions project. (The Village of Beverly Hills may also choose to participate at a later date.)

#### IV. APPOINTMENT PROCESS:

- Each student will be paired up with an adult board member who will serve as their mentor. The mentor will help the student become oriented to issues being addressed throughout their term on the board or commission.
- Each participating board or commission will monitor the attendance and participation of the student representative on their respective boards and commissions, and reserve the right (if necessary) to replace student members from the previously submitted list of qualified students.

#### V. TERMS:

- Each selected board/commission may have a high school junior as a student representative.

- The application, selection and appointment process shall begin in the fall (this first year being an exception), with the appointment becoming effective on the first day of January. The term of the student representatives shall end on the last day in December.

#### VII. DUTIES OF STUDENT REPRESENTATIVES:

Student representatives to city boards/commissions will:

- Attend an orientation session on local government and student roles and responsibilities as representatives.
- Attend all meetings scheduled for the specific board/commission to which they have been designated to serve as a student representative.
- Respond to the inquiries of other students regarding the function and role of the particular board/commission on which they serve.
- Prepare a written or oral synopsis on a monthly basis as to the progress of their activities as a citizen board/commission student representative. Meet with other student representatives.
- Perform other duties as identified at the time of appointment.

#### VII. RESPONSIBILITIES OF PARTICIPATING HIGH SCHOOLS

- The participating schools shall provide options that would enable students to earn credit from their experience on city boards and commissions.
- The participating schools shall designate a program coordinator who shall distribute information and applications to interested students:

Groves High School: Dana Cunningham 203-3509  
Seaholm High School: Sheila Brice 203-3725

- The schools shall actively seek student applicants for the participating boards/commissions wishing to sponsor student representatives.
- Each participating school shall participate in an annual review of the program with participating units of government and student representatives.

VIII. RESPONSIBILITIES OF THE PARTICIPATING UNITS OF GOVERNMENT:

- The participating units of government shall provide a list of those boards/commissions selected as appropriate for student representation, the purpose of those boards/commissions, and the meeting locations, dates and times.
- The participating units of government shall provide an orientation session for all student representatives selected to serve on certain boards and commissions.
- The participating units of government shall monitor the attendance and participation of individual student representatives and report any major concerns to the appropriate school program coordinators.
- Each participating unit of government shall be responsible for the formal appointment and termination of student representatives to their designated boards and commissions.
- Each participating unit of government shall participate in an annual review of this program with the cooperating schools and student representatives.

STUDENT REPRESENTATIVES ON  
CITY BOARDS AND COMMISSIONS



**Birmingham**  
PUBLIC  
SCHOOLS

*Birmingham Public Schools  
Communications and Family Engagement*

31301 Evergreen Rd. • Beverly Hills, MI 48025

Name: Meghan Murray Grade: 11<sup>th</sup> Age: 17

Address: [REDACTED]

Zip Code: 48009 Email: [REDACTED]

Telephone: [REDACTED] School: Seaholm

On the attached listing of city boards and commissions, please rank your order of preference for appointment from 1 to 3 (1 being the highest and 3 being the lowest):

1. Historic District Commission and Design Review Board
2. Public Arts Board
3. Advisory Parking Committee

What school activities and/or classes have you participated in which would qualify you to sit on the board or commission which you have chosen?

The Flex program not only provided me with an honors, combined grades, social studies and English curriculum, but it also taught me how to appreciate history. Additionally, through Flex I took a leadership class and participated in too many seminars to count, making me very comfortable with communicating with others.

Please list your involvement in non-school activities:

Outside of school I participate in the Civic Symphonic Band ensemble at the DSO, I have both phone and text banked for the organization Sunrise, and I periodically deliver food to one of the community fridges in Detroit.

What personal skills and characteristics do you possess that would make you a good representative?

I know just how important participation in democracy is, and I know that starts at the local level. I value being politically aware. As mentioned earlier, I also am comfortable speaking with others. I also believe in preserving history and making it accessible to the public.

How would you be able to schedule your time to function effectively as a student representative?

First and most importantly, I would keep my evenings  
clear the days the board meets. But in between those  
meetings I would prioritize any research or work I need  
to complete to be an effective student representative.

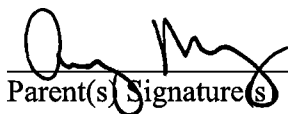
Would you be interested in being considered for any other boards if you are not selected for any of your top three choices?

Yes ~~no~~ No ✓

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**Parent(s) Permission:**

I give my permission for my son/daughter to seek the position of a representative to a city board or commission.



Parent(s) Signature(s)

1.9.21

Date

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**Include an essay** (typed) to convince the selection committee that you should be chosen as a student representative to a board or commission. If selected, your essay will be a part of your introduction to your board or commission.

Please **include one letter of recommendation** from an adult who knows you at school and who knows your activities outside of school.

**Return application by Monday, January 10, 2022 to:**

Suzanne O'Leary at Seaholm High School \_\_\_\_\_

Liz Sak at Groves High School \_\_\_\_\_



I am a good candidate as a student representative on the Historic District Commission and Design Review Board because I am passionate about compromise. I am at peace with the fact that all decisions, no matter how trivial, will always leave someone unhappy, but I also recognize that finding a compromise can make that someone less unhappy. When it comes to developing compromises, I value listening to the opinions of others as well as their emotions so that I can truly understand where their thoughts are coming from. I'm not the kind of person that assumes my opinion is the best opinion, which allows me to do research and listen to others before deciding what I believe. But more important than that skill is the skill to change opinions. As a high schooler, I'm witnessing my values form, evolve, and dissipate firsthand. The skill I treasure most in this time period of my life is the ability to change my mind about what I believe. This skill of giving my opinions room to fluctuate allows me to see differing opinions not as bad or wrong, but as a different yet valid way of viewing the world. Looking at others' points of view this way makes it that much easier for me to see eye to eye and, furthermore, find a compromise within conflicting viewpoints. Bridging my value of compromise to the Historic District Commission, I see Birmingham's history as a part of the city that must both be preserved and adapted to a modern era. I hope that by serving on the commission I can utilize and refine my appreciation of compromise to learn about how Birmingham can develop her historic districts responsibly.

Benjamin S. Briere, Flexible Scheduling Program Teacher & Secondary ESL/ELA Teacher  
586-216-6241 • bbriere@birmingham.k12.mi.us  
2436 W. Lincoln Road, Birmingham MI 48009

1-7-2022

To Whom It May Concern,

It is with great pleasure that I recommend Meghan Murray. Over the past 3 years, I have learned with and assessed Meg during her career as a learner at Seaholm High School. During this time, Meg enthusiastically engaged in the Flex program at Seaholm High School. Across a diverse array of experiences, she displayed leadership, responsibility, and civic engagement.

What impresses me most about Meg is her natural way with leadership. The Flex program at Seaholm highlights community and service learning. In fact, our sophomores take a class entitled leadership. Throughout this class, students study leadership, develop their own leadership projects and then enact those initiatives. When thrust into these experiences, Meg shined. She commanded the attention of her peers, established her commitment to excellence and service with her behavior, and made sure that no one felt left out while doing so. In fact, Meg organized donations for a community fridge in Detroit.

Where every student had to design their project and attempt it, not every student had the grit to succeed. Not so with Meg. Meg displayed passion and perseverance with her project by organizing each part of her project from communicating and planning to collection and delivery. Each step of the process was performed by her. She collected the food and then drove it to the location. This shows a real dedication to the betterment of others lives, and a follow-through that takes many of us, even adults, years to master.

Lastly, I would like to highlight Meg's civic engagement. The first step towards changing another citizen's life is materially affecting their life and making sure needs are met. Meg's project put food in fridges. Yet, people also need to have pride in the spaces they inhabit. To this end, Meg would make sure that the community fridge was clean and presentable even when this wasn't her responsibility. More than that, she showed her peers what is possible with her project. She asked the leadership class, "will you participate in making another's life better?" I teach leadership, but understanding the principles of leadership is not the same as leadership in action. To see that, look no further than Meghan Murray.

Across all contexts, Meg has demonstrated a commitment to leadership, responsibility, and civic engagement. These commitments will ensure that she will be a valuable addition to any classroom, community, or organization. Megham Murray represents the best of Seaholm and the Flex community, and I look forward to seeing her distinct and beautiful impact on the world.

Sincerely,  
Ben Briere

**STUDENT REPRESENTATIVES ON  
CITY BOARDS AND COMMISSIONS**



**Birmingham**  
PUBLIC  
SCHOOLS

*Birmingham Public Schools  
Communications and Family Engagement*

31301 Evergreen Rd. • Beverly Hills, MI 48025

Name: Charlie Vercellone Grade: 11 Age: 17

Address: [REDACTED]

Zip Code: 48009 Email: [REDACTED]

Telephone: [REDACTED] School: Seaholm HS

On the attached listing of city boards and commissions, please rank your order of preference for appointment from 1 to 3 (1 being the highest and 3 being the lowest):

1. Planning Board
2. Historic District Commission and Design Review Board
3. Multi-Modal Transportation Board

What school activities and/or classes have you participated in which would qualify you to sit on the board or commission which you have chosen?

I am a 4.0+GPA student and have challenged myself with both Honors and AP classes. I have also taken architecture classes to better understand how houses are designed and built. I try to be involved in groups that allow me to collaborate with other students and serve as a leader in the school, including National Honors Society, Pay It Forward Club, Morning Jazz Band, and Pep Band.

Please list your involvement in non-school activities:

Outside of school, I have served as an acolyte at Christ Church Cranbrook for over 6 years and now serve as a mentor to younger acolytes. I also hold two seasonal jobs as a Junior Ranger at Lincoln Hills and Youth Basketball Coach at United Methodist Church in Birmingham. I have also studied piano since the age of 4 and use this skill in the Jazz Band at Seaholm.

What personal skills and characteristics do you possess that would make you a good representative?

Throughout my school and work experiences, I have tried to be a responsible and respectful person who works well with others to achieve a greater good. Seaholm HS is an active and important institution in Birmingham and I will be a good representative of the many different people, beliefs, and questions of the student body as well as serving as someone who can share what I have learned in the City Commission with others in my school.

How would you be able to schedule your time to function effectively as a student representative?

Most of my commitments are in the morning, during school, or on the weekend and will not interfere with my involvement with committee meetings. I will work to make sure that I arrange any other commitments to minimize absences and maximize my involvement.

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Would you be interested in being considered for any other boards if you are not selected for any of your top three choices?

Yes X (Museum) No \_\_\_\_\_

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**Parent(s) Permission:**

I give my permission for my son/daughter to seek the position of a representative to a city board or commission.

Parent(s) Signature(s)

1/9/22  
Date

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**Include an essay** (typed) to convince the selection committee that you should be chosen as a student representative to a board or commission. If selected, your essay will be a part of your introduction to your board or commission.

Please **include one letter of recommendation** from an adult who knows you at school and who knows your activities outside of school.

**Return application by Monday, January 10, 2022 to:**

Suzanne O'Leary at Seaholm High School \_\_\_\_\_

Liz Sak at Groves High School \_\_\_\_\_

Finally, any of the boards provided as an opportunity for student involvement, such as the Multi-Modal Transportation Board, will help me understand and appreciate the planning that goes into running and developing a city as wonderful as Birmingham. I realize that a city has to not only encourage traffic from its residents and surrounding communities, but also provide a safe and walkable city for pedestrians. I know that it will be interesting to hear all of the issues and community concerns, public debates, and decision making processes that community leaders engage in on a regular basis.

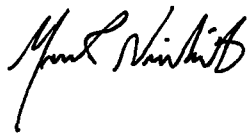
I would be a proud and honored student representative for the City of Birmingham and look forward to being a part of this city's government.

January 10, 2022

To Whom It May Concern:

I am writing to support Charlie Vercellone as student representative to a Birmingham Board. I have known Charlie since he was a young boy. I am a friend of his family. Charlie is a very good student and a member of the National Honors Society. He is reliable and hard working and was a junior ranger at Lincoln Hills. Charlie has been able to successfully juggle multiple activities—his academics and extracurricular activities like jazz band, youth basketball coach at First United Methodist Church and serving as an Acolyte at Christ Church Cranbrook. He will have no difficulty honoring a commitment to serving on a City board.

I strongly recommend Charlie Vercellone for a Birmingham City Board, which ever he chooses to pursue.

A handwritten signature in black ink, appearing to read "Mark Nickita". The signature is written in a cursive, flowing style.

Mark Nickita

STUDENT REPRESENTATIVES ON  
CITY BOARDS AND COMMISSIONS



**Birmingham**  
PUBLIC  
SCHOOLS

*Birmingham Public Schools*  
*Communications and Family Engagement*

31301 Evergreen Rd. • Beverly Hills, MI 48025

Name: Isabella Betanzos Grade: 11 Age: 17

Address: [REDACTED]

Zip Code: 48009 Email: [REDACTED]

Telephone: [REDACTED] School: Seaborn High School

On the attached listing of city boards and commissions, please rank your order of preference for appointment from 1 to 3 (1 being the highest and 3 being the lowest):

1. Planning Board
2. Multi-Modal Transportation Board
3. Parks and Recreation Board

What school activities and/or classes have you participated in which would qualify you to sit on the board or commission which you have chosen?

I am currently enrolled in CAD, or computer aided design classes  
which allows me to construct and design numerous prototypes. Some  
of the parts we design in CAD are used on the robotics team, which  
I am also very involved in. At school, I am the vice president of  
Green Club, Interact, and UNICEF - three clubs that allow me to  
engage with others, express my leadership skills, and better my community.

Please list your involvement in non-school activities:

Outside of school, I am involved with:

- Assisting at local blood drives
- Volunteering at my church
- Co-founding a Middle Eastern Bracelet project

What personal skills and characteristics do you possess that would make you a good representative?

I believe that I am a team player and work well when  
communicating with others. Whether its playing  
water polo with my teammates, collaborating with my  
peers on the Student Voice Advisory committee, or playing  
with children with disabilities, I always respect the people I  
work with and pursue the best interests of the group.

Hi there!!!

If you're reading this then it's your lucky day. This is because once I am chosen to have a board position for the City of Birmingham, I am going to bring an almost exhausting amount of positivity, ideas, and leadership skills that I intended showcasing. With the intent of not trying to sound arrogant, I do believe that I am the best candidate for any of the three board positions that I am applying for. The board positions I am applying for are either the Planning board, Multi-Model Transportation board, or Parks and Recreation board. No, I did not just randomly pick three boards that I thought sounded interesting, but I chose these positions because I know that my contributions will make the most impact in these specific areas. These positions seem like they will allow me to pursue my passion and involvement in STEM related activities. Through my already preconceived knowledge in subjects of physics, environmental engineering, CAD (computer aided design), and robotics, I know that I will be able to apply these concepts into whichever position I am selected for. My eagerness to enhance my knowledge in these fields will fuel me to strive to be the best board member I can be.

Besides just being passionate and knowledgeable about the board positions and the subjects involving them, I ultimately do believe that one's character is the most important role when it comes to holding such an influential position in the City of Birmingham. My parents raised me to be a leader. Being one of the very few girls in robotics taught me how to be resilient. My school showed me the principles of empathy. Working with children suffering from disabilities taught me to always treat people with kindness. Marching on a football field with my band showed me how to be a part of something bigger than myself. The characteristics that I possess have sculpted me into the person I am today, and have molded my backbone which I am told is very impressive.

So yes, I do stand with my original claim that I am, in fact, the best applicant to hold a position for either the Planning board, Multi-Model Transportation board, or Parks and Recreation board. When I am on the board, I will take my passion for STEM and apply it to areas in the City of Birmingham that need it. More importantly, I will show my fellow board members my skills of leadership, resilience, empathy, and kindness. Thank you, and see you at the first board meeting!

Isabela Betanzos





# BIRMINGHAM SEAHOLM HIGH SCHOOL

2436 WEST LINCOLN – BIRMINGHAM, MI 48009

248-203-3700

FAX 248-203-3706

January 12, 2022,

To Whom it May Concern,

I have known Isabela Betanzos since November 2020 when she was a student in my Integrated Math 2 class. Throughout the past fourteen months, Isabela has continually impressed me with her friendliness, hard work, and motivation. Whether learning inside the classroom or remotely from home, Isabela is constantly engaged during math class, taking responsibility of her learning and always seeking to further her understanding of mathematics.

Isabela's enthusiasm for math and engineering is evident not only in her class engagement, but also through her course selections. In addition to CAD and Engineering electives, Isabela has chosen the accelerated math program at Seaholm, electing to take five math courses over her four years in high school.

While in my class, Isabela emerged as a leader. She would often take a leadership role when working in small groups, organizing her peers and ensuring productivity when they were working together. She is a great asset to a team.

As you make your selections for the Student Representatives on Birmingham City Boards and Commissions Program, I strongly encourage you to consider Isabela Betanzos. I believe that she will be a great addition to your program.

Regards,

Michelle Kong  
Seaholm Mathematics Teacher  
mkong@birmingham.k12.mi.us

STUDENT REPRESENTATIVES ON  
CITY BOARDS AND COMMISSIONS



**Birmingham**  
PUBLIC  
SCHOOLS

*Birmingham Public Schools*  
*Communications and Family Engagement*

31301 Evergreen Rd. • Beverly Hills, MI 48025

Name: Ben Rosenfield Grade: 11<sup>th</sup> Age: 17

Address: [REDACTED]

Zip Code: 48009 Email: [REDACTED]

[REDACTED] School: Seaholm

On the attached listing of city boards and commissions, please rank your order of preference for appointment from 1 to 3 (1 being the highest and 3 being the lowest):

1. Multi-Modal Transportation Board
2. Advisory parking committee
3. Planning Board

What school activities and/or classes have you participated in which would qualify you to sit on the board or commission which you have chosen?

- Honor Debate class
- National Honor Society
- Varsity athletics
- Make Me a Maple
- Orchestra

Please list your involvement in non-school activities:

- Volunteering with children with special needs at  
☐ Friendship circle ☐ Miracle League ☐ Not soccer
- Private bass/piano lessons

What personal skills and characteristics do you possess that would make you a good representative?

I am an excellent listener, have been given leadership training through

- Graduate of 21<sup>st</sup> century leadership
- Make Me a Maple
- Detroit Pistons Leadership Program

I am a scholarly athlete, have a wide range of friends, from football lineman to AP Physics.

How would you be able to schedule your time to function effectively as a student representative?

I will prioritize and make time for this position because I am highly interested and the work is important. Additionally, I have a strong work ethic and can balance my time well while maintaining my grades in school.

Would you be interested in being considered for any other boards if you are not selected for any of your top three choices?

Yes ☒ No ☐

### **Parent(s) Permission:**

I give my permission for my son/daughter to seek the position of a representative to a city board or commission.


1/7/2022  
 Parent(s) Signature(s) Date

**Include an essay** (typed) to convince the selection committee that you should be chosen as a student representative to a board or commission. If selected, your essay will be a part of your introduction to your board or commission.

Please **include one letter of recommendation** from an adult who knows you at school and who knows your activities outside of school.

**Return application by Monday, January 10, 2022 to:**

Suzanne O'Leary at Seaholm High School ☒  
 Liz Sak at Groves High School ☐

To Whom It May Concern,

Leader; "the person who leads or commands a group, organization, or country" as said by Oxford Dictionary. It's a person who is honest, self-confident, and most importantly, one who possesses integrity. A leader shows up on time, leads by example, and builds successful teams who are able to collaborate. These skills are necessary for being a representative on the city boards and commissions.

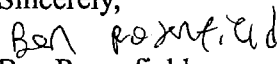
Other skills I feel would be important to be a successful representative include exemplary public speaking skills, to be able to plan for all outcomes, and represent your constituency. I feel that I would be a good candidate for this position.

As an honors debate student, I am very comfortable with public speaking. Debate class has taught me to research and understand all sides of an issue before speaking. This is important to not only process new concepts, but allows me to relate better to others. Listening, along with critical thinking, are important steps in finding solutions. Voicing key elements and speaking with confidence can greatly influence how one's message is accepted. Additionally, my experience as a Junior Detroit Pistons basketball leader also taught me many valuable lessons. In this training leadership program that I started in 7th grade, I learned how to work in a group. I was taught how to work in an organized fashion and given time management skills. After the program ended, I was selected to work for the Detroit Pistons. During one camp, I had to speak in front of more than 100 people including staff and campers. I also had to run "drills" with smaller groups of kids and teach them how to be better basketball players. I enjoy being a role model for young kids.

Being able to plan is a key way to be successful in all fields of knowledge and being a student representative is no exception. My experience with Make Me a Maple, a Seaholm

leadership program, has taught me to prepare in advance. My role as a Seaholm mentor is to assist a group of freshmen to ease them into high school as well as help them with their academics and extracurriculars. My group consisted of nine freshmen each with their own individual needs I had to manage. I did it by keeping an active planner and arranging time in advance to make sure each student's needs were completed. This act of planning taught me the necessary skills to not only arrange time when necessary, but to plan for any outcome.

Lastly, I represent a wide diversity of the student body at Seaholm High School which gives me an unique perspective. I am a multisport varsity athlete, a member of the symphony orchestra, and a National Honor Society member by maintaining a grade point over a 4.0 for every trimester. Out of school, I have volunteered for many years at The Friendship Circle, Miracle League, and Top Soccer. Helping the community by working with kids has been rewarding. I feel very confident that if I was chosen for this student representative position, I can do a great job and am very interested. Thank you for your time and effort in reviewing my application.

Sincerely,  
  
Ben Rosenfield

# Seaholm High School



Kyle Hall, Principal • 248.203.3702 • Fax: 248.203.3706 • [khall@birmingham.k12.mi.us](mailto:khall@birmingham.k12.mi.us)  
2436 West Lincoln Street, Birmingham, MI 48009

January 7th, 2022

To whom it may concern on Birmingham City Council :

I am writing this letter on behalf of Ben Rosenfield. For the last two years, I have worked with Ben in an academic setting as his teacher in both Debate and Honors Debate. Hardworking, empathetic, and a true leader are only a few of the words I would use to describe Ben inside and outside of the classroom.

Ben has shared his excitement about being a member of the Multi-Model Transportation Board. Ben's enthusiasm for improving aspects of Birmingham through the City Council is evidenced through his interest in budgeting, innovative and critical thinking. He is looking forward to the exciting opportunity of helping advise the City Commission on a new vehicle and pedestrian system.

During his time in my debate class, Ben has excelled at clearly articulating his points with supporting evidence and pushing those around him to deeply explore topics of debate. Though he can effectively argue a theoretical matter, he also takes the time to see and hear others, even if they have opposing viewpoints. Ben has also excelled in Public Speaking through a recent leadership role provided through the Detroit Pistons outside of our class.

A positive work ethic is a phrase I would use to describe Ben. He strives for excellence in all of his endeavors and is not afraid of working hard and persevering if things do not go right the first time around. Ben is a diligent and resilient student. Ben's attributes are easily seen in the classroom and in his time on the basketball court, football field, and cross-country trails.

Above all else, I am impressed with how Ben can advise his peers, but to do so with great empathy and kindness. As a student in Honors debate, he is a leader in the class providing feedback and support for his peers. Ben goes above and beyond to guide his classmates, always starting his feedback with positivity and encouraging his peers to grow before providing constructive criticism to help them in their next debate in class. Ben has cultivated these empathetic skills during his time working with the Friendship Circle, where he volunteers to support children with special needs, as well as, donating his time at Top Soccer to provide equitable athletic experiences for students with special needs.

Ben is an eager and enthusiastic presence in any community; He is a joy to have in the classroom. Undoubtedly, the characteristics and attributes mentioned above would be desirable for a Student Representative for the Transportation Board. If you have any other questions, please feel free to contact me at [HMckinney@birmingham.k12.mi.us](mailto:HMckinney@birmingham.k12.mi.us).

Sincerely,

Hayley McKinney



**Birmingham**  
PUBLIC SCHOOLS

STUDENT REPRESENTATIVES ON  
CITY BOARDS AND COMMISSIONS

Birmingham Public Schools  
Communications and Family Engagement

31301 Evergreen Rd. Beverly Hills, MI 48025

Name: Andrew Fuller Grade: 11 Age: 16

Address: [REDACTED]

Zip Code: 48009 Email: [REDACTED]

Telephone: [REDACTED] School: Ernest W. Seaholm

On the attached listing of city boards and commissions, please rank your order of preference for appointment from 1 to 3 (1 being the highest and 3 being the lowest):

1. **Planning Board**
2. **Parks And Recreation Board**
3. **Advisory Parking Committee**

What school activities and/or classes have you participated in which would qualify you to sit on the board or commission which you have chosen?

In Seaholm High School I am a part of the student advisory group "Student Voice", this group aims in having students weigh in on decisions that can affect not just the Seaholm High School but the entire district. This has given me the unique opportunity to understand not just our city, but our entire districts planning towards our schools.

Furthermore, I am a vital member of the fastest growing and largest club in Seaholm history: the "Mixed Volleyball" club. While I do not hold the position of president within the club, I play a major role in planning, scheduling, organizing, and providing to these events while making sure to always show up. I am always given some of the most important tasks within the club, especially if they are in regard to representation of the club to outward sources. Among the general management of the club's members, I am the only person who the president and the vice presidents allow to sit in and weigh in on matters due to my forward thinking.

Please list your involvement in non-school activities:

Outside of school, my line of work has granted me the unique opportunity that few other jobs at my age grant, which is the ability to work alongside adults. However, my involvement within the company goes further than just being another employee in the constant moving cogs of work. While working with these adults, I am responsible for ensuring that all employees (myself included) represent our company as best as possible while putting forward 100% of our effort. In addition, I am one of the few within the company that actively introduces new ideas to be implemented to better the company as a whole.

In addition to work, I engage within the city in community service to assist others. Through my work as a volunteer coach to young children, I have been apart of the main coaching staff of which I have had to help organize major events between schools, ensure that my players are doing their best, and to ensure that there is smooth communication between the coaching staff and the event organizers. This has allowed me to be put into practical situations of decision making and time management.

What personal skills and characteristics do you possess that would make you a good representative?

The skills that I possess are highly valued in any environment, yet specifically for the city board, they hold particularly great value. One of my most valuable skills is that I am able and willing to take others' information, process it, and understand the value behind their viewpoints. When I present an opinion towards a matter, I do not immediately lock myself into that opinion unwaveringly. I hear other people out and then proceed to acknowledge their points on an understanding level. This is because my own opinion will not yield nearly as great results compared to that of working with other highly intelligent people.

My second most useful skill is my grit and resolve to see something through. When I have committed myself to a role of any kind, I make sure that I see it the whole way through and to make it as good as possible. I do not let it be poor in function and put only a little bit of effort into it. Instead, I attempt to make it as useful as possible while using all that I can to make it as good as possible.

How would you be able to schedule your time to function effectively as a student representative?

I am grateful that I possess a job with a boss that is highly understanding and always willing to give me time to work in areas that are not directly related to work. This is due to my employer understanding that I personally would not use this time off as simply "free days" to not come to work. He is understanding enough to grant me the time that is required to assist the city in any way possible. Along with this, I would be able to effectively schedule anything in advance that would need my assistance to the city board.

Would you be interested in being considered for any other boards if you are not selected for any of your top three choices?

**Yes: I would like to be considered.**

No

Parent(s) Permission:

I give my permission for my son/daughter to seek the position of a representative to a city board or commission.



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Parent(s) Signature(s) Date

Include an essay (typed) to convince the selection committee that you should be chosen as a student representative to a board or commission. If selected, your essay will be a part of your introduction to your board or commission.

I wanted to thank all of the people for allowing me the opportunity to actively participate within this community and for granting me the chance to assist in furthering this city for the better. I hope that we can all come together and pool our collective efforts towards making this city that we call home a better place for all living under the roof we call "Birmingham, Michigan".

Please include one letter of recommendation from an adult who knows you at school and who knows your activities outside of school.

Return application by Monday, January 10, 2022 to:

Suzanne O'Leary at Seaholm High School\_\_\_\_\_

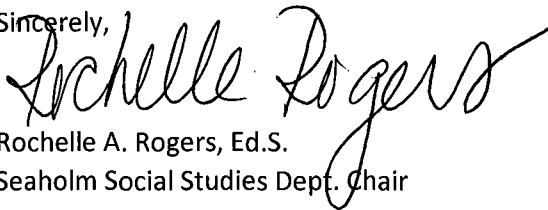
Liz Sak at Groves High School\_\_\_\_\_

January 7, 2022

To Whom It May Concern,

I am most pleased to recommend Andrew Fuller for the student position on the Birmingham City Board. I have known Andrew for this entire school year as he is in my Advanced Placement Psychology course and I am incredibly impressed by his maturity, responsibility and his intellect. His character is evident in all that he does and he is extremely well spoken. I give him my highest recommendation. If you need further information for his reference please do not hesitate to reach out to me at [RRogers@birmingham.k12.mi.us](mailto:RRogers@birmingham.k12.mi.us).

Sincerely,

A handwritten signature in black ink that reads "Rochelle Rogers". The signature is written in a cursive, flowing style. The first name "Rochelle" is written in a larger, more prominent script, and the last name "Rogers" is written in a similar but slightly smaller script, connected to the first name.

Rochelle A. Rogers, Ed.S.  
Seaholm Social Studies Dept. Chair

**STUDENT REPRESENTATIVES ON  
CITY BOARDS AND COMMISSIONS**

***Birmingham Public Schools* Application Form *Community Relations Office Due***  
**January 11, 2021**

***31301 Evergreen • Beverly Hills, MI 48025***

Name: MacKinzie Clein Grade: 11 Age: 16

Address: [REDACTED]

Zip Code: 48009

Email: [REDACTED]

Telephone: [REDACTED] School: Seaholm high school

On the attached listing of city boards and commissions, please rank your order of preference for appointment from 1 to 3 (1 being the highest and 3 being the lowest):

1. Planning Board
2. Design Review Board
3. Historic District Commission

What school activities and/or classes have you participated in which would qualify you to sit on the board or commission which you have chosen?

In School I have participated in numerous community service events throughout SOS that not only help Seaholm but also help my community. I have Been accepted into the National Honors Society which shows my commitment to my learning and dedication to my community. As for classes I have taken Interior design and multiple market classes throughout my years at Seaholm.

Please list your involvement in non-school activities:

- Rouge river clean ups (10 hours) I was able to pick up trash and pull weeds in birmingham
- Bowers Farm Stewardship program (75 hours) I was able to volunteer by taking care of animals and by being a camp counselor learning leadership skills and how I can be a better thinker.
- Baldwin library (7 hours) I was able to help our library by putting away books and cleaning off things around the library
- Moonbeans - Over the past couple of years I have done moonbeans at the hospital to cheer up children around christmas.

What personal skills and characteristics do you possess that would make you a good representative?

I would say I am a good listener, critical thinker and overall respectful person to those around me. By being a good thinker I am able to listen to others and hear others Ideas and then share my input which I think is very useful for being a representative. I also think my critical thinking skill could make me a good representative because I would be able to offer my insight and ideas to others around me.

How would you be able to schedule your time to function effectively as a student representative?

I am very aware of the commitment I am signing up for and would make sure to schedule things around every meeting so I would not have any conflicts with coming to a meeting.

Would you be interested in being considered for any other boards if you are not selected for any of your top three choices?

Yes   X   No           

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**Parent(s) Permission:**

I give my permission for my son/daughter to seek the position of a representative to a city board or commission.

      Scott Klein             1-9-22        
Parent(s) Signature(s)                      Date

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**Include an essay** (typed) to convince the selection committee that you should be chosen as a student representative to a board or commission. If selected, your essay will be a part of your introduction to your board or commission.

Please **include one letter of recommendation** from an adult who knows you at school and who knows your activities outside of school.

**Email application by Monday, January 11, 2021 to:**  
Suzanne O'Leary at Seaholm High School, [soleary@birmingham.k12.mi.us](mailto:soleary@birmingham.k12.mi.us)

Liz Sak at Groves High School, [esak@birmingham.k12.mi.us](mailto:esak@birmingham.k12.mi.us)

I should Be chosen as a student representative Because I care very deeply about our community and the things that not only take place in it and how it overall looks. By being a representative I would be able to learn new skills not only about how design in communities happens but also what all goes into how everything is planned out and how every place in Birmingham has different regulations. This would be an amazing learning opportunity for me and could also help with my understanding of urban planning which I see as a career option. I feel like I could also offer my perspective to one of Birmingham's boards and my insight and ideas to different topics brought up. If chosen I would make time for every meeting and make sure that nothing would conflict with my responsibility of being on a board. Being a student representative would be an amazing experience and one I would love to participate in.

January 7, 2022

Ms. Suzanne O'Leary  
Seaholm High School  
2436 W. Lincoln Street  
Birmingham, MI 48009  
[soleary@birmingham.k12.mi.us](mailto:soleary@birmingham.k12.mi.us)

Ms. O'Leary:

The purpose of my letter is to offer my full recommendation and endorsement of MacKinzie Clein as a student representative to a board of the City of Birmingham. As a resident of Birmingham, I am thrilled our school district and city government work together to encourage student leadership development, community service and future citizen participate in local government. I have served on the Planning Board in the City of Birmingham for more than a decade and thoroughly believe Ms. Clein will be an excellent addition to any board.

Ms. Clein is a highly motivated and hard-working student who maintains an overall grade point average around 4.0 and will also being inducted into the National Honor Society on Monday, January 10, 2022. She is incredibly self-reliant and organized and has further demonstrated sound critical thinking skills when analyzing information. This, along with her natural ability to communicate well with others, will make her an asset to any board.

Outside of academics, Ms. Clein is also involved in her school and community. She is a member of the Green Club and SOS Club at Seaholm, volunteering at events to support each. She is also a three-time varsity letter winner in sideline cheer. Ms. Clein spent two weeks last summer as a volunteer camp counselor at Bower's Farm and volunteered at several Friends of the Rouge cleanup events in Birmingham.

When discussing her future aspirations recently, Ms. Clein indicated an interest in how cities are built and operated. I believe her involvement as a student representative would provide her a practical exposure to help her cultivate these interests. (This would be particularly true of an appointment to the Planning Board.)

Thank you for your consideration and do not hesitate to contact me at [REDACTED] if you have any question or need anything further. Secondly, thank you as well for your efforts to help both our student leaders and the community itself through your role in this process.

Respectfully,

A handwritten signature in black ink, appearing to read 'Scott Clein', followed by a horizontal line.

Scott Clein, PE

STUDENT REPRESENTATIVES ON  
CITY BOARDS AND COMMISSIONS



**Birmingham**  
PUBLIC  
SCHOOLS

*Birmingham Public Schools*  
*Communications and Family Engagement*

31301 Evergreen Rd. • Beverly Hills, MI 48025

Name: Jordan Snyder Grade: 11 Age: 16  
Address: [REDACTED]  
Zip Code: 48009 Email: [REDACTED]  
Telephone: [REDACTED] School: Seaholm High

On the attached listing of city boards and commissions, please rank your order of preference for appointment from 1 to 3 (1 being the highest and 3 being the lowest):

1. Museum Board
2. Public arts Board
3. Historic District Commission

What school activities and/or classes have you participated in which would qualify you to sit on the board or commission which you have chosen?

I am in leadership a class in which teachers  
recommend you to get into to help grow leadership.  
I am Student director for the choir at Seaholm.  
I lead my girls scout troop in museum tours.  
I dance ballet.

Please list your involvement in non-school activities:

I am a girl scout for troop 10626, A black Student  
Union officer, I work as a camp counselor in  
the summer! and volunteer at my church.

What personal skills and characteristics do you possess that would make you a good representative?

I am a leader by nature. I am a officer of the black  
Student union. A student voice I am a leader at  
a school wide protest to write cards for Oxford students  
I come from many communities so I feel I can speak  
on their behalfs.



## City Board Application Essay

Jordan Snyder-Phillipoff

Musems, Art, Public instillations. No matter what you call it its a part of birmingham. Its a part of our culture. And its a part of our town. Growing up my Grandmothe and I spent a lot of time together. Going to museums to visit our favorite art pieces was our weekly routine. The DÍA, The henry ford or even the lion that graced shain park. All of these are part of my memories. My mother is an artist as is most of my family. She paints murals in my house of trees, mountains and other sights we find while hiking. My uncle builds metal work statues that become public art for his town. My whole family is wrapped up in art. And I, for one, certainly dont mind.

I find my time in the arts with my school. I participate in both choir and orchestra. While I often lend a hand to the National Art Honors Society for their fundraising projects. I also work with our district representative on her youth advisory board. I enjoy working with those around me to help make positive change in the world around me. As a officer of the Black Student Union at my school I want to bring art, literature and knowledge to those around me. I want to make the world a kinder, smarter and intellectual world. And I believe through the power of art we can do that.

When I was at shain park with my family we all stood around the statue and stared on. We didnt say anything and yet the art spoke to us. We looked at the lines, the angles, the color to help us understand. It sparked a conversation we talked about what we thought it meant. The details it had. It made us think, It made us talk and unintentionally brought us together.

Art leads people to think about their feelings, their emotions and who they art. It helps them to find their identity and to seek the identities of others around them. When we see art not

NATIONALLY RECOGNIZED FOR



EXCELLENCE  
IN  
EDUCATION

# BIRMINGHAM SEAHOLM HIGH SCHOOL

2436 WEST LINCOLN - BIRMINGHAM, MI 48009

248-203-3700

FAX 248-203-3706

January 10, 2022

To Whom It May Concern:

It is my pleasure to recommend Jay Snyder as a candidate for Public Arts Board. She is a naturally gifted and intelligent student who possesses phenomenal characteristics that transpire to all of those around her. I am fortunate to have Jay in my AP Language and Composition Course this school year. Jay brings a strong energy to the classroom, consistently stays active and engaged, has top-notch interpersonal skills, strong relationship building abilities, and is highly committed to being successful in accomplishing any task placed before her. In English class, Jay distinguishes herself from her peers with her endearing personality and diligent work ethic. She always demonstrates a curiosity about learning that sparks brilliant discussions in the classroom and has a critical way of considering all opinions though they may differ from her own. Jay is a responsible young woman who I gladly recommend to participate on the Public Arts Board.

Sincerely,

Rachel Shafou  
English Teacher  
Seaholm High School  
[rshafou@birmingham.k12.mi.us](mailto:rshafou@birmingham.k12.mi.us)



**STUDENT REPRESENTATIVES ON  
CITY BOARDS AND COMMISSIONS**

*Birmingham Public Schools  
Communications and Family Engagement*

*31301 Evergreen Rd. • Beverly Hills, MI 48025*

**Name:** Zachary T. Miketa

**Grade:** 11th grade

**Age:** 17

**Address:** [REDACTED]

**Zip Code:** 48009

**Email:** [REDACTED]

**Telephone:** [REDACTED]

**School:** Seaholm High School

On the attached listing of city boards and commissions, please rank your order of preference for appointment from 1 to 3 (1 being the highest and 3 being the lowest):

1. Parks and Recreation Board
2. Multi-Modal Transportation Board
3. Planning Board

**What school activities and/or classes have you participated in which would qualify you to sit on the board or commission which you have chosen?**

I am currently on the Student Advisory Board and will be inducted into the National Honors Society. Both of these activities have given me the opportunity to understand the importance of community service and student leadership in my volunteering. I have also taken a number of rigorous academic classes to challenge myself and it has been very interesting to understand the political science perspective in my AP classes in Language Arts, AP Economics and AP Statistics, and AP US history. But at the same time, I have thoroughly enjoyed my extracurricular classes in Retail Marketing, Accounting, and Investments. Applying what I have learned in these classes to the real world would help me to become a better citizen if I was selected to sit on one of the Board and Commissions of the City of Birmingham. I believe it will help me to gain first-hand experience to understand what it means to become a serious citizen in my local community outside of the classroom and understand how a local government helps to serve its people in the real world setting.

**Please list your involvement in non-school activities:**

1. I have a part-time job at Kakos in Birmingham where I have learned about the importance of customer service and being responsible and accountable for your actions.
2. I also volunteer on a regular basis at Forgotten Harvest and have a better understanding of the food and supply chain. It has taught me about the importance of transportation and logistics in redirecting our resources to help others.
3. Also, I love to play Football and Baseball, and maintaining our parks and recreations for everyone is something I am very passionate about.

**What personal skills and characteristics do you possess that would make you a good representative?**

During my Freshmen year, I was elected to sit on the Student Advisory Board to represent my peers. It helped me to become a better listener and understand the issues that young people face in their school setting from social media to COVID. I have been able to collect these ideas and share them with adults to be proactive rather than reactive and thus make a difference in our lives for the better good. I also believe that I have the diplomatic skills to sit back and listen to how our city makes important decisions but offer my opinion if my perspective is needed to make sure that all age groups have a say in the decision-making process.

**How would you be able to schedule your time to function effectively as a student representative?**

I understand that managing my time in my junior year will be hard with my full-time academic schedule and playing on the varsity Football team (and hopefully Baseball if picked), but I am more than prepared to wake up an extra hour to ensure that I have completed my homework on time and sacrifice downtime to ensure that I effectively manage my time if I was picked as a student representative.

Would you be interested in being considered for any other boards if you are not selected for any of your top three choices?

Yes \_\_\_\_\_X\_\_\_\_\_ No \_\_\_\_\_

**Parent(s) Permission:**

I give my permission for my son/daughter to seek the position of a representative to a city board or commission.

*Rosemary Miketa 1/8/2022*

Parent(s) Signature(s) Date

**Include an essay** (typed) to convince the selection committee that you should be chosen as a student representative to a board or commission. If selected, your essay will be a part of your introduction to your board or commission.

My name is Zachary Miketa, and I am very proud to be a Junior at Seaholm Highschool. I am also a first-generation Michigan citizen of Birmingham. My mother immigrated from Melbourne, Australia in 2004, and my father, who moved from Pittsburgh, Pennsylvania, worked in Midland for 17 years before working abroad in Australasia where he met my mother. My story today would have been very different if they had not decided to make Birmingham, Michigan their neutral home to raise a family. I could not be happier about the decision they made in 2004. While I love to travel Downunder and be with my Australian family and drive out East to be with loved ones at Christmas and Thanksgiving, Birmingham is my home and always will be.

I love hanging out downtown with my friends at Shain or Booth Park and enjoying playing sports and appreciate all that the Birmingham Council does to make this one of the best destinations to live in and outside of Metro Detroit. However, I understand that it takes a community to make this place what it is, and being the student representative for one of the preferred boards and councils would be an incredible opportunity to see firsthand the work that I have taken for granted during my childhood.

It would be an honor to represent our school on the board and thank you for considering me as the next Student Representative. If elected, I promise to be the best advocate I can be for my peers and commit to my responsibilities on the board in order to give back to my community. Being a well-traveled citizen across the USA and the Pacific Ocean, I want to continue to support Birmingham, MI as being the best place to work, live, and raise a family.

Please include one letter of recommendation from an adult who knows you at school and who knows your activities outside of school.

January 9, 2022

To Whom It May Concern:

It is with pleasure that I write to you on behalf of Zach Miketa, who is applying for a Board position as a student representative with the City of Birmingham.

I have known Zach since he was 5. Over the past 10+ years, I have watched Zach develop into an honest, hardworking and enjoyable young man.

I've had the pleasure of coaching Zach for many seasons of flag football at the regional and national level. His work ethic, leadership and knowledge of the sport have been a huge part of our team's success. He brings a wonderful balance of being fiercely competitive while maintaining a calm composure when under pressure. He is an excellent representation of the way we teach our kids to play the game – with respect and gratitude whether winning or losing.

I've also watched Zach compete on the baseball and football field at the high school level. His attitude and respectful personality have never changed. He's a first-class competitor.

Zach has always interacted well with people at all levels (friends, teachers, adults, and younger kids). He is highly intelligent and capable of adjusting his interactions to fit each situation.

In conclusion, I have always found Zach to be a very mature, honest and considerate young man and would expect him to be an excellent addition in servicing our local community.

Should you have any questions, please feel free to call me at [REDACTED].

Respectfully yours,



Steven LaBarre

**Return application by Monday, January 10, 2022 to:**

Suzanne O'Leary at Seaholm High School   X  

Liz Sak at Groves High School





*Birmingham Public Schools*  
*Community Relations Office*

**STUDENT REPRESENTATIVES ON  
CITY BOARDS AND COMMISSIONS**

**Application Form**

**Due January 11, 2021**

31301 Evergreen • Beverly Hills, MI 48025

Name: Matthew Windsor Grade: 11th Age: 16

Address: [REDACTED]

Zip Code: 48009 Email: [REDACTED]

Telephone: [REDACTED] School: Seaholm High School

On the attached listing of city boards and commissions, please rank your order of preference for appointment from 1 to 3 (1 being the highest and 3 being the lowest):

1. Parks and Recreation Board
2. Multi-Modal Transportation Board
3. Museum Board

What school activities and/or classes have you participated in which would qualify you to sit on the board or commission which you have chosen?

I have participated in many extracurricular school activities including the Seaholm golf team and the Seaholm wrestling team. I also participated in DECA, student government, and I volunteer for SOS. I am an honor student (4.5 GPA), a Scholar Athlete, and a member of the National Honor Society. In addition to my required classes I think my speech class and AP Economics will help qualify me to sit on the board or commission.

Please list your involvement in non-school activities:

This past summer and fall, I worked at least 20 hours a week at Oakland Hills County Club. I volunteer for various community service events (e.g., SOS, Beaumont, Forgotten Harvest). I grew up playing hockey at the Birmingham Ice Arena and I continue to regularly play golf at at the Birmingham courses (Springdale and Lincoln Hills).

What personal skills and characteristics do you possess that would make you a good representative?

I am hard working and a very dedicated student. I am dependable, responsible, and organized. I am also passionate about learning and trying new things. I work well on teams, as I am a good listener and I like to share my ideas and perspectives. I think these skills will help me contribute as a student representative on a city board.

How would you be able to schedule your time to function effectively as a student representative?

The Student Representative position would be a top priority for me. I would schedule my job and extracurricular activities around my commitments for the Board. During the first tri-mester of junior year, I managed my rigorous course work, a job (20hrs/week), and extracurricular activities. I think I do a good job of organizing my time and managing all of my responsibilities.


Would you be interested in being considered for any other boards if you are not selected for any of your top three choices?

Yes X No \_\_\_\_\_

---

**Parent(s) Permission:**

I give my permission for my son/daughter to seek the position of a representative to a city board or commission.

  
Parent(s) Signature(s)

1/9/22  
Date

---

**Include an essay** (typed) to convince the selection committee that you should be chosen as a student representative to a board or commission. If selected, your essay will be a part of your introduction to your board or commission.

Please **include one letter of recommendation** from an adult who knows you at school and who knows your activities outside of school.

**Email application by Monday, January 11, 2021 to:**  
Suzanne O'Leary at Seaholm High School, [soleary@birmingham.k12.mi.us](mailto:soleary@birmingham.k12.mi.us)

Liz Sak at Groves High School, [esak@birmingham.k12.mi.us](mailto:esak@birmingham.k12.mi.us)

**Student Representative on City Boards and Commissions -- Essay**

Applicant: Matthew Windsor

I have grown up in the Birmingham community. I put ice skates on for the first time at three years old at the Birmingham Ice Arena. I have spent every December of my life walking through Shain Park looking at Christmas lights. I grew up playing at the parks all over Birmingham and I have had many frustrating days at the Springdale and Lincoln Hills golf courses. I think we have an amazing community, and I would really like to learn more by being a Student Representative of a board or commission.

I am a dedicated student, and I am passionate about learning new things. In my class work, I challenge myself by taking several honors and AP courses (I have a 4.5 GPA). I am also involved in several extracurricular activities, including the Seaholm wrestling and golf teams, SOS volunteer, and from spring to fall, I work at a golf course 20 plus hours a week.

I think I would be a great addition to a board or commission. I would contribute by providing a student/teenager's perspective to the discussions. It would also give me the opportunity to learn more about leadership, government, and the city I am so passionate about.



Re: Letter of Recommendation for Matthew Windsor as a City Board Student Representative

To Whom it May Concern:

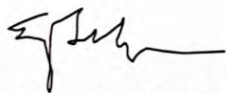
It is my pleasure to submit this letter of recommendation (LOR) for Matthew Windsor to serve as a Seaholm High School Student Representative to one of the City Boards in Birmingham. As a retired educator myself, I know the importance and value of an LOR and have written many for students over the years.

I have known Matthew his whole life and, when he asked me for this letter, I agreed but naturally inquired about his reasons for wanting to sit on one of the City Boards. His answer indicated to me that he had given his decision considerable thought, as I would have expected. First, he pointed out that his older sister, Mallory, had done so in her senior year at Seaholm and recommended the experience. Second, he is becoming more aware now of government, including local government, and would like to get a better idea of exactly how it functions. Last, he thinks the experience would broaden his view of the world, at least incrementally.

That being said, I know Matthew to be extremely bright, thoughtful and inquisitive; he is an active listener and willing to contribute well-conceived ideas and opinions as appropriate. He will bring his A game to any discussion seeking clarification of issues and, if necessary, resolution of challenges. To date, Matthew's academic performance has been stellar, and his participation in varsity sports and working after school have not diminished that at all. Clearly, Matthew is highly motivated to succeed, is responsible, and has excellent time management skills.

I have every confidence that Matthew Windsor will serve the school and city with distinction and recommend his appointment without hesitation or reservation.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Schoener', with a stylized flourish at the end.

Eugene P. Schoener, Ph.D., Professor Emeritus  
Departments of Psychiatry and Pharmacology  
Wayne State University School of Medicine  
Detroit, Michigan



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

At the regular meeting of Monday, February 28, 2022, the Birmingham City Commission intends to appoint two regular members to the Board of Zoning Appeals to serve the remainder of three-year terms to expire October 10, 2022.

Interested parties may recommend others or themselves for these positions by submitting a form available from the City Clerk's office. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, February 23, 2022. Applications will appear in the public agenda at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

### Duties of Board

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

<b>Applicant Name</b>	<b>Criteria/Qualifications</b>
	Applicants shall be property owners of record and registered voters.
Luke Joseph	Real estate
Pierre Yaldo	Real estate
Erin Rodenhouse	Current BZA alternate member 1. Letter from Mary Kucharek 2. Resignation letter from Erin Rodenhouse
Ron Reddy	Current BZA alternate member

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

### SUGGESTED COMMISSION ACTION:

To appoint \_\_\_\_\_ as a regular member to the Board of Zoning Appeals to serve the remainder of a three-year term to expire October 10, 2022.

To appoint \_\_\_\_\_ as a regular member to the Board of Zoning Appeals to serve the remainder of a three-year term to expire October 10, 2022.



# BOARD OF ZONING APPEALS

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

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

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Canvasser</b> 369 Kimberly	<b>Jason</b>	(248) 231-9972  <i>jcanvasser@clarkhill.com</i>	7/9/2018  Attorney	10/10/2023
<b>Hart</b> 2051 Villa	<b>Kevin</b>	(248) 4967363  <i>khartassociates@aol.com</i>	2/27/2012  Architect	10/10/2023
<b>Lillie</b> 496 S. Glenhurst	<b>Charles</b>	(248) 642-6881  <i>lilliecc@sbcglobal.net</i>	1/9/1984  Attorney	10/10/2022
<b>Miller</b> 544 Brookside	<b>John</b>	(248) 703-9384  <i>jnmillerstudio@gmail.com</i>	1/23/2012  Architect	10/10/2024
<b>Morganroth</b> 631 Ann	<b>Erik</b>	(248) 762-9822  <i>emorganroth@comcast.net</i>	10/12/2015  Real Estate/Builder	10/10/2024
<b>Reddy</b> 763 Wallace	<b>Ron</b>	313-820-7491  <i>ron.reddy01@gmail.com</i>	2/11/2019  Alternate	2/17/2023

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Rodenhouse	Erin	(248)952-4817	12/8/2020	2/17/2023
1117 Stanley Blvd			Alternate	
		<i>erinrodenhouse@gmail.com</i>		
VACANT				10/10/2022
VACANT				10/10/2022

## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Board of Zoning Appeals


Year: 2022

Members Required for Quorum: 4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
<b>REGULAR MEMBERS</b>																	
Lillie, Charles	A	A													0	2	0%
Miller, John	A	P													1	1	50%
Hart, Kevin	CP	P													1	0	100%
Morganroth, Erik	A	P													1	1	50%
Canvasser, Jason	A	P													1	1	50%
Rodriguez, Francis	CP	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA			0	0	#DIV/0!
Vacant															0	0	#DIV/0!
Reserved															0	0	#DIV/0!
Reserved															0	0	#DIV/0!
<b>ALTERNATES</b>																	
Reddy, Ron	CP	A													0	1	0%
Rodenhouse, Erin J.	CP	P													1	0	100%
Reserved															0	0	#DIV/0!
Reserved															0	0	#DIV/0!
Present or Available	4	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

**KEY:**

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

  
 Department Head Signature



## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Board of Zoning Appeals

Year: 2021

Members Required for Quorum: 4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
<b>REGULAR MEMBERS</b>																	
Lillie, Charles	P	P	P	P	P	P	P	A	P	P	P	P	NM	NM	11	1	92%
Miller, John	P	P	P	P	P	P	A	P	P	P	P	P	NM	NM	11	1	92%
Hart, Kevin	P	P	A	P	A	P	A	P	P	P	P	A	NM	NM	8	4	67%
Morganroth, Erik	P	P	P	P	P	P	P	P	P	A	P	P	NM	NM	11	1	92%
Canvasser, Jason	P	P	P	P	P	P	A	P	P	P	P	P	NM	NM	11	1	92%
Rodriguez, Francis	P	A	P	P	P	P	A	P	P	A	A	A	NM	NM	7	5	58%
Lilley, Richard	P	P	P	P	P	P	P	P	P	P	A	P	NM	NM	11	1	92%
Reserved															0	0	#DIV/0!
Reserved															0	0	#DIV/0!
<b>ALTERNATES</b>																	
Reddy, Ron	P	P	P	P	P	P	P	P	P	P	P	P	NM	NM	12	0	100%
Rodenhouse, Erin J.	P	P	P	P	P	P	P	P	P	P	P	P	NM	NM	12	0	100%
Reserved															0	0	#DIV/0!
Reserved															0	0	#DIV/0!
Present or Available	9	8	8	9	8	9	5	8	9	7	7	7	0	0			

**KEY:**

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



Department Head Signature

## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Board of Zoning Appeals

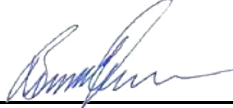
Year: 2020

Members Required for Quorum: 4

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
<b>REGULAR MEMBERS</b>																	
Lillie, Charles	A	A	P	P	P	P	A	P	P	P	A	P	NM	NM	8	4	67%
Miller, John	P	P	P	A	A	P	P	P	P	P	P	P	NM	NM	10	2	83%
Hart, Kevin	A	P	P	P	A	A	A	P	A	P	P	P	NM	NM	7	5	58%
Morganroth, Erik	P	P	P	P	P	P	P	P	P	P	P	P	NM	NM	12	0	100%
Canvasser, Jason	P	P	P	P	P	P	P	P	A	P	P	P	NM	NA	11	1	92%
Rodriguez, Francis	P	P	A	P	P	A	P	A	P	P	A	P	NM	NM	8	4	67%
Lilley, Richard	P	A	A	P	P	P	P	P	P	P	A	P	NM	NM	9	3	75%
Reserved															0	0	#DIV/0!
Reserved															0	0	#DIV/0!
<b>ALTERNATES</b>																	
Reddy, Ron	P	P	P	P	P	P	P	P	P	P	P	P	NM	NM	12	0	100%
Attia, Jerry	P	A	A	A	A	A	A	A	A	P	P	NA	NA	NA	3	8	27%
Reserved															0	0	#DIV/0!
Reserved															0	0	#DIV/0!
Present or Available	7	6	6	7	6	6	6	7	6	9	6	8	0	0			

**KEY:**

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

  
 Department Head Signature

## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Board of Zoning Appeals

Year: 2019

Members Required for Quorum: 4

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

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

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



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

## APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)

Board/Committee of Interest Board of Zoning Appeals

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

Name Luke Joseph Phone 248-657-0665

Residential Address 1520 Pierce St Email \* luajom@yahoo.com

Residential City, Zip Birmingham, MI 48009 Length of Residence 1 at this address

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

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

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

I am on Housing Board of appeals now, I have my Real Estate License and very familiar with the various zones

List your related employment experience Licensed Real Estate Agent and Accountant

List your related community activities Housing Board of Appeals, Trustee on Board of Education

List your related educational experience Bachelors of Science

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

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

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

Luke Joseph  
Signature of Applicant

11/4/21  
Date

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to [clerk@bhamgov.org](mailto:clerk@bhamgov.org) or fax to 248.530.1080. Updated 11/18/2020

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



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

## APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Zoning Board of Appeals

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

Name Pierre Salim Yaldo

Phone (248) 534 5585

Residential Address 1936 Graefield, Birmingham

Email \* pierreyaldo1@gmail.com

Residential City, Zip 48009

Length of Residence perched Aug/Sept 2021

Business Address 135 N. Old Woodward #200

Occupation Title Insurance, Law, etc.

Business City, Zip Birmingham MI 48009

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

years of experience across several relevant areas including but not limited to Real Estate law, zoning, title, insurance, environmental, and property management, etc. I am passionate about the City and willing to lend help.

List your related employment experience

Attorney (May '20-present), Property Manager (2017-present), Title Insurance Professional (01/2021-present)

List your related community activities I currently sit on Brownfield Board

List your related educational experience Wayne State University Law School '19, Walsh College of Accounting - Bachelor's 2017, Real Estate Broker, licensed attorney.

To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: Not me; and to my knowledge no one else, but I have not inquired

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

Are you an elector (registered voter) in the City of Birmingham? Yes, Residence @ 1936 Graefield, Birmingham MI 48009  
01/07/2022

Signature of Applicant

Date

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

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

updated 11/17/2021



**APPLICATION FOR CITY BOARD OR COMMITTEE**

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(Please print clearly)

Board/Committee of Interest Board of Zoning Appeals

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

Name Erin J. Rodenhouse Phone (248) 952-4817

Residential Address 1117 Stanley Blvd Email \* erinrodenhouse@gmail.com

Residential City, Zip Birmingham, 48009 Length of Residence 12

Business Address 4000 Town Center, 9th Floor Occupation Attorney

Business City, Zip Southfield, 48075

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied I currently sit as an alternate member on the BZA and am familiar with Birmingham's ordinances and zoning standards. So I am prepared to take on a role as a full-time regular member.

List your related employment experience I am an appellate attorney at Collins Einhorn Farrell PC and practice civil appellate law in both state and federal courts. So I have extensive knowledge of appellate standards and case law.

List your related community activities I am a member at Lutheran Church of the Redeemer. My daughters attend Seaholm HS where I volunteer for the Seaholm HS girls water polo team as a score board keeper. I also volunteer with the U of M Parent Booster Club for Men's Rowing for my son.

List your related educational experience Hope College, BA in English Literature and French, magna cum laude; University of Detroit Mercy School of Law, JD, cum laude

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

No.

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

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

Erin Rodenhouse Digitally signed by Erin Rodenhouse  
Signature of Applicant Date: 2022.01.20 20:11:55 -05'00'

1/20/2022  
Date

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to [clerksoffice@bhamgov.org](mailto:clerksoffice@bhamgov.org) or by fax to 248.530.1080. Updated 3/24/2021

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February 24, 2022

Mr. Thomas M. Markus, City Manager  
**City of Birmingham**  
151 Martin Street  
Birmingham, MI 48009

***Re: Jax Car Wash***

Dear Mr. Markus:

Jax Car Wash has recently appealed a decision of the BZA from the December 14, 2021 meeting. Jax Car Wash appealed decisions to the BZA regarding the requirements for screening in a parking area. The BZA voted to deny their appeal, and as a result Jax Car Wash has now appealed its decision to the Circuit Court.

In reviewing the transcript, it was discovered that one (1) member of the BZA, specifically, Ms. Rodenhouse, made statements that I believe to be ill-advised in her position. I have brought the particular comments to your attention, and have taken the opportunity to transcribe, to the best of my abilities, the statements at that meeting.

“I’ll just say I’m not going to support this motion for the reason I stated. I do not think a screen is required under the plain language of the ordinance. So, right there I will not be supporting it. Secondly, um, I just think the City has just given this business the runaround. It’s an unreasonable restraint on the property. This has taken two (2) years for this business to get to this point and now it’s either back to the drawing board or it’s an appeal. And, it’s an unreasonable restraint on the property, and I will not be supporting this motion.”

I would also like to note that I have had an opportunity to contact Ms. Rodenhouse and discuss my concerns with her personally. I was confident, at the end of our conversation, that Ms. Rodenhouse’s intentions were to simply be a zealous advocate for her thoughts and her position, and the comments, while unfortunate, I believe were made out of her being new to the Board and a result of inexperience. I believe Ms. Rodenhouse to be of the utmost integrity, and bring the comments to the Commission’s attention as I believe that is my obligation, but please note that I believe Ms. Rodenhouse’s intentions to have been in the spirit of working hard as a Board member.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

**BEIER HOWLETT, P.C.**



Mary M. Kucharek

MMK/jc

February 24, 2022

Via email

Birmingham City Commissioners  
Birmingham City Clerk  
151 Martin  
Birmingham, MI 48009  
[clerksoffice@bhamgov.org](mailto:clerksoffice@bhamgov.org)

Re: Withdrawal of BZA Regular Member Application and Resignation as  
Alternate BZA Member

Dear Commissioners and Clerk:

This letter is notice of my resignation as an alternate member from the Board of Zoning Appeals and my withdrawal of my application to sit as a regular member scheduled for hearing on Monday, February 28, 2022.

On Wednesday, February 23, 2022, I received a phone call from the City Attorney. Reflecting on that call, I feel that I have no other choice but to withdraw and resign. The call regarded the December 2021 Board of Zoning meeting. The City Attorney challenged my reasons for casting a vote and took issue with a statement I made on the record—as an independent decision-maker—against the denial of a zoning variance. The City Attorney even went so far as to question whether I had a conflict of interest in that specific appeal, without any basis for doing so beside the vote I cast. The City Attorney advised me that, in her opinion, my comments hurt the City’s legal position. She further directed that I “leave my attorney’s hat at the door” and not worry about legal standards in my role as a BZA member.

The Michigan Supreme Court has held that a licensed attorney is governed by the Michigan Rules of Professional Conduct 24 hours a day, 7 days a week. These rules require me to speak with candor during administrative proceedings based on the record presented. I met my obligations as a member, as a citizen, and as an attorney during the December hearing when, based on the record before me, I spoke my conscience. The direction provided by the City Attorney has made it clear that these obligations are in conflict with what would be required of me going forward.

Given the advice and direction of the City Attorney, the position I held and the position I sought now appear to be at odds with my other duties and obligations. Accordingly, I resign. My resignation is effective immediately.



Very truly yours,

*Erin J. Rodenhouse*

Erin J. Rodenhouse

## APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Board of Zoning Appeals

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

Name Ron Reddy

Phone 313 820 7491

Residential Address 763 Wallace

Email \* Ron.Reddy01@gmail.com

Residential City, Zip Birmingham, 48009

Length of Residence 3.5 years

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

Occupation Retired Law Enforcement/Business Owner

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

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

I have served on a BZA steadily for the last 10 years and enjoy public service. My career focused on investigating complex issues.

This experience provided me the ability to analyze fact situations and make accurate, fair decisions.

List your related employment experience Retired Federal Law Enforcement Official with 35 years of law enforcement experience.

My wife and I currently operate a small due diligence and investigative agency.

List your related community activities I have served on the Birmingham BZA as an alternate since February of 2019.

I served as the Chair of the City of Bloomfield Hills BZA from 2014-2018. I was a member of the Bloomfield Hills BZA from 2012-2014.

List your related educational experience \_\_\_\_\_

Bachelor of Electronic Engineering and Master of Public Administration

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

No

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

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

Signature of Applicant [Signature]

Date 1/26/22

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to [clerksoffice@bhamgov.org](mailto:clerksoffice@bhamgov.org) or by fax to 248/530.1080.

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Updated 3/24/2021

## CHAPTER 126 - ZONING

### ARTICLE 8: ENFORCEMENT AND PENALTIES

#### 8.01 The Board of Zoning Appeals

- A. Establish: There shall be established and appointed by the City Commission, in accordance with Section 5, Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.585, MSA 5.2935), as amended, a Board of Zoning Appeals consisting of seven members each to be appointed for a term of three years.
- B. Alternate Members: The City Commission may also appoint not more than two alternate members for the same term as regular members of the Board of Zoning Appeals. The alternate member may be called on a rotating basis to sit as a regular member of the Board of Zoning Appeals in the absence of a regular member. An alternate member may also be called to service in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Board of Zoning Appeals.
- C. Procedure: Meetings of the Board of Zoning Appeals shall be held at the call of the chairperson, and at such other times as the Board of Zoning Appeals may determine. Such chairperson, or in his/her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. The Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and the action thereon, which shall be a public record.
- D. Appeals: An appeal to the Board of Zoning Appeals, based in whole or in part on the provisions of the Zoning Ordinance, may be taken by any person aggrieved, or by any governmental officer, department, Board of Zoning Appeals or bureau affected by the decision of the Building Official. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, on forms provided by the Building Official, specifying the ground thereof, and by paying the required fee. The Building Official shall transmit to the Board of Zoning Appeals all papers constituting the records upon which the appeal action was taken.
- E. Hearing and Notice: The Board of Zoning Appeals shall fix a reasonable time for the hearing of an appeal and shall give due notice of the appeal to the persons to whom real property within 300 feet of the premises in question is assessed, and to the occupants of single- and two-family dwellings within 300 feet, the notice to be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. A notice sign shall also be posted in a conspicuous place on the subject property. Notice signs will be provided by the City of Birmingham. It is the responsibility of the applicant to post the notice sign as required, to ensure that the notice sign remains posted during the entire notice period and to remove the notice sign the day after the public hearing the notice sign was advertising. At the hearing, any person or party may appear in person, by agent or by attorney. All such hearings shall be open to the public.
- F. Powers and Duties: The Board of Zoning Appeals shall have the powers and duties set forth in MCL 125.581 et seq., MSA 5.2931 et seq. and as more particularly hereinafter enumerated. The Board of Zoning Appeals shall not have the power to change the zoning district of any property. The Board of Zoning Appeal's power and duties shall include the following:
1. Review of administrative decisions.
    - a. The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of the Zoning Ordinance.
    - b. It may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the situation, and to that end shall have all the powers of the officer from whom the appeal is taken.
  2. Mapping disputes.
    - a. Where disputes arise as to the location of the floodplain boundary or the limits of the floodway, the Board of Zoning Appeals shall resolve the dispute and establish the boundary location in accordance with Section 1.15.

In all cases, the decision of the Board of Zoning Appeals shall be based upon the most current floodplain studies issued by the Office of Federal Insurance and Hazard Mitigation. Where the Office of Federal Insurance and Hazard Mitigation information is not available, the best available floodplain information shall be utilized.

- b. Where a dispute involves an allegation that the boundary is incorrect as mapped and Office of Federal Insurance and Hazard Mitigation floodplain studies are being questioned, the Board of Zoning Appeals shall modify the boundary of the floodplain or the floodway only upon receipt of an official letter of map amendment issued by the Office of Federal Insurance and Hazard Mitigation.

3. Variances.

- a. The Board of Zoning Appeals shall hear and grant or deny requests for variances from the strict application of the provisions of the Zoning Ordinance where there are practical difficulties or unnecessary hardships in carrying out the strict letter of such chapter. In granting a variance, the Board of Zoning Appeals may attach such conditions as it may deem reasonably necessary to promote the spirit and intent of the Zoning Ordinance. The Board of Zoning Appeals shall not grant any variance unless it first determines that:
  - i. Because of special conditions applicable to the property in question, the provisions of the Zoning Ordinance, if strictly applied, unreasonably prevent the property owner from using the property for a permitted purpose;
  - ii. Literal enforcement of the chapter will result in unnecessary hardship;
  - iii. The granting of the variance will not be contrary to the spirit and purpose of the Zoning Ordinance nor contrary to the public health, safety and welfare; and
  - iv. The granting of the variance will result in substantial justice to the property owner, the owners of property in the area and the general public.
- b. Variances from the provisions of Section 4.13, Floodplain Regulations, shall only be granted by the Board of Zoning Appeals upon a determination of compliance with the general standards for variances contained in the Zoning Ordinance and in accordance with the following:
  - i. The variance granted will not result in flood heights in excess of those permitted by the Zoning Ordinance, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
  - ii. The variance granted shall be the minimum necessary, considering the flood hazard, to afford relief to the applicant.
  - iii. Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Michigan Historic Markers listing of historic sites, or any other state register of historic places without meeting the requirements of this section.
- c. Sign Variance Procedure. Any person who feels aggrieved by a decision of the City Planner or Design Review Board may have the sign reviewed by the Board of Zoning Appeals. A variance may be granted by the Board of Zoning Appeals only in cases involving practical difficulties when the evidence in the official record of the appeal supports all the following affirmative findings:
  - i. That the alleged practical difficulties are peculiar to the property of the person requesting the variance by reasons of the physical and/or dimensional constraints of the building and/or site, and result from conditions which do not exist generally throughout the City;
  - ii. That the granting of the requested variance would not be materially detrimental to the property owners in the immediate vicinity;
  - iii. That the granting of the variance would not be contrary to the general objectives of this Chapter and is in keeping with the spirit and intent of this ordinance; and
  - iv. That granting the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board of Zoning Appeals to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.

- v. In granting a variance, the Board of Zoning Appeals may attach such conditions as it may deem reasonably necessary to promote the spirit and intent of the Zoning Ordinance and the conditions specified in the sign ordinance, Chapter 86, Article 02, Section 2.06.

G. Miscellaneous:

1. No order of the Board of Zoning Appeals permitting the erection or alteration of buildings shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is commenced and proceeds to completion in accordance with the terms of such permit.
2. No order of the Board of Zoning Appeals permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that if the use of such permit is dependent upon the erection or alteration of a building, such order shall continue in full force and effect if a building permit for such use, erection or alteration is obtained within such period and such erections or alterations are commenced and proceed to completion in accordance with the terms of such permit.





### **NOTICE OF INTENTION TO APPOINT ALTERNATE HEARING OFFICER**

At the regular meeting of Monday, February 28, 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.

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

<b>Applicant Name</b>	<b>Criteria/Qualifications</b>
	Applicants 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.
Lawrence Lyng	Birmingham resident with administrative qualifications

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

#### **SUGGESTED COMMISSION ACTION:**

To make a motion to appoint \_\_\_\_\_ as the Hearing Officer to serve the remainder of a three-year term to expire June 30, 2024.



# HEARING OFFICER

Ordinance #2178, Adopted March 28, 2016

Term: 3 years

Appointed by the city commission

Qualifications: The hearing officer and alternate shall be residents of Birmingham who have legal, administrative, or other desirable qualifications that will aid him/her in the performance of their duties. The hearing officer and alternate shall serve without compensation and shall not be elected officials or persons appointed to elective office.

Duties: The 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 any of the fee collection ordinances of the code of the City of Birmingham that specifically relate to: returned check fees by real property owners (section 1-15), the removal of debris from a private property upon a public street, alley, sidewalk, or other public place or right-of-way (section 50-27), false alarms (section 74-31), snow removal (section 98-68), sidewalk repair fees (section 98-62), cross connection inspections (section 114-5), and weed cutting (section 118-68). The alternate hearing officer shall be responsible for hearing disputes in the absence of the hearing officer.

Last Name	First Name	Home Business	Appointed	Term Expires
Home Address		E-Mail		
VACANT				6/30/2024
Alternate				
Stotland	Alexander	(248) 636-1645	6/3/2019	6/30/2022
698 Hanna		astotland@hertzschram.com		



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

## APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Alternate Hearing Officer

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

Name Lawrence Lyng

Phone (248) 346-1533

Residential Address 644 Bird Avenue

Email \* larry.lyng@sbcglobal.net

Residential City, Zip Birmingham, 48009

Length of Residence 6+ years

Business Address NA

Occupation Retired

Business City, Zip NA

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

I would like to use my business and leadership experiences to help out the city I live in.

List your related employment experience P&L responsibilities and team leadership for several regional and global automotive supplier companies.

List your related community activities \_\_\_\_\_

List your related educational experience Bachelors degree in Mechanical Engineering, Masters degree in Business Administration

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

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

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

Lawrence Lyng  
Signature of Applicant

1/30/22  
Date

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

Updated 11/18/2020

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**Sec. 1-17. Hearing officer for disputed fees.**

(a) *Hearing officer.*

- (1) The city commission shall appoint a hearing officer, who shall be responsible for hearing disputes to a fee or bill that a property owner or resident of the city shall receive pursuant to any of the fee collection ordinances of the Code of the city that specifically relate to: returned check fees by real property owners (section 1-15), the removal of debris from a private property upon a public street, alley, sidewalk, or other public place or right-of-way (section 50-27), false alarms (section 74-31), snow removal (section 98-68), sidewalk repair fees (section 98-62), cross connection inspections (section 114-5), and weed cutting (section 118-68).

The city commission shall also appoint an alternate hearing officer who shall be responsible for hearing such disputes in the hearing officer's absence.

- (2) The hearing officer shall be appointed for a three-year term. The initial alternate hearing officer shall be appointed for a two-year term. Terms shall begin on July 1, 2004 and shall expire on June 30 of the respective years. Thereafter, terms shall be three years so that both terms do not expire on the same year. The hearing officer and alternate shall serve at the will of the commission. The hearing officer and alternate shall hold office until their successors are appointed. The city commission shall fill a vacancy by an appointment only.
- (3) The hearing officer and alternate 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.
  - a. The hearing officer and alternate shall serve without compensation, and shall not be elected officials, or persons appointed to elective office.
  - b. The hearing officer and alternate shall establish such procedures as deemed necessary or appropriate to perform the functions as set forth in this section.

- (b) *Functions of the hearing officer.* When there is a question or a dispute as to the applicability of any invoice received by a property owner or resident of the city pursuant to any of the fee collection ordinances of this Code, as described in subsection 1-17(a)(1), to a particular situation, that question or dispute shall be directed to the hearing officer. It shall then be the function of the hearing officer to conduct a hearing and make a determination, as applicable.

The actual invoice shall notify the property owner or resident of his or her right to dispute all or any part of the bill as established in this section.

- (1) *Hearings.* The hearing officer shall follow the following hearing procedure:
  - a. The hearing officer shall, upon receiving notice from the debtor that they are requesting a hearing within the time frames established by the appropriate fee collection ordinance, arrange for a mutually convenient date to hear the dispute.
  - b. Any person requesting an appearance before the hearing officer to dispute a permissible invoice may request one extension that may be granted by the hearing officer only under extreme circumstances.
  - c. All hearings at which any person shall be requested to appear shall be subject to the Open Meetings Act.
  - d. All findings, including a finding of extreme circumstances of the hearing officer shall be published in permanent form and communicated to the city treasurer and other appropriate city staff, the debtor, and the city commission, subject to the requirements of the Open Meetings Act.

- (2) The hearing officer shall determine as follows:
- a. Determine whether there has been a violation by the debtor of one or more of the ordinances set forth in subsection (a)(1) of this section.
  - b. Determine whether the city has performed the work prescribed in the ordinances set forth in subsection (a)(1) of this section for which the debtor has been invoiced.
  - c. Determine whether the debtor was invoiced the proper amount for the work actually performed by the city.
  - d. Determine whether the fees should be waived due to the existence of "extreme circumstances". By way of example, "extreme circumstances" may include, but are not limited to, the following examples: an unexpected death of a member of the household or a member of the households' family resulting in all members of the household becoming unavailable to perform the obligation of the ordinances set forth in subsection (a)(1) of this section; a sudden illness or injury resulting in all members of the household becoming unavailable to perform the obligation of the ordinances set forth in subsection (a)(1) of this section; natural disasters declared by federal, state or local authorities resulting in circumstances rendering performance of the obligations of the ordinances set forth in subsection (a)(1) of this section impracticable or in direct contradiction of said declaration; emergencies declared by federal, state or local authorities resulting in circumstances rendering performance of the obligations of the ordinances set forth in subsection (a)(1) of this section impracticable or in direct contradiction of said declaration; and, police, fire or other local circumstances, when authorized by the police chief, fire chief or the city manager or his designee resulting in circumstances rendering performance of the obligations of the ordinances set forth in subsection (a)(1) of this section impracticable or in direct contradiction of said authorization.

(Ord. No. 2178, 3-28-16)

Editor's note(s)—Prior to the reenactment of section 1-17 by Ord. No. 2178, adopted March 28, 2016, Ord. No. 2077, adopted January 23, 2012, repealed the former section 1-17 in its entirety, which pertained to hearing officer for disputed fees and derived from Ord. No. 1823, § 1, adopted April 19, 2004, and Ord. No. 1970, adopted September 8, 2008.

**Birmingham City Commission  
Special Meeting Minutes  
Workshop  
Monday, February 14, 2022  
6:30 p.m.**

**Vimeo Link: <https://vimeo.com/event/3470/videos/669681851/>**

**Workshop Session**

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

**I. Call to Order**

Therese Longe, Mayor

**II. Roll Call**

Alexandria Bingham, City Clerk, called the roll.

Present: Mayor Longe  
Mayor Pro Tem Boutros  
Commissioner Haig  
Commissioner Host  
Commissioner McLain (arrived 6:42 p.m.)  
Commissioner Schafer

Absent: Commissioner Baller

Administration: City Manager Markus, City Clerk Bingham, Assistant City Manager Ecker, City Attorney Kucharek

**III. Presentation & Discussion**

The Mayor provided the opening remarks.

CM Markus introduced the item. ACM Ecker and CM Markus presented the item.

Commissioners McLain, Haig, and Schafer agreed that having a code of conduct to set baseline expectations would be useful and appropriate.

Mayor Pro Tem Boutros said he felt that many of the expectations of a code of conduct should be common sense, but said he was willing to participate in creating a code of conduct if the Commission agreed it was necessary.

Commissioner Host said he liked the concepts of a point of personal privilege, of addressing conflicts-of-interest, and of assessing Staff time. He said he would like the public and Ethics Board to weigh in on developing a code of conduct.

Commissioner Haig said he would be working with his employer's HR department for insight and advice regarding developing a code of conduct. He said that his HR Director strongly recommended that the Ethics Board be a part of every discussion regarding developing a code of conduct moving forward. He said the code of conduct should also apply to the public and the Staff.

CA Kucharek noted that the Commission could not use a code of conduct to curtail the public's first amendment right to speak against their government in any way. She noted that the only way to limit public speech is if it rises to the level of disorderly.

The Mayor said that the Commission should be careful that a code of conduct not interfere with the City's extant charter or ethics ordinance. She said that if the code of conduct is to apply to the public and Staff, the Commission will need feedback from both parties. She noted that the present Commission should remain aware that the code of conduct they develop will be binding on future Commissions unless it is repealed. The Mayor advised that the code of conduct avoid being overly prescriptive or punitive, and that it also avoid encouraging one person to turn against another. She stated that 'repercussions or potential harm' are legally difficult to describe. She noted that the code of conduct could be aspirational or punitive, and that aspirational would be more a more noble approach. She said that managing the scope and balance of the code of conduct would be important.

CM Markus concurred that aspirational codes of conduct are better than punitive ones. He said it might be appropriate to address conduct during campaigns, since the people one campaigns against may end up being one's colleagues once the campaign finishes.

Commissioner Haig suggested that uncivil discourse can result in dangerous real-world consequences.

#### **IV. Public Comment**

Lewis Meldman spoke in support of the Commission developing a code of conduct.

David Bloom said conduct issues of individual Commissioners should have been directly addressed by other Commissioners earlier on. He also raised concerns about Chris Longe's communications.

Joan Heinicke spoke about the benefits of parliamentary procedure for maintaining civil discourse and noted that the Commission has access to local resources on parliamentary procedure.

Diane Smith said she wants there to be specific consequences for ad hominem attacks from this point forward.

#### **V. Adjourn**

Mayor Longe adjourned the meeting at 7:33 p.m.

**Birmingham City Commission Minutes**

**February 14, 2022**

**Municipal Building, 151 Martin**

**7:30 p.m.**

Vimeo Link: <https://vimeo.com/event/3470/videos/669681851/>

**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 Haig  
Commissioner Host  
Commissioner McLain  
Commissioner Schafer

Absent: Commissioner Baller

Administration: City Manager Markus, City Clerk Bingham, Planning Director Dupuis, Assistant City Manager Ecker, City Attorney Kucharek, Deputy Treasurer Todd, Assistant City Engineer Zielinski

**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.

The Mayor congratulated Madam Restaurant for making the Detroit Free Press' 'Top 10 best new restaurants in metro Detroit for 2022' list.

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

David Bloom raised concerns about: 1) the board appointment process at the January 24, 2022 meeting and 2) a potential contradiction in the draft master plan wherein continued commercial growth is recommended but a lack of parking is also acknowledged.

Paul Reagan raised concerns about conflicts-of-interest on boards and recommended that all three Ethics Board members advise the Commission on creating a code of conduct.

**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.

**02-038-22 Consent Agenda**

The following items were pulled from the Consent Agenda:

Commissioner Haig: Item A – Long Range Planning Minutes of January 22, 2022  
Item K – Verizon Wireless Application to Install New Pole and Small Cell Equipment in the City's ROW  
City Clerk Bingham: Item B – City Commission Minutes of January 24, 2022

**MOTION:** Motion by Mayor Pro Tem Boutros, seconded by Commissioner Host:  
To approve the Consent Agenda excluding Items A, B, and K.

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

Nays, None

- 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.

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.

#### **02-039-22 (Item A) Long Range Planning Minutes of January 22, 2022**

Commissioner Haig commended Staff for the work and effort that went into preparing and presenting the Long Range Planning meeting.

**MOTION:** Motion by Commissioner Haig, seconded by Commissioner Schafer:  
To approve the City Commission meeting minutes of January 10, 2022 as submitted.

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

Nays, None

#### **02-040-22 (Item B) City Commission Minutes of January 24, 2022**

City Clerk Bingham said that the minutes would be amended to accurately reflect the vote on Item 01-25-2022.

**MOTION:** Motion by Mayor Pro Tem Boutros, seconded by Commissioner Host:  
To approve the City Commission Regular Meeting minutes of January 24, 2022 as amended.

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

Nays, None

**02-041-22   (Item K) Verizon Wireless Application to Install New Pole and Small Cell Equipment in the City's ROW**

ACE Zielinski clarified that there would be 20 total poles, because there are 19 extant poles and one new pole to be installed.

Commissioner Haig said the item should note that information.

**MOTION:**           Motion by Commissioner Haig, seconded by Mayor Pro Tem Boutros:  
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., with additional wording to the effect of 'the existing agreement that was presented to Verizon as part of their approval for the (19) nineteen colocations plus one new colocation for a sum total of (20) twenty'.

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

Nays, None

<b>VI.   UNFINISHED BUSINESS</b>
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<b>VII.   NEW BUSINESS</b>
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<b>02-042-22</b>	<b>Public Hearing for Confirming S.A.D. #896 – Maple Road Reconstruction Project</b>
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The Mayor opened the public hearing at 8:10 p.m.

DT Todd presented the item.

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

**MOTION:**           Motion by Commissioner Host, seconded by Commissioner Schafer:  
To confirm S.A.D. Roll #896 as indicated in the Staff report.

ROLL CALL VOTE:   Ayes, Mayor Pro Tem Boutros



Commissioner Schafer  
Mayor Longe  
Commissioner Host  
Commissioner Haig  
Commissioner McLain

Nays, None

**02-043-22                      Necessity of Maple Rd. Sewer Lateral S.A.D.**

The Mayor opened the public hearing at 8:13 p.m.

ACE Zielinski presented the item.

Public Comment

Cheryl Daskas, owner of Tender, said adequate notice was not provided to the business owners affected by this project, that she had concerns about the caulking done as part of the project, and said she had concerns about the narrowness of Maple.

CM Markus noted that the project went through the City's design process and that the road was narrowed for traffic calming. He said the City would have someone out to see about the caulking issue.

Ms. Daskas asked the City to be cautious about the redesign coming to the South Old Woodward area in the next few years in light of her experience with Maple.

The Mayor closed the public hearing at 8:24 p.m.

In reply to Commissioner McLain, CM Markus noted that projects both solicit public feedback during the design process and that affected property owners are noticed at various points throughout the process.

Mayor Pro Tem Boutros affirmed that there was public engagement throughout the design process and that the design was implemented to increase walkability and safety in the downtown area.

**MOTION:**                      Motion by Mayor Pro Tem Boutros, seconded by Commissioner Haig:  
To declare necessity and create 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.

Public Comment

Ms. Daskas said implementing or reimplementing a truck bypass for Maple would help the issues she observes.

In reply to Ms. Daskas and Commissioner Host, CM Markus said he would ask Staff to prepare a brief history of the ring road to increase understanding of its previous and present status.

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

Nays, None

**02-044-22 Public Hearing for 211 Hamilton Row – Sybil – Special Land Use Permit,  
Final Site Plan & Design Review**

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

PD Dupuis presented the item.

In reply to Commissioner Haig, PD Dupuis confirmed that the applicant was able to change their plans in order to increase the pedestrian clear path by a foot as compared to the original plans.

Kevin Biddison, architect, was present on behalf of the project.

The Mayor closed the public hearing at 8:37 p.m.

Mr. Biddison confirmed for Mayor Pro Tem Boutros that the project meets all ADA requirements.

**MOTION:** Motion by Mayor Pro Tem Boutros, seconded by Commissioner Host:  
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.

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

Nays, None

**02-045-22 Public Hearing – Proposed Amendments for Article 4, Section 4.44 –  
Outdoor Dining Standards**

The Mayor opened the public hearing at 8:40 p.m.

PD Dupuis presented the item.

The Mayor closed the public hearing at 8:42 p.m.

In reply to Commissioner Haig, PD Dupuis and CM Markus confirmed that the City's snow removal ordinance sufficiently addresses snow removal in conjunction with these changes. Both Staff members noted that the

recommended long-term changes to the outdoor dining standards would address snow removal more directly.

**MOTION:** Motion by Commissioner Schafer, seconded by Commissioner Host:  
To adopt 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.

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

Nays, None

## **02-046-22 NEXT Long-Term Written Agreement with Birmingham Public Schools**

Mayor Longe disclosed she is a member of NEXT, Commissioner Host disclosed that he is a member of NEXT, Commissioner McLain disclosed that she is both a member and a board member of NEXT, and Mayor Pro Tem Boutros stated that he is the City Liaison to NEXT.

CA Kucharek noted she was contacted by the Mayor earlier in the day in order to determine whether these relationships to NEXT presented conflicts-of-interest.

CA Kucharek stated these relationships to NEXT do not represent financial or personal interests for the disclosing Commissioners, and therefore do not amount to conflicts-of-interest.

She specified that the specific topic at hand, which solely regards the Commission potentially offering support for NEXT pursuing a long-term written agreement, also posed no danger of creating conflicts-of-interest.

As a result of these factors, the City Attorney advised that no recusals were required.

CM Markus presented the item.

**MOTION:** Motion by Commissioner McLain, seconded by Commissioner Haig:  
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.

Commissioner Host thanked the City Manager for his work on this item.

CM Markus stated the credit was shared by many.

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

Commissioner McLain

Nays, None

**02-047-22                      Closed Session on 2/14/22 to Discuss A Written Attorney/Client Privilege Communication**

**(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.)**

**MOTION:**                      Motion by Commissioner Host, seconded by Commissioner Haig:  
To adopt 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:        Ayes,    Mayor Pro Tem Boutros  
   Commissioner Schafer  
   Mayor Longe  
   Commissioner Host  
   Commissioner Haig  
   Commissioner McLain

Nays, None

The Commission went into closed session at 9:16 p.m.

The Commission reconvened into open session at 9:32 p.m.

**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.

**Commission discussion on items from prior meeting**

**02-048-22                      Social Districts**

Commissioner Schafer explained why she supported further exploration of social districts.

**MOTION:**                      Motion by Commissioner Schafer, seconded by Commissioner Host:  
To make the topics of social districts a formal agenda item at a future meeting.

Commissioner Haig said he would want to discuss both the positive and negative impacts of social districts, mentioning particularly the drinking of alcohol in public around minors and potential instances of crime.

Commissioner Schafer said it was her intent in raising the topic that both the positive and negative aspects would be studied. She asked Staff for future clarification regarding whether the streets are required to be closed to create social districts.

Commissioner McLain said she anticipated the study would cover departmental reviews, business impacts, and other topics the City usually considers in similar discussions.

The Mayor added that the impact of social districts on City ordinances, which currently prohibit alcoholic beverages in parks, should also be considered.

CM Markus said he would want to observe how social districts continue to evolve in other Michigan communities, opining that their appeal may wane as the impact of Covid-19 lessens.

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

Nays, None

#### **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**

Mayor Longe adjourned the meeting at 9:35 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 02/16/2022**

Meeting of 02/28/2022

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
	*	009249	JCC CREATIVE LLC	100.00
284071	*	005430	21ST CENTURY MEDIA- MICHIGAN	545.25
284072		BDREFUND	ACHO, RENEE LOSSIA	300.00
284073		000167	ANDERSON ECKSTEIN WESTRICK INC	11,500.00
284074		007033	APPLIED IMAGING	240.23
284075	*	009380	APRILE LAW, PLLC	300.00
284077		BDREFUND	AQUASCAPES	100.00
284078	*	UBREFUND	ARTHUR PAPADOPOULOS	1,581.00
284079	*	006759	AT&T	47.04
284080	*	006759	AT&T	69.88
284083	*	002187	BANK'S VACUUM	179.97
284084		001122	BOB BARKER CO INC	881.60
284085	*	008708	DAVID BARTLEY	349.82
284086		003012	BATTERIES PLUS BULBS	351.64
284087	*	009383	BATTIE LAW PLLC	90.00
284088		BDREFUND	BENINATI POOL AND SPA	1,000.00
284089		BDREFUND	BLOOMINGDALE HOMES INC	2,000.00
284090	*	009420	JOSEPH BUNTING	141.37
284093	*	000444	CDW GOVERNMENT INC	211.90
284094	*	009396	CECILIA QUIRINDONGO BAUNSOE	250.00
284095		009430	CENTER FOR TECHNOLOGY AND TRAINING	110.00
284096		000605	CINTAS CORPORATION	149.00
284097		003289	CLYDE ARMORY	4,305.20
284098		009167	COL'S FAMILY RESTAURANT	222.29
284099	*	008955	COMCAST	456.70
284100	*	000627	CONSUMERS ENERGY	2,389.15
284101		002668	CONTRACTORS CLOTHING CO	292.91
284102		001367	CONTRACTORS CONNECTION INC	518.95
284103		008512	COOL THREADS EMBROIDERY	90.99
284104		BDREFUND	COUNTRYSIDE CONSTRUCTION COMPANY, I	2,500.00
284106		BDREFUND	DANIEL J HAGEDON	200.00
284107		009309	DEALER AUTO PARTS	89.98
284108		000233	DEAN SELLERS	717.31
284110		BDREFUND	DONS ELECTRICAL SERVICE INC	264.00
284111	*	000179	DTE ENERGY	35.65
284112	*	000179	DTE ENERGY	220.58
284113	*	000179	DTE ENERGY	183.60
284114	*	000180	DTE ENERGY	44,325.90
284115	*	007538	EGANIX, INC.	720.00
284116	*	009100	ENZO WATER SERVICE	500.00
284117		BDREFUND	ESSCO DEVELOPMENT	200.00
284118		BDREFUND	ESSCO OF WABEEC	500.00

# City of Birmingham

## Warrant List Dated 02/16/2022

Meeting of 02/28/2022

Check Number	Early Release	Vendor #	Vendor	Amount
284119	*	000936	FEDEX	12.76
284121		BDREFUND	FOREST GLEN HOMES, LLC	100.00
284122		BDREFUND	FOUNDATION SYSTEMS OF MICHIGAN INC.	100.00
284123		BDREFUND	G & M GUTTER COMPANY INC	100.00
284124		BDREFUND	G J PERELLI	200.00
284125	*	004604	GORDON FOOD	709.02
284126	*	006346	HARRELL'S LLC	1,415.10
284127		003132	HASTINGS AIR-ENERGY CONTROL INC	289.13
284128	*	001956	HOME DEPOT CREDIT SERVICES	2,083.30
284130		BDREFUND	HUNTER ROBERTS HOMES	4,000.00
284131		000948	HYDROCORP	1,381.00
284132		000342	IBS OF SE MICHIGAN	410.49
284133	*	009390	IDUMESARA LAW FIRM, PLLC	300.00
284135	*	001820	IIMC	140.00
284136		009374	CIT INTERNATIONAL INCORPORATED	2,450.00
284137	*	009401	IRENE S WASSEL	500.00
284138		000344	J.T. EXPRESS, LTD.	2,481.96
284140		BDREFUND	JOHN MCCARTER CONSTRUCTION LLC	100.00
284141		000347	JOHN R. SPRING & TIRE CENTER INC.	2,381.60
284141	*	000347	JOHN R. SPRING & TIRE CENTER INC.	5,999.99
284142	*	009238	KATHERINE ROSE COLLINS	224.00
284144	*	004088	KGM DISTRIBUTORS INC	318.00
284145	*	000353	KNAPHEIDE TRUCK EQUIPMENT	909.71
284146		BDREFUND	L & S HOME IMPROVEMENTS LLC	100.00
284147	*	009392	LAMB LEGAL CONSULTING SERVICES	300.00
284148	*	009386	LAW OFFICE OF BRIAN P. FENECH	600.00
284149	*	009385	LAW OFFICE OF MICHAEL J. DICK	1,550.00
284150		009388	LAW OFFICE OF PATRICK G. GAGNIUK	260.00
284150	*	009388	LAW OFFICE OF PATRICK G. GAGNIUK	3,400.00
284151		BDREFUND	LERMAN CORPORATION	100.00
284152	*	009422	ALEX LINKE	260.57
284153		BDREFUND	LIVE WELL CUSTOM HOME LLC	5,900.00
284154		008551	M & K TRUCK CENTERS	13.89
284155	*	009398	MARCIA C ROSS PC	300.00
284156	*	008817	MARCO TECHNOLOGIES, LLC.	141.00
284157		000888	MCKENNA ASSOCIATES INC	32,172.05
284159		008207	METAL MART U.S.A.	198.04
284160		BDREFUND	MGM PLUMBING	93.00
284162	*	008126	MICHIGAN.COM	44.61
284163	*	009400	N.L. SMITHSON & ASSOCIATES PLLC	250.00
284164	*	009394	NACHAWATI LAW PLLC	500.00
284165		BDREFUND	NAPIER'S HOME IMPROVEMENT	100.00
284167		MISC	NAVARRETE JR, NOE	67.50



# City of Birmingham

## Warrant List Dated 02/16/2022

Meeting of 02/28/2022

Check Number	Early Release	Vendor #	Vendor	Amount
284168		007755	NETWORK SERVICES COMPANY	1,647.67
284169		004827	NICK'S MAINTENANCE SERVICE	11,640.00
284170	*	000477	OAKLAND COUNTY	856,142.15
284171	*	000477	OAKLAND COUNTY	2,005.19
284172	*	000481	OFFICE DEPOT INC	681.66
284173	*	009395	ORLANDO LAW PRACTICE PC	300.00
284175	*	001753	PEPSI COLA	274.46
284176	*	000486	PLANTE & MORAN PLLC	2,035.00
284177		BDREFUND	POLES, PAUL	100.00
284178		BDREFUND	ROMA CEMENT CO INC	100.00
284179		MISC	ROSS HOSPITAL FOR ANIMALS	125.00
284180		BDREFUND	SAS SERVICES INC	100.00
284181		BDREFUND	SBJ CONSTRUCTION	200.00
284182		BDREFUND	SCHOENHERR HOMES LLC	100.00
284183	*	006590	SECURE DOOR, LLC	817.00
284185		007527	SHEPPARD ENGINEERING P.C.	325.00
284187		001005	STATE OF MICHIGAN	3,000.00
284189		004544	STRYKER SALES CORPORATION	2,773.55
284190		003630	SUN SHADE WINDOW TINTING INC	120.00
284192	*	009384	THE EDITH BLAKNEY LAW FIRM, PLLC	300.00
284193	*	009399	THE RIPPY + SHEIKH LAW FIRM	250.00
284194		000275	TIRE WHOLESALERS CO INC	417.00
284195		BDREFUND	TRU VISION CONSTRUCTION INC	200.00
284196	*	000808	UNIVERSAL CONTAINER CORP	478.80
284197	*	000293	VAN DYKE GAS CO.	173.34
284198	*	000158	VERIZON WIRELESS	76.02
284199	*	000158	VERIZON WIRELESS	1,114.87
284200	*	000158	VERIZON WIRELESS	151.17
284201		BDREFUND	WALLSIDE INC	1,000.00
284202		004497	WATERFORD REGIONAL FIRE DEPT.	159.98
284203		BDREFUND	WECHSLER CONSTRUCTION LLC	300.00
284204		001490	WEST SHORE FIRE INC	506.90
284205	*	009402	WILKERSON LAW, PLLC	500.00
284206	*	TAXMISC	WRONSKI, JOESPH	836.01
284208	*	008391	XEROX CORPORATION	153.65
284209	*	009379	YELLOW DOOR LAW	3,750.00
SUBTOTAL PAPER CHECK				\$1,045,043.05
<u>EFT TRANSFER</u>				
" "	*	CC MISC	BARNUM PARK ICE RINK	112.26
" "		CC MISC	EMTPREP.COM	299.00
" "		008730	FACEBOOK HEADQUARTERS	50.00
" "		009427	GO DADDY	42.34
" "		CC MISC	GOOGLE GMAIL	1.99

**City of Birmingham**  
**Warrant List Dated 02/16/2022**

Meeting of 02/28/2022

Check Number	Early Release	Vendor #	Vendor	Amount
" "	*	CC MISC	GOOGLE PLAY	1.99
" "		004878	GOVERNMENT FINANCE OFFICERS	150.00
" "		CC MISC	GOVERNMENT SOCIAL MEDIA LLC	698.00
" "		CC MISC	GRAYBAR ELECTRIC CO	375.22
" "		CC MISC	HOOT SUITE	348.00
" "		CC MISC	ICMA	1,974.75
" "		CC MISC	ISTOCK PHOTO	348.00
" "	*	000362	KROGER COMPANY	70.87
" "		CC MISC	LUCKY GUNNER	623.48
" "		CC MISC	MICHIGAN FIRE INSPECTORS SOCIETY	950.00
" "		CC MISC	MICHIGAN MUNICIPAL LEAGUE	820.00
" "		CC MISC	MILL SUPPLY, INC.	226.65
" "	*	CC MISC	NATIONAL ASSOCIATION OF GOV COMM	145.00
" "	*	008606	NATIONAL PEN INC	318.42
" "		CC MISC	NAVIGATE 360 LLC	1,498.00
" "	*	004457	PAPA JOE'S MARKET	499.18
" "	*	001824	SOCIETY FOR HUMAN RESOURCE MGMNT	438.00
" "	*	CC MISC	STARBUCKS	38.05
SUBTOTAL EFT TRANSFER				\$10,029.20

ACH TRANSACTION

4840	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	27,368.16
4841	*	002284	ABEL ELECTRONICS INC	619.98
4842		009126	AMAZON CAPITAL SERVICES INC	547.75
4842	*	009126	AMAZON CAPITAL SERVICES INC	179.09
4844	*	003839	MATTHEW J. BARTALINO	80.00
4845		000517	BEIER HOWLETT P.C.	40,602.25
4846	*	007345	BEVERLY HILLS ACE	80.76
4847	*	000542	BLUE WATER INDUSTRIAL PRODUCTS INC	84.00
4848	*	003282	LISA MARIE BRADLEY	275.00
4849	*	009423	CITY OF BIRMINGHAM #247	10,771.89
4850		009181	DELTA TEMP SERVICES INC	4,917.28
4851	*	007359	DETROIT CHEMICAL & PAPER SUPPLY	52.43
4853	*	001077	DUNCAN PARKING TECH INC	11,128.77
4854	*	000243	GRAINGER	149.38
4855	*	001672	HAYES PRECISION INC	30.50
4856		000261	J.H. HART URBAN FORESTRY	19,918.19
4857		009298	JCR SUPPLY INC	471.47
4858	*	003458	JOE'S AUTO PARTS, INC.	1,639.76
4859	*	004085	KONE INC	2,086.45
4860	*	009370	MICHAEL SIMON	247.00
4864		001864	NOWAK & FRAUS ENGINEERS	2,128.00
4865	*	006359	NYE UNIFORM COMPANY	637.65

**City of Birmingham**  
**Warrant List Dated 02/16/2022**

Meeting of 02/28/2022

Check Number	Early Release	Vendor #	Vendor	Amount
4866	*	003351	PAMAR ENTERPRISES INC	96,947.06
4867	*	001062	QUALITY COACH COLLISION	2,768.42
4868		001062	QUALITY COACH COLLISION	3,489.79
4869	*	001181	ROSE PEST SOLUTIONS	74.00
4871		000254	SOCRRA	79,395.00
4872	*	001097	SOCWA	137,606.99
4873		009254	THOMAS M MARKUS	500.00
4873	*	009254	THOMAS M MARKUS	2,460.51
4874	*	000969	VIGILANTE SECURITY INC	220.50
SUBTOTAL ACH TRANSACTION				\$447,478.03
GRAND TOTAL				\$1,502,550.28

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 02/23/2022**

Meeting of 02/28/2022

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
		008106	ACUSHNET COMPANY	88.82
		007136	FERGUSON ENTERPRISES, INC.	44.28
	*	003461	OBSERVER & ECCENTRIC	89.23
284210		BDREFUND	4-EVER-WATER-TITE LLC	200.00
284214		000167	ANDERSON ECKSTEIN WESTRICK INC	4,365.00
284216	*	000500	ARTECH PRINTING INC	298.00
284217	*	006759	AT&T	124.44
284218	*	006759	AT&T	252.17
284219	*	006759	AT&T	124.44
284220		005003	BIRMINGHAM BLOOMFIELD COMMUNITY	1,091.60
284222		003526	BOUND TREE MEDICAL, LLC	419.36
284223	*	007919	BRUCE WHITE GALLERIES	466.77
284224		BDREFUND	BRUTTELL ROOFING INC	100.00
284225	*	006520	BS&A SOFTWARE, INC	27,209.00
284226		BDREFUND	C E Gleeson Constructors	20,000.00
284227		BDREFUND	Cashway Building	100.00
284228		007134	CERTIFIED POWER, INC	110.82
284229		000605	CINTAS CORPORATION	172.05
284229	*	000605	CINTAS CORPORATION	90.85
284230		MISC	CITY WIDE DOOR COMPANY	2,490.00
284231	*	008006	CLEAR RATE COMMUNICATIONS, INC	2,667.94
284232	*	004188	COFFEE BREAK SERVICE, INC.	108.95
284233	*	000627	CONSUMERS ENERGY	10,240.87
284234		002668	CONTRACTORS CLOTHING CO	226.79
284235		008582	CORE & MAIN LP	6,341.96
284237		006969	DAVEY TREE EXPERT COMPANY	7,121.90
284238		009309	DEALER AUTO PARTS	189.88
284239	*	008587	JANICE DELINKO	112.77
284240	*	000180	DTE ENERGY	8,479.78
284242		009425	ENCURATE MOBILE TECHNOLOGY	300.00
284243		BDREFUND	FERLITO CONSTRUCTION	100.00
284245		BDREFUND	FOREMAN CONSTRUCTION INC	500.00
284246		007212	FOSTER BLUE WATER OIL	1,391.25
284247		BDREFUND	FOUNDATION SYSTEMS OF MICHIGAN INC.	100.00
284248		006384	GEOGRAPHIC INFORMATION SERVICES, IN	400.11
284249	*	006908	BARRY GOLDMAN MA JD	900.00
284250	*	008007	GREAT LAKES WATER AUTHORITY	8,099.52
284251		001663	SCOTT GREWE	107.13
284253	*	001956	HOME DEPOT CREDIT SERVICES	21.63
284257	*	008457	ITALIA CONSTRUCTION INC	27,404.52
284258		009249	JCC CREATIVE LLC	100.00
284259		BDREFUND	KEARNS BROTHERS INC	400.00

# City of Birmingham

## Warrant List Dated 02/23/2022

Meeting of 02/28/2022

Check Number	Early Release	Vendor #	Vendor	Amount
284260		BDREFUND	KIMBERLY A NOLES	100.00
284261	*	002659	CHRISTOPHER KOCH	100.25
284262		BDREFUND	KROLL CONSTRUCTION CO	100.00
284263		BDREFUND	M. A. DESIGNERS INC	200.00
284264		BDREFUND	MATRIX BASEMENT SYSTEMS	200.00
284265		BDREFUND	MCLAUGHLIN, MEGAN	100.00
284266		BDREFUND	MERRILLWOOD COLLECTION	200.00
284267	*	009143	MICHAEL SHUKWIT	500.00
284268		007833	MICHIGAN ASSOCIATION OF PLANNING	50.00
284269		000230	MIKE SAVOIE CHEVROLET INC	504.05
284270		007163	MOBILE HEALTH RESOURCES	2,310.20
284271		BDREFUND	MTD Construction	300.00
284273	*	009276	NEWTONS SOLUTIONS LLC	2,000.00
284274		004827	NICK'S MAINTENANCE SERVICE	15,120.00
284275		BDREFUND	OAK ELECTRIC SERVICES INC	200.00
284276	*	002853	OAKLAND COMMUNITY COLLEGE	450.00
284277	*	000477	OAKLAND COUNTY	50.00
284279		006599	OBSERVER & ECCENTRIC	89.23
284280	*	000481	OFFICE DEPOT INC	777.76
284282		009151	PARAGON LABORATORIES INC	75.00
284283		008974	PREMIER PET SUPPLY	111.98
284285	*	006625	PTS COMMUNICATIONS, INC	78.00
284286	*	003447	RAFT	1,089.50
284287	*	000492	REGISTER OF DEEDS	30.00
284288	*	000492	REGISTER OF DEEDS	30.00
284289	*	000492	REGISTER OF DEEDS	30.00
284290	*	000492	REGISTER OF DEEDS	30.00
284291	*	000492	REGISTER OF DEEDS	30.00
284292	*	000492	REGISTER OF DEEDS	30.00
284293	*	000492	REGISTER OF DEEDS	30.00
284294	*	000492	REGISTER OF DEEDS	30.00
284295	*	000492	REGISTER OF DEEDS	30.00
284296	*	000492	REGISTER OF DEEDS	30.00
284297	*	000492	REGISTER OF DEEDS	30.00
284298	*	000492	REGISTER OF DEEDS	30.00
284299		009301	SECURE-CENTRIC INC	957.60
284300	*	007142	SHERWIN-WILLIAMS COMPANY	143.06
284301	*	009009	SIGNATURE CLEANING LLC	5,975.47
284303		001005	STATE OF MICHIGAN	95.00
284304		001005	STATE OF MICHIGAN	95.00
284305	*	001076	TAYLOR FREEZER OF MICH INC	325.00
284306		BDREFUND	TEK PLBG LLC	595.00
284307		009378	TRI COUNTY EQUIPMENT, INC	373.04

# City of Birmingham

## Warrant List Dated 02/23/2022

Meeting of 02/28/2022

Check Number	Early Release	Vendor #	Vendor	Amount
284308	*	000293	VAN DYKE GAS CO.	144.45
284309		000931	VARSITY SHOP	94.14
284310	*	000158	VERIZON WIRELESS	308.16
284311	*	000158	VERIZON WIRELESS	127.91
284312	*	000158	VERIZON WIRELESS	49.18
284313	*	000158	VERIZON WIRELESS	422.90
284314		BDREFUND	WECHSLER CONSTRUCTION LLC	200.00
284316	*	005794	WINDSTREAM HOLDINGS INC	876.52
284317	*	008391	XEROX CORPORATION	501.22
SUBTOTAL PAPER CHECK				\$169,501.45
<u>ACH TRANSACTION</u>				
4882	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	34,119.01
4883	*	008649	ROBERT ABRAHAM JR.	75.00
4884		009126	AMAZON CAPITAL SERVICES INC	206.59
4884	*	009126	AMAZON CAPITAL SERVICES INC	169.97
4886	*	007345	BEVERLY HILLS ACE	23.38
4887	*	008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	3,365,688.13
4888		009183	BOB ADAMS TOWING	370.00
4889	*	009352	CHRISTINA WOODS	825.71
4890		009195	CROWN CASTLE FIBER LLC	4,383.20
4891	*	007359	DETROIT CHEMICAL & PAPER SUPPLY	109.59
4892	*	001230	FIRE SYSTEMS OF MICHIGAN LLC	100.00
4893	*	007314	FLEIS AND VANDENBRINK ENG. INC	5,554.00
4894	*	000243	GRAINGER	930.18
4895	*	001672	HAYES PRECISION INC	63.00
4897		000261	J.H. HART URBAN FORESTRY	14,563.75
4898		000186	JACK DOHENY COMPANIES INC	1,029.07
4899	*	002576	JAX KAR WASH	162.00
4900		009298	JCR SUPPLY INC	1,511.67
4901	*	003458	JOE'S AUTO PARTS, INC.	371.41
4903	*	007827	HAILEY R KASPER	241.88
4904	*	000891	KELLER THOMA	660.00
4905		004085	KONE INC	1,001.43
4905	*	004085	KONE INC	22,765.00
4906	*	005550	LEE & ASSOCIATES CO., INC.	1,895.60
4907	*	008158	LOGICALIS INC	9,700.00
4908	*	009370	MICHAEL SIMON	175.50
4911		001864	NOWAK & FRAUS ENGINEERS	91,651.50
4912	*	006359	NYE UNIFORM COMPANY	1,396.00
4913	*	008843	OAKLAND COUNTY TREASURER- TAX PYMNT	1,156,959.37
4914		006729	QUENCH USA INC	120.00
4915	*	003554	RKA PETROLEUM	15,289.63
4916	*	001181	ROSE PEST SOLUTIONS	47.00

**City of Birmingham**  
**Warrant List Dated 02/23/2022**

Meeting of 02/28/2022

Check Number	Early Release	Vendor #	Vendor	Amount
4917		000254	SOCRRA	69,994.00
4917	*	000254	SOCRRA	550.00
4918		005787	SOUTHEASTERN EQUIPMENT CO. INC	46.80
4919	*	004355	SYMETRA LIFE INSURANCE COMPANY	35,499.87
4920		000273	TERMINAL SUPPLY CO.	179.01
4922	*	000969	VIGILANTE SECURITY INC	354.00
SUBTOTAL ACH TRANSACTION				\$4,838,782.25
GRAND TOTAL				\$5,008,283.70

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



Mark Gerber  
Finance Director/ Treasurer

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



## MEMORANDUM

Department of Public Services

**DATE:** February 16, 2022

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

**FROM:** Carrie Laird, Parks and Recreation Manager

**APPROVED:** Lauren Wood, Director of Public Services

**SUBJECT:** Design Services for Trail Improvements

---

### INTRODUCTION:

Trail Improvements are identified as a priority project as part of the approved Parks and Recreation Bond and an estimate of \$300,000 for trail improvements was part of the first bond issue.

### BACKGROUND:

In 2006, a Rouge River Trail Corridor Master Plan (RRTCMP) was prepared by MSCA Group, Inc. This Master Plan has several recommendations, including but not limited to, the addition of trail entry identifiers, improvement of trail connectivity with markers, signage, addition of new trail, boardwalks, accessible view sites, and new bridges.

In preparation for a potential Parks and Recreation Bond, the Parks and Recreation Board worked on a priority list that includes some of these trail improvements. In 2019, the anticipated amount to allocate toward trail improvements was a total of \$750,000 over 2 bond issues, the first being \$300,000.

The next step for trail improvements is to proceed with professional design services including cost estimates. Staff recommends continuing services with MSCA Group, Inc. This consultant has unique knowledge and qualifications that as a single source provider, and upon our request, has provided a cost proposal to perform design development of plans and cost estimates for trail improvements along the Rouge River Trail Corridor.

The proposal for design services focuses on three (3) areas: (1) Booth Park Trail between Booth Park and Willits Street, (2) the Museum Trail between Willits Street and West Maple Road, and (3) the Booth to Linden Trail between Willits Street and Baldwin Road, and up to Maple Road- to just south of Maple into Linden Park. A project scope of work is included in the proposal with more details, see attached proposal. A map displaying these three (3) areas is also attached. City staff walked the trail with this consultant in order to determine this scope, based upon discussions and planning for the Parks and Recreation Bond.



This proposal also includes exploring grant opportunities and applications. MCSA Group, Inc. has been successful in grant application-project awards in other municipalities. The trail improvement projects may qualify for grants through Oakland County Parks and Recreation and/or through the State of Michigan Department of Natural Resources.

**LEGAL REVIEW:**

The City attorney has reviewed the proposal and the agreement between the Consultant, MCSA Group, Inc. and the City.

**FISCAL IMPACT:**

MCSA Group, Inc.'s proposal for design services including cost estimates for the designated trail improvement areas is a total not to exceed of \$11,200.00. Funding for this design project is available in the Land Improvements Account #408-751.000-979.0000.

Construction Drawings and Bid specifications are not included in this total however, are estimated to be 8% of the total project cost.

**PUBLIC COMMUNICATIONS:**

As designs are prepared we plan to engage the Birmingham community through our public engagement platform, Engage Birmingham, for feedback and additionally will have discussion and options for improvements presented at Parks and Recreation Board meetings as we progress. The City promotes these Parks and Recreation Bond projects through its website, all forms of social media and email notifications.

**SUMMARY:**

In order to proceed with the preliminary design process for trail improvements, the Department of Public Services desires to engage the consultant, MCSA Group, Inc., who prepared the RRTCMP, for these professional services. This is the next step, to move forward with design options and correlating cost estimates. We will then have recommendations on what improvements we are able to move forward with during the first bond issue period.

MCSA's proposal includes preparing design development for the Booth Park Trail, including a Restroom building at Booth Park, an Entrance Plaza Identifier at Willits Street, Confidence Markers and Identifiers in select locations, Accessible Connections and Overlook Areas in partnership with the Museum (see attached Museum landscape plan) and elsewhere, a New Pedestrian Bridge located at Linden Park near Maple, and exploring potential Trail Connections in areas that are lacking or disjointed between Booth and Linden Parks. It also includes preparing grant applications and coordinating required permits through EGLE, although the City would be responsible for the permit fees.

MCSA's fee for the design of the above mentioned improvements totals \$11,200.00.

The Parks and Recreation Board at their February 1, 2022 meeting supported engaging MCSA Group, Inc. for design services for improvements to the Rouge River Trail Corridor.

ATTACHMENTS:

- Proposal dated January 11, 2022 from MSCA Group, Inc.
- Map displaying areas for potential improvements
- Trail Entry & Identifier Plaza concept (2006 RRTCMP)
- Museum Landscape Plan showing area for potential trail improvements
- Agreement including required insurances

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve a one (1) year agreement with MSCA Group, Inc. for professional design services for improvements to the Rouge River Trail Corridor (RRTC) in an amount not to exceed \$11,200.00. 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 # 408-751.000-979.0000



Landscape Architecture  
Park & Recreation Planning  
Architecture • Urban Design  
Sports Facility Planning

January 11, 2022

Mrs. Carrie Laird  
City of Birmingham, Parks & Recreation Manager  
851 S. Eton  
Birmingham, MI 48009

Dear Carrie,

I am pleased to provide the City of Birmingham with our proposal for professional services in connection with preparation of Design Development for Improvements to the Rouge River Trail Master Plan in 2006. The trail improvements will focus on the following three areas: Booth Park Trail, Museum Trail, and Booth to Linden Trail.

Our professional services would include the following:

**Project Understanding**

For the Booth Park Trail improvements will include the following:

1. Restroom Building at Booth Park
2. Entrance Plaza Trail Entry Identifier at Willits St
3. Existing Trail Improvements
4. Locate confidence markers (signage) to direct pedestrians to cross in safe locations. Improve crossing with Barrier Free Ramp.

For the Museum Trail improvements will include the following:

1. Accessible Trail Connection Trail from W Maple to Proposed Overlook at Birmingham Museum as proposed on the plans by Nagy Devlin Land Design including Site Walls as necessary to accommodate the slope
2. Chips and fines and boardwalk steps at Existing Trail Route
3. Trail Entry Identifier at W. Maple Road

For the Booth to Linden Trail improvements will include the following:

1. Trail Connection including chips and fines and boardwalk from Willits to Baldwin to the existing W Maple crossing to the Linden Park Trail.
2. Accessible Prefabricated Footbridge over Rouge River in Linden Park



Landscape Architecture  
Park & Recreation Planning  
Architecture • Urban Design  
Sports Facility Planning

Mrs. Carrie Laird  
City of Birmingham  
January 11, 2022  
Page 2

### **Scope of Services**

Our professional services for all trail improvements outlined above will include the following:

1. Meet with City staff and Trail Subcommittee to review program elements and acquire all property data. Walk site, evaluating topography; vegetation; drainage; soils; existing recreation; vehicular and pedestrian access.
2. Develop Design Development Plan on GIS Information, Survey from Atwell Hicks and HRC and as provided by the City.
3. Evaluate Pedestrian Footbridge Design alternative over the Rouge River at Linden Park
4. Prepare Cost Estimates based upon the Design Development Plan for improvements.
5. Meet with City staff to review Design Development Plans and Cost Estimates.
6. Based upon meeting, determine which Improvements will be included in Construction Drawings for Trail Improvements.
7. Apply for Michigan Natural Resources Trust Fund Grant Funding, if scoring is in line with previous grants.
8. Assist the City in obtaining a topographic survey information for the areas of work to be completed. It is our understanding that some areas have been surveyed.
9. Assist the City with obtaining soil borings in location where it may be needed.
10. Based on the topographic survey and the location FEMA floodplain elevations, complete EGLE Permit Application. Note that a pre-Application meeting may be held to expedite the process.



Landscape Architecture  
Park & Recreation Planning  
Architecture • Urban Design  
Sports Facility Planning

Mrs. Carrie Laird  
City of Birmingham  
January 11, 2022  
Page 3

Our professional fees will be based upon our actual time expended at our current hourly rates for each project are as follows:

- A. Booth Park Trail Improvements - Design Development and Cost Estimate - \$4,400  
EGLE Permit \$2,000
- B. Museum Trail Improvements- Design Development and Cost Estimate - \$3,800  
EGLE Permit \$2,000
- C. Booth to Linden Trail and Footbridge - Design Development and Cost Estimate –  
EGLE Permit \$2,000 \$3,600

The City would be responsible for the EGLE Permit Fees. If the projects all occur at the same time, we can combine the EGLE Permits. If additional meetings are desired these would not exceed \$600.00 each.

Additional Professional Services for Construction Drawings, Bidding and Construction Administration would be 8% of the total cost of construction. We will provide a proposal with the scope of this work when the phases of construction have been identified.

Thank you for the opportunity to submit this proposal. We are prepared to meet with you and begin the work upon your authorization. We look forward to assisting you with these Trail Improvements. If we can provide any additional information, contact me or Melinda at any time.

Sincerely,

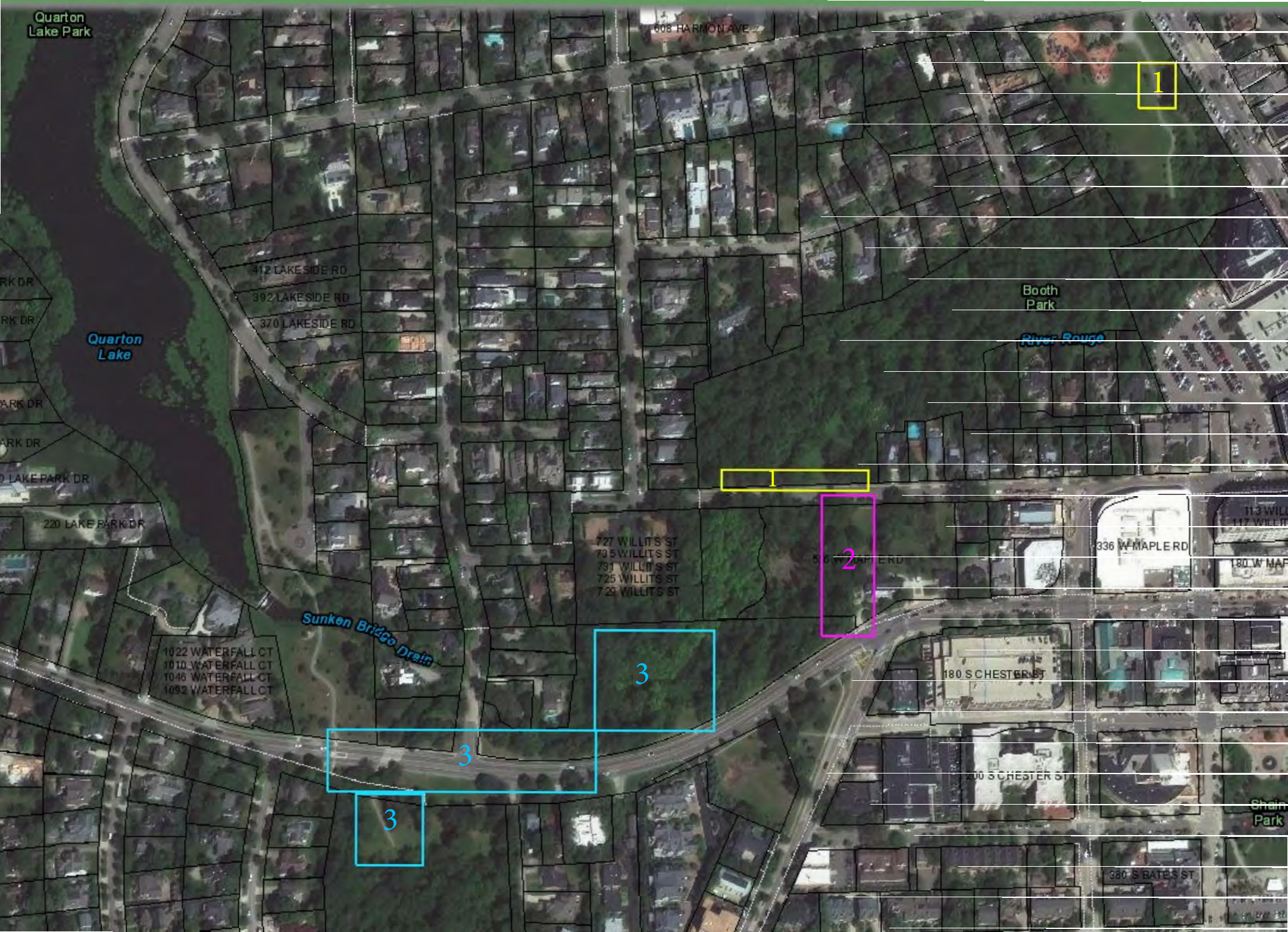
MCSA Group, Inc

Tiffany Smith  
President

Accepted this \_\_\_\_\_ day of February, 2022

\_\_\_\_\_  
Carrie Laird, Parks & Recreation Manager





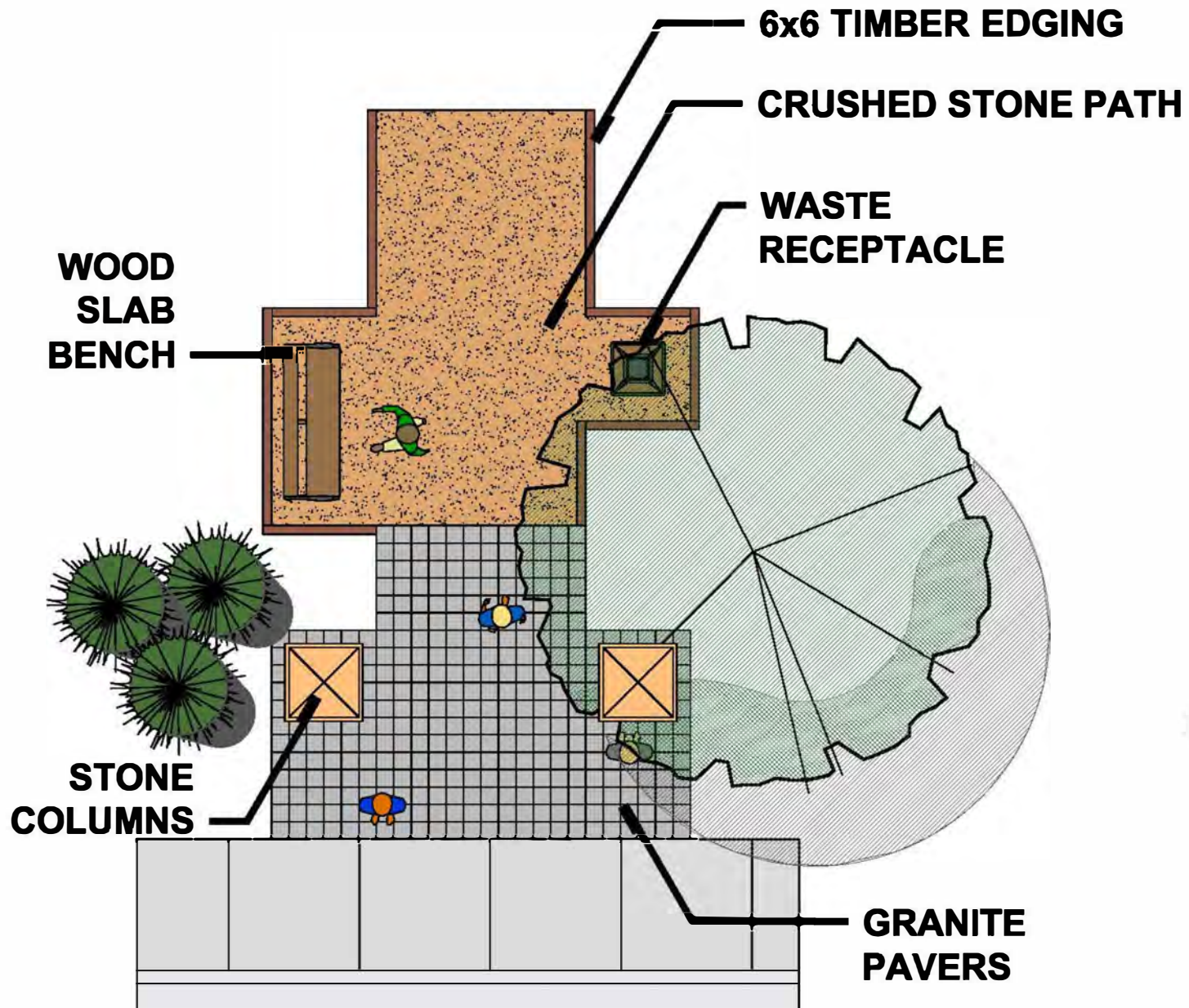
1

2

3



# Rouge River Trail Corridor Master Plan (2006)



## TRAIL ENTRY AND IDENTIFIER - PLAN VIEW

SCALE:  $\frac{1}{4}" = 1' - 0"$



KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE / HT.
<b>Canopy Trees</b>				
ASR	--	<i>Acer saccharum</i>	Sugar Maple	2" - 2-1/2" cal. B&B
CO	--	<i>Celtis occidentalis</i>	Northern Hackberry	2" - 2-1/2" cal. B&B
LT	--	<i>Liriodendron tulipifera</i>	Tuliptree	2" - 2-1/2" cal. B&B
<b>Subcanopy Trees</b>				
AA	--	<i>Amelanchier arborea</i>	Dowry Serviceberry	2" cal. B&B
CC	--	<i>Arctostaphylos</i>	Pacific Dogwood	1" cal. B&B
CC	--	<i>Carpinus caroliniana</i>	Muscledune	2" cal. B&B
OV	--	<i>Ostrya virginiana</i>	American Hophornbeam	2" cal. B&B
<b>Shrub Layer</b>				
HV	--	<i>Hamelis virginiana</i>	Witch-Hazel	36" ht. B&B
LB	--	<i>Lindera benzoin</i>	Spicebush	50" ht. 5 gal. pot
VD	--	<i>Viburnum dentatum</i>	Aronwood Viburnum	30" ht. 5 gal. pot
VL	--	<i>Viburnum lentago</i>	Nannyberry Viburnum	30" ht. 5 gal. pot

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE / HT.
<b>Canopy Trees</b>				
ASR	--	<i>Acer saccharum</i>	Sugar Maple	2" - 2-1/2" cal. B&B
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LT	--	<i>Liriodendron tulipifera</i>	Tuliptree	2" - 2-1/2" cal. B&B
<b>Subcanopy Trees</b>				
AA	--	<i>Amelanchier arborea</i>	Dowry Serviceberry	2" cal. B&B
CC	--	<i>Arctostaphylos</i>	Pacific Dogwood	1" cal. B&B
CC	--	<i>Carpinus caroliniana</i>	Muscledune	2" cal. B&B
OV	--	<i>Ostrya virginiana</i>	American Hophornbeam	2" cal. B&B
<b>Shrub Layer</b>				
HV	--	<i>Hamelis virginiana</i>	Witch-Hazel	36" ht. B&B
LB	--	<i>Lindera benzoin</i>	Spicebush	30" ht. 5 gal. pot
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VL	--	<i>Viburnum lentago</i>	Nannyberry Viburnum	30" ht. 5 gal. pot

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE / HT.
<b>Shrub Layer</b>				
AG	--	<i>Andromeda glaucophylla</i>	Bog Rosemary	24" ht., 3 gal. pot
CCA	--	<i>Chamaedaphne calyculata</i>	Leatherleaf	24" ht., 3 gal. pot
GH	--	<i>Gaultheria procumbens</i>	Creeping Snowberry	24" ht., 3 gal. pot
KG	--	<i>Kalmia latifolia</i>	Bog Laurel	24" ht., 3 gal. pot
LL	--	<i>Ledum grandilaudum</i>	Labrador Tea	24" ht., 3 gal. pot
LL	--	<i>Larix laricina</i> 'Girard's Dwarf'	Dwarf American Larch	24" ht., 3 gal. pot
VC	--	<i>Vaccinium macrocarpa</i>	Cranberry	24" ht., 3 gal. pot
<b>Ground Layer</b>				
MT	--	<i>Menyanthes trifoliata</i>	Bogbean	8" - 12"
DS	--	<i>Drosera</i> spp.	Sundews	6"
PQ	--	<i>Polygonum officinale</i>	Ladies' Plants	9" - 18"
SC	--	<i>Spiranthes cernua</i>	Ladies'-tresses	8" - 20"
SS	--	<i>Sarracenia</i> spp.	Pitcher Plants	9" - 18"
-- Quantity to be determined in the field.				

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE / HT.
<b>Shrub Layer</b>				
AG	--	<i>Andromeda glaucophylla</i>	Bog Rosemary	24" ht., 3 gal. pot
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SS	--	<i>Sarracenia</i> spp.	Pitcher Plants	9" - 18"
-- Quantity to be determined in the field.				

AREA	QTY.	COST	TOTAL
HERITAGE ZONE:			
* Tree Removal:	4	\$500	\$4,000.00
* New Plant Material:			
Deciduous Trees	3	\$650	\$1,950.00
Densiformis Yew	30	\$120	\$3,600.00
Winter Gem Boxwood	25	\$120	\$3,000.00
* Garden Bed Preparation:			\$6,000.00
* Wood Fence:	80 l.f.	\$30 l.f.	\$2,400.00
* Metal Edging:	48 l.f.	\$10 l.f.	\$480.00
* Stone Mulch:	3 c.y.	\$75 c.y.	\$225.00
Subtotal			<u>\$21,655.00</u>

AREA	QTY.	COST	TOTAL
HERITAGE ZONE:			
* Tree Removal:	4	\$500	\$4,000.00
* New Plant Material:			
Deciduous Trees	3	\$650	\$1,950.00
Densiformis Yew	30	\$120	\$3,600.00
Winter Gem Boxwood	25	\$120	\$3,000.00
* Garden Bed Preparation:			\$6,000.00
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* Metal Edging:	48 l.f.	\$10 l.f.	\$480.00
* Stone Mulch:	3 c.y.	\$75 c.y.	\$225.00
Subtotal			<u>\$21,655.00</u>

* Tree Removal:	3	\$500 ea.	\$1,500.00
* Stone Walls:	520 f.f.	\$120 f.f.	\$62,400.00
* Stone Steps:	340 s.f.	\$80 s.f.	\$27,200.00
* Exposed Aggregate Conc.	400 s.f.	\$18 s.f.	\$7,200.00
* New Plant Material:			
Deciduous Trees	5	\$650	<u>\$3,250.00</u>
Subtotal			<u>\$101,550.00</u>

* Tree Removal:	3	\$500 ea.	\$1,500.00
* Stone Walls:	520 f.f.	\$120 f.f.	\$62,400.00
* Stone Steps:	340 s.f.	\$80 s.f.	\$27,200.00
* Exposed Aggregate Conc.	400 s.f.	\$18 s.f.	\$7,200.00
* New Plant Material:			
Deciduous Trees	5	\$650	<u>\$3,250.00</u>
Subtotal			<u>\$101,550.00</u>

* Tree Removal:	12	\$500	\$6,000.00
* Shrub Removal:			\$4,000.00
* Pond Dredging:	\$85,000 / ac.	0.12 ac.	\$10,200.00
* Boulder Retaining Walls:	1,120 f.f.	\$35 f.f.	\$39,200.00
* Stone Walls:	260 f.f.	\$120 f.f.	\$31,200.00
* Crushed Limestone Path:	1,220 s.f.	\$6 s.f.	\$7,320.00
* Boardwalk:	360 s.f.	\$65 f.f.	\$23,400.00
* Wood & Cable Rail Fence:	96 f.f.	\$25 f.f.	\$2,400.00
* Concrete Sidewalk & Pad:	1,040 s.f.	\$8 s.f.	\$8,320.00
* Benches:	2	\$350	\$700.00
* Stone Patio:	670 s.f.	\$22 s.f.	\$14,740.00
* New Plant Material:			<u>\$25,000.00</u>
Subtotal			<u>\$172,480.00</u>

* Tree Removal:	12	\$500	\$6,000.00
* Shrub Removal:			\$4,000.00
* Pond Dredging:	\$85,000 / ac.	0.12 ac.	\$10,200.00
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* New Plant Material:			<u>\$25,000.00</u>
Subtotal			<u>\$172,480.00</u>

* Tree Removal:	15	\$500	\$7,500.00
* Boulder Retaining Walls:	2,480 f.f.	\$35 f.f.	\$86,800.00
* Large Boulders:	6	\$1,500	\$9,000.00
* Stone Wall:	320 f.f.	\$120 f.f.	\$38,400.00
* Stone Steps:	744 s.f.	\$60 s.f.	\$26,160.00
* Crushed Limestone Path:	1,050 s.f.	\$6 s.f.	\$6,300.00
* Crushed Limestone Pad:	290 s.f.	\$6 s.f.	\$1,740.00
* Wood & Metal Handrail:	190 l.f.	\$25 l.f.	\$4,750.00
* River Overlook:			\$14,000.00
* New Plant Material:			\$25,000.00
* Benches:	2	\$350	\$700.00
* Invasive Species Eradication:			<u>\$12,000.00</u>
Subtotal			<u>\$232,350.00</u>

* Tree Removal:	15	\$500	\$7,500.00
* Boulder Retaining Walls:	2,480 f.f.	\$35 f.f.	\$86,800.00
* Large Boulders:	6	\$1,500	\$9,000.00
* Stone Wall:	320 f.f.	\$120 f.f.	\$38,400.00
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* New Plant Material:			\$25,000.00
* Benches:	2	\$350	\$700.00
* Invasive Species Eradication:			<u>\$12,000.00</u>
Subtotal			<u>\$232,350.00</u>

Pool Restoration:	\$180,000.00
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01-04-2018 Refine plan.  
01-05-2018 Minor adjustments.

CLP - 1:  
CONCEPTUAL  
LANDSCAPE  
MASTER PLAN

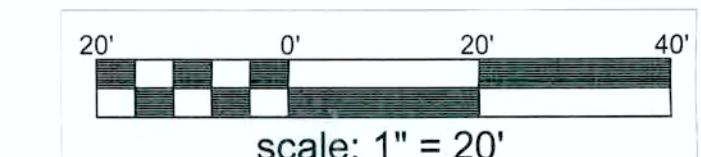
\* Base data provided by Client from Atwell Hicks & HRC.



scale: 1" = 20'



Know what's below.  
**Call** before you dig.





## **AGREEMENT OF Design Services for Trail Improvements**

**THIS AGREEMENT** is entered into this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between the **CITY OF BIRMINGHAM**, whose address is 151 Martin Street, Birmingham, MI 48009 (hereinafter referred to as the City) and MCSA Group, Inc. a Michigan Corporation, whose address is 529 Greenwood Avenue S.E., East Grand Rapids, MI 49506, (hereafter referred to as Consultant) and the foregoing shall collectively be referred to as the parties.

**WHEREAS**, the City through its Department of Public Services, desires Professional Services for the design and development of plans for trail improvements along the Rouge River Trail Corridor and in connection therewith has requested a proposal from MCSA Group, Inc.; and

**WHEREAS**, Consultant has unique knowledge and qualifications that meet the specific project requirements, and after request as a single source provider, has provided a cost proposal to perform design development of plans and cost estimates for trail improvements along the Rouge River Trail Corridor;

**NOW, THEREFORE**, in consideration of the foregoing preambles, the adequacy of which is acknowledged by and between the parties to this Agreement, the parties agree as follows:

**1. MUTUALLY AGREE:** It is mutually agreed by and between the parties that the City's Request for Proposal for professional services for design development of trail improvements Court dated January 11, 2022, for an amount not to exceed \$11,800.00 which includes design development plans and cost estimates for trail improvements along the Rouge River Trail Corridor shall be fully incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto (attached hereto as Attachment "A").

**2. TERM:** This Agreement shall have a term of 1 year from the date stated above. The City shall have the right to unilaterally terminate this Agreement on thirty (30) days written notice. In the event of termination, the Consultant shall receive compensation for services to the date the termination takes effect and the City shall be entitled to retain and use the results of all plans, specifications, and construction documents prepared by the Consultant through such date.

**3. TERMS OF PAYMENT:** The Consultant will invoice monthly for all labor supplied and work completed. In no event shall invoices be submitted more than 45 days after completion of services. Submitted invoices shall include the following detailed information: the type of work performed, the time spent on the work, the individual who performed the work and the per hour billing rate charged. The City may, at its sole discretion demand review and the right to request at any time further detailed accounting information for any or all bills. The right to inspection of any bill and invoice shall never be at any cost or billings to the City, nor shall preparation of said invoices be billed to the City or against the general retainer. Payment terms will be net 30 days unless otherwise specified by the City.

4. Consultant shall employ personnel of good moral character and fitness in performing all services under this Agreement.

5. **INSURANCE SUBMISSION REQUIREMENTS:** The Consultant has submitted proof to the City that it meets all City insurance requirements. Insurance, with coverage amounts at no less than the City's minimum requirements, must be held by the Consultant throughout the term of this Agreement. Certificates of insurance as stated below will be required no later than five (5) business days from the date of Consultant's acceptance of the terms of this Agreement.

6. **CONFIDENTIAL AND OR PROPRIETARY INFORMATION:** The Consultant acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The Consultant recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Consultant agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Consultant shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The Consultant further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.

7. **INDEPENDENT CONSULTANT:** The Consultant and the City agree that the Consultant is acting as an independent contractor with respect to the Consultant's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Consultant nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Consultant shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Consultant shall not be considered entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.

8. **COMPLIANCE WITH LAWS:** Consultant agrees to fully and faithfully carry out the duties of set forth herein using its best efforts in accomplishing all assignments from the City, and further, in addition to upholding all federal, and state laws and applicable codes of professional conduct to which Consultant is subject, Consultant hereby agrees to be bound by all Federal, State, or City of Birmingham ordinances, rules, regulations and policies as are amended from time to time, and including without limitation the Fair Labor Standards Act, the Equal Employment Opportunity rules and regulations, the Transportation Safety Act and the Occupational Safety and Health Acts.

9. **NON-COMPLIANCE WITH INSURANCE REQUIREMENTS:** Failure to deliver and maintain insurance in accordance with the terms of this Agreement will be cause for the City,

by and through its City Manager, to terminate this Agreement, or at the City's option, the City may purchase on the open market such required insurance and shall be entitled to charge any additional cost to the Consultant, either by offset to any amounts due and owing Consultant for services provided to the City, or, by separate bill and demand for payment. Nothing in this paragraph shall be deemed to create or be interpreted as establishing a "for cause" termination; Consultant agrees and understands that its engagement is at will and may be terminated by the City Manager for any cause or no cause.

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

**11. STANDARD INSURANCE REQUIREMENTS:**

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

A. Workers' Compensation Insurance:

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

For Sole Proprietorships: Consultant shall complete and furnish to the City prior to the commencement of work under this Agreement a signed and notarized Sole Proprietor Form, for sole proprietors with no employees or with employees, as the case may be.

B. Commercial General Liability Insurance: Consultant shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than **\$1,000,000** per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Consultant 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: Consultant shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

D. Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following 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: If applicable, professional liability insurance with limits of not less than \$2,000,000 per claim if Consultant will provide services that are customarily subject to this type of coverage.

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

G. Proof of Insurance Coverage: Consultant 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, or a signed and notarized copy of the Sole Proprietor Form;
- 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, if applicable;
- 5) If so requested, Certified Copies of all policies mentioned above will be furnished.

H. Maintaining Insurance: Upon failure of the Consultant 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.

**12. WRITTEN NOTICES:** Written notices regarding this Agreement shall be addressed to the following:

City: City of Birmingham  
P.O. Box 3001  
Birmingham, Michigan 48012  
Attn: Lauren Wood

Consultant: MCSA Group, Inc.  
529 Greenwood Avenue S.E.  
East Grand Rapids, Michigan 49506  
Attn: Tiffany Smith

**13. COVID:** The Consultant shall follow all of the City's COVID-19 safety protocols while on City property. Additionally, Consultant 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 Consultant 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 Consultant is unable to comply, this violation of safety protocols will constitute a breach of contract by the Consultant.

**14. AMENDMENTS:** No amendment, modification or supplement to this Agreement shall be binding unless it is in writing and signed by authorized representatives of the parties.

**15. WAIVER OF BREACH:** No waiver by either party of any breach of any of the terms, covenants or conditions herein contained by the other party shall be construed as a waiver of any succeeding breach of this same or of any other term, covenant or condition.

**16. COMPLETE AGREEMENT:** The parties agree that the conditions set forth in this Agreement sets forth all terms and conditions of Consultant agreement with the City of Birmingham. This Agreement supersedes all prior agreements or understandings between the parties. There are no promises, conditions or understandings other than those stated herein, and, that any prior negotiations, terms or conditions discussed between the City and the Consultant shall not constitute a part of this Agreement. The term "agreement" as used in this clause shall include any future written amendments, modifications, or supplements made in accordance herewith.

**17. DIRECT OR INDIRECT INTEREST:** If, after the effective date of this Agreement, any official of the City, or spouse, child, parent or in-law of such official or employee shall become directly or indirectly interested in this Agreement or the affairs of the Consultant, the City shall have the right to terminate this Agreement without further liability to the Consultant if the disqualification has not been removed within thirty (30) days after the City has given the Consultant notice of the disqualifying interest. Ownership of less than one percent (1%) of the

stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.

**18. FAILURE TO PERFORM.** If Consultant 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.

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

**20. RESPONSE TO REQUESTS FOR PROPOSALS:** The Consultant shall be held to and bound by all terms, conditions, warranties and representations which it made in its written response or proposal dated January 11, 2022, (attached hereto as Attachment "B"). In the event of a conflict in any of the terms of this Agreement and the Consultant's January 11, 2022 proposal, the terms of this Agreement shall prevail.

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

**IN WITNESS WHEREOF**, the parties hereto agree to be bound by the above terms and conditions, and Consultant, by its authorized signature below, expressly accepts this Agreement upon the above provided terms and conditions contained in this Agreement as of the date first above written.

MCSA GROUP, INC.  
Consultant  
By: [Signature]  
Its: President

STATE OF MICHIGAN     )  
                    Kent     ) ss:  
COUNTY OF ~~OAKLAND~~ )

On this 14th day of February, 2022 before me personally appeared \_\_\_\_\_, who acknowledged that with authority on behalf of Tiffany Juma to do so he/she signed this Agreement.

[Signature]  
Suzanne M. Vanderkeek Notary Public  
Kent County, Michigan  
Acting in \_\_\_\_\_ County, Michigan  
My commission expires: 7-10-2026





**CITY OF BIRMINGHAM:**


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


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

**APPROVED:**

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

  
Lauren A. Wood  
(Approved as to substance)

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

  
Mark A. Gerber, Finance Director  
(Approved as to Financial Obligation)






# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
02/21/2022

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

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

<b>PRODUCER</b> <b>State Farm</b>  <b>BILL COLE</b> 2169 WEALTHY ST SE GRAND RAPIDS, MI 49506		<b>CONTACT NAME:</b> DEB NOWACZYK <b>PHONE (A/C, No, Ext):</b> 616-458-4994 <b>FAX (A/C, No):</b> 616-214-3007 <b>E-MAIL ADDRESS:</b> DEBBI@BILLCOLEAGENCY.COM		
<b>INSURED</b>  MC SMITH ASSOCIATES & ARCHITECTURAL GROUP INC 529 GREENWOOD AVE SE GRAND RAPIDS, MI 49506		<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
		<b>INSURER A:</b> State Farm Mutual Automobile Insurance Company		25178
		<b>INSURER B:</b> State Farm Fire and Casualty Company		25143
		<b>INSURER C:</b>		
		<b>INSURER D:</b>		
		<b>INSURER E:</b>		

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

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

INSR I, TR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y		92-CH-W309-9	01/28/2022	01/28/2023	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY			897-3366-D09-22	10/09/2021	04/09/2022	COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ 500,000 BODILY INJURY (Per accident) \$ 500,000 PROPERTY DAMAGE (Per accident) \$ 250,000 \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE <b>DED</b> <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NM) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	92-EM-F857-6	01/22/2022	01/22/2023	PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

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

The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employee and volunteers hereof.

## CERTIFICATE HOLDER

CITY OF BIRMINGHAM  
PO BOX 3001  
BIRMINGHAM, MI 48012  
ATTN: LAUREN WOOD

## CANCELLATION

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

AUTHORIZED REPRESENTATIVE

*Deborah M Nowaczyk*

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# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/15/2022

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

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

<b>PRODUCER</b> Moore Insurance Services, Inc. 67 N. Howell P.O. Box 207 Hillsdale MI 49242	<b>CONTACT NAME:</b> Cyndi Armstrong <b>PHONE (A/C, No, Ext):</b> (517) 439-9345 <b>FAX (A/C, No):</b> (517) 439-5536 <b>E-MAIL ADDRESS:</b> carmstrong@mooreinsuranceservices.com
<b>INSURED</b> M.C. Smith Associates and Architectural Group, Inc. DBA: MCSA Group, Inc. 529 Greenwood Avenue SE East Grand Rapids MI 49506	<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> RLI Insurance Company <b>INSURER B:</b> <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>

**COVERAGES****CERTIFICATE NUMBER:** CL2112803494**REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ OTHER \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ OTHER \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ OTHER \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N <input type="checkbox"/> N/A						PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Professional Liability w/ Pollution Incident			RDP0041865	12/27/2021	12/27/2022	Per Claim \$2,000,000 Aggregate \$2,000,000

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

RE: Design Services for Trail Improvements

**CERTIFICATE HOLDER****CANCELLATION**

City of Birmingham P.O. Box 3001  Birmingham MI 48012	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE  <i>Eric A Moore</i>
--	--

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## MEMORANDUM

IT Department

**DATE:** 2/28/2022

**TO:** Tom Markus, City Manager

**FROM:** Eric Brunk, IT Manager

**SUBJECT:** Palo Alto Firewall Security Subscription Renewal

---

### Introduction:

The support and security subscription licenses for our Palo Alto firewall are up for renewal. This equipment is our first line of defense for our network and helps to keep our computer systems virus free.

### Background:

Support and security subscriptions for the Palo Alto firewall are a yearly renewal and allows for continuous updates to the firewall to keep up with the latest infected websites, internet hacks, as well as virus and malware attack attempts. This is a 6 month extension instead of a full year renewal as we are looking to replace the existing hardware in the new fiscal year and that replacement will have its own bundle of support and security subscriptions included.

### Legal Review:

The city attorney has reviewed the documents and the agreements and has no objections

### Fiscal impact:

Palo Alto has worked with AmeriNet (our vendor of record) to put together a bundled price for the renewal of the Support and Subscription Licenses using GSA Multiple Award Schedule IT-70 extendable contract # GS-35F-0511T which expires in June of 2022.

Money was budgeted for the renewal of Palo Alto support and subscription licenses in the IT computer maintenance Fund account.

### Summary:

The IT department would like to purchase the security subscription, and support License extensions for the Palo Alto firewall from AmeriNet.

### SUGGESTED RESOLUTION:

Make a motion adopting a resolution to authorize the IT department to purchase the security subscription and support license extension for the Palo Alto firewall from AmeriNet. The purchase price not to exceed \$11,360.40. Funds are available in the IT computer maintenance fund account # 636-228.000-933.0600



**Birmingham City | Palo Alto | Renewal 6 Month**

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

**Summary**

Total Amount:	<b>\$11,360.40</b>	Quote ID:	QUO-18718-V9H2P2
Shipping Method:		Date:	2/1/2022
Payment Terms:			

**Details**

Product ID	Product	Serial #	Start Date	End Date	Quantity	Price	Sub Total
PAN-PA-3020-WF-HA2-R	WildFire subscription renewal for devices in HA pair, PA-3020	'001801042226	2/2/2022	8/31/2022	1	\$931.00	\$931.00
PAN-SVC-PREM-3020-R	Premium support year 1 renewal, PA-3020	'001801042226	2/2/2022	8/2/2022	1	\$1,525.00	\$1,525.00
PAN-PA-3020-ADVURL-HA2-R	Subscription Advanced URL Filtering, 1-year, PA-3020, HA Pair Renewal	'001801042226	2/2/2022	8/2/2022	1	\$1,396.50	\$1,396.50
PAN-PA-3020-TP-HA2-R	Threat prevention subscription renewal for devices in HA pair, PA-3020	'001801042226	2/2/2022	8/2/2022	1	\$931.00	\$931.00
PAN-PA-3020-GP-HA2-R	GlobalProtect subscription renewal for devices in HA pair, PA-3020	'001801042226	2/2/2022	8/2/2022	1	\$931.00	\$931.00
PAN-PA-3020-TP-HA2-R	Threat prevention subscription renewal for devices in HA pair, PA-3020	'001801042254	2/2/2022	8/2/2023	1	\$931.00	\$931.00
PAN-SVC-PREM-3020-R	Premium support year 1 renewal, PA-3020	'001801042254	2/2/2022	8/2/2022	1	\$1,525.00	\$1,525.00
PAN-PA-3020-GP-HA2-R	GlobalProtect subscription renewal for devices in HA pair, PA-3020	'001801042254	2/2/2022	8/2/2022	1	\$862.40	\$862.40
PAN-PA-3020-WF-HA2-R	WildFire subscription renewal for devices in HA pair, PA-3020	'001801042254	2/2/2022	8/2/2022	1	\$931.00	\$931.00
PAN-PA-3020-ADVURL-HA2-R	Subscription Advanced URL Filtering, 1-year, PA-3020, HA Pair Renewal	'001801042254	2/2/2022	8/2/2022	1	\$1,396.50	\$1,396.50
<b>Total</b>							<b>\$11,360.40</b>

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

**DATE:** February 21, 2022

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

**FROM:** Melissa Fairbairn, Assistant to the City Manager

**SUBJECT:** Bang the Table Renewal

---

**INTRODUCTION:**

The City purchased an annual subscription for Bang the Table's public engagement platform in February 2021 and launched Engage Birmingham in April 2021. The annual subscription is due for renewal in March 2022.

**BACKGROUND:**

At the February 8, 2021 meeting, the City Commission passed a resolution to purchase a one-year subscription for Bang the Table's public engagement platform. The site, Engage Birmingham, launched on April 29, 2021. Since its launch, more than 1,400 residents have registered for Engage Birmingham.

In the ten months since its launch, Engage Birmingham has hosted projects covering topics such as outdoor dining, pickleball courts, and public art installations. Residents who visit Engage Birmingham project pages are able to learn detailed information about the projects, view renderings, and offer their perspectives. Projects such as food trucks, the South Eton bikeway, and outdoor dining have elicited hundreds of responses from residents who answered both short- and long-form questions. Residents' responses to projects have been included in the agenda packets for the City Commission and other boards and committees for consideration in their decision-making.

**LEGAL REVIEW:**

The City Attorney has reviewed and approved of the service agreement renewal with Bang the Table.

**FISCAL IMPACT:**

This renewal is a budgeted item.

**PUBLIC COMMUNICATIONS:**

N/A

**SUMMARY:**

The IT department requests to renew of the City's subscription with Bang the Table for one year.

**ATTACHMENTS:**

- February 8, 2021 Memo
- Bang the Table Renewal Contract

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution to approve a one (1) year agreement with Bang the Table for a subscription to its public engagement platform in the amount not to exceed (\$13,300). 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 #636-228.000-933.0700.

## SERVICE AGREEMENT WITH BANG THE TABLE

**THIS AGREEMENT** is entered into this 5th day of January, 2022, by and between the **CITY OF BIRMINGHAM**, whose address is 151 Martin Street, Birmingham, MI 48009 (hereinafter referred to as the City) and **BANG THE TABLE** an Australian Company, doing business in Michigan, whose address is 2400 Spruce Street, #204 Boulder, CO 80302, (hereafter referred to as Contractor) and the foregoing shall collectively be referred to as the parties.

**WHEREAS**, the City desires to engage Bang the Table for the City's needs and in connection therewith for website onboarding services; and

**WHEREAS**, Contractor has qualifications that meet the project requirements and has provided a response and cost proposal to perform website onboarding services.

**NOW, THEREFORE**, in consideration of the foregoing preambles, the adequacy of which is acknowledged by and between the parties to this Agreement, the parties agree as follows:

**1. MUTUALLY AGREE:** It is mutually agreed by and between the parties that the Service Agreement attached hereto as Attachment "A" shall be fully incorporated herein by reference, and shall become a part of this Agreement, except any term or condition set forth in this Agreement shall take precedence and be binding upon both parties hereto.

**2. TERM:** This Agreement shall have a term of one (1) year from the date stated above. The City shall have the right to unilaterally terminate this Agreement on thirty (30) days written notice. In the event of termination, the Contractor shall receive compensation for services to the date the termination takes effect and the City shall be entitled to retain and use the results of all website onboarding services provided by Contractor through such date.

**3. TERMS OF PAYMENT:** The Contractor will invoice monthly for all labor supplied and work completed. In no event shall invoices be submitted more than 45 days after completion of services. Submitted invoices shall include the following detailed information: the type of work performed, the time spent on the work, the individual who performed the work and the per hour billing rate charged. The City may, at its sole discretion demand review and the right to request at any time further detailed accounting information for any or all bills. The right to inspection of any bill and invoice shall never be at any cost or billings to the City, nor shall preparation of said invoices be billed to the City or against the general retainer. Payment terms will be net 30 days unless otherwise specified by the City.

**4.** Contractor shall employ personnel of good moral character and fitness in performing all services under this Agreement.

**5. INSURANCE SUBMISSION REQUIREMENTS:** The Contractor has submitted proof to the City that it meets all City insurance requirements. Insurance, with coverage amounts

at no less than the City's minimum requirements, must be held by the Contractor throughout the term of this Agreement. Certificates of insurance as stated below will be required no later than five (5) business days from the date of Contractor's acceptance of the terms of this Agreement.

**6. CONFIDENTIAL AND OR PROPRIETARY INFORMATION:** The Contractor acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The Contractor recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Contractor agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Contractor shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The Contractor further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.

**7. INDEPENDENT CONTRACTOR:** The Contractor and the City agree that the Contractor is acting as an independent contractor with respect to the Contractor's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Contractor nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Contractor shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Contractor shall not be considered entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.

**8. COMPLIANCE WITH LAWS:** Contractor agrees to fully and faithfully carry out the duties of set forth herein using its best efforts in accomplishing all assignments from the City, and further, in addition to upholding all federal, and state laws and applicable codes of professional conduct to which Contractor is subject, Contractor hereby agrees to be bound by all Federal, State, or City of Birmingham ordinances, rules, regulations and policies as are amended from time to time, and including without limitation the Fair Labor Standards Act, the Equal Employment Opportunity rules and regulations, the Transportation Safety Act and the Occupational Safety and Health Acts.

**9. NON-COMPLIANCE WITH INSURANCE REQUIREMENTS:** Failure to deliver and maintain insurance in accordance with the terms of this Agreement will be cause for the City, by and through its City Manager, to terminate this Agreement, or at the City's option, the City may purchase on the open market such required insurance and shall be entitled to charge any additional cost to the Contractor, either by offset to any amounts due and owing Contractor for services provided to the City, or, by separate bill and demand for payment. Nothing in this paragraph shall be deemed to create or be interpreted as establishing a "for cause" termination; Contractor agrees



and understands that its engagement is at will and may be terminated by the City Manager for any cause or no cause.

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

**11. STANDARD INSURANCE REQUIREMENTS:**

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

A. Workers' Compensation Insurance:

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

For Sole Proprietorships: Contractor shall complete and furnish to the City prior to the commencement of work under this Agreement a signed and notarized Sole Proprietor Form, for sole proprietors with no employees or with employees, as the case may be.

B. Commercial General Liability Insurance: Contractor shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than **\$1,000,000** per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractor Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.

C. Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the

following **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.

D. Professional Liability: If applicable, professional liability insurance with limits of not less than \$2,000,000 per claim if Contractor will provide services that are customarily subject to this type of coverage.

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

F. Proof of Insurance Coverage: Contractor shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.

- 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance, or a signed and notarized copy of the Sole Proprietor Form;
- 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, if applicable;
- 5) If so requested, Certified Copies of all policies mentioned above will be furnished.

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

**12. WRITTEN NOTICES:** Written notices regarding this Agreement shall be

addressed to the following:

City: City of Birmingham  
P.O. Box 3001  
Birmingham, Michigan 48012  
Attn: Eric Brunk

Contractor: Bang the Table  
2400 Spruce Street, #204  
Boulder, CO 80302  
Attn: Meghan Ruble, Head of Client Services, North America

**13. COVID:** The Contractor shall follow all of the City's COVID-19 safety protocols while on City property. Additionally, Contractor 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 Contractor 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 Contractor is unable to comply, this violation of safety protocols will constitute a breach of contract by the Contractor.

**14. AMENDMENTS:** No amendment, modification or supplement to this Agreement shall be binding unless it is in writing and signed by authorized representatives of the parties.

**15. WAIVER OF BREACH:** No waiver by either party of any breach of any of the terms, covenants or conditions herein contained by the other party shall be construed as a waiver of any succeeding breach of this same or of any other term, covenant or condition.

**16. COMPLETE AGREEMENT:** The parties agree that the conditions set forth in this Agreement sets forth all terms and conditions of Contractor agreement with the City of Birmingham. This Agreement supersedes all prior agreements or understandings between the parties. There are no promises, conditions or understandings other than those stated herein, and, that any prior negotiations, terms or conditions discussed between the City and the Contractor shall not constitute a part of this Agreement. The term "agreement" as used in this clause shall include any future written amendments, modifications, or supplements made in accordance herewith.

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

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

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

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

**IN WITNESS WHEREOF,** the parties hereto agree to be bound by the above terms and conditions, and Contractor, by its authorized signature below, expressly accepts this Agreement upon the above provided terms and conditions contained in this Agreement as of the date first above written.

BANG THE TABLE, Contractor

By: 

Meghan Ruble, Head of Client Services, North America

By:   
Angie Tilley, Office Manager

STATE OF FLORIDA )  
 ) ss:  
COUNTY OF LEON )

On this 31<sup>st</sup> day of January, 2022, before me personally appeared Angie Tilley who acknowledged that with authority on behalf of Bang the Table to do so she signed this Agreement.



Notary Public

Leon County, Florida

Acting in Leon County, Florida

My commission expires: August 3, 2024

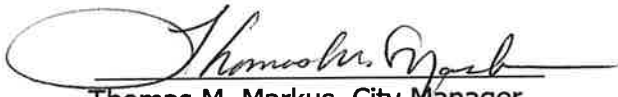



**CITY OF BIRMINGHAM:**

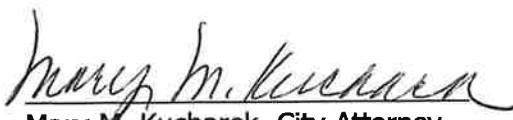
By: \_\_\_\_\_  
Therese Longe, Mayor


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

**APPROVED:**

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

  
Eric Brunk, IT  
(Approved as to substance)

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

  
Mark A. Gerber, Finance Director  
(Approved as to Financial Obligation)

## ATTACHMENT A



## Service Agreement

**Name of "Customer"** City of Birmingham, MI

**Customer Address** 151 Martin Street, P.O Box 3001 Birmingham, Michigan 48012

**Customer Phone** (248) 530-1807

**Primary Contact** Melissa Fairbairn  
mfairbairn@bhamgov.org

**Term** 02/18/2022 to 02/17/2023

**Service Details** See Bang the Table's proposal and/or prospectus for details.

**Total Fees** \$13,300

**EngagementHQ Package** Annual License

**EngagementIQ Package** Core Support

**Additional Services & Integrations**

*Integrations require the cooperation of third parties. We enter into a contract to provide integrations on the basis of 'best endeavors' if, for reasons beyond our control, an integration ceases to work we will refund pro rata the integration portion of the contract. This has no impact on the software package and service components of the contract.*

The Master Terms and Conditions set forth below (the "Terms", and together with this Service Agreement, collectively, the "Agreement") are a binding agreement between you ("you" or "Customer") and Bang the Table, ("BTT", "us" or "we") governing your use of the Services ordered above. The Terms are hereby incorporated into this Service Agreement. By signing below, each party agrees to comply with the terms and conditions set forth in this Service Agreement and in the Terms.



# CERTIFICATE OF LIABILITY INSURANCE

10/20/2022

DATE (MM/DD/YYYY)

1/6/2022

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

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

<b>PRODUCER</b> Lockton Insurance Brokers, LLC CA License #OF15767 Three Embarcadero Center, Suite 600 San Francisco CA 94111 (415) 568-4000	<b>CONTACT NAME:</b>	<b>FAX (A/C, No):</b>	
	<b>PHONE (A/C, No, Ext):</b>	<b>E-MAIL ADDRESS:</b>	
<b>INSURED</b> 1464327 Bang The Table USA, LLC 2400 Spruce Street, #201 Boulder CO 80302	<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
	<b>INSURER A: National Fire Insurance Co of Hartford</b>		20478
	<b>INSURER B: Valley Forge Insurance Company</b>		20508
	<b>INSURER C: The Continental Insurance Company</b>		35289
	<b>INSURER D: Columbia Casualty Company</b>		31127
	<b>INSURER E: American Casualty Company of Reading, PA</b>		20427
<b>INSURER F:</b>			

**COVERAGES** GRAIN01 **CERTIFICATE NUMBER:** 18145527 **REVISION NUMBER:** XXXXXXXX

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC OTHER:	Y	N	6043664103	10/20/2021	10/20/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B	<input type="checkbox"/> <b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY <input checked="" type="checkbox"/> Comp \$100 Ded Coll \$1,000 Ded	Y	N	6043664084	10/20/2021	10/20/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ XXXXXXXX BODILY INJURY (Per accident) \$ XXXXXXXX PROPERTY DAMAGE (Per accident) \$ XXXXXXXX \$ XXXXXXXX
	<input type="checkbox"/> <b>UMBRELLA LIAB</b> <input type="checkbox"/> EXCESS LIAB DED RETENTION \$			NOT APPLICABLE			EACH OCCURRENCE \$ XXXXXXXX AGGREGATE \$ XXXXXXXX \$ XXXXXXXX
C	<input type="checkbox"/> <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	6043664067 (AOS) 6043664070 (CA)	10/20/2021 10/20/2021	10/20/2022 10/20/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D	Professional Liab. Cyber	N	N	596722177 (E&O/Cyber)	12/15/2021	12/15/2022	\$5M \$5M

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

The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof are Additional Insureds with respect to liability arising out of the operations of the insured and to the extent provided by the policy language or endorsement issued or approved by the insurance carrier. Insurance provided to Additional Insured(s) is primary and non-contributory as per the attached endorsements or policy language.

**CERTIFICATE HOLDER****CANCELLATION** See Attachments

18145527

City of Birmingham  
Attn: Eric Brunk  
P.O. Box 3001  
Birmingham MI 48012

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

AUTHORIZED REPRESENTATIVE

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## Police Department Memorandum

**DATE:** February 18, 2022

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

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

**SUBJECT:** Request to Transfer Ownership of the Class C and SDM Liquor License with Sunday Sales (AM/PM) Permit, (4) Additional Bar Permits, Catering Permit, Off Premise Storage, Outdoor Service Area Permit and Dance/Entertainment Permit from Eton Street Restaurant Inc. (Business I.D. # 392) Located at 245-235 S. Eton Street, Birmingham, Oakland County, MI 48009 to Station MLCC, LLC; and Request to Cancel the Catering Permit, Off Premise Storage and (2) Additional Bar Permits

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### INTRODUCTION:

The police department has received a request from the Law Offices of Adkison, Need, Allen, and Rentrop representing Station MLCC, LLC ("Station MLCC"). Station MLCC is requesting approval to transfer ownership of the Class C License from Eton Street Restaurant Inc., formally operated as Big Rock and The Reserve at 325 S. Eton St. to Station MLCC, LLC. Station MLCC is requesting a transfer of the following permits: SDM License (beer and wine to go), Sunday Sales (AM/PM) Permit, Dance/Entertainment Permit, Outdoor Service Area Permit and two Additional Bar Permits ("Liquor License"). Station MLCC has paid the initial fee of \$1500.00 for a business that serves alcoholic beverages for consumption on the premises per section 7.33 of the Birmingham City Code for a liquor license application fee and investigation.

Chapter 10 (Alcoholic Liquors), Section 42 of the Birmingham City Code requires that "any and all transfers of a liquor 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." In this case, the liquor license is being transferred from Eton Street Restaurant, Inc. to Station MLCC, LLC; which is why this issue is coming before the City Commission.

Eton Street Restaurant, Inc. formerly operated at this location since 1997 and closed business operations in December of 2021.

Chapter 10 (Alcoholic Liquors), Section 42 of the Birmingham City Code requires that "any and all transfers of a liquor 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.” In this case, the interest in the license through an entity is why this issue is coming before the City Commission.

#### BACKGROUND:

Station MLCC’s sole member is John Cataldo. It is the intention of Station MLCC to transfer the license into escrow with the Michigan Liquor Control Commission (“MLCC”). The license will remain in escrow until Station MLCC determines if they will open the business with a management company or transfer the license to a new entity that will operate the business after obtaining approvals from the City and the MLCC. An unrelated company purchased the subject real estate from the previous real estate owner. Station MLCC will pay \$10.00 for the acquisition of the license and approximately \$9,000.00 for the inventory. These costs are being covered by the applicant out of personal account funds that were verified (Fifth-Third Bank). As previously stated, there is no business operation for the location at this time. Therefore, there is no need for a new Special Land Use Permit (“SLUP”) until Station MLCC determines a business operation. Once a business operation has been determined, Station MLCC will return to the City and proceed through the SLUP process.

A background check was conducted on John (JC) Cataldo using the Law Enforcement Information Network (LEIN), the Court’s Law Enforcement Management Information System (CLEMIS) and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLIN) FBI N-DEX national database. No negative information was uncovered.

#### LEGAL REVIEW:

The city attorney has reviewed the suggested resolution and has no objection.

#### FISCAL IMPACT:

\$1,500.00 liquor license application fee received.

#### PUBLIC COMMUNICATIONS:

Non-applicable

#### SUMMARY:

Station MLLC is requesting the approval to transfer ownership of the Class C License from Eton Street Restaurant Inc., formally operated as Big Rock and The Reserve at 325 S. Eton St. to Station MLCC, LLC. Station MLCC is requesting a transfer of the following permits: SDM License (Beer and wine to go), Sunday Sales (AM/PM) Permit, Dance/Entertainment Permit, Outdoor Service Area Permit and two Additional Bar Permits (“Liquor License”). The sole member of Station MLCC, Mr. John (JC) Cataldo, has successfully completed the police department background check. It is the intention of Station MLCC to transfer the license into escrow with the Michigan Liquor Control Commission (“MLCC”). The license will remain in escrow until Station MLCC determines if they will open the business with a management company or transfer the

license to a new entity that will operate the business after obtaining approvals from the City and the MLCC.

The police department has not uncovered any information that would give cause to deny the applicant's request.

**SUGGESTED COMMISSION ACTION:**

- A. Make a motion adopting a resolution to authorize the City Clerk to complete the Local Approval Notice at the request of Station MLCC, LLC to transfer ownership of the Class C and SDM Liquor License with Sunday Sales (AM/PM) Permit, (4) Additional Bar Permits, Catering Permit, Off Premise Storage, Outdoor Service Area Permit and Dance/Entertainment Permit from Eton Street Restaurant Inc. (Business I.D. # 392) located at 245-235 S. Eton Street, Birmingham, Oakland County, MI 48009 to Station MLCC, LLC; and request to cancel the Catering Permit, Off Premise Storage and (2) Additional Bar Permits



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## Police Department Memorandum

**DATE:** February 16, 2022

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

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

**SUBJECT:** Forest Grill 2, LLC Requests a transfer of membership in the Class C and SDM License with Sunday Sales (PM) and Outdoor Service Area located at 735 Forest, Birmingham, Oakland County, MI from 50% Elm Restaurant Group, LLC and 50% SSE Restaurant Group, LLC to 100% SSE Restaurant Group, LLC.

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### INTRODUCTION:

The police department has received a request from the Law Offices of Adkison, Need, Allen, and Rentrop for a transfer of membership in Forest Grill 2, LLC. Forest Grill 2, LLC is a Class C and SDM liquor licensed entity which operates with Sunday Sales (PM) and an Outdoor Service Area permit located at 735 Forest, Birmingham, Oakland County, MI 48009, doing business as Forest Grill. Forest Grill 2, LLC has paid the initial fee of \$1500.00 for a business that serves alcoholic beverages for consumption on the premises per section 7.33 of the Birmingham City Code. Forest Grill 2, LLC is comprised of two members:

<u>Members</u>	<u>Membership</u>
Elm Restaurant Group, LLC	50%
SSE Restaurant Group, LLC	50%

Elm Restaurant Group, LLC is selling its 50% memberships interest in Forest Grill to SSE Restaurant Group, LLC for \$130,000.00. SSE Restaurant Group, LLC will become the sole member of Forest Grill (100%). Upon completion of the membership transfer, membership of Forest Grill2, LLC will be:

<u>Member</u>	<u>Membership</u>
SSE Restaurant Group	100%

Chapter 10 (Alcoholic Liquors), Section 42 of the Birmingham City Code requires that "any and all transfers of a liquor 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." In this case, the interest in the license through an entity is the reason this issue is coming before the City Commission.

#### BACKGROUND:

SSE Restaurant Group, LLC's sole member is Sammy Eid. Mr. Eid has been a member of SSE Restaurant Group, LLC since 2015. The funds for this acquisition will be derived from the Forest Grill bank account to Mr. Eid as a distribution. The police department verified sufficient funds for this distribution (Nicolet National Bank). Forest Grill will continue to lease the property from the landlord, 735 Forest Street, LLC. The current hours of operation are from 4:30 p.m. to 10:00 p.m. Total capacity of the restaurant is 220. There are no planned changes to the hours of operation, capacity or layout of the restaurant. No Special Land Use Permit (SLUP) change is required as Mr. Eid is already a member on the current SLUP and as stated earlier, there are no planned changes to the operation.

A background check was conducted on Sammy Eid using the Law Enforcement Information Network (LEIN), the Court's Law Enforcement Management Information System (CLEMIS) and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLIN) FBI N-DEX national database. No negative information was uncovered.

It should be noted that on December 6, 2018, Forest Grill was cited by the Birmingham Police Department for furnishing alcoholic liquor to a person under the age of twenty-one (21) as part of the department's undercover liquor license decoy program. The Michigan Liquor Control Commission (MLCC) issued a fine to Forest Grill in the amount of \$700.00 on April 17, 2019.

#### LEGAL REVIEW:

The City Attorney has reviewed the change in the owner membership and is satisfied that there is no change to the SLUP and a new SLUP does not need to be created pursuant to 7.37 of the Zoning Ordinance, Sec. D.

"D. Once a permit for a special land use has been granted as to any parcel of land, no change in that use may be made nor may any addition to or change in the building or improvements on the parcel of land take place until a new request for approval has been filed with the City Commission and the City Commission has approved the request for change. Administrative approval for minor building exterior changes or site improvements may be permitted by the City Planner as provided in Section 7.25 and Section 7.14. In instances where a change in the special land use permit would also require Site Plan Review under Section 7.14, such Site Plan Review shall be accomplished in accordance with the provisions Section 7.34."

#### FISCAL IMPACT:

\$1,500.00 liquor license application fee received.

#### PUBLIC COMMUNICATIONS:

Non-applicable

#### SUMMARY:

Forest Grill 2, LLC is requesting a transfer of its membership interest. Forest Grill 2, LLC holds the Class C and SDM License with Sunday Sales (PM) and Outdoor Service Area located at 735 Forest, Birmingham, Oakland County, MI and is requesting that the 50% membership interest owned by Elm Restaurant Group, LLC be transferred to SSE Restaurant Group, such that Forest Grill 2, LLC will be owned 100% by SSE Restaurant Group, LLC. The applicant, Mr. Samy Eid, has successfully completed the police background check. There is no change to the current SLUP in place for Forest Grill as Mr. Eid is already a member on the SLUP and there are no planned changes to the operation. The police department has not uncovered any information that would give cause to deny the applicant's request.

#### SUGGESTED COMMISSION ACTION:

- A. Make a motion adopting a resolution to authorize the City Clerk to complete the Local Approval Notice at the request of Forest Grill 2, LLC to approve the request of Forest Grill 2, LLC to transfer the membership in Forest Grill 2, LLC which holds the Class C and SDM License with Sunday Sales (PM) and Outdoor Service Area located at 735 Forest, Birmingham, Oakland County, MI from 50% Elm Restaurant Group, LLC and 50% SSE Restaurant Group, LLC to 100% SSE Restaurant Group, LLC.



## MEMORANDUM

Planning Division

**DATE:** February 22<sup>nd</sup>, 2022

**TO:** Thomas Markus, City Manager

**FROM:** Brooks Cowan, Senior Planner

**APPROVED:** Nicholas Dupuis, Planning Director

**SUBJECT:** Piano in the Park

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### INTRODUCTION:

The City of Birmingham placed a piano in Shain Park beneath the pavillion for anyone to play from June to November in 2019. The Public Arts Board has recommened that a piano be placed in Shain Park beneath the pavillion once again.

### BACKGROUND:

On May 22<sup>nd</sup>, 2019, the City Commission voted to approve Piano in the Park with the conditions that it be equipped with industrial grade, lockable wheels, that it be painted off-site, and that it be covered and moved during Shain Park events.

Staff coordinated with Public Arts Boards members and the Detroit School of Rock and Pop to obtain a piano dolly and install industrial grade lockable wheels. The piano was sanded and primed, and then the Public Arts Board hosted a piano painting event at St James Church on June 1<sup>st</sup>, 2019. The location and timing was ideal due the the occurrence of the Birmingham Fair at the same time and the coverage from rain that the St. James parking lot provides.

On June 3<sup>rd</sup>, 2019 the piano was wheeled into Shain Park for all to play and enjoy. A large grill cover was purchased to cover the piano during Shain Park events where it was wheeled to the side of the pavillion. The Detroit School of Rock and Pop coordinates with a moving company who picked up the piano in November of 2019 to discard of it.

The Public Arts Board has indicated an interest to pursue Piano in the Park on an annual basis, however concerns regarding Covid-19 prohibited the board from pursuing the program in 2020 and 2021. Given that the piano is placed outside, the Public Arts Board is comfortable with pursuing the program once again. The Fire Department has indicated that they approve of a piano being placed beneath the Shain Park pavillion.

On January 19<sup>th</sup>, 2022, The PAB recommended approval of Piano in the Park from May 7<sup>th</sup>, 2022 to the end of November 2022. Board member Jason Eddleston completed the art donation application and volunteered to coordinate obtaining and delivering the piano as he did in 2019. Staff confirmed that St. James was amenable to hosting a painting event in the rear parking lot once again. The Public Arts Board indicated they would like the piano painting event to occur on Saturday May 7<sup>th</sup>, 2022 to coincide with the Spring Art Fair.

**LEGAL REVIEW:**

The City Attorney has reviewed the suggested resolution and has no objections.

**FISCAL IMPACT:**

In 2019, expenses related to moving, maintaining, decorating, and covering the piano were \$306.50. Staff will use the same dolly as before. Expenses will be related to new primer, paint, paint brushes, and painting equipment for volunteers.

**PUBLIC NOTIFICATION:**

A review of Piano in the Park was discussed at the Public Arts Board on January 19<sup>th</sup>, 2022 where the agenda was posted online.

**SUMMARY:**

City staff recommends that the City Commission consider approval of a piano being placed in Shain Park beneath the pavillion for anyone to play from the beginning of May 2022 to the end of November 2022.

**ATTACHMENTS:**

- Application
- Location
- Grill Cover image
- Public Arts Board Memo
- Public Arts Board Minutes

**SUGGESTED ACTION:**

Make a motion adopting a resolution to approve the art donation of a piano to be placed in Shain Park beneath the pavillion from the beginning of May 2022 to the end of November 2022.



## 2019 Piano in the Park





Cultural Council of Birmingham Bloomfield  
P.O. Box 465 Birmingham, MI. 48012

## APPLICATION FOR ART IN PUBLIC SPACES

Jason Eddleston

APPLICANT NAME

248-703-3808

DAYTIME PHONE

jason28e@yahoo.com

EMAIL

DONOR, OWNER, OR AGENT (DEALER)

Shain Park Piano Temporary Installation

ARTIST (first and last) or PROJECT NAME

Shain Park Piano Temporary Installation

TITLE

5-7-2021 to Fall

Piano

DATE OF ARTWORK

MEDIUM/TECHNIQUE

PROPOSED

☒ DONATION

☐ LOAN

1 Year will be scraped after the year.

DESCRIPTION OF ARTWORK

Used Piano in Great Condition that will be painted on May 7th during Art Birmingham

with oversight from the Birmingham Public Arts Board will be on wheels for easy movement to Shain Park.

60 inch		58 inch		24 inch Depth	700lbs
HEIGHT	x	WIDTH	x	LENGTH/DEPTH	WEIGHT

Wood/Steel/Aluminum

OBJECT TYPE(S)/MATERIAL

(i.e., metal, glass, stone, etc.)

No need to have any Load on it will be on wheels for easy movement

DESIGN LOADS

(i.e., wind, and dead loads)

INSCRIPTION/FOUNDRY MARKS

(if multiple, please include edition number)

Shain Park

PRESENT LOCATION OF ARTWORK (where is the work of art?)

Used

CONDITION

Initial Tuning and then nothing else (It will be scraped after used for the year)

MAINTENANCE REQUIRED

(long term care/annual)

\$500

VALUE

☐ APPRAISED

☒ OWNER'S STATED VALUE



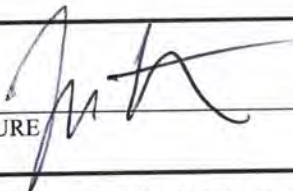
N/A will be on Wheels

FOOTING/FOUNDATION REQUIREMENTS

We installed a Piano in Shain Park in 2019. We had a great event with people painting the Piano before it was installed.

Once installed it brought a lot of joy to kids, parents and others who stopped by played it.

NARRATIVE/RATIONALE FOR GIFT/LOAN/TEMPORARY INSTALLATION

  
SIGNATURE

12-21-2021

DATE

\*\*\*Submit application together with **prints or digital images of artwork, foundation plans, completed Outdoor Sculpture Agreement (if temporary sculpture), and a vitae or resume of the artist** to:

City of Birmingham

Attn: City Clerk – c/o Public Arts Board  
151 Martin St.

P.O. Box 3001

Birmingham, MI 48012

PAB Action (Office use only)

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

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

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

Insurance: ☐ Provided by CCBB ☐ Provided by City ☐ Other \_\_\_\_\_

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

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 \_\_\_\_\_

☐ ☐ Other \_\_\_\_\_

Site Location \_\_\_\_\_

(If artwork is to be permanently donated, the City of Birmingham may provide required insurance.  
If artwork is to be on temporary loan, the CCBB may provide required insurance.)








Piano dimensions are 42" in height, 59" in length, and 25" in depth.

Cover for Piano during Shain Park event from "The Cover Store"



Specifications	Description	Warranty & Care
<ul style="list-style-type: none"><li>• 74W x 38D x 44H</li><li>• Made with thick 12-gauge commercial vinyl</li><li>• Elastic hem provides secure fit</li><li>• Mesh vent for breathability</li></ul>		

<https://www.the-cover-store.com/island-grill-covers-123-classic?color=Black>



## MEMORANDUM

Planning Division

**DATE:** January 19<sup>th</sup>, 2022

**TO:** Public Arts Board Members

**FROM:** Brooks Cowan, Senior Planner

**SUBJECT:** Piano in the Park 2022

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The City has received an application for a piano to be installed in Shain Park during the summer. The Public Arts Board assisted with a piano in the park in 2019 and has discussed bringing this program back for another year.

The Arts Board has discussed hosting a piano painting event on Saturday May 7<sup>th</sup>, 2022 to coincide with the spring art fair. The board may wish to allocate funds for priming, painting, and sealing the piano to ensure there is enough paint for participants.

In 2019, the painting event was held at St. James Church beneath the covered parking which protected people and the piano from rain, and then the piano was located at Shain Park beneath the pavillion. The Arts Board may wish to pursue these locations once again for 2022. St James Church has indicated they are willing to host the painting event once again if needed.

Below are the conditions of approval from City Commission for piano in the park from 2019:

- Timeframe of June 1<sup>st</sup> to August 31<sup>st</sup> (to be evaluated for timeline extension by CC late August)
- A sign saying "this area is under surveillance" be attached to piano
- Equipped with industrial grade, lockable wheels
- A piano cover provided during Shain Park events
- Painting of the piano occur at a space outside of Shain Park
- The Public Arts Board be responsible for funding the moving of the piano if the City Commission chooses to have the piano removed on or before August 31<sup>st</sup>

An old piano dolly was obtained from Royal Oak Middle School. The old wheels were sawed off and new industrial grade, lockable wheels were installed. The Detroit School of Rock and Pop Music coordinated with a local moving company to have the piano dropped off in Birmingham. The piano was placed on the dolly and rolled to St. James Church where it was sanded and primed. The church provided the City with a large blue tarp to collect any spilled paint for the painting day. Foam brushes, paint, and aprons were provided to participants wishing to paint the piano. Once painted and dried, a layer of sealant was applied. The piano was then pushed to Shain Park and a sign saying "this area is under surveillance" was attached. A large grill cover was purchased and given to DPS for them to cover the piano and wheel it to the side of the pavillion during Shain Park events. In August of 2019, the City Commission approved the extension of the piano installation to be in Shain Park beyond August 31<sup>st</sup>, where it remained until late November.

The Arts Board may wish to discuss how they will coordinate a painting event with the applicant. Staff recommends the Board also discuss the logistics of how the piano will be delivered to Birmingham.

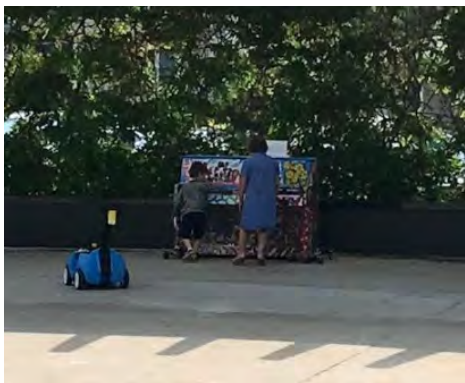
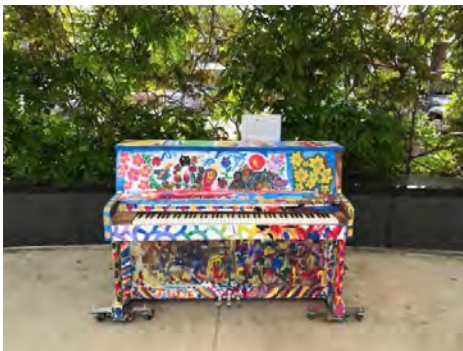
**Recommended Action:**

Motion to recommend the temporary art installation of a piano in Shain Park from May 7<sup>th</sup>, 2022 to the end of November 2022;

AND

Motion to allocate up to \$500 for painting supplies to assist in a public painting event on May 7<sup>th</sup>, 2022.

**Photos from 2019**





## Public Arts Board Minutes

### Public Meeting on Zoom – January 19<sup>th</sup>, 2021

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#### A. Roll Call:

<b>Members Present:</b>	Barbara Heller, Monica Neville, Annie VanGeldereren, Jason Eddleston, Anne Ritchie, Marla Kaftan
<b>Members Absent:</b>	Natalie Bishae
<b>Administration:</b>	Brooks Cowan, Senior Planner Leah Blizinski, City Planner

#### B. Approval of Minutes – December 15<sup>th</sup>, 2021

Motion to approve minutes made by Annie VanGeldereren, seconded by Jason Eddleston.

**Yeas: 6              Nays: 0**

The motion carried.

#### C. Unfinished Business

##### 1. Marx Sculptures "Untitled 1" & "Untitled 2"

City Staff discussed how they spoke with the sculpture owner and the Fire Department about the proposed location. The Fire Department said they would be happy to have the sculpture and that the west side of the building will be a nice location beside the glass windows. The owner of the sculpture also liked the location as it would be highly visible from Maple Road and Mills Pharmacy where she likes to visit.

In regards to "Untitled #2", the PAB would like to conduct a site visit at Quarton Lake to narrow down a final location when the weather is warmer sometime during spring. They would make a final recommendation after conducting a site visit.

#### D. New Business

##### 1. Piano in the Park

The PAB discussed replicating the piano in the park program from 2019. The Board has previously indicated a desire to host a painting event for the piano on May 7<sup>th</sup>, 2022 to coincide with the Spring Art Fair. The board indicated the preferred timeframe to be from 11am to 3pm. Staff spoke with St James Church who are again willing to allow the Arts Board to host a painting event in their covered parking area. Art Board member and applicant Jason Eddleston indicated he would handle obtaining the piano and having it delivered. Funding from the Arts Board budget was discussed for painting supplies as well.

A motion was made Annie VanGeldereren, seconded by Monica Neville to recommend the temporary art installation of a piano in Shain Park from May 7<sup>th</sup>, 2022 to the end of November 2022;

AND

to allocate up to \$500 for painting supplies to assist in a public painting event on May 7<sup>th</sup>, 2022.

**Yeas: 5**

**Nays: 0**

The motion carried.

#### **E. Communications**

Helen Hierta's "Weathered" and Ray Katz's "Astral Projection" were approved by the Parks and Recreation Board and were discussing art-on-loan contracts with the City. 2022 Call for Entry would be on City Commission's agenda in February 2022.

Marla Kaftan announced she would be resigning from the Public Arts Board and thanked everyone for their time.

**DATE:** February 23<sup>rd</sup>, 2022

**TO:** Thomas Markus, City Manager

**FROM:** Brooks Cowan, City Planner

**APPROVED:** Nicholas Dupuis, Planning Director

**SUBJECT:** Public Arts Board 2022 Call for Entry

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**INTRODUCTION:**

The Public Arts Board (PAB) is proposing to conduct a call for entry to recruit new works of art to the City of Birmingham. The Board has identified four locations which they would like to prioritize for recruiting, however they are open to other suggested locations from interested artists. Two of the prioritized locations are Terminating Vistas as identified in the Zoning Ordinance while the other two locations are at prominent downtown intersections. The Public Arts Board has also requested to use \$9,000 of the \$12,000 allocated in the Fiscal Year 2021-2022 budget to provide installation stipends for approved artwork.

**BACKGROUND:**

Birmingham has nineteen sculptures located in public space, thirteen of which are owned by the City while the remaining six are on loan. In 2021, the Public Arts Board conducted a call for entry for five works of art. Three sculptures have been installed from the 2021 call for entry while two more sculptures have applications pending.

For 2022, the Public Arts Board would like to focus on recruiting more interactive, non-sculptural art work. The 2020 Terminating Vista report from the the PAB recommended the City consider artistic furniture downtown to enhance the public space. As an attempt to implement the report's recommendations, the PAB is proposing to recruit creative benches at the intersections of Brown & Old Woodward in front of Adachi, and Pierce & Martin along the sidewalk. The intent is to have fun artistic benches that could encourage fun photo opportunities.

The PAB would also like to promote artistic designs for electrical boxes in downtown and has proposed including the electrical box at N. Old Woodward and Hamilton Row in front of the Mad Hatter as a prioritized location. The PAB has received tremendous feedback for the Popcorn Box design in front of Birmingham Theater and they would like to continue pursuing interesting electrical box designs. Recruiting a tasteful design for the electrical box at N. Old Woodward & Hamilton Row could be a fun way to enhance the intersection.

Something new the Public Arts Board would like to pursue this year is an artistic crosswalk design. The PAB reviewed how other cities incorporated creative crosswalk designs into their City and the PAB would like to pursue this for Birmingham. The recommended intersection for an artistic crosswalk is Pierce & Merrill.

In 2021, the PAB recommended \$2,000 for each approved artwork for an amount not to exceed \$10,000 in order to help incentivize art donations and loans which the City Commission approved. For 2022, the PAB is proposing tiered payments in regards to the four prioritized art works for a total amount not exceed \$9,000.

The Public Arts Board has recommend \$3,000 each for up to two approved artistic benches, \$2,000 for an electrical box design, and \$1,000 for an artistic crosswalk design. Donated artwork will receive the full payment once installed. If the artwork is on loan, the PAB recommends a 3-year loan term where half of the payment is received upon installation, and the remainder is paid once the 3-year term has been met.

On December 15<sup>th</sup>, 2021, the Public Arts Board approved a motion to recommend the 2022 call for entry. Applications must be received by June 30<sup>th</sup>, 2022 in order to be eligible for a stipend.

Images of the proposed locations for artwork are provided below.

S. Old Woodward & Brown – artistic bench



Martin & Pierce – artistic bench



N. Old Woodward & Hamilton Row – electrical box design



Merrill & Pierce – artistic crosswalk



#### LEGAL REVIEW:

Installation agreements will be drafted for artists applying to loan work to the City.

#### FISCAL IMPACT:

The Public Arts Board has recommended \$3,000 for each approved bench, \$2,000 for an electrical box design, and \$1,000 for a creative crosswalk design, not to exceed a total of \$9,000 for the fiscal year of 2020-2021. Funds in the amount of \$12,000 were allocated in the Fiscal Year 2021-2022 budget from the General Administration account #101-721.000-811-0000.

Artwork that is donated to the City will receive the full stipend upon installation, while artwork that is loaned to the city will receive half of the approved amount upon installation, and then the remaining half once the 3-year loan term has been met. Applications must be received by June 30<sup>th</sup>, 2022 in order to be eligible for a stipend.

**PUBLIC COMMUNICATIONS:**

Information regarding the call for entry has been on multiple Public Art Board agendas which have been posted online.

**SUMMARY:**

The Public Arts Board is requesting the the City Commission consider approval of a call for entry for artwork for the four prioritized locations by the Public Arts Board and the approval of a stipend for four (4) selected artworks for an amount not to exceed a total of \$9,000.

**ATTACHMENTS:**

- Terminating Vista Report recommendations (relevant pages)
- Public Arts Board call for entry memo
- Public Arts Board December 15<sup>th</sup>, 2021 minutes

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution **approving** a call for entry for artwork with the following terms for fiscal year 2021-2022:

- 1.) Timeframe options include a loan with a minimum 3-year term, or an accepted donation to the City.
- 2.) The four locations indicated by the Public Arts Board are prioritized, however the Public Arts Board may recommend other sites more suitable within the City;
- 3.) Each artist will coordinate with the relevant City Departments for requirements related to installation;
- 4.) Each artist involved in the call for entry is to be provided a stipend for approved artwork, for a total amount not to exceed \$9,000 from the General Administration Budget, account #101-721.000-811-0000.

# Report Summary

On May 20th, 2019 The Birmingham Public Arts Board was asked by City Commission to evaluate ways to enhance Terminating Vistas in Birmingham's downtown through the use of Public Art.

The concept of Terminating Vistas having enhanced design features was first introduced to the City in the Downtown Birmingham 2016 Plan and the designated locations were approved as a part of the Downtown Overlay District in 1997.

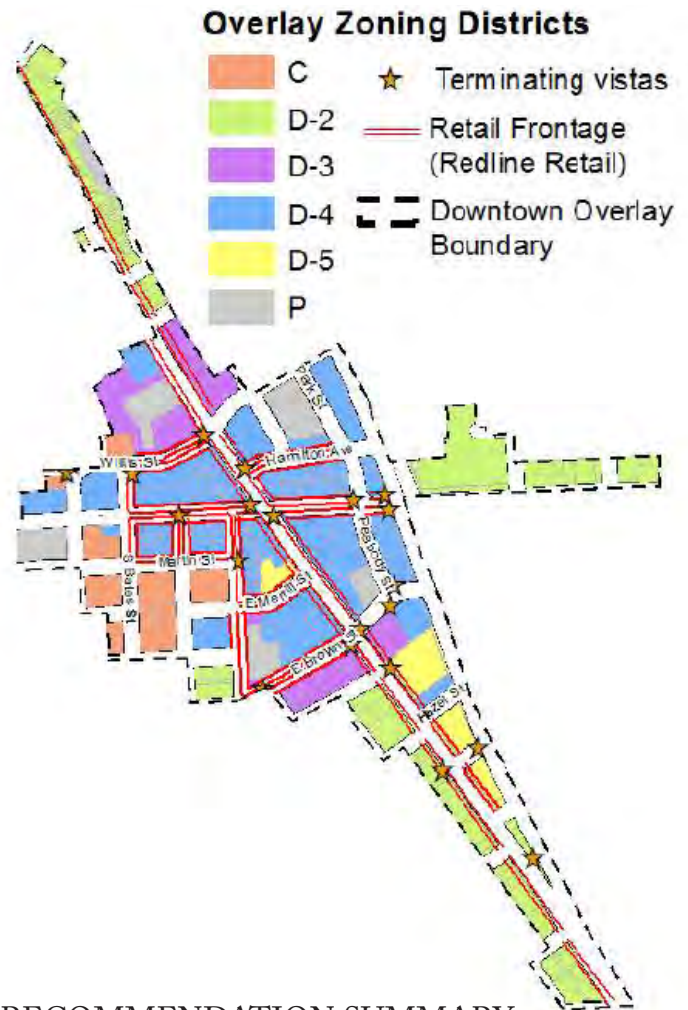
Terminated Vistas are defined in the Zoning Ordinance as *"a building or structure, or a portion thereof, as designated on the Regulating Plan, that terminates a view with architectural features of enhanced character and visibility"* (Section 9.02 Definitions).

Section 3.04(E)(15) of the Downtown Overlay Standards states that *"any building that terminates a view, as designated on the Regulating Plan, shall provide distinct and prominent architectural features of enhanced character and visibility, which reflect the importance of the building's location and create a positive visual landmark."*

The Downtown Overlay Zoning Districts Map has designated 20 locations as Terminating Vistas. The Birmingham Public Arts Board used these locations as a guide to evaluate Terminating Vistas and make recommendations relative to ways in which public art may help enhance the City's Terminating Vistas. Recommendations for prominent intersections that could benefit from enhanced design features were also made.

The Public Arts Board evaluated various types of public art that could be placed in Terminating Vistas such as sculptures, furniture, artistic utilities, landscaping and murals. Current City policy affecting the review process and installation process was also considered and recommendations were made regarding City standard furniture, landscaping, utilities and signage policy.

Lastly, the Public Arts Board evaluated City policy impacting the installation process of public art and has provided policy recommendations to assist in the implementation of the public art recommendations.



## RECOMMENDATION SUMMARY

- 1.) Use public art such as sculptures, artistic furniture, artistic utilities, landscaping and wall art to enhance the City's Terminating Vistas.
- 2.) Revise the sculpture installation process to incentivize sculptures on loan and to make the installation process more efficient for artists and City staff.
- 3.) Revise City policy towards City-standard benches, light poles, landscaping and utility boxes to permit an occasional artistic variation.
- 4.) Amend the sign ordinance and create a new design review policy to allow murals to be placed on the exterior of buildings.
- 5.) Create a public notification process for art in public spaces.



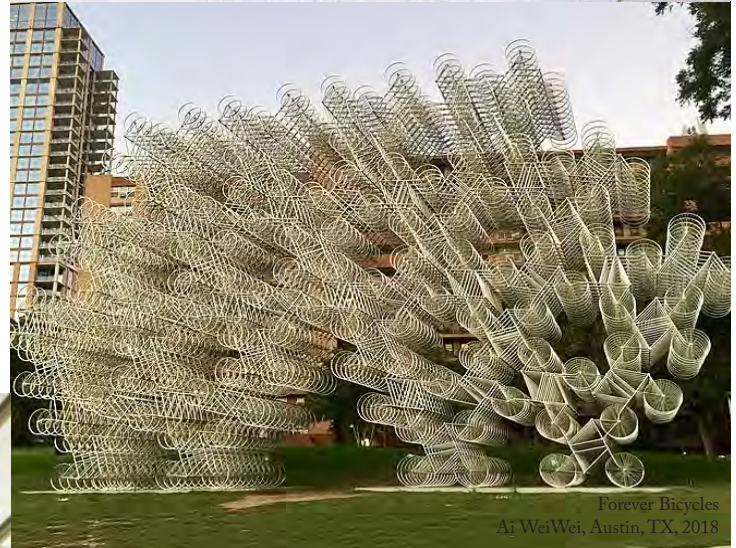
# Best Practices in Public Art for Terminating Vistas: Sculptures

Sculptures are one way in which public art can be used to enhance the architectural features of a Terminating Vista. Doing so may effectively draw more attention and bring more prominence to the surrounding buildings. Birmingham currently has fifteen sculptures throughout the City that have either been purchased, donated or placed on loan, though only one is currently in a designated Terminating Vista which is located at the corner of Pierce and Brown Street.

Public sculptures have the ability to compliment the surrounding buildings and invigorate public spaces. The various colors and shapes of sculptures provide the ability for art to interact with the surrounding building and public right-of-way, potentially enhancing the connection between the two. Unique public art may create a stronger sense of place and identity for the building and intersection where it is placed in a Terminating Vista. Such sculptures may capture the eye of a passer-by, bring more attention to the civic environment and contribute to a greater sense of civic vitality.



Tembo, Mother of Elephants  
Derrick Hudson, Toronto, ON, 2002



Forever Bicycles  
Ai Weiwei, Austin, TX, 2018



I See What You Mean  
Lawrence Argent, Denver, 2005



Flamingo  
Alexander Calder, Chicago, IL, 1974



# Best Practices in Public Art for Terminating Vistas: Artistic Furniture

Artistic furniture is another way public art can be used to enhance the character of a Terminating Vista. Doing so may accent the surrounding buildings while providing a unique public space for socializing or respite.

The City of Birmingham is a walkable city with pedestrian oriented design throughout its downtown and neighborhoods. Unique public furniture may invite a variety of uses that activate a Terminating Vista and promote social interaction. The shape and color of artistic furniture may also have an aesthetic contribution to the right-of-way and surrounding buildings. An artistic bench can be more inviting for a pedestrian to relax and enjoy a section of the City they may have otherwise walked past, and may provide an enhanced civic experience for leisure and appreciation of the surrounding cityscape. Artistic furniture can provide the opportunity to activate Terminating Vistas with people-oriented architectural streetscape design.



The Wave  
dSPACE Studio, Chicago, IL, 2014



Circular Bench  
Lucile Soufflet, Bruxelles, France 2003



Swirling Bench



Custom Curve Seats  
University of Sydney, Australia



Bench of Expectations  
Jeppe Hein, Springfield, MA 2018



# Best Practices in Public Art for Terminating Vistas: Artistic Utilities

Artistic utilities may also enhance a space and bring more prominence to the surrounding buildings. Many cities, including Birmingham, Michigan have painted electrical boxes with an interesting design to add more character to a utility box placed in the right-of-way. Cities such as Milwaukee, Wisconsin have commissioned artists to paint numerous utility boxes throughout their downtown with a theme to be determined by the artist. There are other examples of cities having sculptors create artistic coverings for electrical boxes that are equipped with hinges and gates for access to interior controls. These coverings provide opportunities for other types of art to be placed on and around them to compliment the surrounding space and improve the aesthetics of public utilities.

Artistic lighting could also be used to enhance the pedestrian experience and illuminate architectural features in a Terminating Vista. Cities such as Portland, Oregon and Seattle, Washington have explored various solar powered lights and sculptures with an artistic design and ambient glow to create unique public spaces. A well placed artistic light can enhance the character of the area and create an interesting talking point while highlighting the surrounding buildings.





## MEMORANDUM

Planning Division

**DATE:** December 15<sup>th</sup>, 2021

**TO:** Public Arts Board Members

**FROM:** Brooks Cowan, Senior Planner

**SUBJECT:** 2022 Call for Entry

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The Arts Board conducted a 2021 Call for Entry which received applicationd for nearly 20 works of art for consideration from eight artists. The Arts Board has selected its final five sculptures, the last two anticipated to be reviewed by City Commission in January of 2022. Each approved artist receives a stipend of \$2,000.

For 2022, staff recommends that the Arts Board pursue three locations in their Terminating Vista report from 2021. Two locations for artistic furniture consideration are the southeast corner of S. Old Woodward and Brown, in front of Adachi. The other being Pierce Street at the intersection of Martin Street. The electrical box at N. Old Woodward and Hamilton Row was included in the 2021 Call for Entry, however the PAB chose to wait until 2022 for this location given the applications received.

On November 17<sup>th</sup>, 2021, the Public Arts Board discussed the 2022 call for entry plans. It was discussed how the City has over 20 sculptures now, and the Arts Board would like to branch out into more interactive art projects that do not consist of abstract sculptures. The Arts Board was and were amenable to suggestions by staff for the three termination vista locatations of artistic benches and an electric box decoration. Incorporating multiple electrical boxes instead of one was also discussed. The Board also wanted to propose an artistic crosswalk design that was unique to a specific location. Staff indicated they would verify with City departments that this was possible.

City staff has verified that the Public Arts Board may pursue an artistic crosswalk design at a specified location. Staff recommends a location where the City may temporarily close a street for painting such as Pierce Street.

Therefore the preliminary suggestions for a 2022 call for entry include the following:

- 1 - Artistic bench at S. Old Woodward and Brown (Adachi)
- 2 - Artistic bench at Pierce and Martin Street
- 3 - Electric box design at N. Old Woodward and Hamilton Row
- 4 - Crosswalk design (Location to be determined – suggestions below)



1 - Artistic bench at S. Old Woodward and Brown (Adachi)



2 - Artistic bench at Pierce and Martin Street



3 - Electric box design at N. Old Woodward and Hamilton Row



4 - Crosswalk design proposed locations:

Merrill & Pierce Intersection







Martin & Pierce Intersection





Crosswalk Examples from around the country:



Baltimore office of Promotion and the Arts  
Baltimore, Maryland



Chapel Hill Community Arts & Culture  
Chapel Hill, North Carolina

<https://www.chapelhillarts.org/arts-experiences/public-art/#rachel-herrick>



Rochester, New York  
Community Project

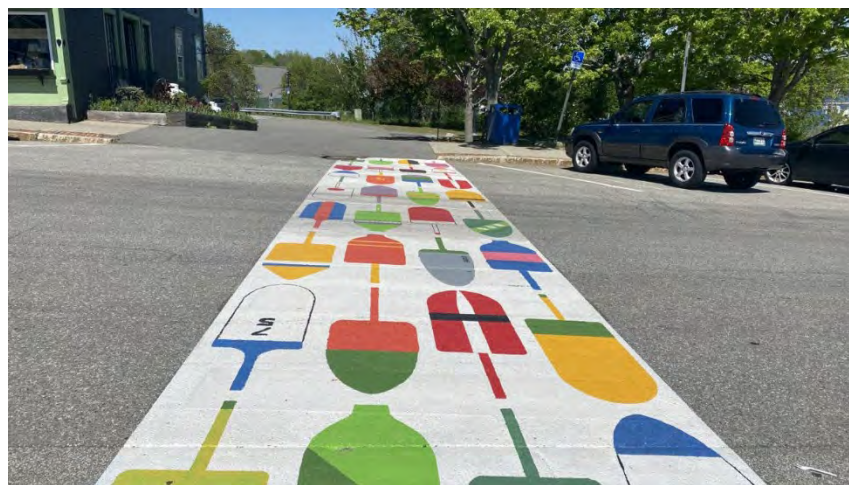




Main Street Enid in partnership with AARP Livable Communities  
Enid, Oklahoma



RiNo Art District  
Denver, Colorado



Belfast, Maine  
Artists



South Mountain Studios - Kevin S. Berry, Phoenix, AZ

<http://www.southmountainstudios.com/sculpture/furniture-design.htm>



Michael Arcega

<https://arcega.us/home.html>



Metal Forge Studios - Kyle Thornley, British Columbia

<http://metalmindforge.com/about-the-artist/>





20 Digit Design - Daniel Hornung, Tucson, AZ  
<https://www.20digitdesign.com/>



Ginny Ruffner  
<https://www.ginnyruffner.com/featured/item/the-urban-garden>



Studio Hai

<https://studiohai.com/>



The Mad Hatters

<https://www.instagram.com/themadhatters.co/>



Wallace Colvaro



Ben Dye

<http://www.bendyesculpture.com/>



Jeppe Hein

<https://www.jeppehein.net/>

NY Times Article - <https://www.nytimes.com/2020/06/10/arts/design/laguardia-terminal-b-artists.html?searchResultPosition=1>



Burleson Bronze

<http://www.burlesonbronze.com/park-bench-sculptures.html>





Wes Horn

<http://weshornart.com/>



Rene Martucci

[http://www.renemartucci.com/Ren%C3%A9\\_Martucci.html](http://www.renemartucci.com/Ren%C3%A9_Martucci.html)





Donna Billick

<http://donnabillickart.com/>



Ken McCall

<https://mccall-studios.com/about/>



Interplay Design - Tom Arie Donch

<https://interplaydesign.com/>

## Public Arts Board Minutes

### Public Meeting on Zoom – December 15<sup>th</sup>, 2021

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#### A. Roll Call:

<b>Members Present:</b>	Barbara Heller, Monica Neville, Annie VanGeldereren, Jason Eddleston, Anne Ritchie, Natalie Bishae
<b>Members Absent:</b>	Marla Kaftan, Nora Sherifaj (Student Rep) Hadley Lovell (Student Rep)
<b>Administration:</b>	Brooks Cowan, City Planner

#### B. Approval of Minutes – November 17<sup>th</sup>, 2021

It was noted that Anne Ritchie was not in attendance for the November meeting and that Jason Eddleston was in attendance.

Motion to approve minutes as amended made by Annie VanGeldereren, seconded by Monica Neville.

**Yeas: 6                Nays: 0**

The motion carried.

#### C. Unfinished Business

##### 1. Marx Sculptures "Untitled 1" & "Untitled 2"

Staff discussed the conversation that occurred with the owner of the sculptures regarding their placement. The owner had indicated they would like the yellow sculpture at Quarton Lake and for the other sculpture to be placed somewhere more visible for everyone to see. The Chester Street fire station had previously been brought up as ideal location for a sculpture and staff suggested placing it there. The Arts Board evaluated the green space on the east side and west side of the building and determined that they prefer the west side of the fire station. The size of the sculpture would fit well between the window and small landscape gardens and it would be visible from the stop light at W. Maple. Staff indicated they would verify the location with the Fire Department and the sculpture owner before next month's meeting and report back on their input.

##### 2. 2022 Call for Entry

The Public Arts Board continued their discussion for what they wanted to accomplish in their call for entry for 2022. Staff presented suggestions based on previous discussions that involved two artistic benches, one electrical box design, and one artistic crosswalk design.

Board members discussed a preference for recruiting artists for one electric box versus doing a series of electrical boxes throughout downtown. The case for having multiple boxes painted was to have a type of tour to walk around and see the various designs. The

act of painting the electrical box could also be an interactive and interesting site to see. The Board thought it would be fun to select a theme or palette of colors and allow the artists to then paint what they wanted following the guidelines. Staff indicated it is difficult to have proposals like that approved in Birmingham.

Recruiting for four electric boxes and paying each artist \$500 was brought up. Staff brought up the issue that there is limited funding in the budget, and recruiting for multiple artists with a small amount of money may not get the desired results. Primer, paint, materials, and sealant for the popcorn box at Merrill and S. Old Woodward cost around \$350. Given the time requirements to do all of this, \$500 may not be worth it. The Board would have to give up other items such as artistic benches in order to have adequate funding to make it worth the artists time.

Staff commented that the City already has one painted electrical box, and that allocating funding for one quality art project at the electrical box at Hamilton and N. Old Woodward would be more efficient than splitting up funding across multiple boxes. The Arts Board eventually agreed that picking just one would be more efficient financially and time wise.

When asked what projects the Arts Board prefers, there was general consensus that they wanted to prioritize artistic benches, then an electrical box, then the crosswalk painting. Both of the proposed bench locations are in Terminating Vista locations where the Arts Board would like to follow their Terminating Vista report recommendations for artistic furniture. The Board felt that the intersection of Pierce and Merrill was best for a crosswalk painting, given that the street had been closed multiple times already in the past year.

The Arts Board also felt like benches should receive the most money and that funding should be tiered. The board felt that \$3,000 for each bench, \$2,000 for the electrical box, and \$1,000 for painting a crosswalk was adequate.

A motion was made by Anne Ritchie, seconded by Annie VanGeldereren, to recommend a call for entry in 2022 for two artistic benches; one at the southeast corner of S. Old Woodward and Brown, the other at the intersection of Pierce and Martin, an artistic design for the electric box at N. Old Woodward and Hamilton Row, and a crosswalk design at the intersection of Pierce Street and Merrill.

**Yeas: 6**

**Nays: 0**

The motion carried.

### 3. Interactive art projects

The Arts Board then discussed interactive art projects for 2022. The Board indicated interest in recruiting multiple chalk artists to do drawings during Day on the Town. Staff would coordinate with the BSD later in January of 2022 when they had time to review where this could be done. The Arts Board also wanted to pursue a piano in Shain Park. Jason Eddleston said he would be able to lead this project. Annie VanGeldereren also indicated she would be willing to assist with crafts packages for the Farmers Market once again.

## **D. New Business**

### **1. DIA Inside – Out**

The Detroit Institute of Art approved Birmingham to be a part of their Inside – Out program for 2022. The DIA proposed art work to be posted outside in six locations throughout Birmingham. The Public Arts Board liked the proposals but wanted to pursue having another piece of art installed at the BBAC. Staff indicated they would contact the DIA to inquire about another piece of art.

A motion was made by Anne Ritchie, seconded by Annie VanGelderren, to recommend the temporary installation of the DIAs Inside Out artwork in the proposed locations, and to pursue additional art from the program to be installed at BBAC.

**Yeas: 6**

**Nays: 0**

The motion carried.

## **E. Communications**

Helen Hierta's "Weathered" and Ray Katz's "Astral Projection" were approved by the Parks and Recreation Board and must now complete the art on loan agreements and appear before City Commission.



**DATE:** February 22<sup>st</sup>, 2022

**TO:** Thomas Markus, City Manager

**FROM:** Brooks Cowan, Senior Planner

**APPROVED:** Nicholas DuPuis, Planning Director

**SUBJECT:** W. Maple Bench Installations

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**INTRODUCTION:**

Birmingham has excess benches from the downtown Old Woodward & Maple repavement project. The benches were not cut to standard as per the agreement for the downtown design, therefore they were not installed. This has left the City with extra benches that could be used elsewhere. The City wishes to keep this style of bench on W. Maple between Southfield and Cranbrook as an extension of the downtown bench design.

**BACKGROUND:**

On December 2<sup>nd</sup>, 2021, the Multi-Modal Transportation Board (MMTB) reviewed recommended locations along W. Maple for 16 benches. Areas along W. Maple beside bus stops and along popular pedestrian routes to Birmingham's parks and trails were prioritized. The intent of the benches is to offer a resting place for transit users at bus stops and for pedestrians between Birmingham's residential neighborhoods and the City's popular destinations. The initial report to the MMTB mentioned 12 locations, however to clarify, there are 16 for the final recommendation. MKSK has provided images of suggested locations in an attached document with the locations as follows:

1. W. Maple and Lutheran Church – bus stop
2. W. Maple and Larchlea – bus stop
3. W. Maple and First Presbyterian Church – bus stop
4. W. Maple and First Presbyterian Church
5. W. Maple and Fairfax (Fairfax Park) – bus stop
6. W. Maple and First Methodist Church – bus stop
7. W. Maple and Pilgrim - bus stop
8. W. Maple between Puritan & Lake Park – bus stop
9. W. Maple & Lake Park – midblock crossing
10. W. Maple near Waterfall Court
11. W. Maple midblock crossing to Liden Park
12. W. Maple & Trail entry to Quarton Lake Park
13. Baldwin Road – along sidewalk between Wm. Maple and Rouge bridge
14. Linden Park near Valley View Lane
15. Maple Road – bus stop between Birmingham Museum and Baldwin Road
16. Martha Baldwin Park – along sidewalk

The Department of Public Services and the Engineering Department have reviewed the proposed locations and have no concerns.

**LEGAL REVIEW:**

The city attorney has reviewed the resolution and has no objections.

**FISCAL IMPACT:**

Installation of the benches will require a concrete pad to be poured. The City's Engineering Department factored in such costs in their 2022 sidewalk concrete bid. Costs related to transporting the benches and setting them in place will also be contracted out.

**PUBLIC NOTIFICATION:**

A review of the locations were discussed at the Multi-Modal Transportation Board on December 2<sup>nd</sup>, 2021 where the agenda was posted online.

**SUMMARY:**

City staff recommends that the City Commission consider approval of new bench installations at the 16 proposed locations listed in the memo and attached in the MKSK document.

**ATTACHMENTS:**

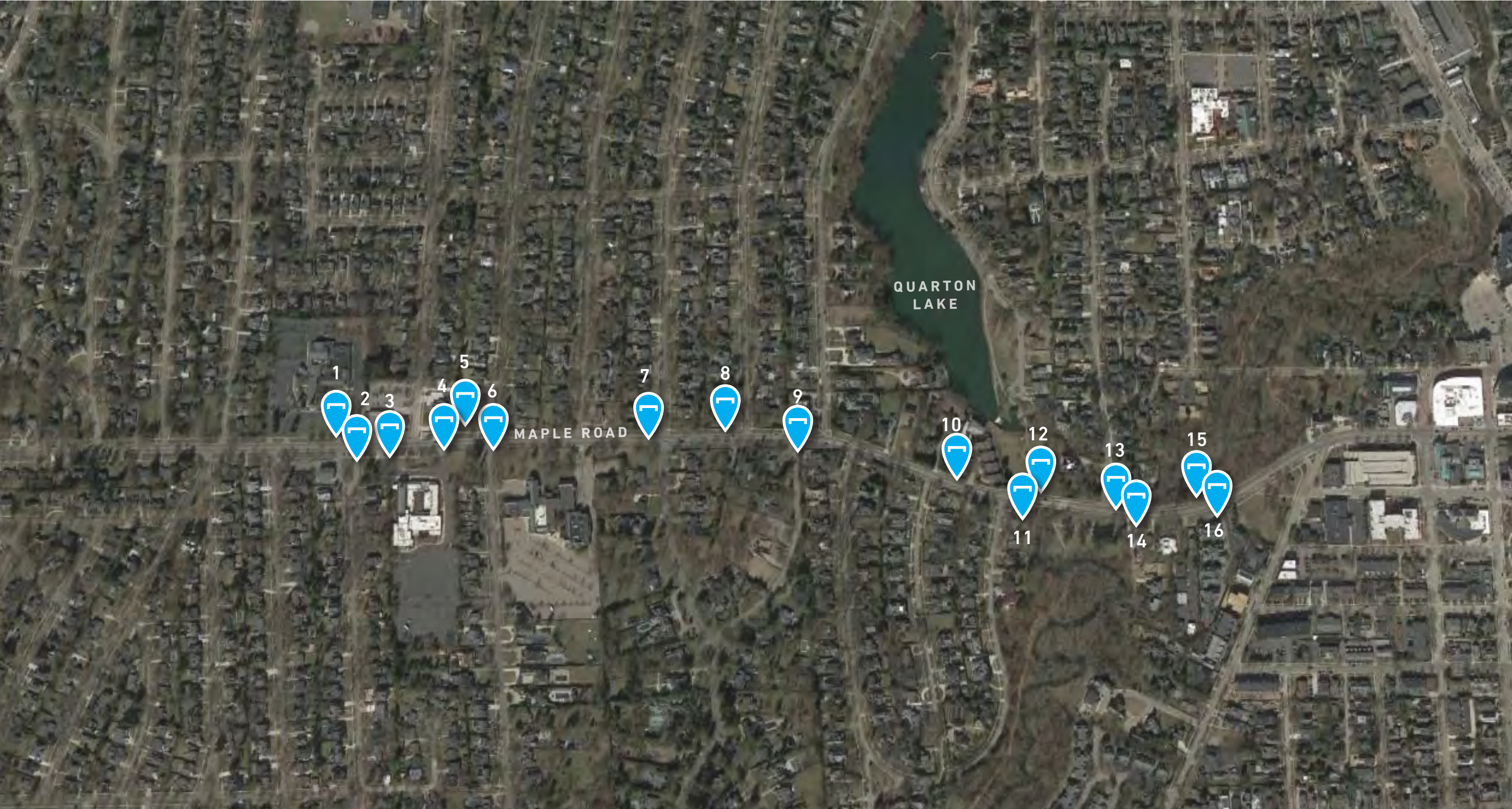
- MKSK summary of proposed locations
- Multi-Modal Transportation Board relevant minutes

**SUGGESTED RESOLUTION:**

Make a motion adopting a resolution to approve new bench installations at the 16 proposed locations listed below and attached in the MKSK document.

1. W. Maple and Lutheran Church – bus stop
2. W. Maple and Larchlea – bus stop
3. W. Maple and First Presbyterian Church – bus stop
4. W. Maple and First Presbyterian Church
5. W. Maple and Fairfax (Fairfax Park) – bus stop
6. W. Maple and First Methodist Church – bus stop
7. W. Maple and Pilgrim - bus stop
8. W. Maple between Puritan & Lake Park – bus stop
9. W. Maple & Lake Park – midblock crossing
10. W. Maple near Waterfall Court
11. W. Maple midblock crossing to Liden Park
12. W. Maple & Trail entry to Quarton Lake Park
13. Baldwin Road – along sidewalk between Wm. Maple and Rouge bridge
14. Linden Park near Valley View Lane
15. Maple Road – bus stop between Birmingham Museum and Baldwin Road
16. Martha Baldwin Park – along sidewalk





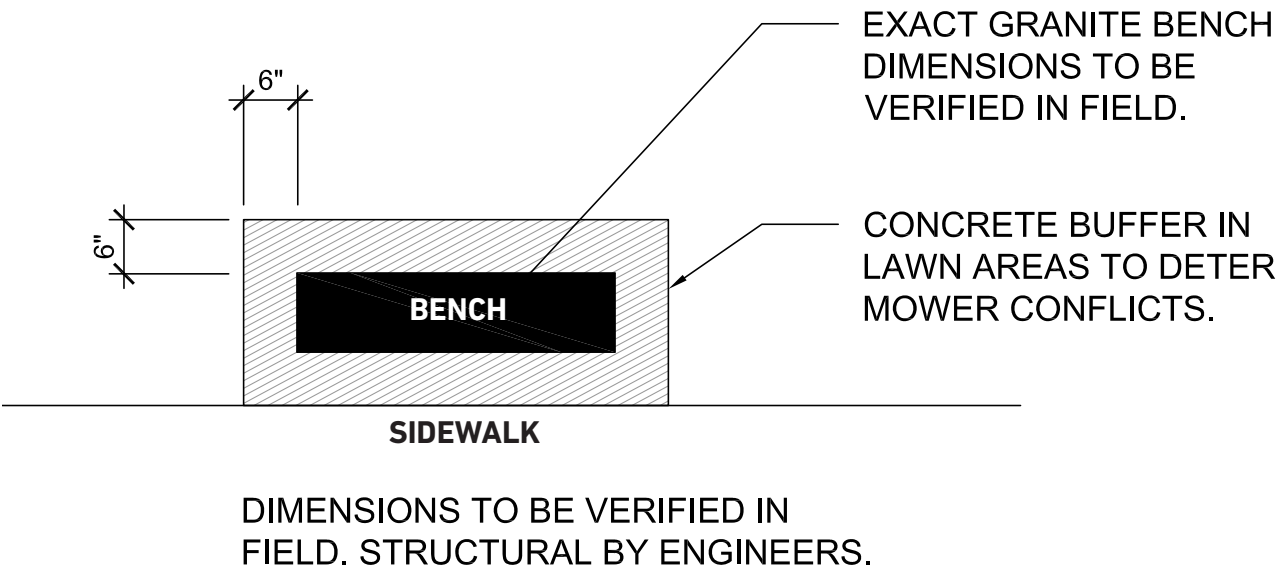


# BENCH RELOCATION - TYPICAL LAYOUT



TYPICAL BENCH

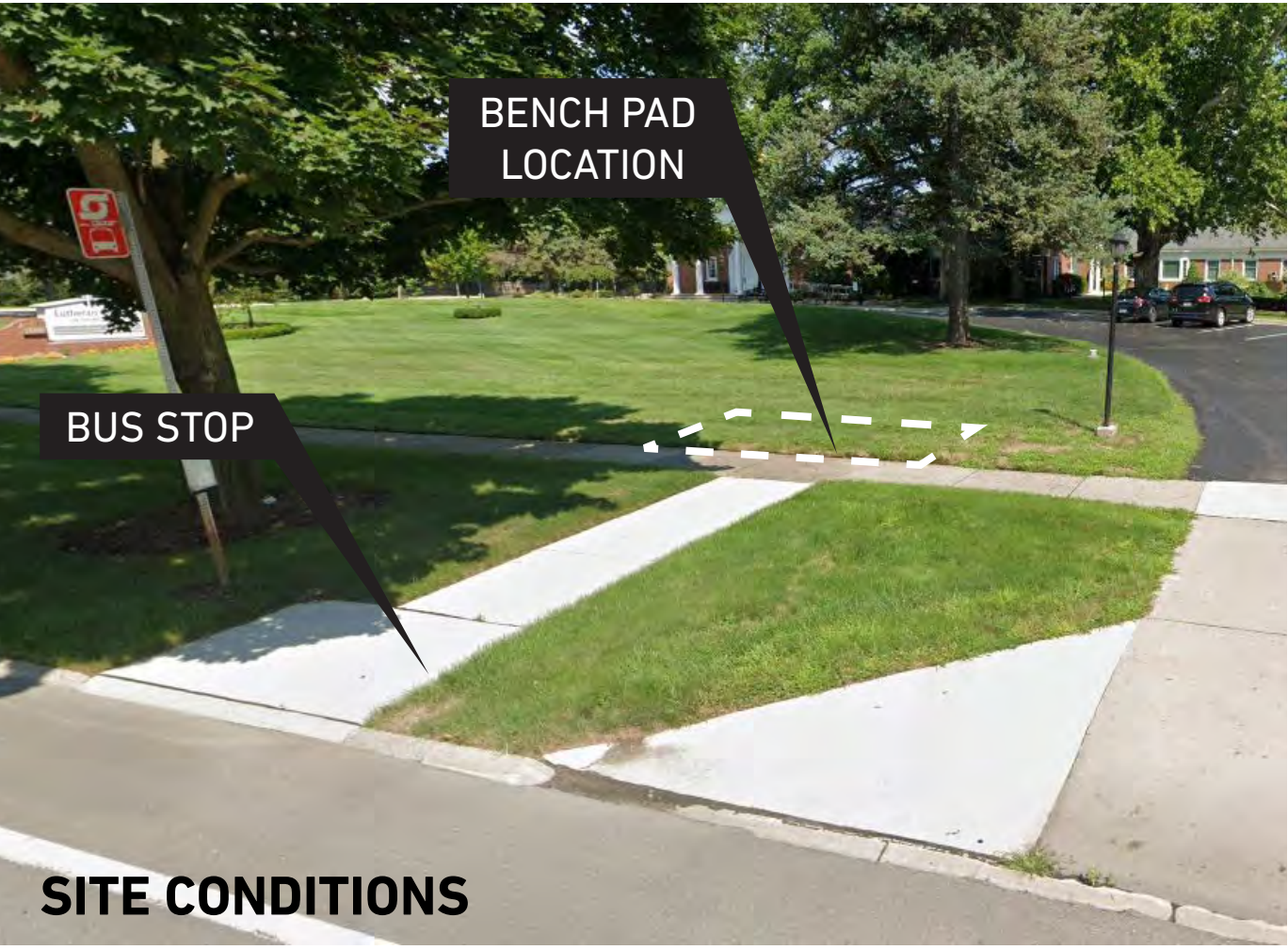
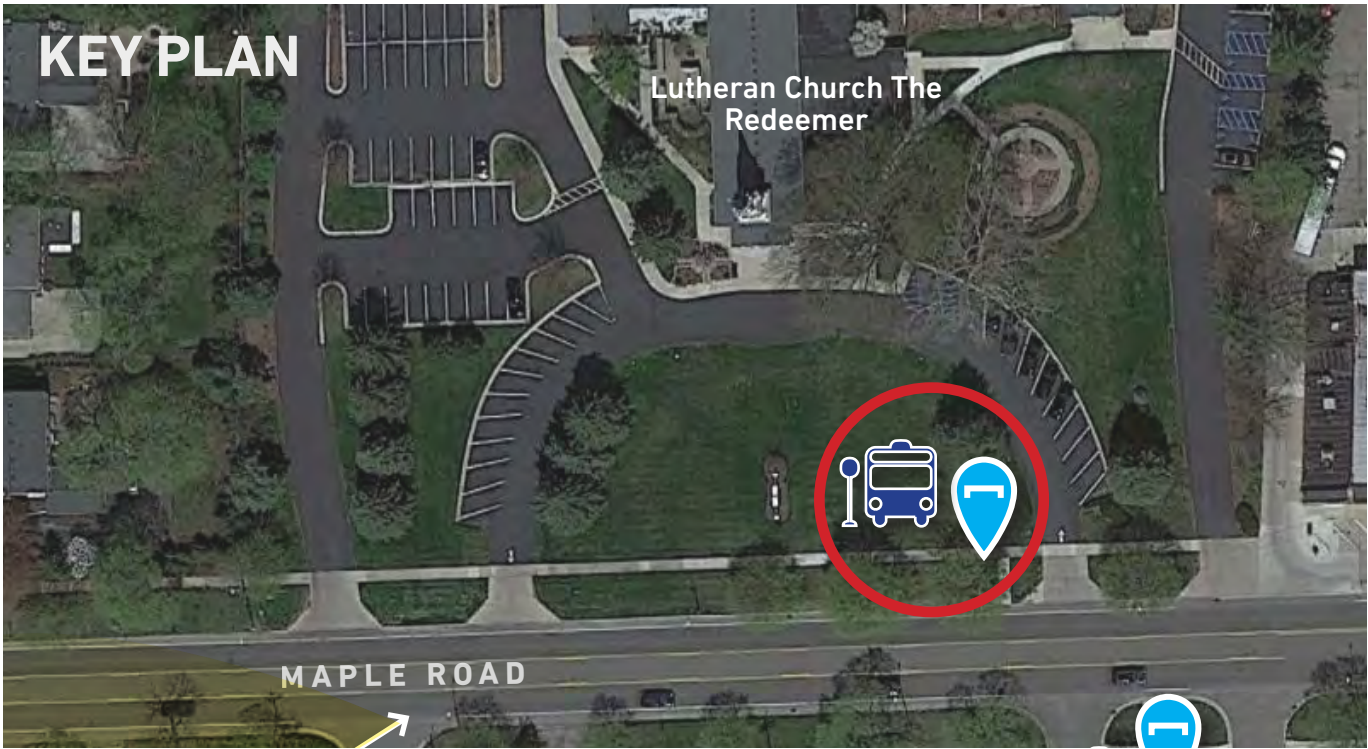
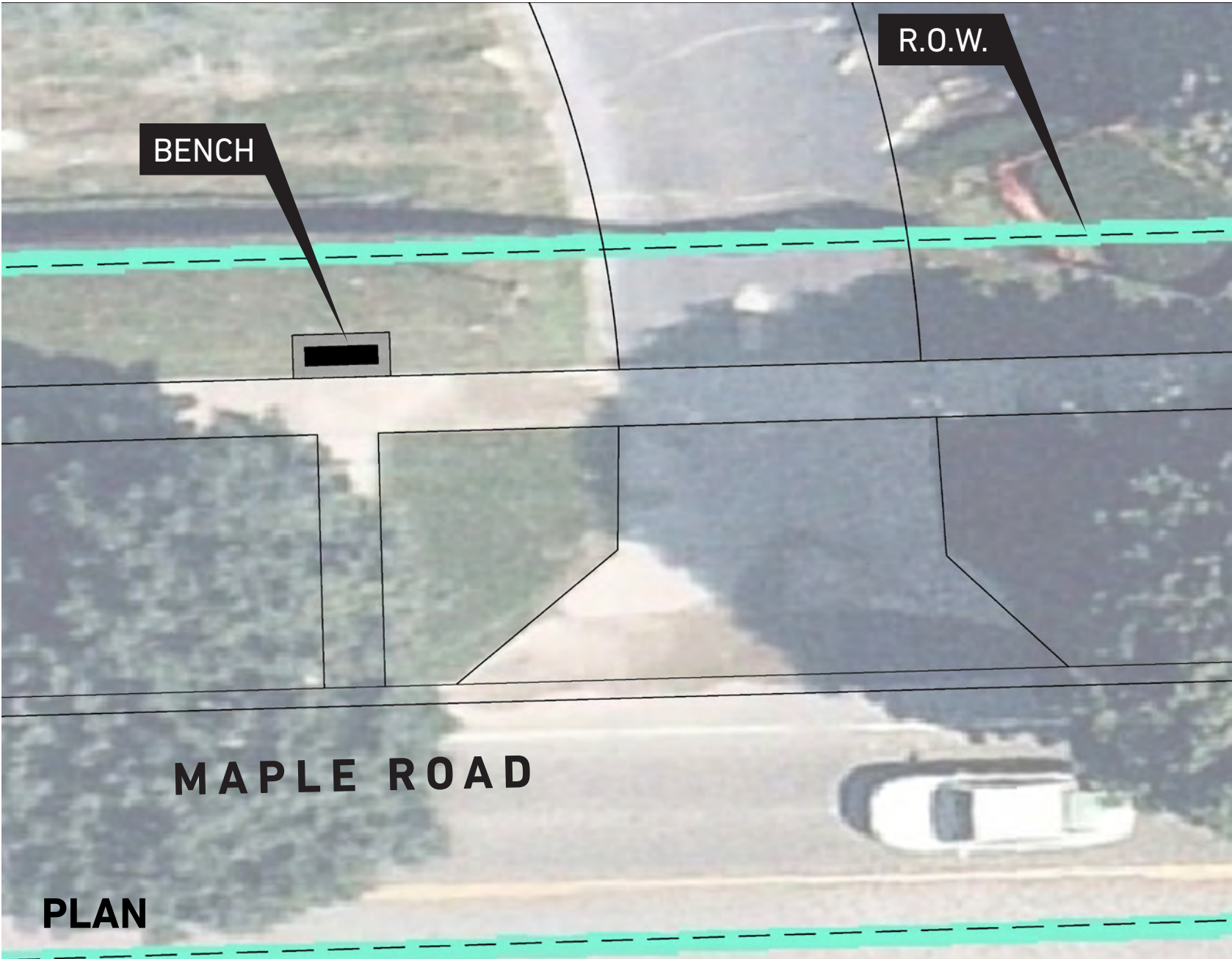
## KEY PLAN





# BENCH RELOCATION - LOCATION 1

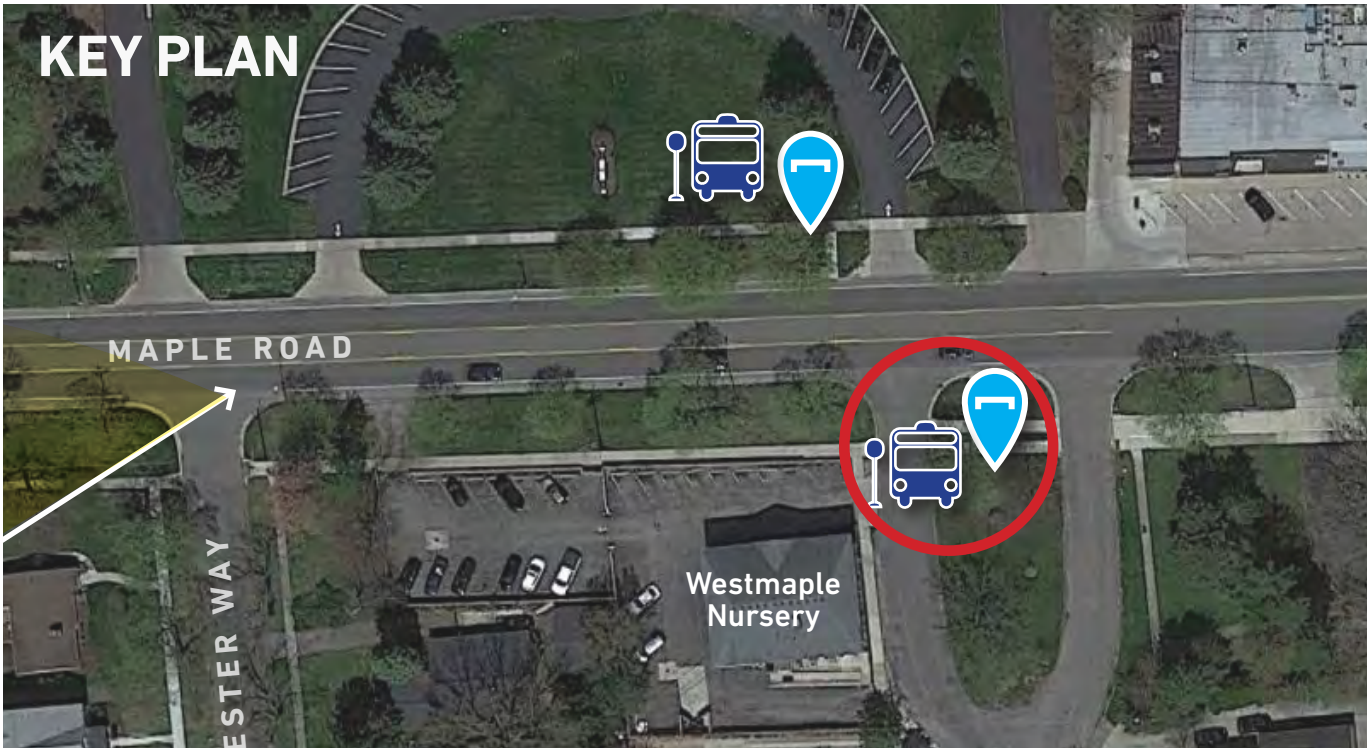
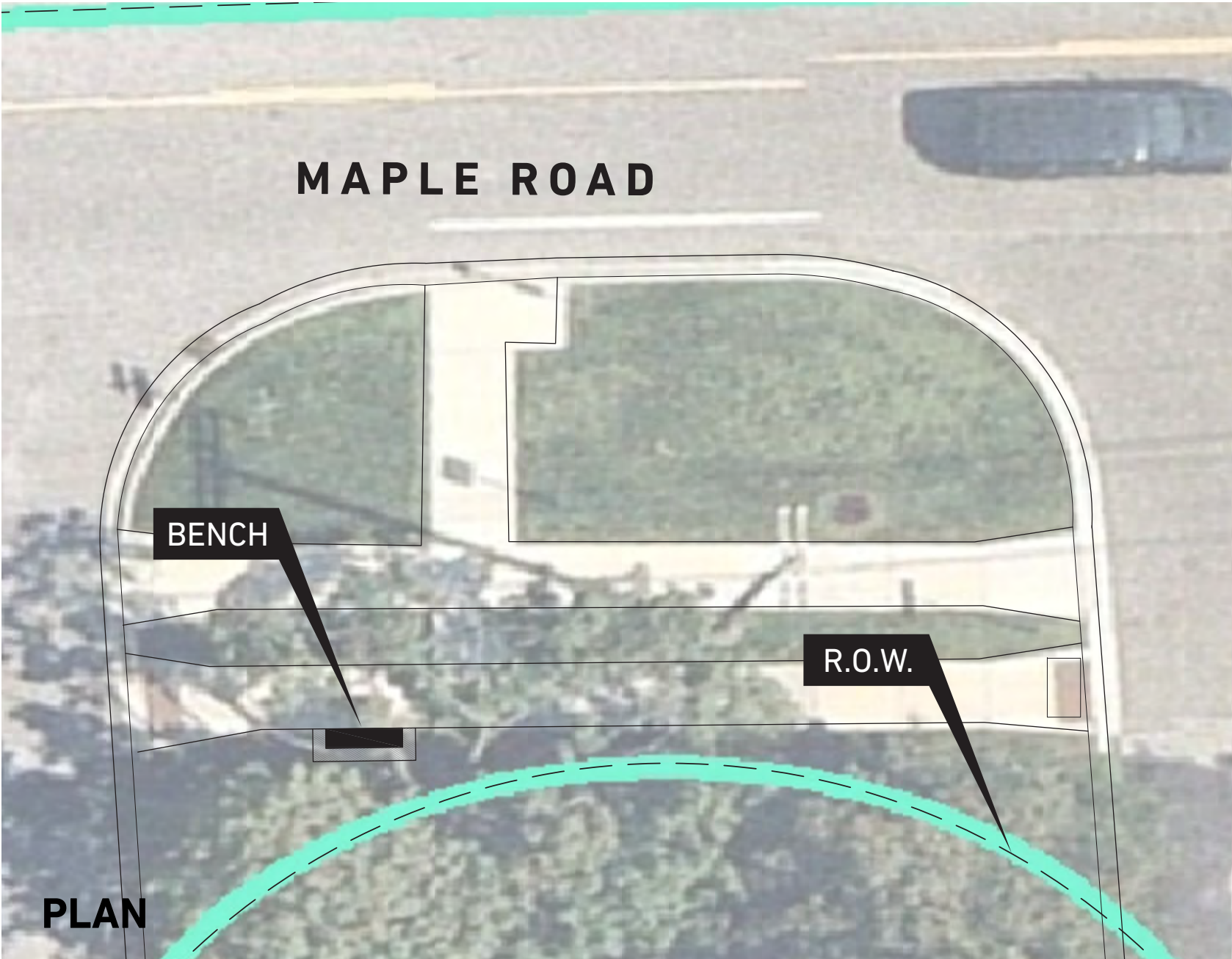
- Bus stop
- Adjacent to Lutheran Church
- Large shade tree





# BENCH RELOCATION - LOCATION 2

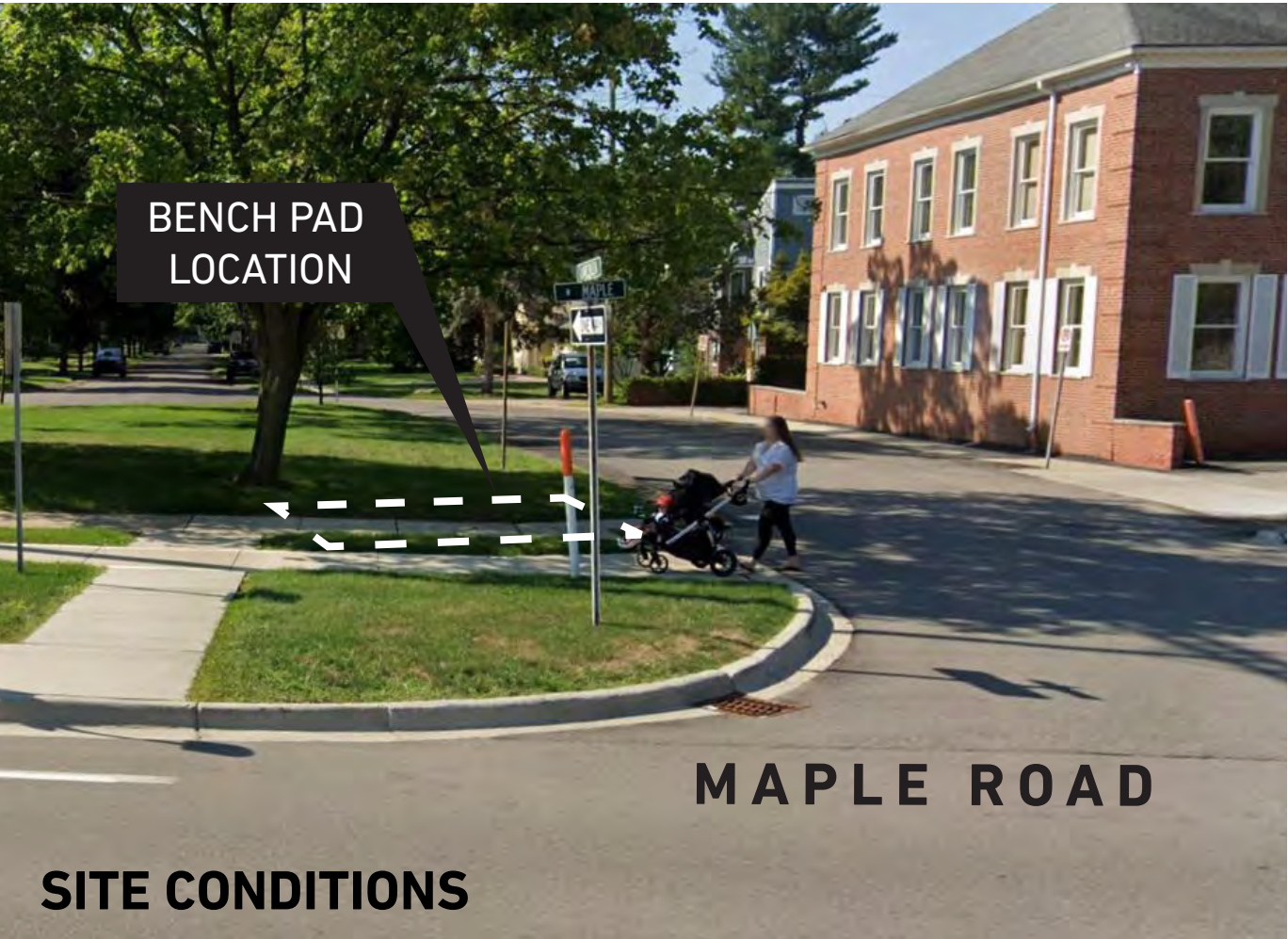
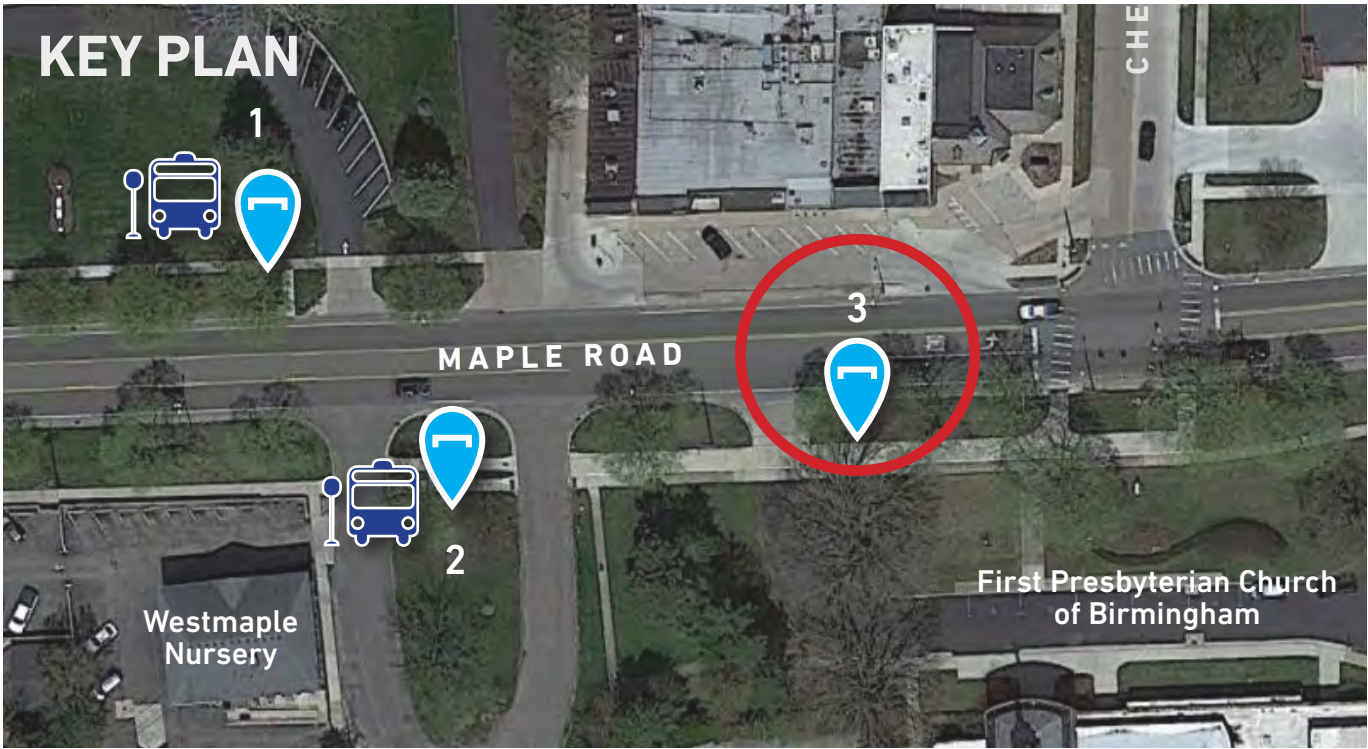
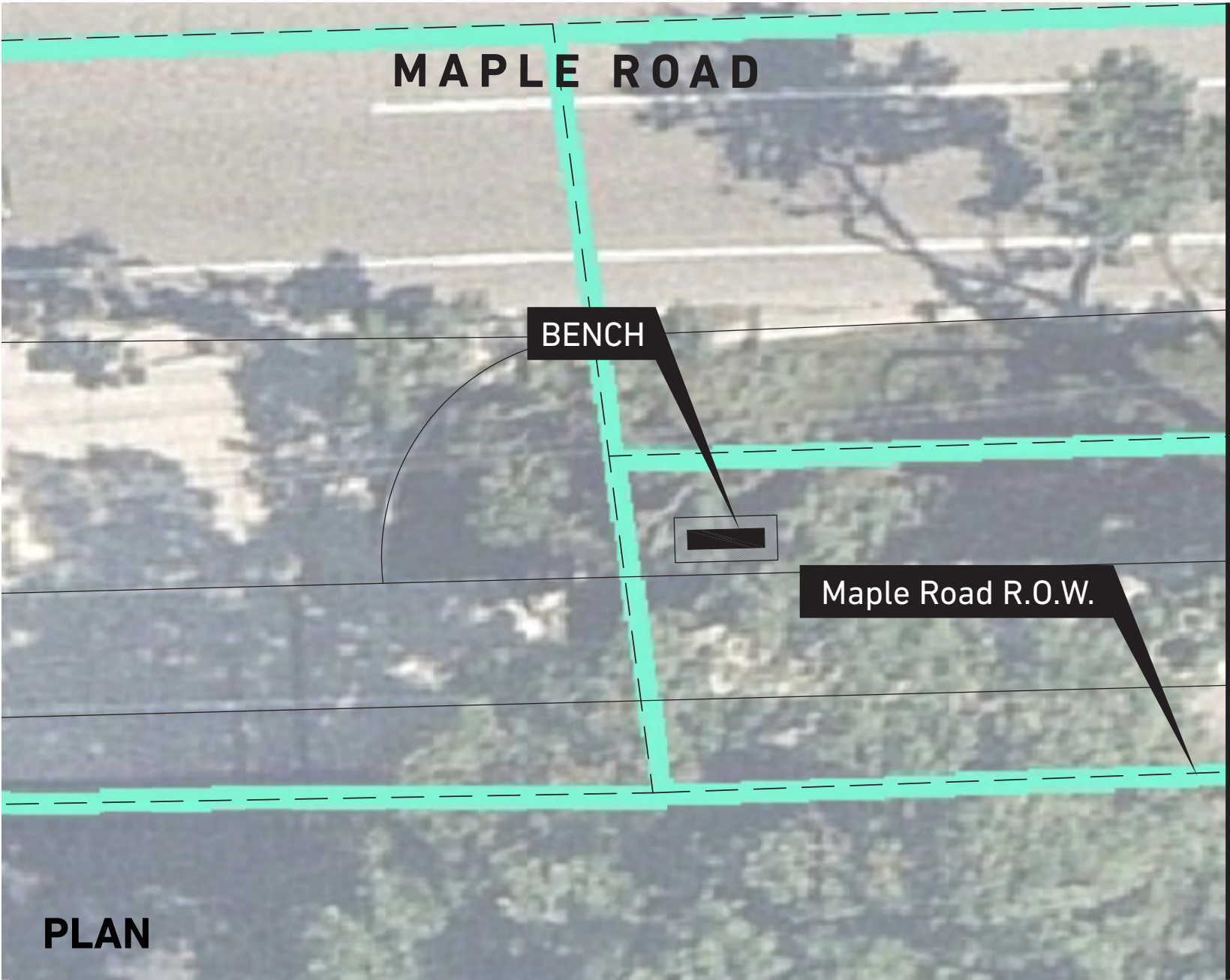
- Adjacent to bus stop
- Large shade tree
- Avoids bike lanes





# BENCH RELOCATION - LOCATION 3

- Located at terminating vista
- Does not encroach on school site





# BENCH RELOCATION - LOCATION 4

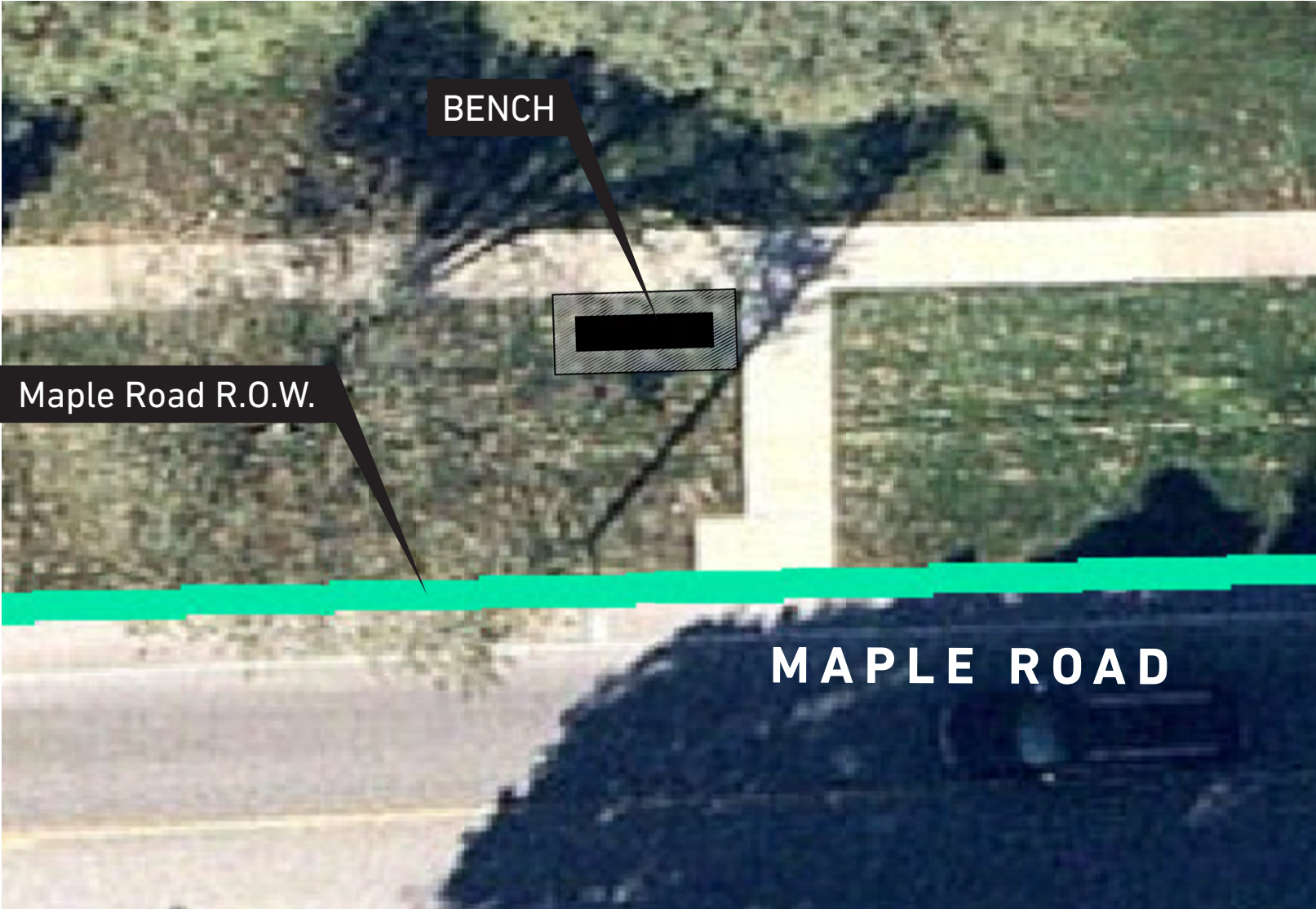
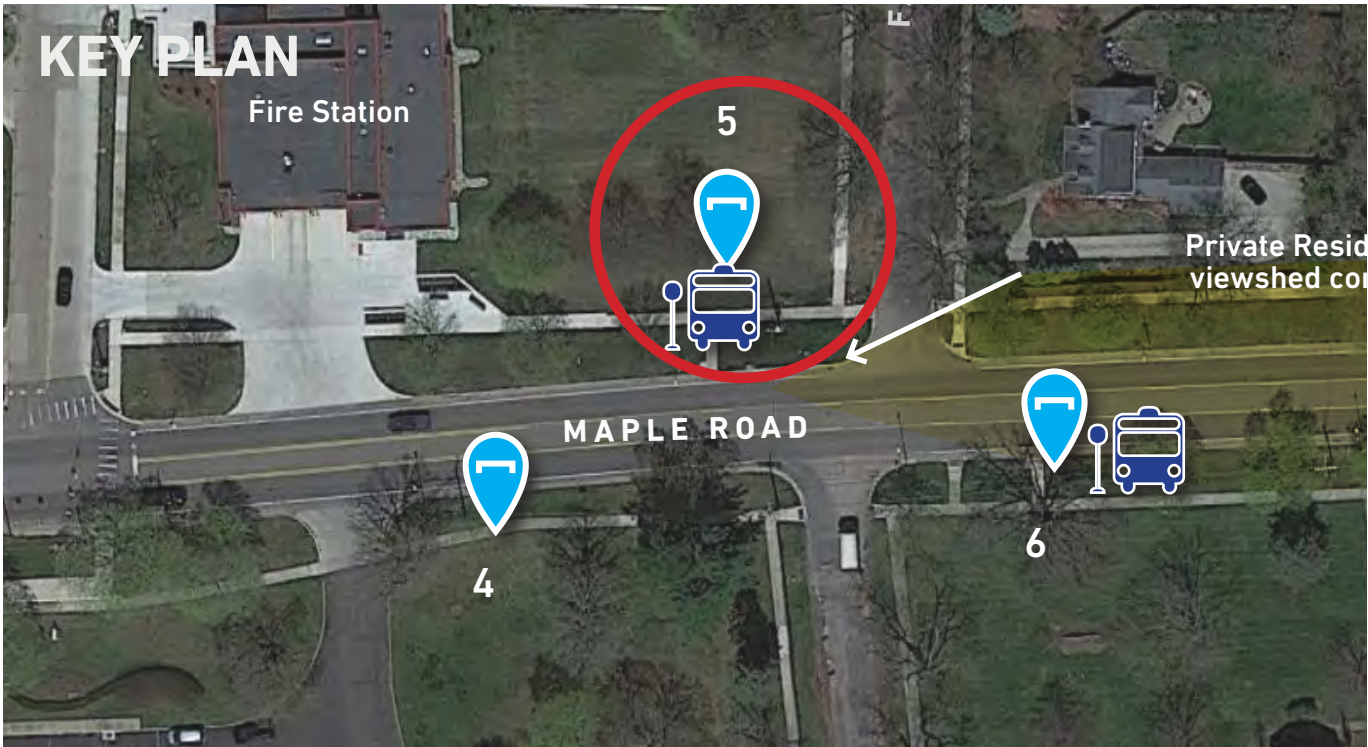
- Located adjacent to openspace





# BENCH RELOCATION - LOCATION 5

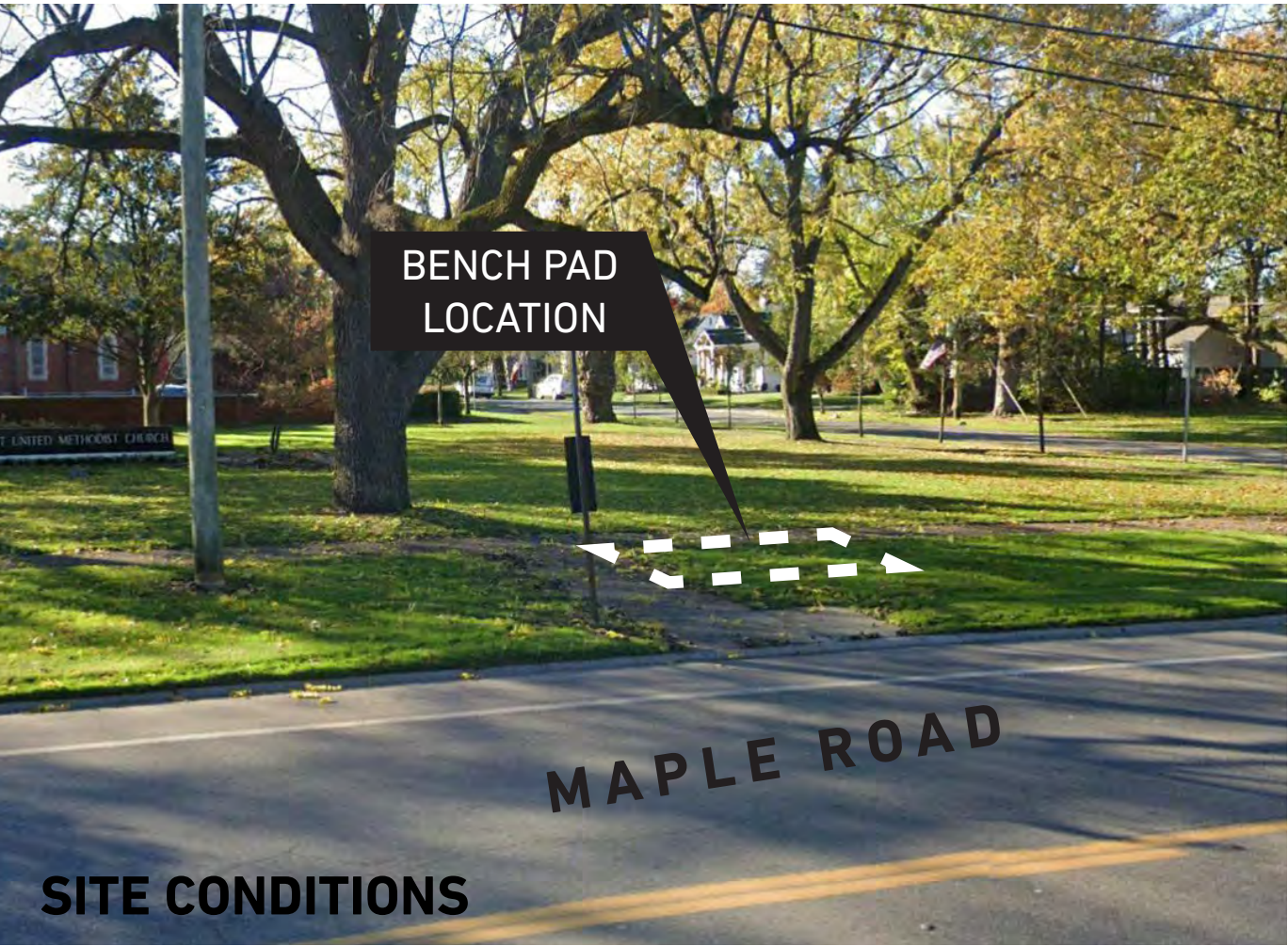
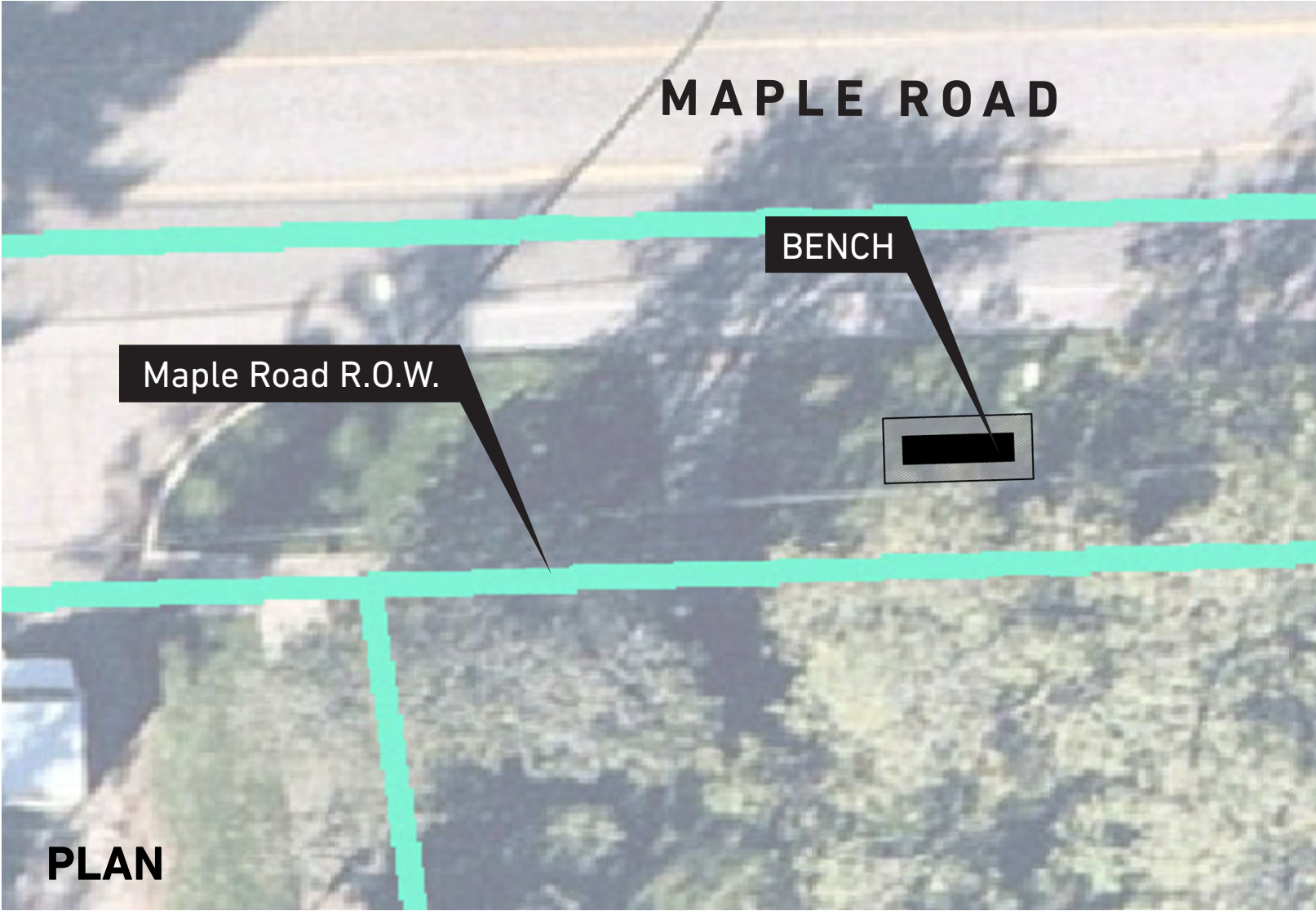
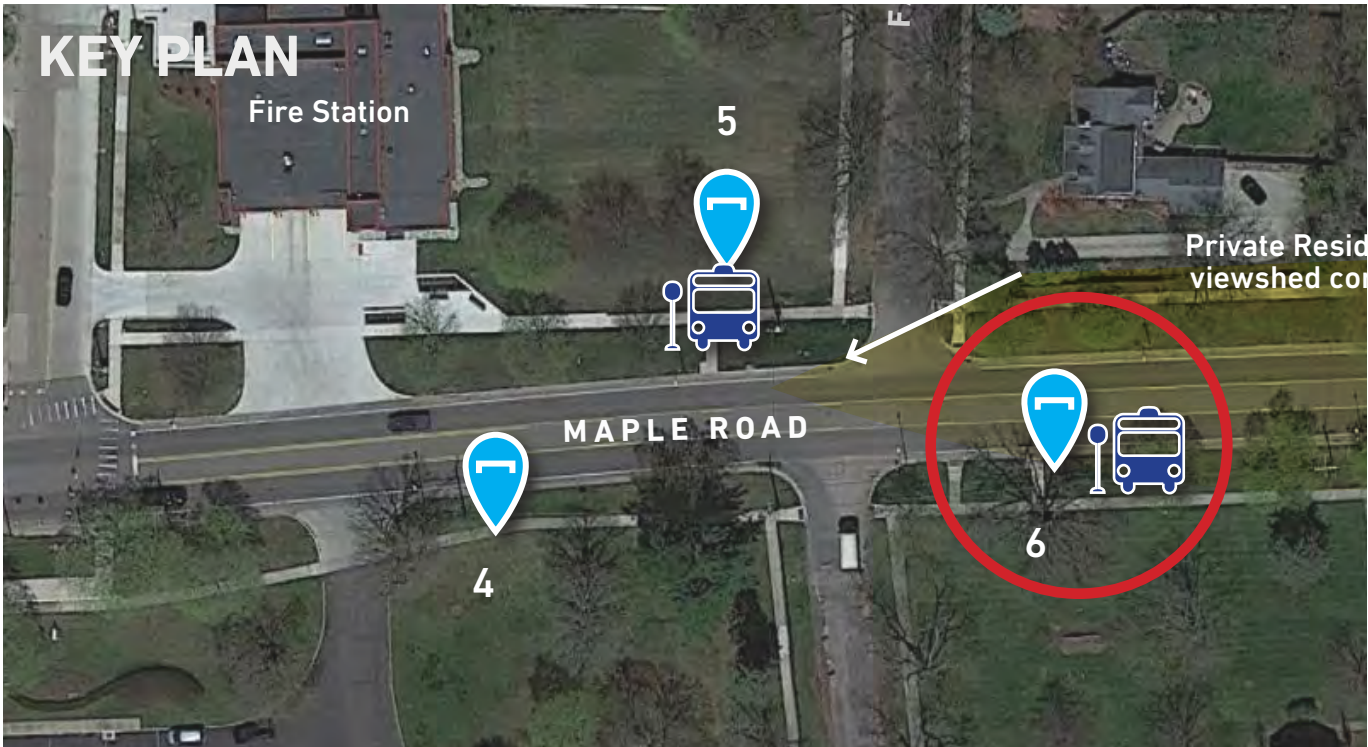
- Located at fire station open space and bus stop





# BENCH RELOCATION - LOCATION 6

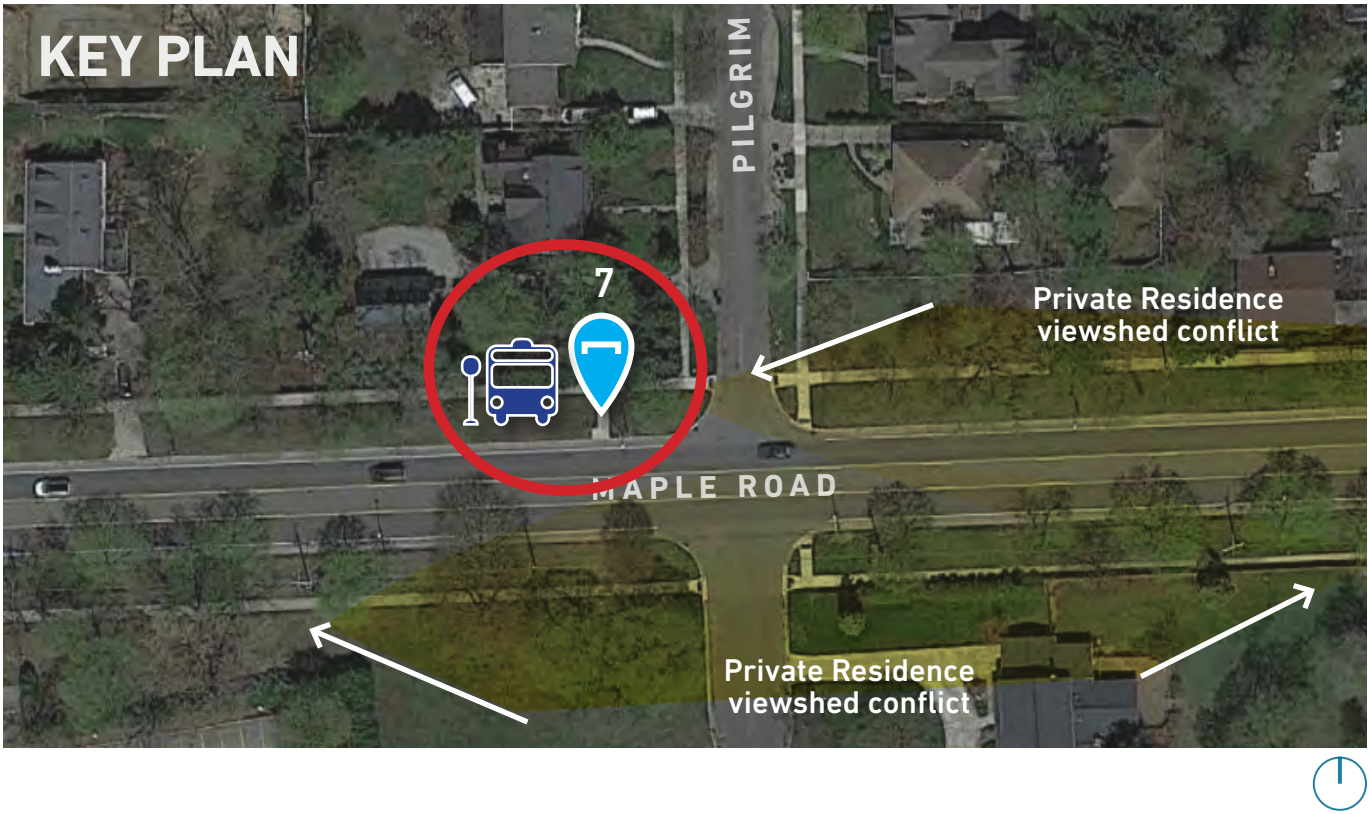
- Located at bus stop
- Does not compete with Church signage





# BENCH RELOCATION - LOCATION 7

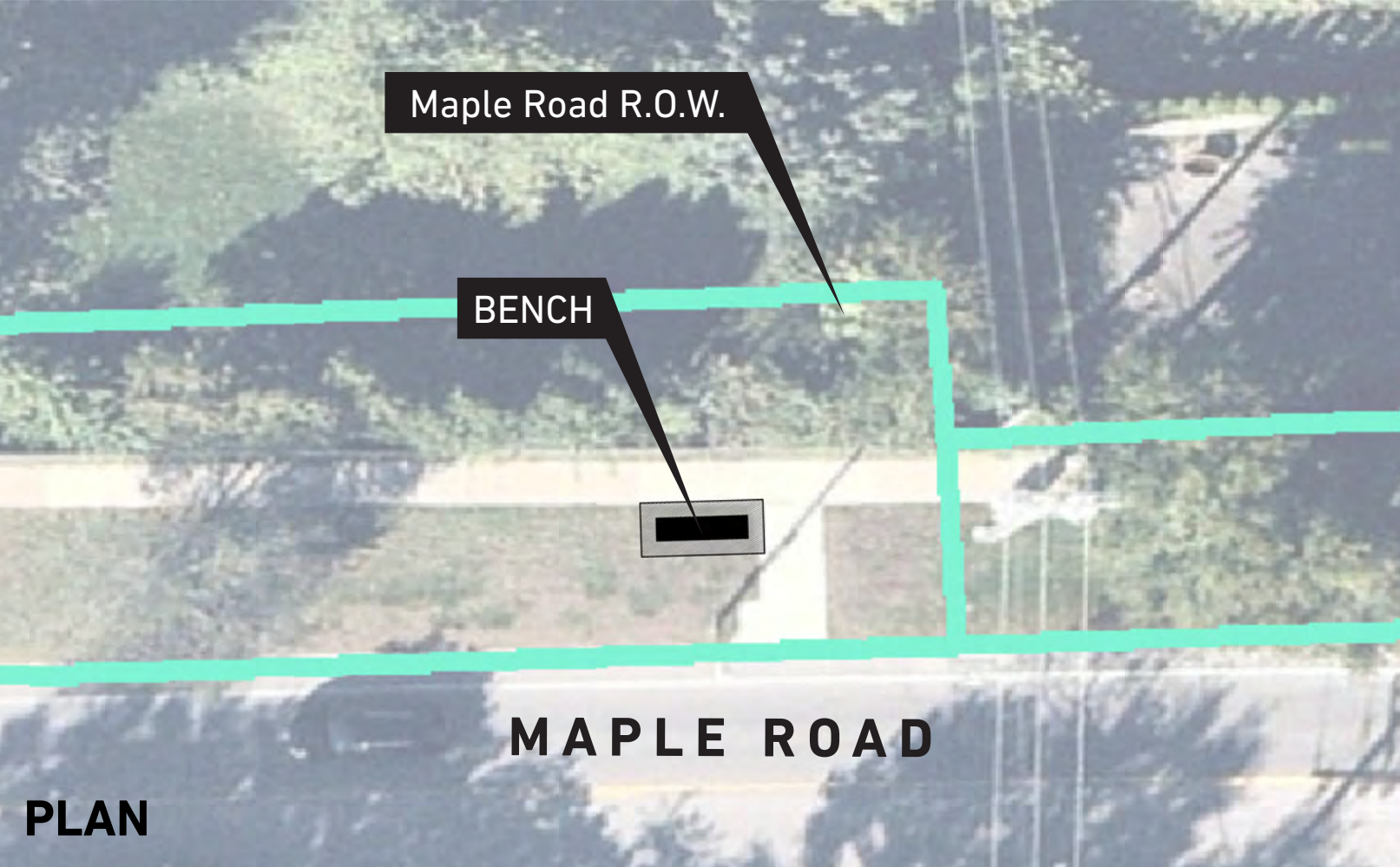
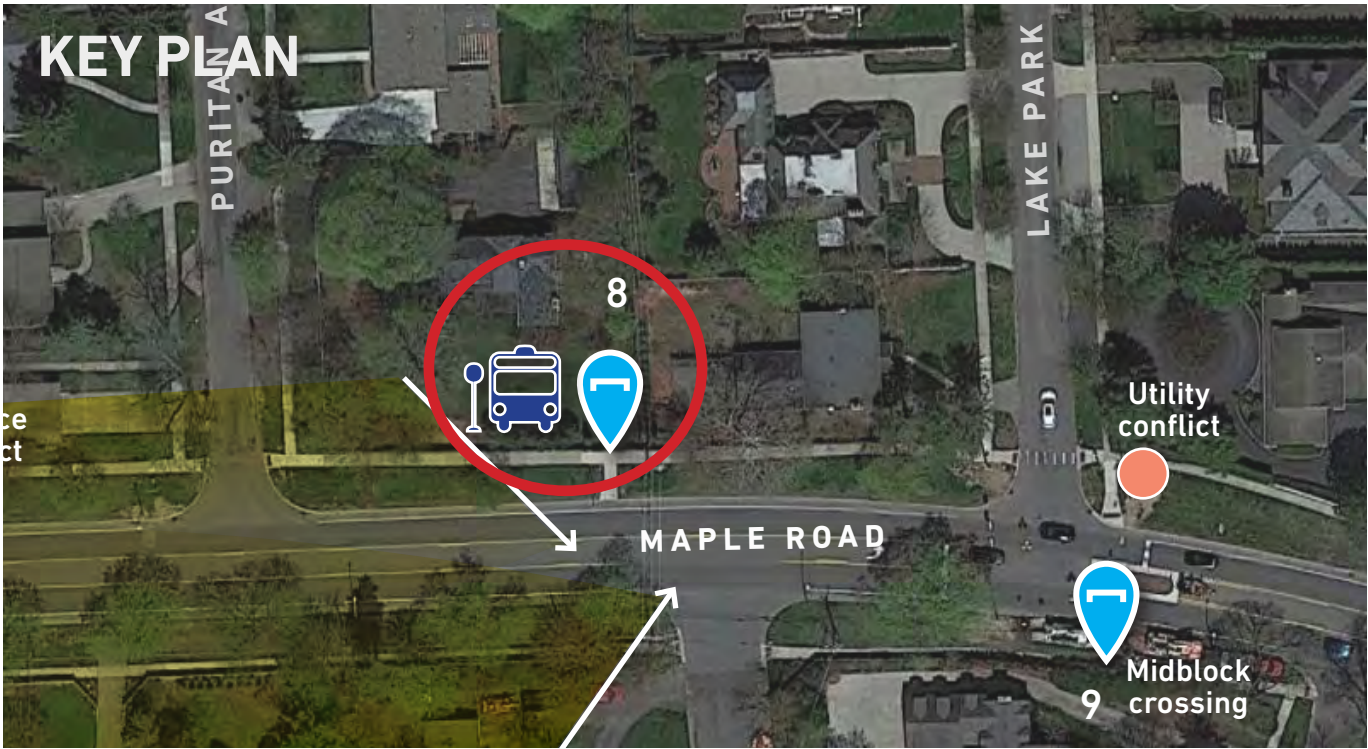
- Located at bus stop





# BENCH RELOCATION - LOCATION 8

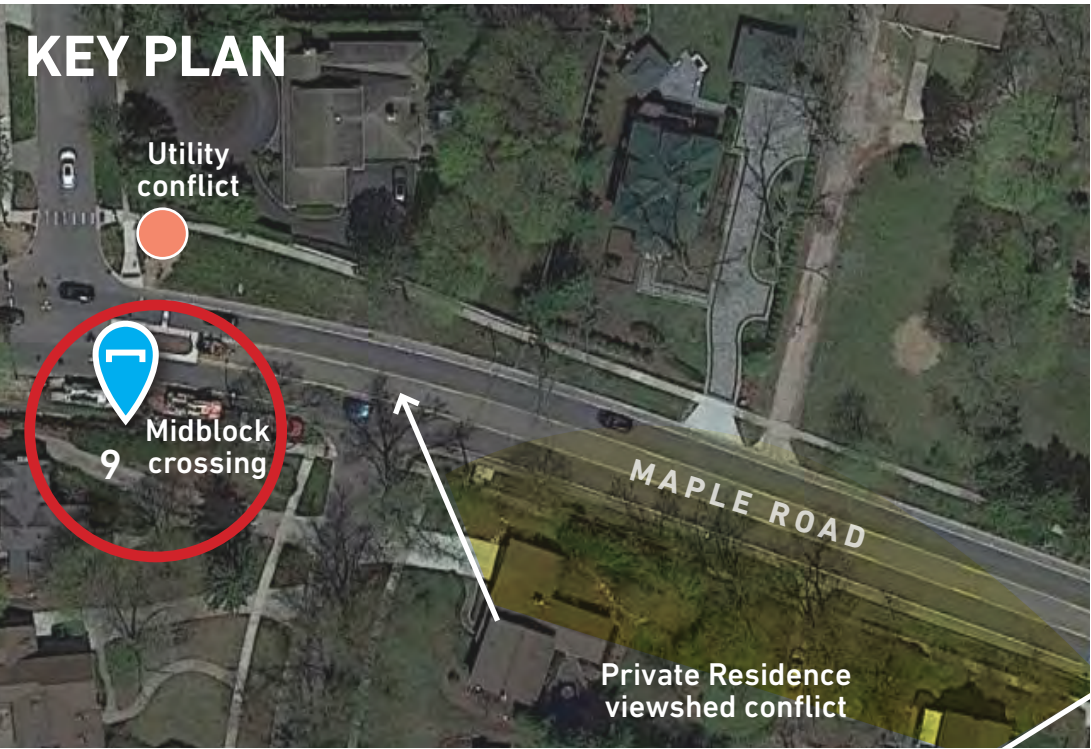
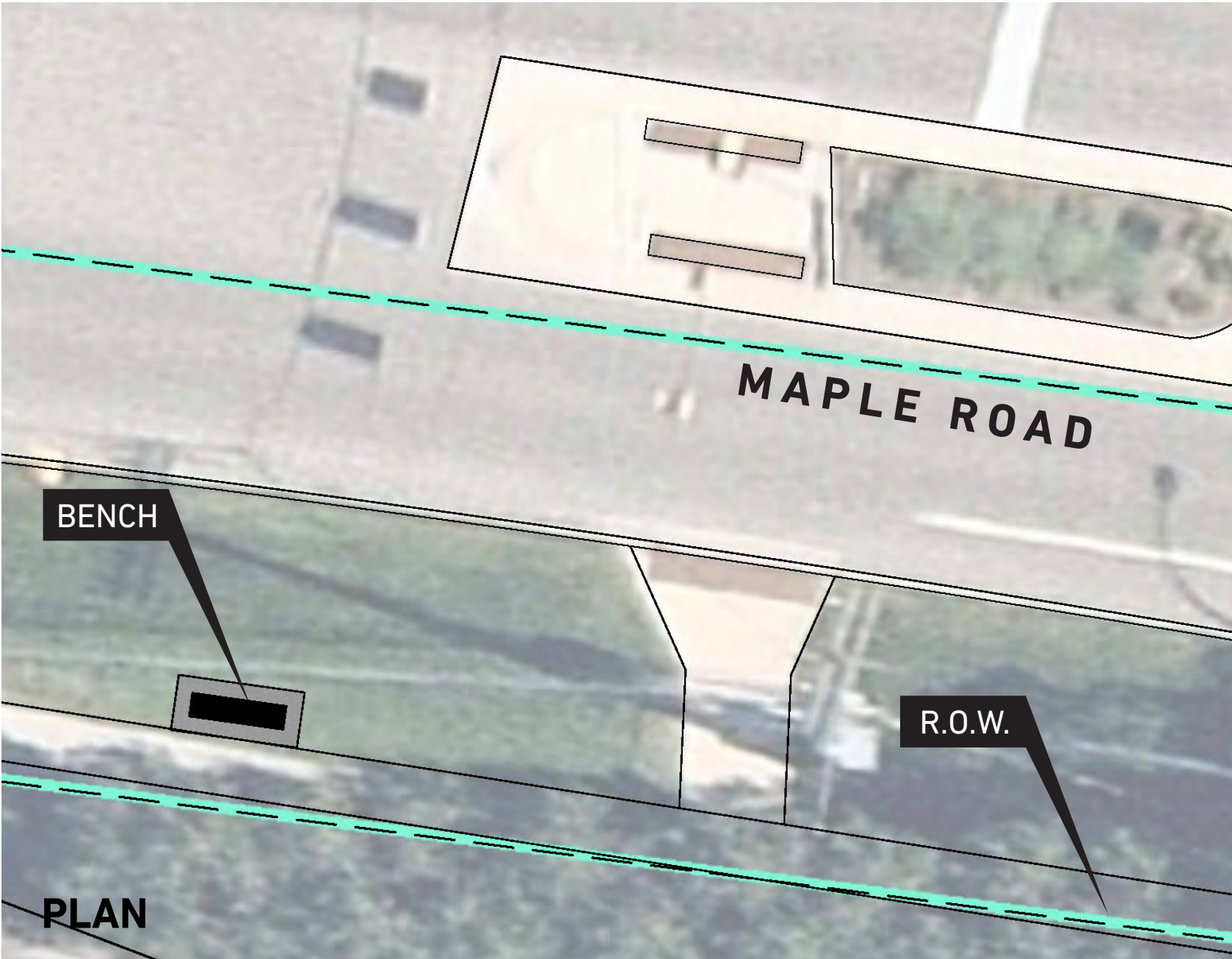
- Located at bus stop





# BENCH RELOCATION - LOCATION 9

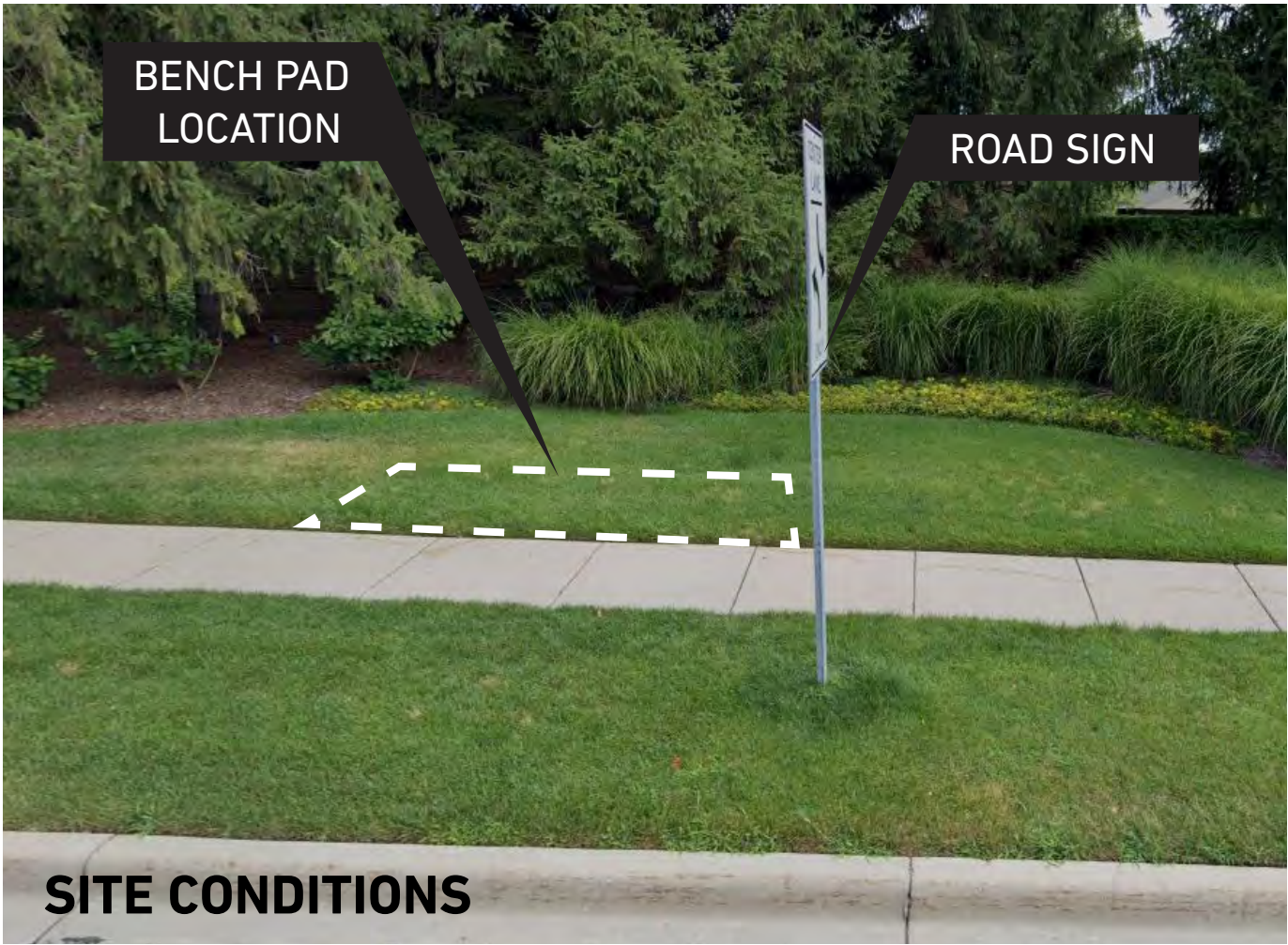
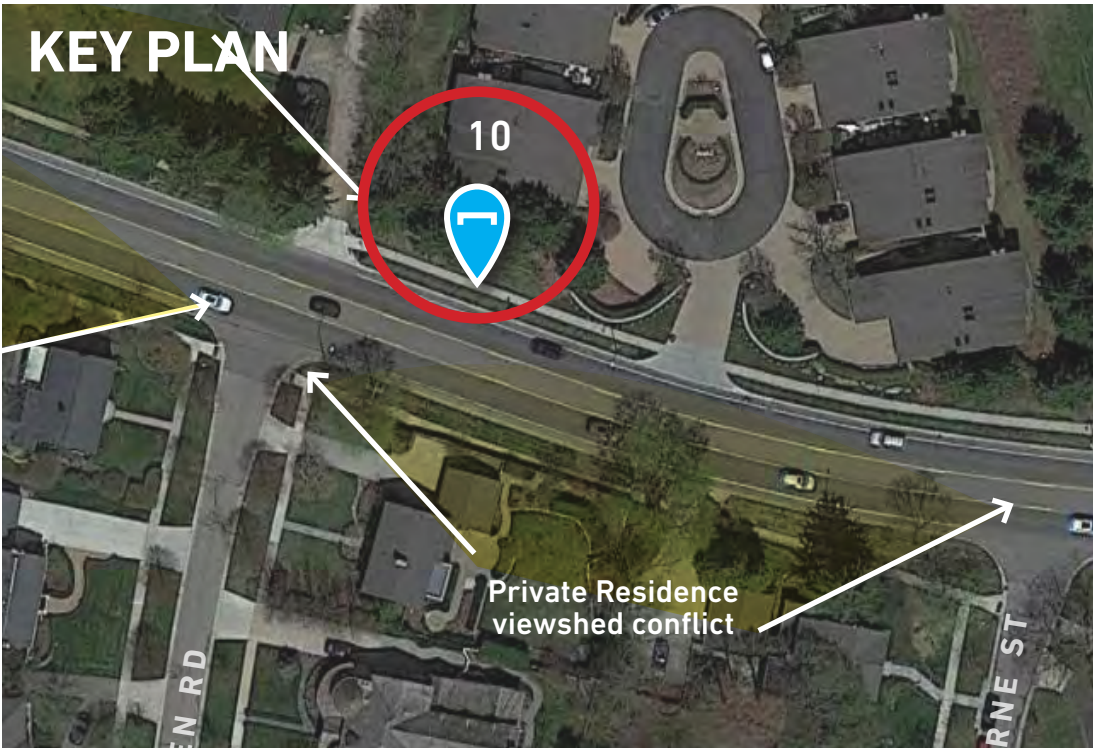
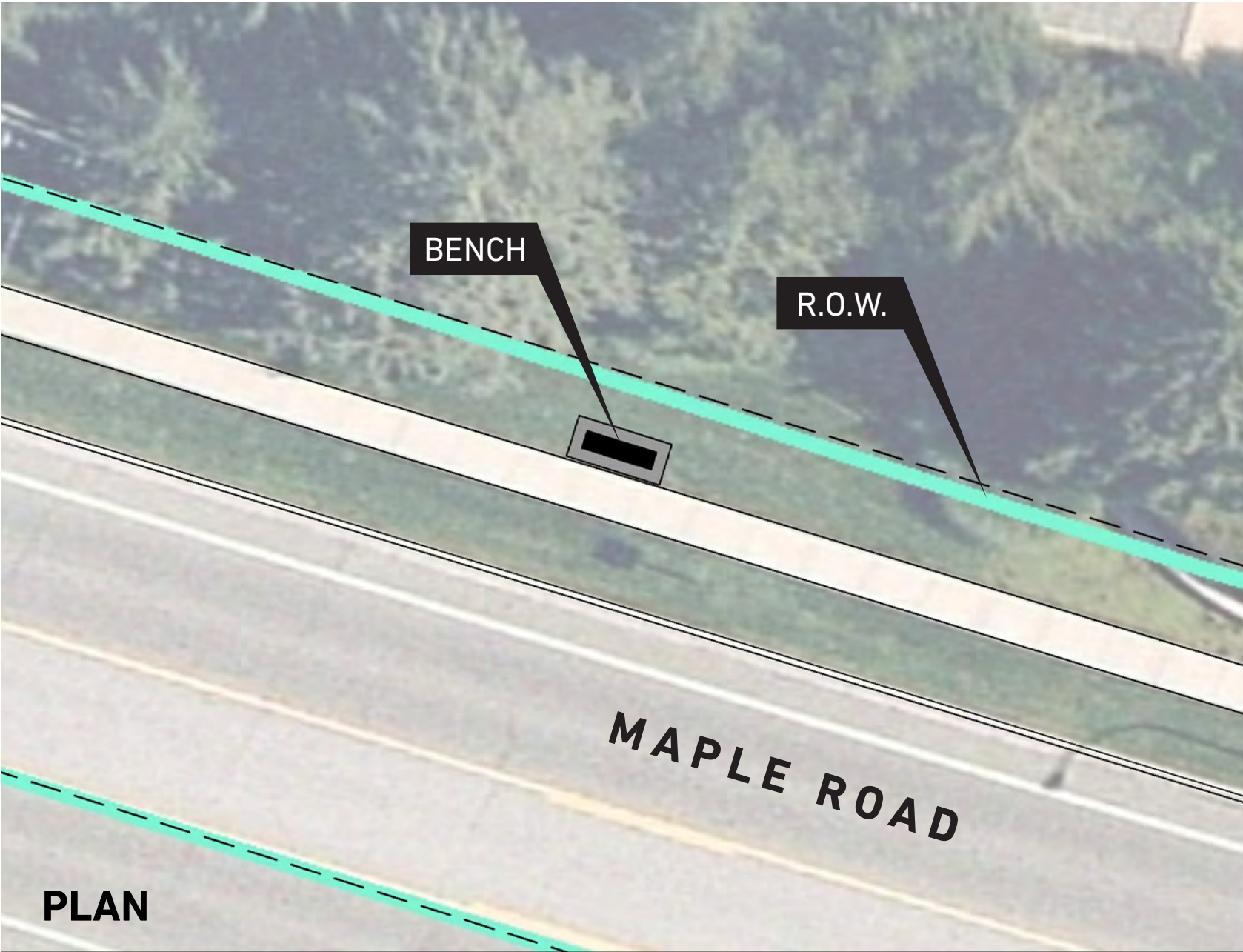
- Located at midblock crossing
- Avoids fencing
- Avoids utility pole conflict on north side





# BENCH RELOCATION - LOCATION 10

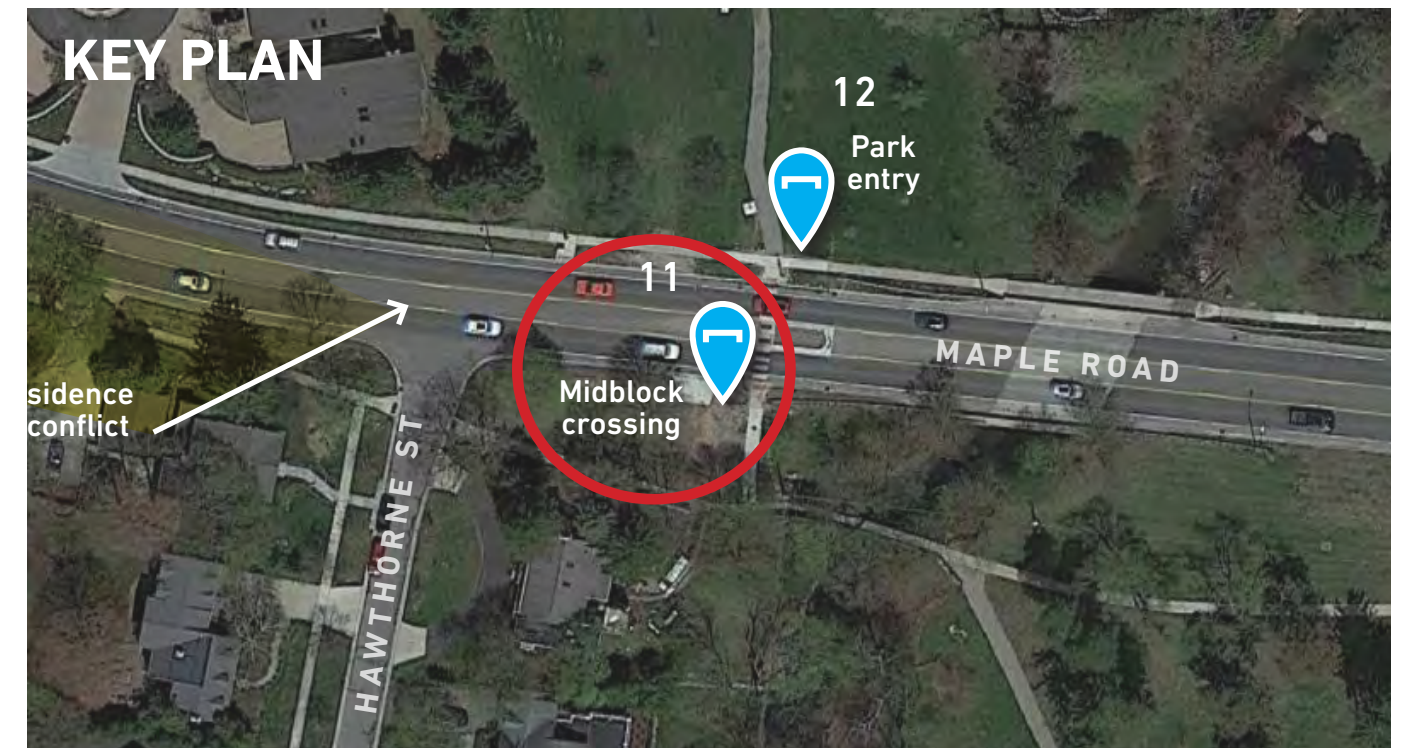
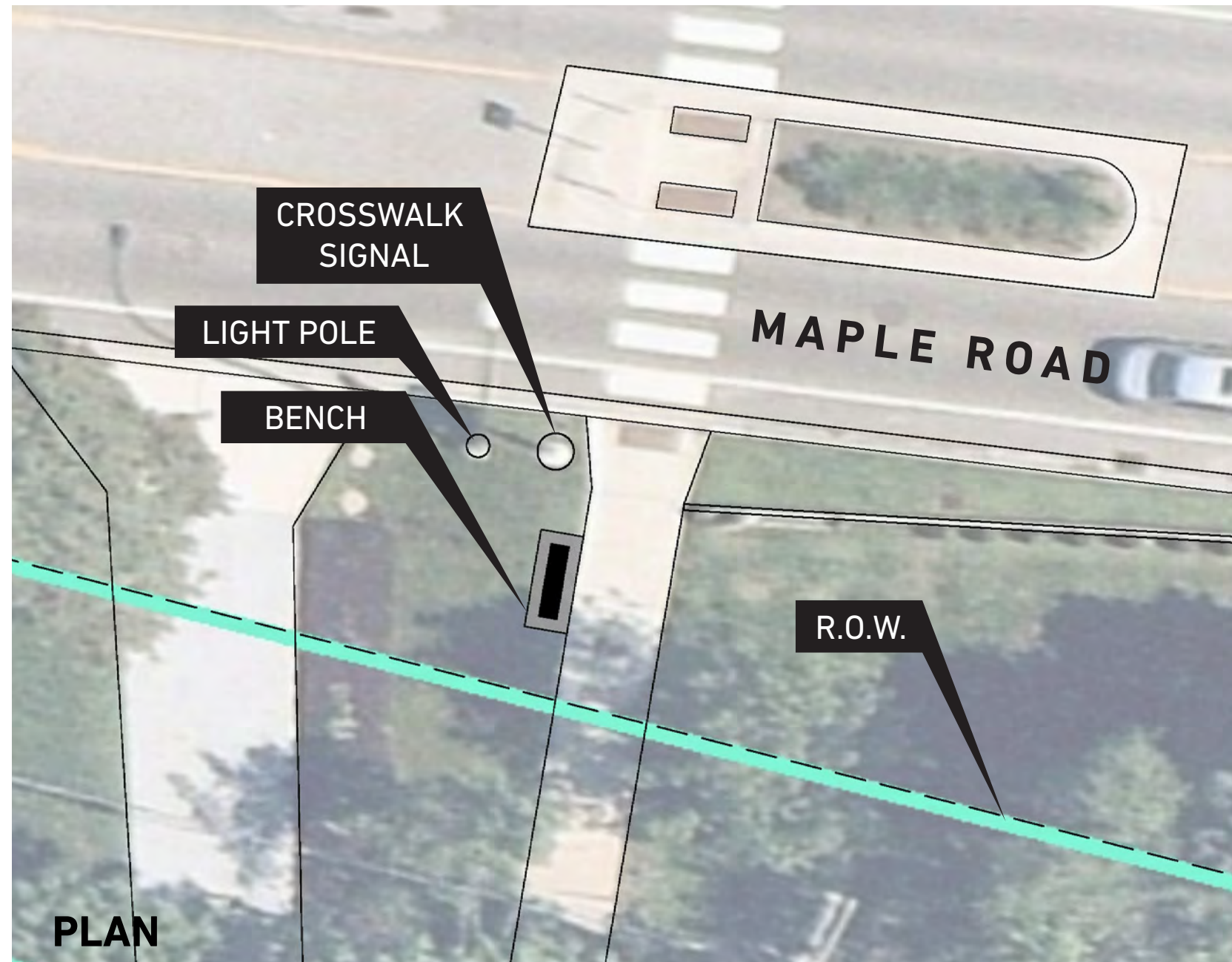
- Adjacent to road sign indicating center lane
- Private condominiums adjacent, buffered by trees/shrubs
- Open lawn area surrounding





# BENCH RELOCATION - LOCATION 11

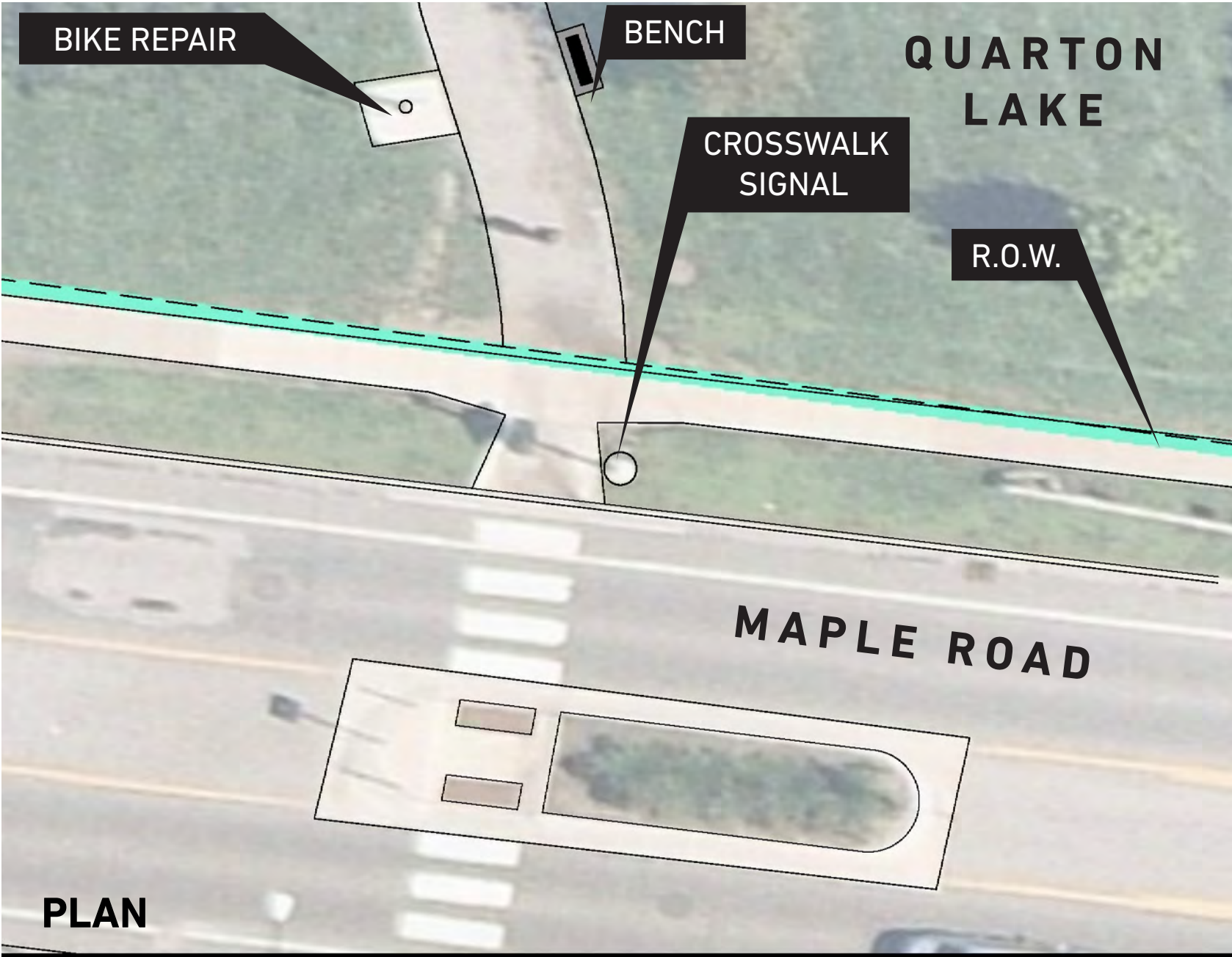
- Midblock crossing on Maple Road
- Adjacent to crosswalk signal and light pole
- Guard rail on the opposite side of sidewalk
- Location ideal to direct pedestrian traffic south





# BENCH RELOCATION - LOCATION 12

- Located at midblock crossing
- Adjacent to bike repair station



PLAN



KEY PLAN

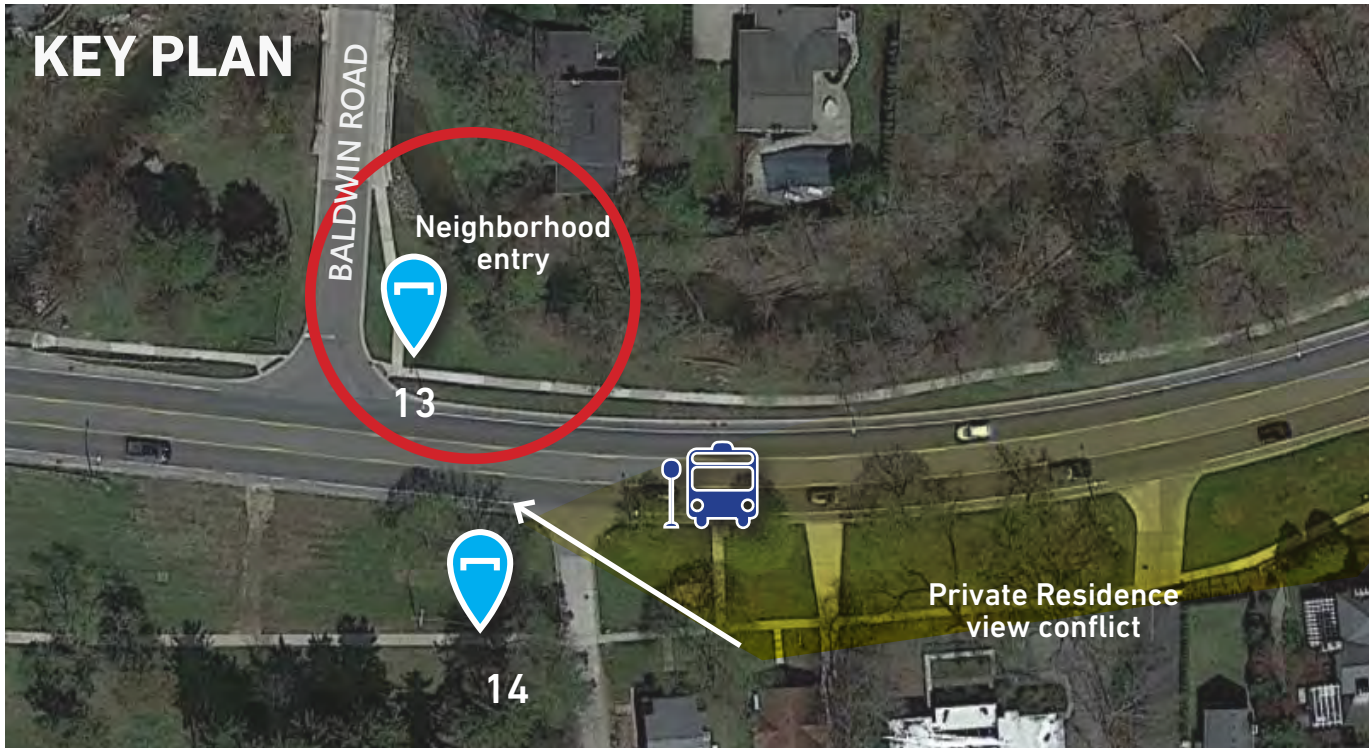


SITE CONDITIONS



# BENCH RELOCATION - LOCATION 13

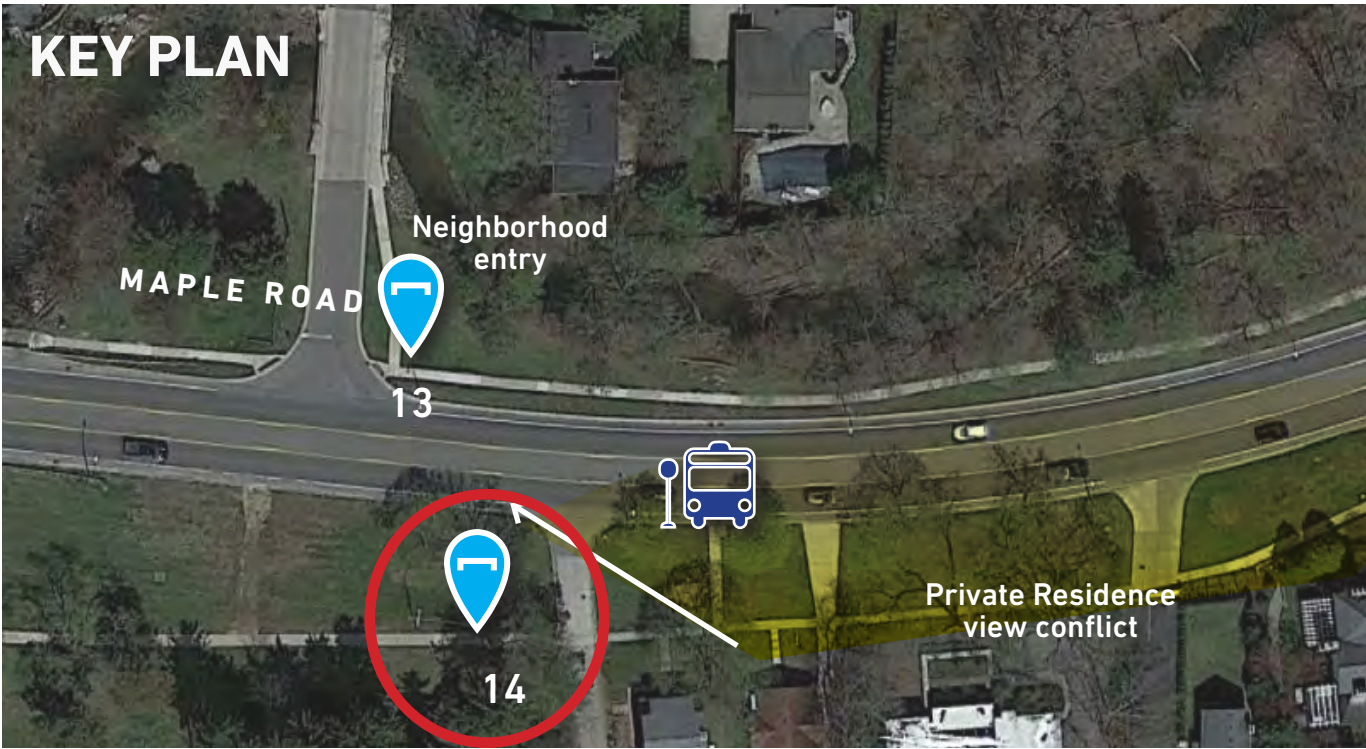
- Adjacent to bridge, deters foot traffic to drain
- Open lawn area





# BENCH RELOCATION - LOCATION 14

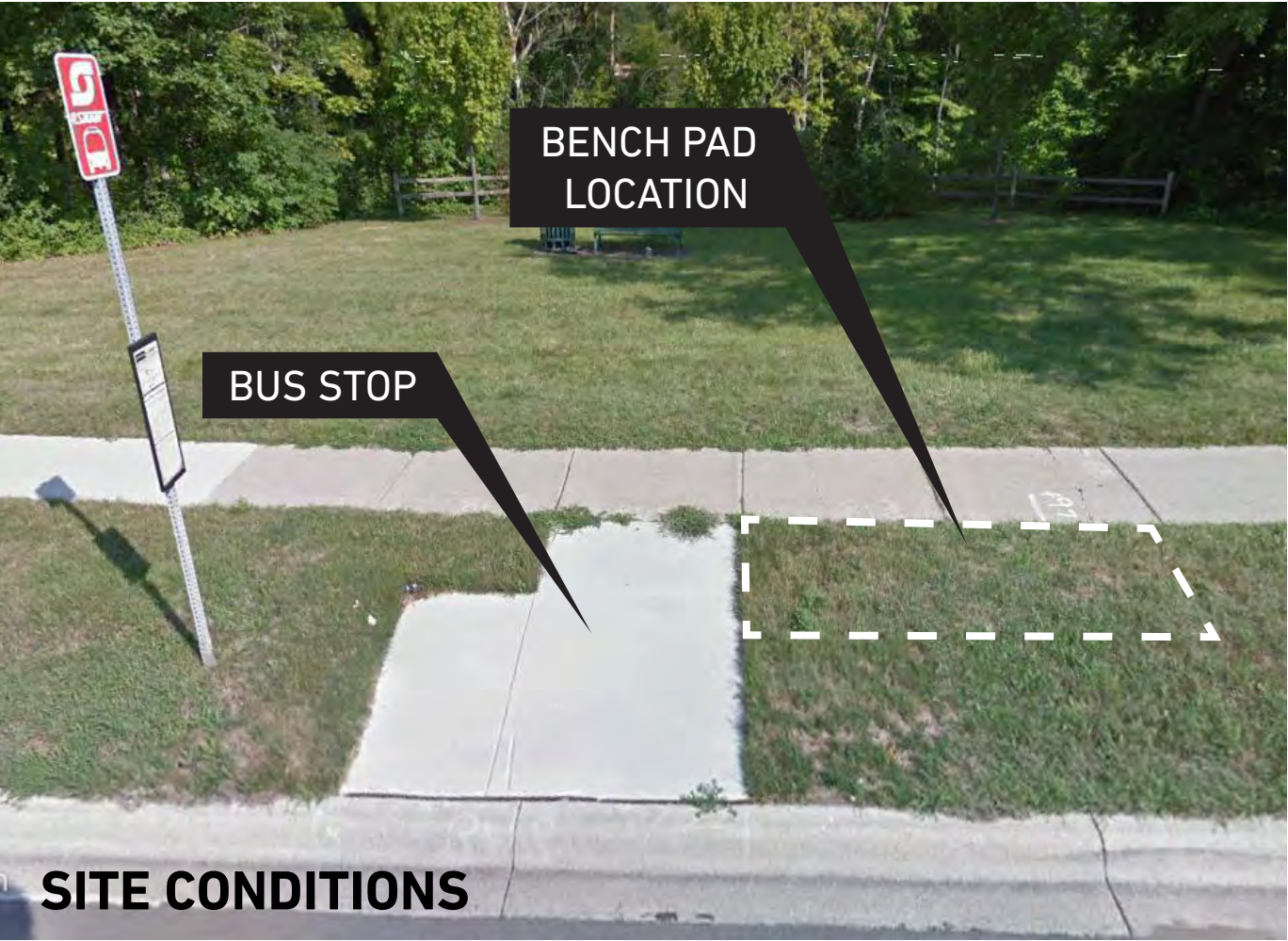
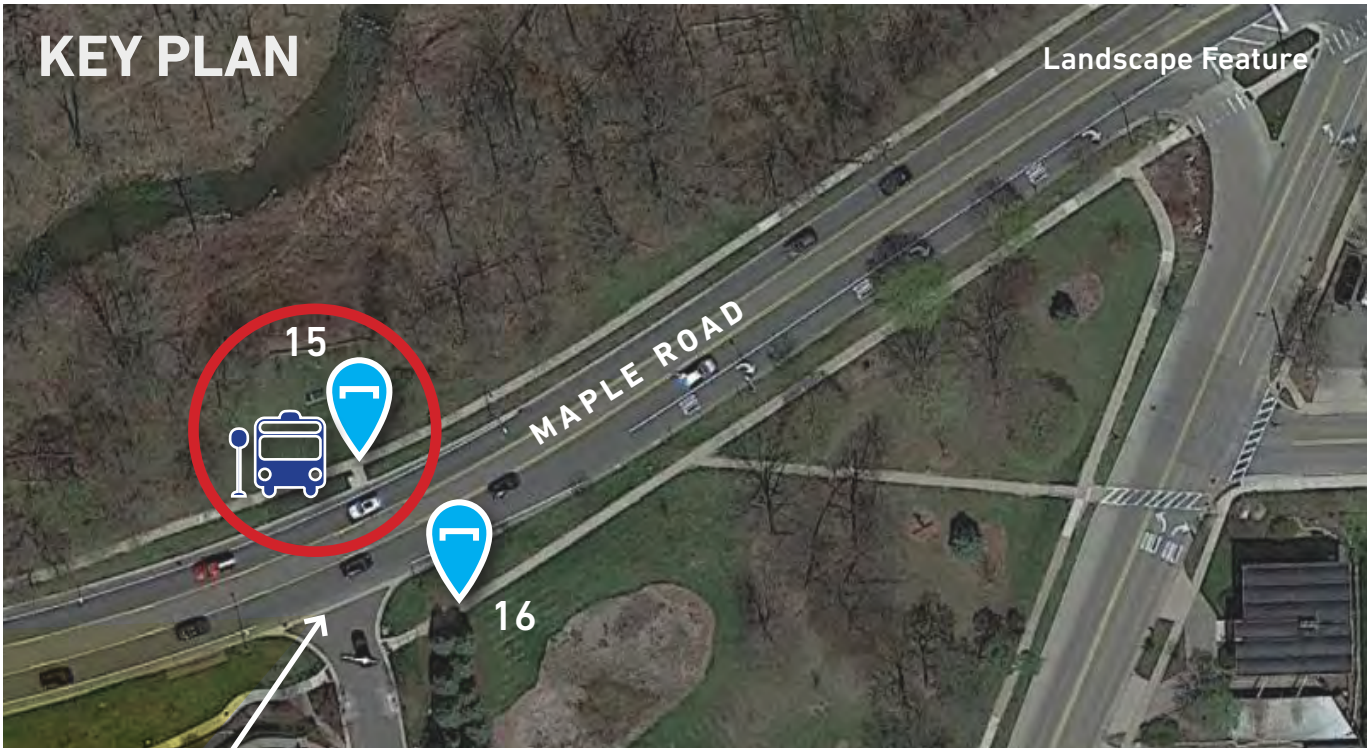
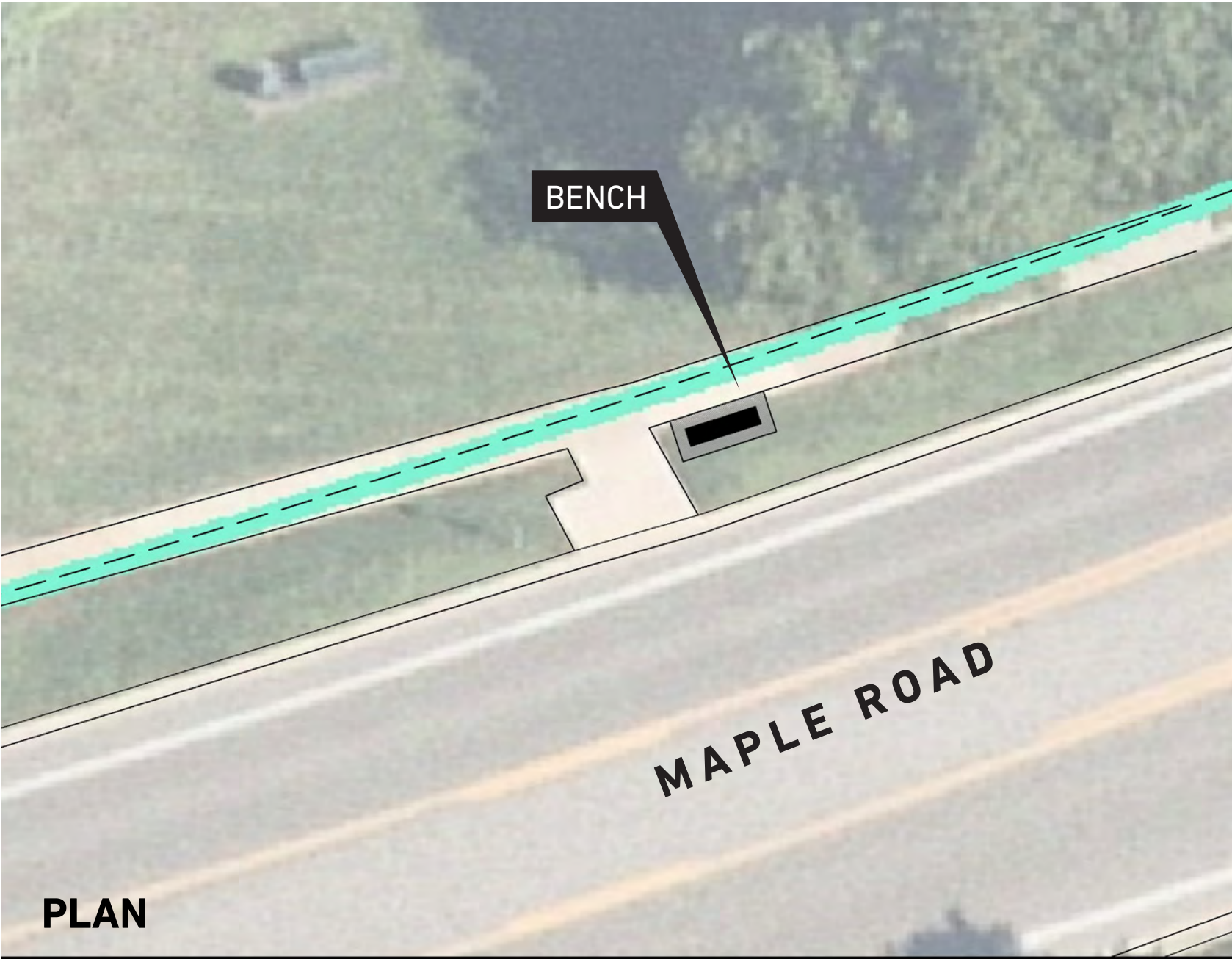
- Adjacent to Valley View Lane (private road)
- Electrical pole
- Large shade trees





# BENCH RELOCATION - LOCATION 15

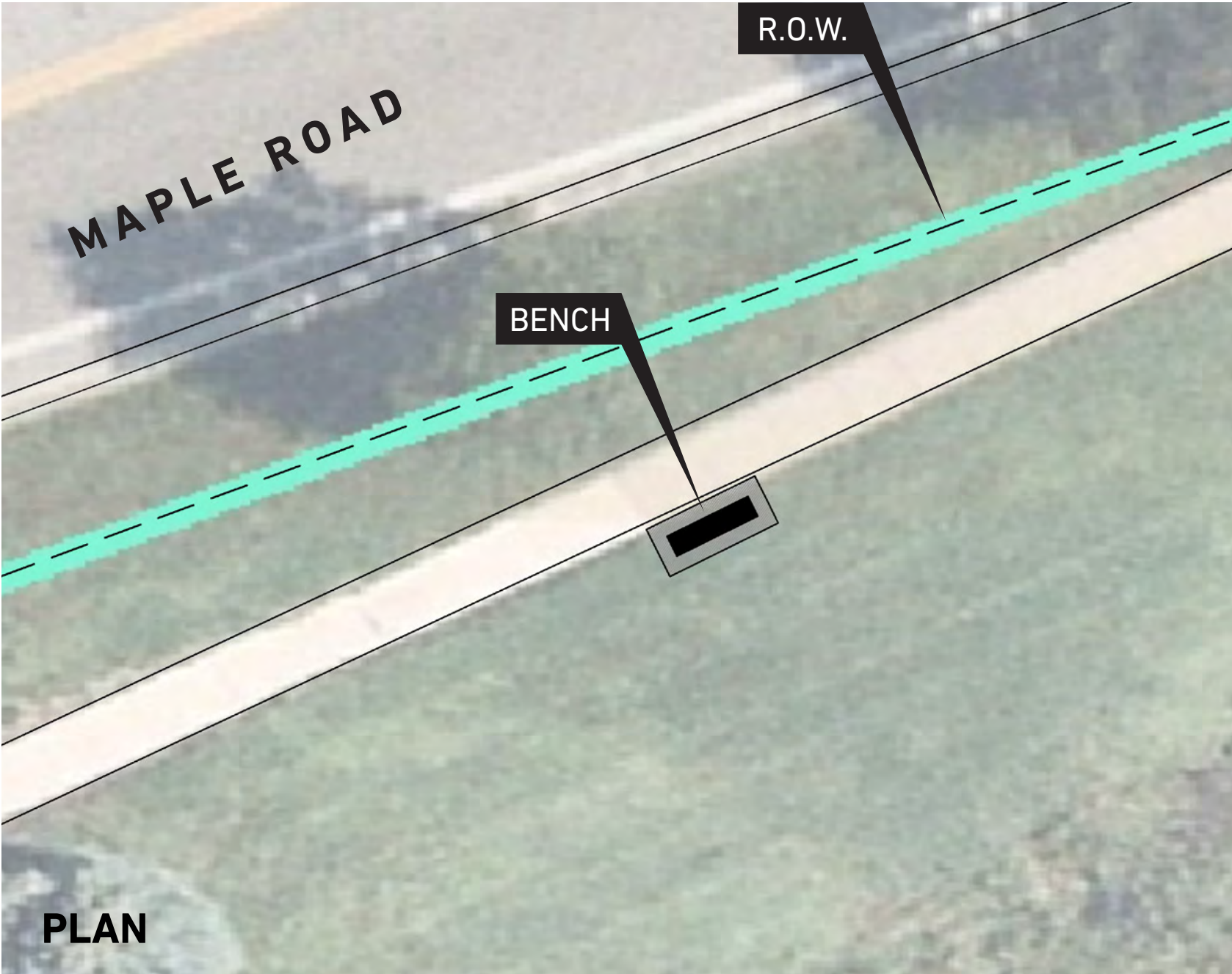
- Adjacent to stop
- Open lawn area



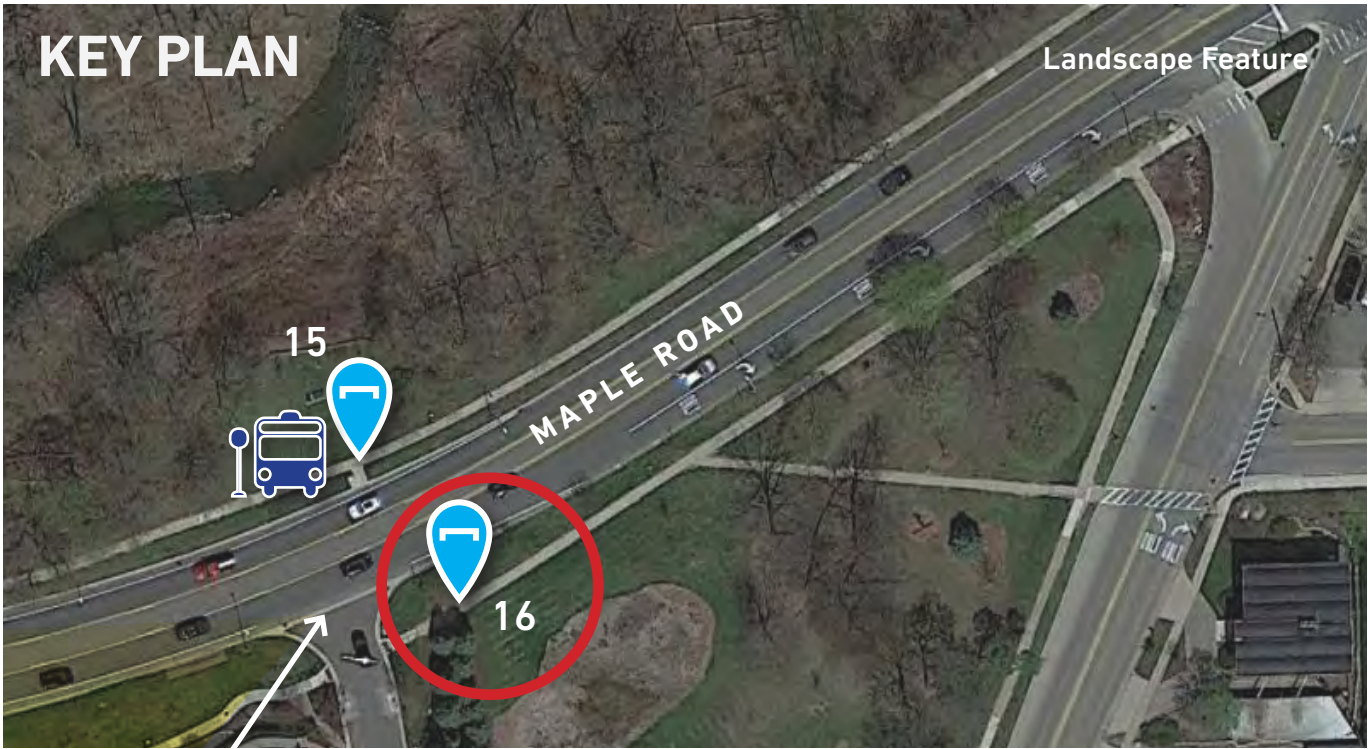


# BENCH RELOCATION - LOCATION 16

- Located within public park



PLAN



KEY PLAN



SITE CONDITIONS



# **APPROVED**

## **City Of Birmingham Multi-Modal Transportation Board**

**Thursday, December 2, 2021**

151 Martin Street, City Commission Room 205, Birmingham, MI

Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, December 2, 2021.

Acting Chair Peard convened the meeting at 6:22 p.m. The start of the meeting was delayed due to an initial lack of a quorum.

### **1. Rollcall**

**Present:** Acting Chair Tom Peard; Board Members David Hocker, David Lurie; Alternate Board Members Amanda Fishburn (present via Zoom and therefore not voting), Joe Zane; Student Representative Alex Walters

**Absent:** Board Member Doug White; Student Representatives Lauren Morris, Justin Schoener

### **Administration:**

Brooks Cowan, Senior Planner (SP)  
Laura Eichenhorn, City Transcriptionist (CT)  
Jim Surhigh, Consulting City Engineer (CCE)  
Scott Zielinski, Assistant City Engineer (ACE)

### **Fleis & Vandenbrink (F&V):**

Julie Kroll

**MKSK:** Brad Strader

### **2. Introductions**

### **3. Review Agenda**

### **4. Approval of MMTB Minutes of November 4, 2021**

**Motion by Mr. Zane**

**Seconded by Mr. Hocker to approve the MMTB Minutes of November 4, 2021 as submitted.**

**Motion carried, 6-0.**

VOICE VOTE

Yeas: Zane, Lurie, Peard, Hocker

Nays: None

## **5. W. Maple Bench Installation Locations**

SP Cowan and ACE Zielinski reviewed the item.

SP Cowan clarified that:

- Slide two should have shown Warren Court along the sidewalk;
- The proposed location for the ninth bench should be changed to be near Chesterfield Fire Station/Fairfax Park, since the originally recommended location is not actually in Birmingham; and,
- The proposed location for the 12th bench should be moved a block over from the original proposal to the south side of W. Maple, just to the east of Pleasant, in order to be in front of the bus stop.

### **Motion by Mr. Lurie**

**Seconded by Mr. Zane to recommend approval by the City Commission for the proposed locations for 12 benches along W. Maple Road as indicated in the agenda attachments by MKSK, with discussed amendments to proposed location nine and proposed location 12.**

**Motion carried, 4-0.**

VOICE VOTE

Yeas: Hocker, Zane, Lurie, Peard

Nays: None

Mr. Lurie suggested that the City consider offering dedication plaques for the new benches as a fundraising opportunity.

SP Cowan said he would include that in the memo to the Commission.

## **6. Woodward Pedestrian Safety Update & Road Diet Resolution**

SP Cowan, Mr. Strader, and ACE Zielinski reviewed the item.

Mr. Lurie and Acting Chair Peard said it would be helpful to see models of how reducing Woodward from four to three lanes would potentially impact traffic.

Mr. Lurie opined that anything that could improve the aesthetics of Woodward would be a boon to the community.

Mr. Zane noted that the 2040 Plan, once adopted, would also be a factor in deciding how to improve Woodward.

After discussion, the Board recommended omitting 'to 35 miles per hour' from the second-to-last WHEREAS paragraph in the full text motion as included in the meeting's agenda packet.

Mr. Strader recommended that 'Study' be added after the first appearance of 'Road Diet' in the



recommended action.

The Board concurred.

**Motion by Mr. Hocker**

**Seconded by Mr. Lurie to recommend that the City Commission approve a formal resolution in support of a Road Diet Study as required by the Michigan Department of Transportation to support a Road Diet application for Woodward Avenue from Quarton Lake Road to 14 Mile;**

**And**

**To recommend that the City Commission approve a formal request for MDOT to study pedestrian safety enhancements as identified in the Expected items of Study section of this report**

**And**

**To omit 'to 35 miles per hour' from the second-to-last WHEREAS paragraph in the full text motion as included in the meeting's agenda packet.**

**Motion carried, 4-0.**

VOICE VOTE

Yeas: Hocker, Lurie, Peard, Zane

Nays: None

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

Student Representative Walters told the Board it would be his last meeting as a representative and thanked the Board members for allowing and encouraging his participation.

**8. Miscellaneous Communications**

**9. Adjournment**

No further business being evident, the board members adjourned at 7:12 p.m.

Brooks Cowan, Senior Planner



# MEMORANDUM

City Clerk's Office

**DATE:** Tuesday, February 22, 2022

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

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

**SUBJECT:** Special Event – City of Birmingham In The Park Concert Series

## INTRODUCTION:

The Birmingham Department of Public Services has submitted a Special Event application to hold a Concert Series in Shain Park on the following dates: Friday June 10, 7-9 pm; Wednesday evenings from 7-9 pm on June 15, June 22, June 29, July 6, July 13, July 20, July 27, August 3, August 10, and August 17; Wednesday afternoons from Noon – 2 pm on July 20, and August 17. Set up will be the day of the concert, tear-down will be the day after the concert.

## BACKGROUND:

Prior to application submission, the various departments reviewed the proposed event. Police, DPS, Planning, Building, Engineering and Fire have indicated their approval. SP+ Parking has been notified for planning purposes.

The following events occur within 2 weeks of this event, and do not pose a conflict.

Eisenhower Dance Detroit	May 26	Shain Park
Birmingham Farmers Market	Sundays	Lot 6
Birmingham Memorial Day Service	May 30	Shain Park
Village Fair	June 1-5	Shain Park and City Streets
BSD Movie Night	June 10	Booth Park
Parkinson's Walk	June 18	Neighborhood
Yoga in the Park	June 18	Shain Park
BSD Movie Night	July 15	Booth Park
BSD Day on the Town	July 30	Downtown
BSD Movie Night	August 12	Booth Park
BSD Cruise Event	August 20	Woodward

## LEGAL REVIEW:

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

## FISCAL IMPACT:

The Finance Director has reviewed this application and has no concerns.

## PUBLIC COMMUNICATIONS:

The Public Services department notified residents and businesses about the details of this event by postcard which was mailed more than two weeks prior to the Commission Meeting. The Postcard also notified residents and businesses of their right to voice

concerns, comments or questions at the February 28, 2022 Commission Meeting. The addresses that were notified were within 300 ft of the event space.

**SUMMARY:**

The City Commission is asked to review and approve a special event permit for the Birmingham Public Service Department for the Summer Concert Series in Shain Park, for the dates and times listed as such:

Friday, June 10, 7-9 pm  
Wednesday, June 15, 7-9 pm  
Wednesday, June 22, 7-9 pm  
Wednesday, June 29, 7-9 pm  
Wednesday, July 6, 7-9 pm  
Wednesday, July 13, 7-9 pm  
Wednesday, July 20, 7-9 pm  
Wednesday, July 27, 7-9 pm  
Wednesday, August 3, 7-9 pm  
Wednesday, August 10, 7-9 pm  
Wednesday, August 17, 7-9 pm  
Wednesday, July 20, Noon – 2 pm  
Wednesday, August 17, Noon – 2 pm

Set up will be the day of the concert, tear-down will be the day after the concert.

**ATTACHMENTS:**

1. Special Event Application
2. Notification letter distributed on February 14, 2022 to residents and businesses within 300 feet of event area. 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 Public Services Department for the 2022 Birmingham Concert In The Park series for the dates as presented, 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 OFFICE 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 \_\_\_\_\_ February 4, 2022

Name of Event \_\_\_\_\_ 2022 City of Birmingham In The Park Concert Series

Detailed Description of Event (attach additional sheet if necessary) \_\_\_\_\_ Summer Concert Series sponsored

by the City of Birmingham.

BBCC Youth Action Board's Teen Summer Concert, June 10, 2022 7-9pm

Summer Concert Wednesday Evenings: 6/15, 6/22, 6/29, 7/6, 7/13, 7/20, 7/27 8/3, 8/10, 8/17, 2022 7-9pm

Summer Concert Wednesday Afternoon: 7/20, 8/17, 2022 12-2pm

Location \_\_\_\_\_ Shain Park (Thomas M. Markus Pavilion)

Date(s) of Event \_\_\_\_\_ See Above                      Hours of Event \_\_\_\_\_ See Above

Date(s) of Set-up \_\_\_\_\_ Day of the concert                      Hours of Set-up \_\_\_\_\_ Day of the concert

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

Date(s) of Tear-down \_\_\_\_\_ Day after the concert                      Hours of Tear-down \_\_\_\_\_ Day after the concert

Organization Sponsoring Event \_\_\_\_\_ City of Birmingham Department of Public Services

Organization Address \_\_\_\_\_ 851 South Eton, Birmingham, MI 48009

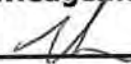
Organization Phone \_\_\_\_\_ 248-530-1642

Contact Person \_\_\_\_\_ Connie Folk, Recreation Coordinator

Contact Phone \_\_\_\_\_ 248-530-1642

Contact Email \_\_\_\_\_ Cfolk@bhamgov.org

## II. EVENT INFORMATION

1. Organization Type City of Birmingham  
(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.) TBD  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
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 City of Birmingham Summer Concert Series has been occurring for many years.  
\_\_\_\_\_
5. Total number of people expected to attend per day 500 (approximate)
6. The event will be held on the following City property: (Please list)  
☐ Street(s) \_\_\_\_\_  
\_\_\_\_\_  
☐ Sidewalk(s) \_\_\_\_\_  
\_\_\_\_\_  
☒ Park(s) Shain Park (Thomas M. Markus Pavilion)  
\_\_\_\_\_
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, street parking

**3. \*The city encourages collaboration amongst non-profit organizations to bring the greatest benefit to the community. Please explain your efforts to do so:**

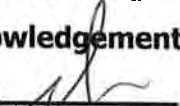
The City of Birmingham collaborates with Birmingham Bloomfield Community Coalition (BBCC) to offer a teen concert night for the students that attend the local high schools and private schools in Birmingham and Bloomfield Hills. BBCC provides education, tools, activities, and support to help youth rise above life's challenges by making informed decisions about their safety, health and wellness, as well as encouraging adults to thoughtfully support them.

-Connie Folk, Email dated Wed, Feb 16, 2022 at 2:34 PM



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 City of Birmingham representative will be present for each concert.

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 Afternoon concerts: 12pm/Evenings: 7pm

Time music will end Afternoon concerts: 2pm/Evenings: 9pm

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 Sponsor Banner

Size of signs/banners 48" x 90"

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	2	(1) standard/(1) Handicap
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		



## SIGNATURE OF APPLICANT REQUIRED

EVENT NAME City of Birmingham In The Park Concert Series  
EVENT DATE June 10, 15, 22, 29, July 6, 13, 20, 27, August 3, 10, 17, 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.

*Connie Folk*

2/4/2022

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.

## SAMPLE NOTIFICATION LETTER

### SPECIAL EVENT REQUEST NOTIFICATION LETTER

DATE: February 8, 2022

TO: \_\_\_\_\_  
Residential Property or Business Owner  
\_\_\_\_\_  
Address

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

#### **EVENT INFORMATION**

NAME OF EVENT: City of Birmingham In The Park Summer Concerts

LOCATION: Shain Park (Thomas M. Markus Pavilion)

DATE(S) OF EVENT See Below HOURS OF EVENT Afternoon:12pm-2pm/Evenings:7pm-9pm

BRIEF DESCRIPTION OF EVENT/ACTIVITY: Summer Concerts held on  
June 10, 15, 22, 29, July 6, 13, 20, 27, August 3, 10, 17, 2022

DATE(S) OF SET-UP Day of Concert HOURS OF SET-UP Day of Concert

DATE(S) OF TEAR-DOWN After Concert HOURS OF TEAR-DOWN After Concert

DATE OF CITY COMMISSION MEETING: Monday, February 28, 2022

The City commission meets in room 205 of the Municipal Building at 151 Martin at 7:30PM. 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).** Log on to [www.bhamgov.org/events](http://www.bhamgov.org/events) for a complete list of special events.

EVENT ORGANIZER: City of Birmingham Department of Public Services

ADDRESS: 851 South Eton, Birmingham, MI 48009

PHONE: 248-530-1642

FOR QUESTIONS ON DAY OF EVENT, CONTACT: Connie Folk, 248-530-1642

**A map showing street closures must be attached.**



## **SPECIAL EVENT NOTIFICATION** TO ALL PROPERTY/BUSINESS OWNERS

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**NAME OF EVENT:** In The Park Summer Concerts

**LOCATION:** Shain Park (Thomas M. Markus Pavilion)

**DATES/TIMES:** BBCC YAB's Teen Summer Concert, Friday, 6/10/22, 7pm-9pm

Wednesday afternoon: (7/20, 8/17, 2022) 12:00 pm -2:00 pm

Wednesday evenings: (6/15, 6/22, 6/29, 7/6, 7/13, 7/20, 7/27,

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**EVENT ORGANIZER:** City of Birmingham, DPS

851 South Eton, Birmingham, MI 48009

City Contact Person: Connie Folk, 248.530.1642, [Cfolk@bhamgov.org](mailto:Cfolk@bhamgov.org)

**TO BUILDING MANAGERS CONTAINING MORE THAN ONE UNIT:**

**PLEASE POST THIS NOTICE AT THE MAIN ENTRANCE TO YOUR BUILDING.**



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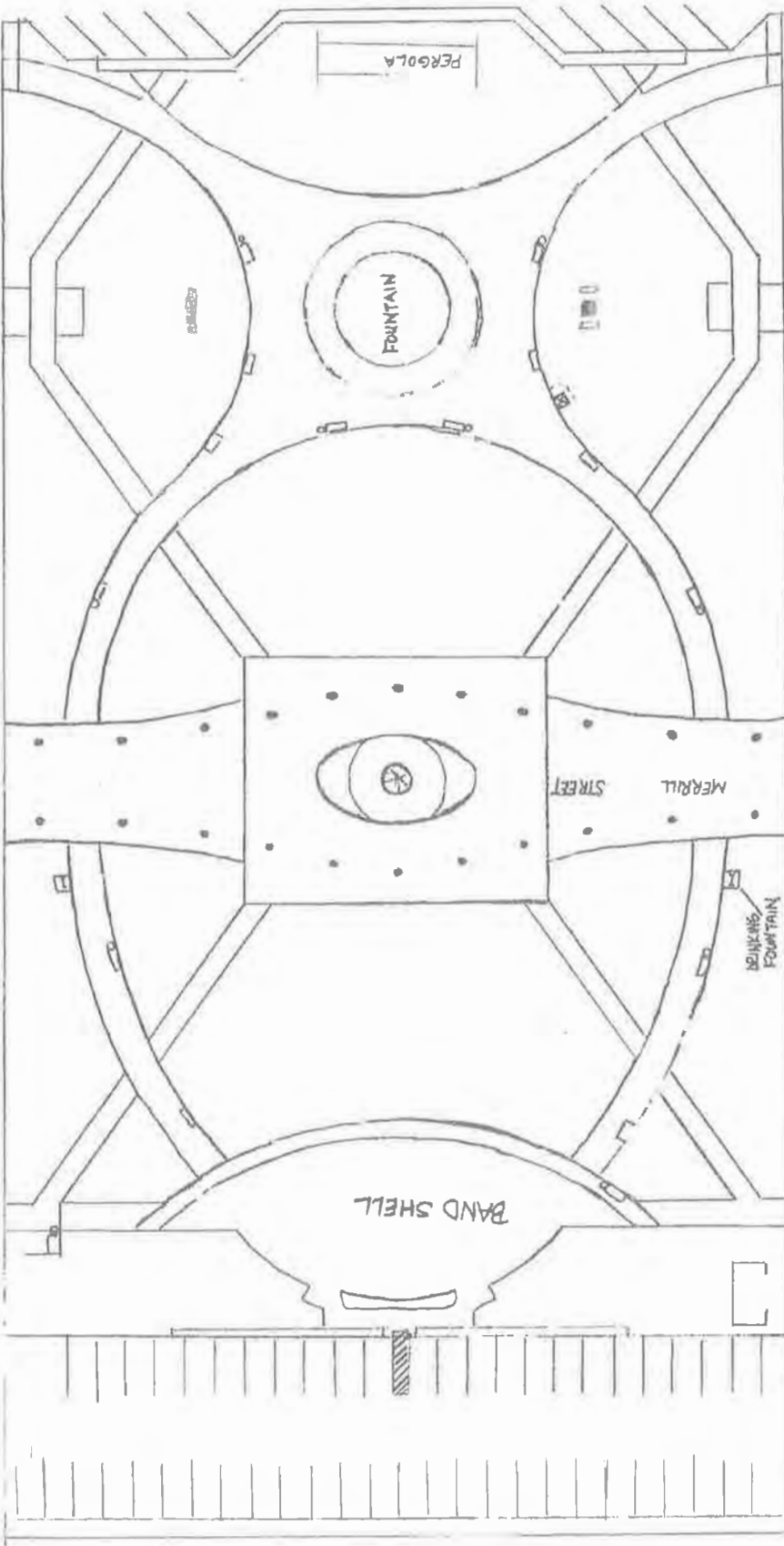
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Shain Park Map

## DEPARTMENT APPROVALS

EVENT NAME: Summer Concert Series

LICENSE NUMBER # 22-00011785

COMMISSION HEARING DATE: 2/28/2022

NOTE TO STAFF: Please submit approval by Fri 2/18/2022

DATE OF EVENT: Wednesdays 7-9pm: 6/15, 6/22, 6/29, 7/6, 7/13,  
7/20, 7/27, 8/3, 8/10, 8/17,  
Wednesdays 12-2pm : 7/20, 8/16  
Friday, 7-9pm: 6/10

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	TBC	No Cost No Comment		\$0	
<b>BUILDING</b> 101-000.000-634.0005 248.530.1850	MJM	No Department Involvement.		\$0	
<b>FIRE</b> 101-000.000-634.0004 248.530.1900	JDP	Follow all current COVID-19 guidelines. Do not block streets with vehicle traffic. Do not block fire hydrants with any object or vehicle. Provide crowd managers 1 for every 250 persons No pyrotechnics or open flame entertainment props allowed.		\$0	
<b>POLICE</b> 101-000.000-634.0003 248.530.1870	SG	2 officers for teen concert. For additional concerts, on duty personnel will provide extra patrol.		\$300	

<b>PUBLIC SERVICES</b> 101-000.000-634.0002 248.530.1642	CL	Includes set-up and take down for all concerts. And (1) staff member at each concert.		\$4,000	
<b>ENGINEERING</b> 101-000.000.634.0002 248.530.1839	SDZ	No Obstructions required	None	\$0	\$0
<b>SP+ PARKING</b>	RW	Parking available on street and in structures	NA	NA	NA
<b>INSURANCE</b> 248.530.1807	CW	Insurance COI Needed before 5/27			
<b>CLERK</b> 101-000.000-614.0000 248.530.1803	CW	Letters mailed 2/14/22 Addresses on file in Clerk's Office	Applications for vendors license must be submitted no later than 5/27/2022.	165	
				<b>TOTAL DEPOSIT REQUIRED</b>  <b>\$4465.</b>	<b>ACTUAL COST</b>

**FOR CLERK'S OFFICE USE**

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

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

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





# MEMORANDUM

City Clerk's Office

**DATE:** Tuesday, February 22, 2022

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

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

**SUBJECT:** Special Event - Birmingham Museum Heritage Plant Exchange

## INTRODUCTION:

The Birmingham Museum has submitted a Special Event application to hold a Heritage Plant Exchange on Museum grounds on Saturday, June 4, 2022 from 10 am – 2 pm, setup at 9am and teardown at 2pm.

## BACKGROUND:

Prior to application submission, the various departments reviewed the proposed event. Police, DPS, Planning, Building, Engineering and Fire have indicated their approval. SP+ Parking has been notified for planning purposes.

The Village Fair event occurs concurrently with this event, albeit in a different location. The Museum has been notified and acknowledges that there will be a larger event in a different location which may impact participation at the museum event.

The following events occur within 2 weeks of this event, and do not pose a conflict.

Eisenhower Dance Detroit	May 26	Shain Park
Birmingham Farmers Market	Sundays	Lot 6
Birmingham Memorial Day Service	May 30	Shain Park
Village Fair	June 1-5	Shain Park and City Streets
BSD Movie Night	June 10	Booth Park
Summer Concerts in the Park	June 15	Shain Park

## LEGAL REVIEW:

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

## FISCAL IMPACT:

The Finance Director has reviewed and has no concerns.

## PUBLIC COMMUNICATIONS:

The City Clerk's office notified residents and businesses about the details of this event by postcard which was mailed more than two weeks prior to the Commission Meeting. The Postcard also notified residents and businesses of their right to voice concerns or comments at the February 28, 2022 Commission Meeting. The addresses that were notified were within 300 ft of the event space.

**SUMMARY:**

The City Commission is asked to review and approve a special event permit for the Birmingham Museum Heritage Plant Exchange on Saturday, June 4, 2022 at the Birmingham Museum grounds. Set up will begin at 9am and tear-down will occur immediately following the event at 2pm.

**ATTACHMENTS:**

1. Special Event Application
2. Notification letter distributed on February 10, 2022 to residents and businesses within 300 feet of event area. 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 Museum to hold the 2022 Birmingham Museum Heritage Plant Exchange on Saturday, June 4, 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 OFFICE TO REVIEW PROPOSED EVENT  
DETAILS PRIOR TO SUBMITTING APPLICATION.**

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

*(See Commander Grewe)*

**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 2/4/2022

Name of Event Birmingham Museum Heritage Plant Exchange

Detailed Description of Event (attach additional sheet if necessary) Free event - open to the public  
bring a plant, take a plant from your garden and/or to donate from  
a specific heritage perennial plant list. 2 tents - one for shade  
plants and one for sun plants. Event from 10 AM to 2 PM at the museum  
with a Master Gardener on hand to answer questions. Plants must  
be labeled (available on  
side). Any plants left

Location 556 W. Maple

Date(s) of Event Saturday June 4 Hours of Event 10 AM - 2 PM

Date(s) of Set-up Sat. June 4. Hours of Set-up 9 AM.

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

Date(s) of Tear-down Sat June 4 Hours of Tear-down 2 PM.

Organization Sponsoring Event Birmingham Museum Board

Organization Address 556 W. Maple, Birmingham MI 48009

Organization Phone 248-530-1682

Contact Person Leslie Pielack

Contact Phone Same

Contact Email lpielack@bhamugov.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.) Friends of Birmingham Museum are providing assistance - not specifically sponsoring. Contact Marty Logue, Treasurer @ gtfierose.comcast.net. Phone 248-496-3378. Address of Friends is same as museum - 556 W. Maple
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 \_\_\_\_\_
5. Total number of people expected to attend per day 25-30
6. The event will be held on the following City property: (Please list)  
☐ Street(s) \_\_\_\_\_  
☐ Sidewalk(s) \_\_\_\_\_  
☒ Park(s) John West Hunter Park / Museum Plaza between Allen House and Hunter House
7. Will street closures be required? YES ☐ NO ☒  
(Police Department acknowledgement prior to submission of application is required) (initial here) [Signature] Cleared w/ Scott Grewe
8. What parking arrangements will be necessary to accommodate attendance?  
Chester Street deck will provide parking

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) [Signature]

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

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

12. Will music be provided? YES ☐ NO ☒  
\_\_\_\_\_ Live \_\_\_\_\_ Amplification \_\_\_\_\_ 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 we'll use our permitted sandwich sign  
Submit a photo/drawing of the sign(s). A sign permit is required. the day of the event

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?
n/a			

### 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	3	\$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)	2	10 X 10
Portable Toilets		
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		



**SIGNATURE OF APPLICANT REQUIRED**

EVENT NAME Birmingham Museum Heritage Plant Exchange  
EVENT DATE 6/4/2022

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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.



Signature

2/4/2022

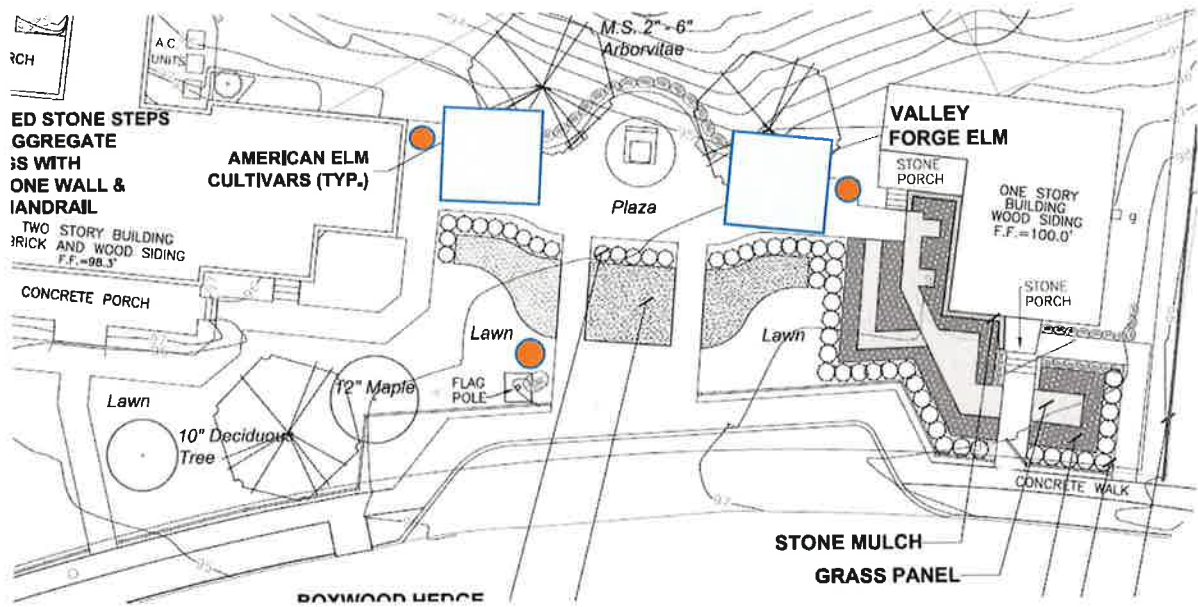
Date

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# Birmingham Museum Heritage Plant Exchange Layout



Trash Receptacles (3)



10 X 10 Tents (2)





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**NAME OF EVENT:** Birmingham Museum Heritage Plant Exchange  
**LOCATION:** Birmingham Museum Plaza, 550-556 W. Maple (see attached map)  
**DATES/TIMES:** Saturday, June 4, 2022, 10 AM to 2 PM  
(set up and take down same day)

The Birmingham Museum is seeking historic plants for its new community perennial garden and will also promote a community plant exchange at this free family-friendly event. Home gardeners can bring a plant to share or donate, meet a master gardener, and take home a new plant for their gardens. The museum will also be open during the event (regular admission applies).

**DATE/TIME OF CITY COMMISSION MEETING: MONDAY, FEBRUARY 28 2022 7:30 PM**

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**EVENT ORGANIZER:** City of Birmingham, Birmingham Museum. Day of event contact: Leslie Pielack, Museum Director, 248.530.1682 • [lpielack@bhamgov.org](mailto:lpielack@bhamgov.org)



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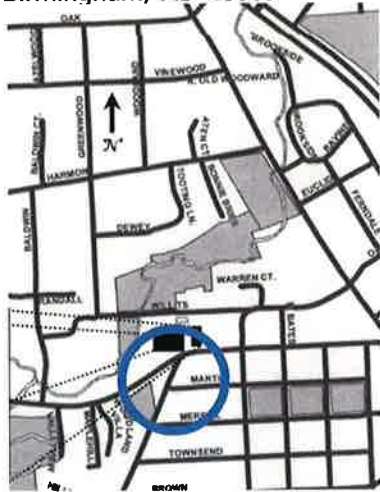
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Birmingham Museum  
City of Birmingham  
556 Maple Road  
Birmingham, MI 48009



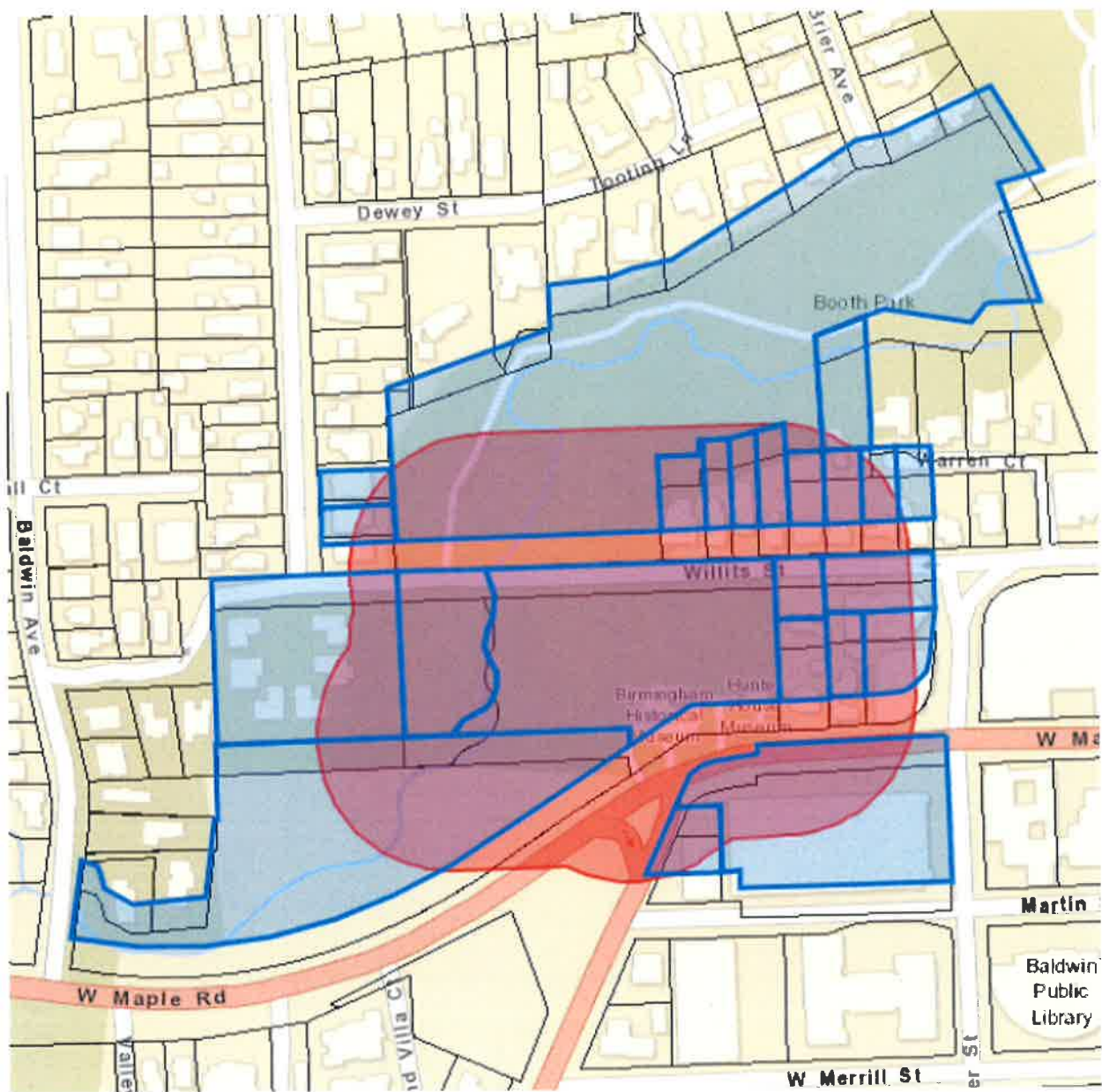
«Name»  
«Name\_2»  
«Street»  
«City», «State» «Zip»«Next Record»

Birmingham Museum  
City of Birmingham  
556 Maple Road  
Birmingham, MI 48009



«Name»  
«Name\_2»  
«Street»  
«City», «State» «Zip» «Next Record»





**EVENT NAME: Birmingham Museum Heritage Plant Exchange**

**LICENSE NUMBER #22-00011777**

**COMMISSION HEARING DATE: February 28 2022**

**NOTE TO STAFF: Please submit approval by Friday, February 18 2022**

**DATE OF EVENT: Saturday June 4 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> 101-000.000-634.0005 248.530.1855	TBC	No Cost No Comment			
<b>BUILDING</b> 101-000.000.634.0005 248.530.1850	MJM	No department involvement.		\$0	
<b>FIRE</b> 101-000.000-634.0004 248.530.1900	JP	Follow all current MDHHS COVID-19 guidelines. Crowd managers 1 for every 250 gathered persons required. Tents require flame retardant certificate submittals. Fire extinguishers for tents required to be mounted to a secure object 5 lb. ABC type. Do not block roads with traffic. Do not block fire hydrants with vehicles or set up. Food service areas require inspection for any open flame or fuel fed appliances. Generators to be 20 feet from structures. No fuel cans loose on premise.		\$0	
<b>POLICE</b> 101-000.000.634.0003 248.530.1870	SG	On duty personnel will give event extra patrol.		\$0	\$0

<b>PUBLIC SERVICES</b> 101-000.000-634.0002 248.530.1642	CL	Department will provide trash receptacles and canopies.		\$130	
<b>ENGINEERING</b> 101-000.000.634.0002 248.530.1839	SDZ	Does not appear to be in the right of way or cause obstruction.	None	\$0	\$0
<b>SP+ PARKING</b>					
<b>INSURANCE</b> 248.530.1807	CW	Need to submit Col, Hold Harmless Agreement	None	\$0	\$0
<b>CLERK</b> 101-000.000-614.0000 248.530.1803	CW	Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than 5/20. Applications for vendors license must be submitted no later than 5/20.		\$200	
				<b>TOTAL DEPOSIT REQUIRED</b>	<b>ACTUAL COST</b>

**FOR CLERK'S OFFICE USE**

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

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

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

**DATE:** February 28, 2022

**TO:** Tom Markus, City Manager

**FROM:** Alexandria Bingham, City Clerk

**SUBJECT:** Eisenhower Dance Detroit's NewDANCEfest Performance

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**INTRODUCTION:**

Eisenhower Dance Detroit submitted a Special Event application to hold the 2022 NewDANCEfest in Shain Park on Saturday, July 23, 2022. Set-up for the event is scheduled for Saturday, July 23, from 10:00 – 11:00 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 following events usually occur in July in Birmingham, and do not pose a conflict for this event:

Birmingham Farmers Market  
In the Park Summer Concerts  
Movie Night in Shain Park

Sundays in July      Lot 6  
Wednesdays in July  
July 15

**LEGAL REVIEW:**

No review required.

**FISCAL IMPACT:**

No fiscal impact.

**PUBLIC COMMUNICATIONS:**

The residents and businesses were notified 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 the 2022 Eisenhower Dance Detroit special event to be held July 23, 2022, with set-up to begin Saturday, July 23, between 10:00am and 11:00pm. Teardown will begin at the conclusion of the event on Saturday, July 23 and begin at approximately 8:30pm until 9:30 pm.



ATTACHMENTS:

1. Special Event application
2. Notification letter with map of event area distributed to residents/businesses within 300 feet of the event area on January 18, 2022. Notification addresses are on file in the Clerk's Office.
3. Hold Harmless agreement signed by Lindsay Chirio-Humenay.
4. Department Approval page with comments and estimated costs

SUGGESTED COMMISSION ACTION:

To make a motion to approve a request from Eisenhower Dance Detroit to hold their NewDANCEfest on the stage at Shain Park on July 23, 2022, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event.

22-00011716

**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 12/9/21

Name of Event Eisenhower Dance Detroit's NewDANCEfest Performance

Detailed Description of Event (attach additional sheet if necessary) NewDANCEfest is a two week long summer dance intensive which culminates with 2 performances. This year the event will be hosted at EDD's Birmingham location. The event would include rehearsal followed by performances on the stage at Shain Park. Performance 1 at 2pm and Performance 2 at 7pm.

Event necessities: Sound system (provided by EDD w/ all appropriate music choices), changing tent not staked to the ground

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

Location Shain Park

Date(s) of Event Saturday, July 23 Hours of Event 11am-8:30pm

Date(s) of Set-up Saturday, July 23 Hours of Set-up 10:00-11:00am

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

Date(s) of Tear-down Saturday, July 23 Hours of Tear-down 8:30pm-9:30pm

Organization Sponsoring Event Eisenhower Dance Detroit

Organization Address 2155 Cole St. Birmingham, MI 48009


Organization Phone 248-594-9400

Contact Person Lindsay Chirio-Humenay

Contact Phone 248-496-1960

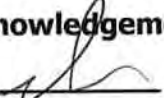
Contact Email chirio@eisenhowerdance.org

## II. EVENT INFORMATION

1. Organization Type non-profit arts organization  
(city, non-profit, community group, etc.)
2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event. ) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Is the event a fundraiser? YES ☐ NO ☒  
List beneficiary \_\_\_\_\_  
List expected income \_\_\_\_\_  
Attach information about the beneficiary.
4. First time event in Birmingham? YES ☐ NO ☒  
If no, describe Eisenhower Dance Detroit's Youth Ensemble had a performance on May 23, 2021 and The School of EDD also held a performance at Shain Park in October 2020. Held NewDANCEfest performance on July 24, 2021.  
All bystanders are welcome to watch the performance from sidewalks and surrounding areas.
5. Total number of people expected to attend per day Approximately 75-100 per performance.
6. The event will be held on the following City property: (Please list)  
☐ Street(s) \_\_\_\_\_  
☐ Sidewalk(s) \_\_\_\_\_  
☒ Park(s) Shain Park- utilizing the stage and grassy area in front as our audience.
7. Will street closures be required? YES ☐ NO ☒  
**(Police Department acknowledgement prior to submission of application is required) (initial here)** 
8. What parking arrangements will be necessary to accommodate attendance? None- Birmingham city parking is sufficient

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

Describe 5-10 staff members will be present

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

Describe \_\_\_\_\_

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

12. Will music be provided? YES ☒ NO ☐  
\_\_\_\_\_ Live \_\_\_\_\_ Amplification ☒ Recorded \_\_\_\_\_ Loudspeakers  
Time music will begin 11:00am  
Time music will end 8:30pm (not continuous)

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

13. Will there be signage in the area of the event? YES ☒ NO ☐  
Number of signs/banners One Banner  
Size of signs/banners 30x 60 horizontal banner  
Submit a photo/drawing of the sign(s). **A sign permit is required.**

14. Will food/beverages/merchandise be sold? YES ☐ NO ☒  
  - Peddler/vendor permits must be submitted to the Clerk's Office, **at least two weeks prior to the event.**
  - You must obtain approval from the Oakland County Health Department for all food/beverage sales/donations. Contact [ehclerk@oakgov.com](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.



### III. EVENT LAYOUT

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

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

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

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

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

## SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Eisenhower Dance Detroit's NewDANCEfest Performance

EVENT DATE Saturday, July 23, 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.



12/9/2021

Signature

Date

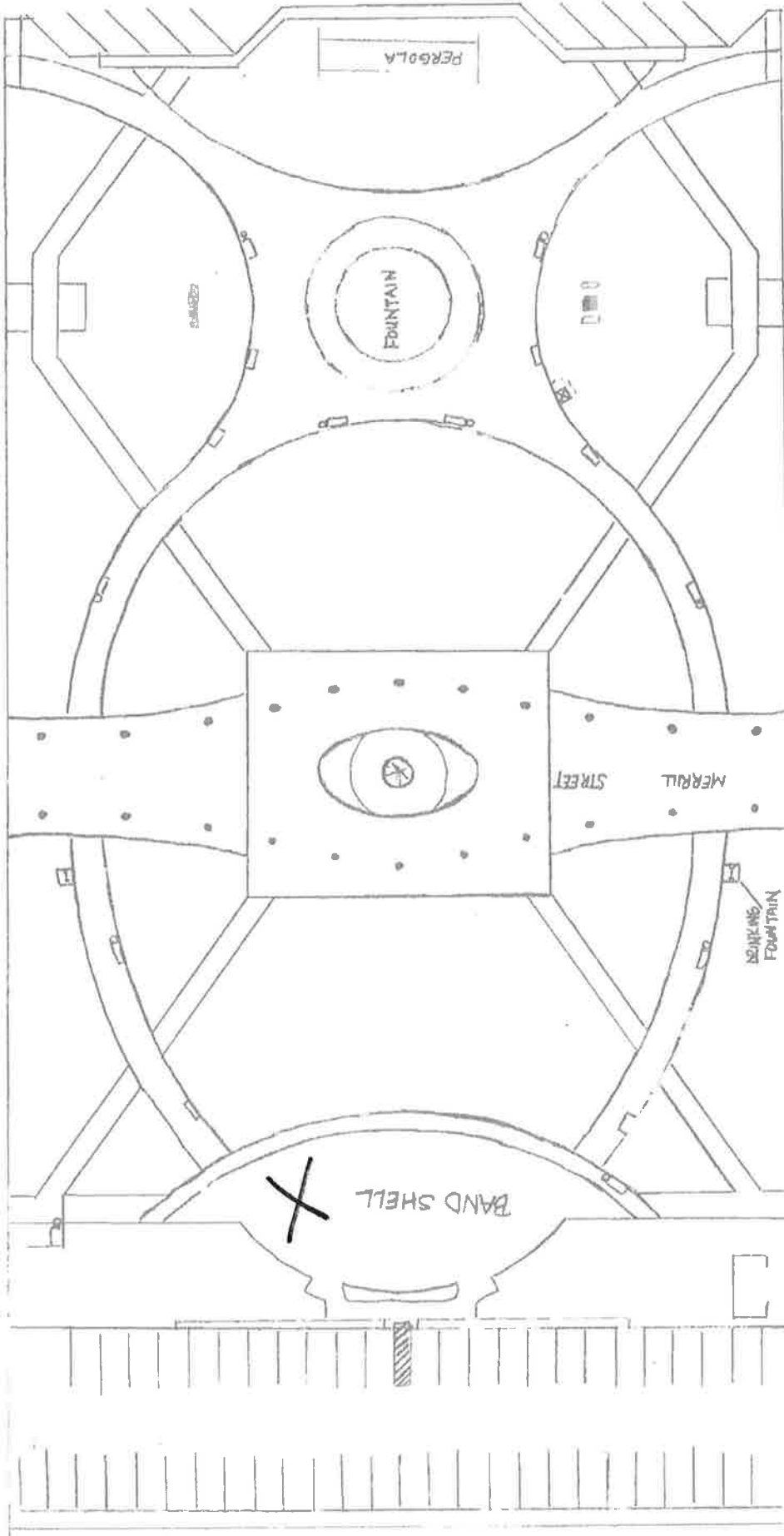
## **IV. SAMPLE LETTER TO NOTIFY ANY AFFECTED PROPERTY/BUSINESS OWNERS**

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



① Changing Tent

② vertical Banner (1 on each side)



MARTIN STREET

HENRIETTA STREET



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



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

# EISENHOWER DANCE DETROIT

INNOVATE | CULTIVATE | INSPIRE

1/14/2022

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

## EVENT INFORMATION

NAME OF EVENT: Eisenhower Dance Detroit NewDANCEfest Performances

LOCATION: Shain Park, Birmingham

DATE(S) OF EVENT: Saturday, July 23

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

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

DATE(S) OF SET-UP: Saturday, July 23

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

DATE(S) OF TEAR-DOWN: Saturday, July 23 HOURS OF TEAR-DOWN:

8:30pm-9:30pm

DATE OF CITY COMMISSION MEETING: February 28, 2022

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

EVENT ORGANIZER: Eisenhower Dance Detroit

ADDRESS: 2155 Cole St. Birmingham, MI 48009

PHONE: 248-594-9400

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

# EISENHOWER DANCE DETROIT

INNOVATE | CULTIVATE | INSPIRE

Stephanie Pizzo  
*Artistic Director*

Gerald Salerno  
*Board Chair*

Beth Cafaro, JD  
*Vice Chair*

Christopher  
Gerback  
*Treasurer*

Mary Devitt  
*Secretary*

Jenna Barba

Debra  
Bernstein-Siegel

Nancy Schild Kott

Gregory Patterson

Margaret Simcoe

Guy Simons

Danielle Susser

Marty Tremain

Martin Testasecca

## Board Emeritus

Maggie Allesee

Craig Chamberlain

Jimmie Sue Daniels

Dodie David

Amy Jidov

Dr. Arthur Manoli, III  
*(in Memoriam)*

Larry Nahigian

Andi Schreiber

## HOLD-HARMLESS AGREEMENT

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

*Lindsay Oliver-Humana*

1/13/2022

Applicant Signature

Date

## DEPARTMENT APPROVALS

EVENT NAME: Eisenhower Dance Detroit

LICENSE NUMBER #22-00011716

COMMISSION HEARING DATE: 02-28-2022

NOTE TO STAFF: Please submit approval by 02-15-2022

DATE OF EVENT: July 23, 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 Issues	N/A	\$0	N/A
<b>BUILDING</b> 101-000.000.634.0005 248.530.1850	MJM	No building department involvement.		\$0	
<b>FIRE</b> 101-000.000-634.0004 248.530.1900	JDP	Follow current MDHHS COVID-19 Guidelines Do not block fire lanes Do not block fire hydrants Crowd manager required for every 250 people Tents require inspection, flame retardant certificate and fire extinguisher (5lb ABC)		\$0	
<b>POLICE</b> 101-000.000.634.0003 248.530.1870	SG	On duty personnel will give event extra patrol.		\$0	\$0



<b>PUBLIC SERVICES</b> 101-000.000-634.0002 248.530.1642	CL	Estimated Cost for Trash Pick-Up after event.	None	\$40	
<b>ENGINEERING</b> 101-000.000.634.0002 248.530.1839	SDZ	No obstructions of City ROW requested	None	\$0	\$0
<b>SP+ PARKING</b>	RW	Parking available on street and at structures	None	\$0	\$0
<b>INSURANCE</b> 248.530.1807		Need to submit Col, Hold Harmless Agreement	None	\$0	\$0
<b>CLERK</b> 101-000.000-614.0000 248.530.1803		Notification letters to be mailed by applicant no later than _____. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than _____.	Applications for vendors license must be submitted no later than _____.	\$165	165 pd
				<b>TOTAL DEPOSIT REQUIRED</b>	<b>ACTUAL COST</b>

**FOR CLERK'S OFFICE USE**

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

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

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

Rev. 1/27/22

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## MEMORANDUM

Clerk's Office

**DATE:** February 28, 2022

**TO:** Tom Markus, City Manager

**FROM:** Alexandra Bingham, City Clerk

**SUBJECT:** Special Event – Day on the Town

### INTRODUCTION:

The Birmingham Shopping District has submitted a Special Event application to hold the 2022 Day on the Town Saturday July 30, 2022, from 9 a.m.- 6 p.m. Set-up for the event is scheduled from 7 a.m. – 9 a.m. Tear down will happen immediately following the event's conclusion from 6-8 p.m.

### BACKGROUND:

Prior to application submission, the Police Department reviewed the proposed event details including 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 Birmingham, and do not pose a conflict for this event:

- Celebrate Birmingham Parade/party May 15 Shain Park & city streets
- Art Birmingham May 7-8 Shain Park & city streets
- Memorial Day Ceremony May 30 Shain Park
- Movie Nights June 10, July 15, August 12, September 16 Shain Park
- Village Fair June 1-5 Shain Park & city streets
- Farmers Market Sundays Lot 6

### LEGAL REVIEW:

n/a

### FISCAL IMPACT:

n/a

### PUBLIC COMMUNICATIONS:

The BSD 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 Day on the Town to be held Saturday July 30, 2022. Set up will begin at 7:00 a.m. Tear down will occur immediately following the event, from 6-8 p.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 11, 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 Shopping District to hold the 2022 Day on the Town on Saturday, July 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.



22-00011757

**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 January 24, 2022

Name of Event Day on the Town

Detailed Description of Event (attach additional sheet if necessary) This all day shopping event in the heart of downtown Birmingham has proven to be the largest sale day of the year for many local merchants. The event may also include music and family friendly activities. We will follow all applicable state and county safety guidelines.

Location Old Woodward, Maple, Merrill, Pierce, Hamilton

Date(s) of Event Saturday, July 30, 2022 Hours of Event 9 a.m. - 6 p.m.

Date(s) of Set-up day of event Hours of Set-up 7 - 9 a.m.

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

Date(s) of Tear-down day of event Hours of Tear-down 6-8 p.m. (port-a-potties will be picked-up on Sunday morning)

Organization Sponsoring Event Birmingham Shopping District

Organization Address 151 Martin St., Birmingham, MI 48009

Organization Phone 248-530-1200

Contact

Person Jaimi Brook

Contact

Phone \_\_\_\_\_

Contact Email Jbrook@bhamgov.org      248-530-1254 office      248-508-5518

## II. EVENT INFORMATION

1. Organization Type City - Birmingham Shopping District  
(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. ) TBD

3. Is the event a fundraiser? YES ☐ NO ☒

List beneficiary \_\_\_\_\_

List expected income \_\_\_\_\_

Attach information about the beneficiary.

4. First time event in Birmingham? YES ☐ NO ☒

If no, describe This is an annual event

5. Total number of people expected to attend per day 10,000-15,000

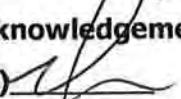
6. The event will be held on the following City property: (Please list)

☒ Street(s) Old Woodward, Maple, Merrill, Pierce, Hamilton (see attached map)

☒ Sidewalk(s) N. Old Woodward & S. Old Woodward (see attached map)

☐ Park(s) \_\_\_\_\_

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? We would like to offer free parking in all structures and at meters from 9 a.m. - 7 p.m. - pending staff approval

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 BSD event staff will be on-site during the event.

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 presence to help with crowds

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 9 a.m.

Time music will end 6 p.m.

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 2 banners

Size of signs/banners 14'x5' (sample attached)

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			



### III. I. 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)	80	10'x10' and 10'x20'
Portable Toilets	12	7 reg & 5 handicap
Rides		
Displays	TBD	
Vendors	TBD	
Temporary Structure (must attach a photo)		
Other (describe)		

## **SIGNATURE OF APPLICANT REQUIRED**

EVENT NAME Day on the Town

EVENT DATE July 30, 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.



Signature

1-25-22

Date

---

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

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

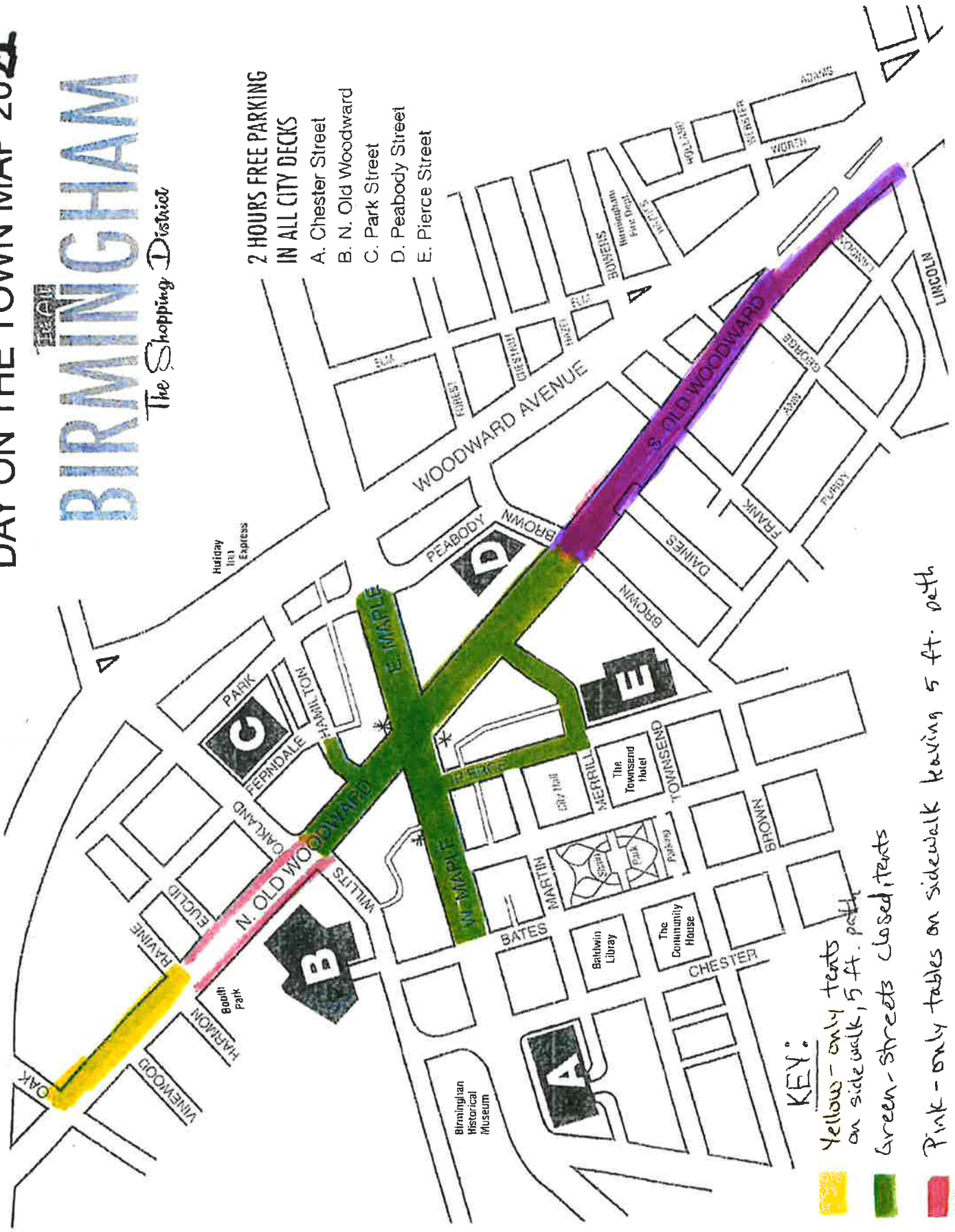
# DAY ON THE TOWN MAP 2021

## REAL BIRMINGHAM

The Shopping District

2 HOURS FREE PARKING  
IN ALL CITY DECKS

- A. Chester Street
- B. N. Old Woodward
- C. Park Street
- D. Peabody Street
- E. Pierce Street



### KEY:

- Yellow - only tents on sidewalk, 5 ft. path
- Green - streets closed, tents
- Pink - only tables on sidewalk leaving 5 ft. path
- \* - speakers
- Purple - no tables on sidewalk, stores may have in-store sales

## **DAY ON THE TOWN 2022 EVENT FOOTPRINT**

**Event Area A** – (green) streets closed, tents in streets

Maple from Bates to Peabody

Old Woodward from Brown to Willits

Hamilton from N. Old Woodward to Ferndale

Pierce from W. Maple to Merrill

Merrill from Pierce to S. Old Woodward

**Event Area B** – (yellow) streets open, tents on sidewalk/right of way leaving walking path at least 5 feet wide

N. Old Woodward from 526 N. Old Woodward to 588 N. Old Woodward

**Event Area C** – (pink) streets open, only tables on sidewalks leaving walking path at least 5 feet wide

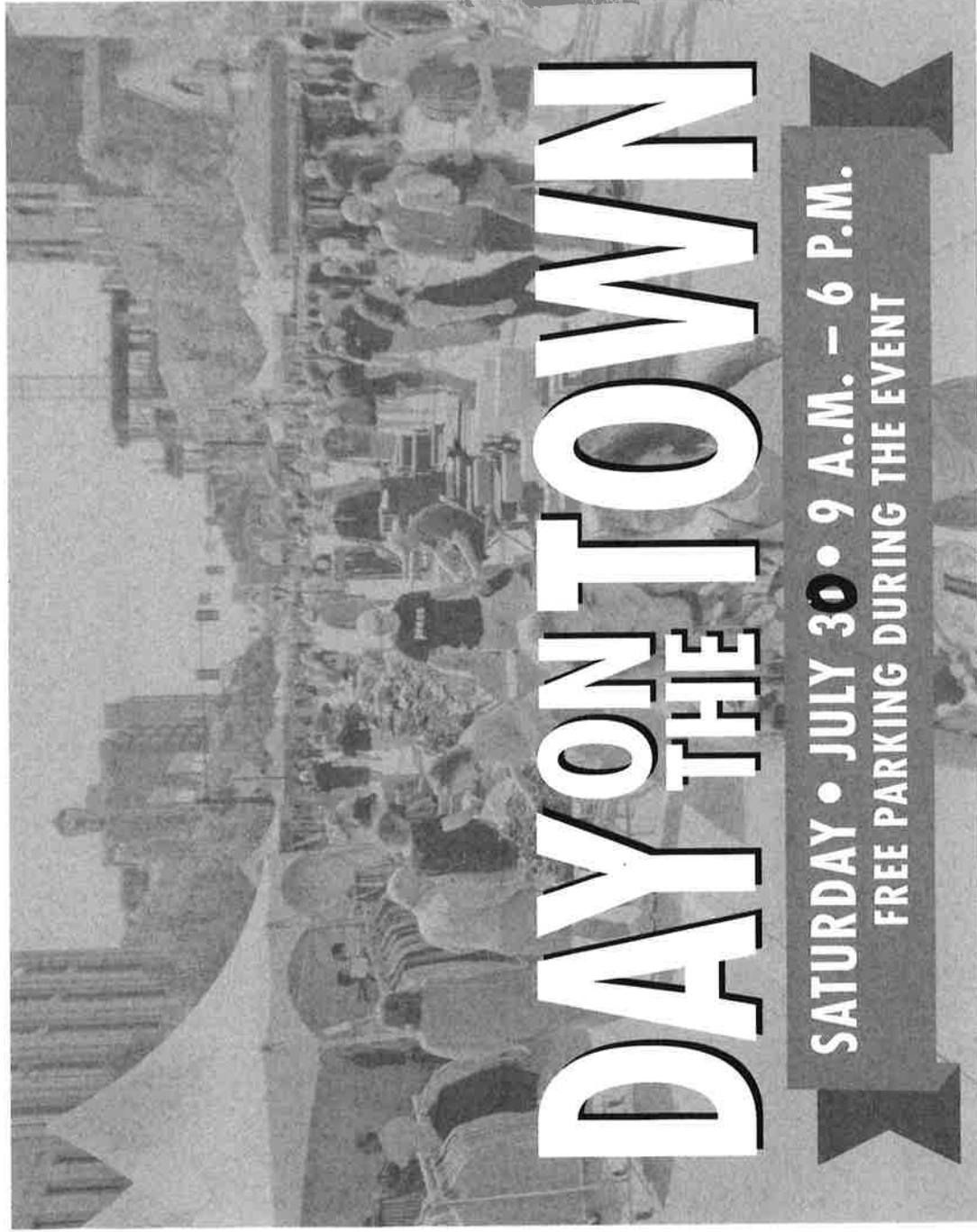
N. Old Woodward from Oak to 474 N. Old Woodward (Market North End)

**Event Area D** – (purple) no tables on sidewalks, stores may have in-store sales and be promoted as participating

S. Old Woodward from Brown to Lincoln



Sample



# DAY ON THE TOWN

**SATURDAY • JULY 30 • 9 A.M. – 6 P.M.**  
**FREE PARKING DURING THE EVENT**

**WHEN  
UPSCALE  
GOES ON  
SALE**

  
**BIRMINGHAM**  
*Day on the Town!*

[WWW.ALLINBIRMINGHAM.COM](http://WWW.ALLINBIRMINGHAM.COM)



BIRMINGHAM SHOPPING DISTRICT



@BHAMSHOPPING

**NOTIFICATION**

DATE: January 11, 2022

TO: Downtown Birmingham Business/Property Owner

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

**NAME OF EVENT:** Day On The Town

**LOCATION:** Old Woodward from Oakland/Willits to Brown  
Hamilton from Old Woodward to Ferndale  
Pierce from Maple to Merrill; Merrill from Pierce to Old Woodward  
Maple from Bates to Peabody  
526 N. Old Woodward to 588 N. Old Woodward (no street closures)  
S. Old Woodward from Brown to Lincoln (no street closures)  
N. Old Woodward from Oak to 474 N. Old Woodward (no street closures)

**DATES/TIMES:** Saturday, July 30, 2022 from 9 a.m. until 6 p.m.

**DATE/TIME OF CITY COMMISSION MEETING:** Monday, , 2022 at 7:30 p.m.

The City Commission will meet in the Municipal Building. Should you have any statement regarding the above, you are invited to attend the meeting in person or virtually through ZOOM: <https://zoom.us/j/655079760> Meeting ID: 655079760 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.

**EVENT ORGANIZER:** Birmingham Shopping District  
151 Martin  
**ADDRESS:**  
**PHONE:** 248-530-1200

For questions on day of event, contact BSD Operations & Events Manager, Jaimi Brook at 248-508-5518

**NOTIFICATION**

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Birmingham Shopping District  
151 Martin Street  
Birmingham, MI 48009

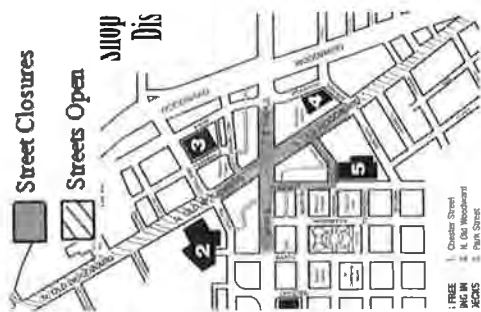


1936252030  
A WILLIAM BUTTERFIELD TRUSTEE  
A WILLIAM BUTTERFIELD REVOCABLE LIVING  
TRUST  
18185 DUNBLAINE AVE

Birmingham Shopping District  
151 Martin Street  
Birmingham, MI 48009

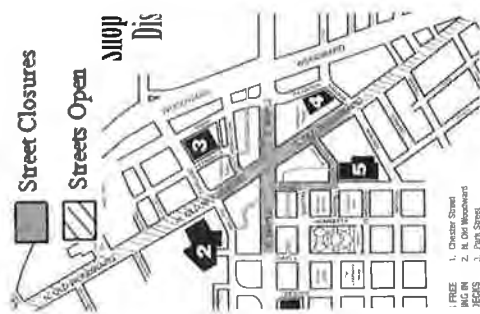


Birmingham Shopping District  
151 Martin Street  
Birmingham, MI 48009



1936253011  
MOHAMMAD BARAWI  
ALIAA SULEIMAN  
2634 COMFORT ST  
WEST BLOOMFIELD, MI 48323

Birmingham Shopping District  
151 Martin Street  
Birmingham, MI 48009



1936208017  
ALICE K LEZOTTE TRUSTEE  
ALICE K LEZOTTE REVOCABLE TRUST  
411 S OLD WOODWARD AVE # 511  
BIRMINGHAM, MI 48009



michigan municipal league

## Liability & Property Pool

### CERTIFICATE OF COVERAGE

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

**Name and Address of Participant:**

City of Birmingham

151 Martin St., PO Box 3001  
Birmingham, MI 48012-3001

**Coverage Afforded:**

Michigan Municipal League Liability and Property Pool  
1675 Green Road  
Ann Arbor, MI 48105-2530

**Name and Address of Service Provider:**

Meadowbrook, Inc.  
P.O. Box 2054  
Southfield, MI 48037-2054

This is to certify that the coverage listed below has been issued to the participant named above and is in-force at this time. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the coverage afforded herein is subject to all the terms, exclusions and conditions of the Pool contract.

Coverage	Contract Number	Expiration Date	Limits of Liability
<u>General Liability</u>	MML001444020	7/1/2022	\$10,000,000
<u>Automobile Liability</u>			
<u>Other</u>			Bodily Injury & Property Damage Combined Single Limit

**Description of Operations/Locations/Vehicles:**

Certificate Holder Additional Insured solely with respect to: Services provided on behalf of the City of Birmingham.

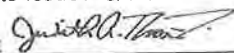
RECEIVED JUN 24 2021

CANCELLATION: Should any of the above described coverages be canceled before the expiration date thereof, the administrator will endeavor to mail 60 days' written notice to the certificate holder named below, but failure to mail such notice shall impose no obligation or liability of any kind upon the Pool.

**Name and Address of Certificate Holder:**

Birmingham Principal Shopping District  
151 Martin St.  
Birmingham, MI 48009

Date Issued: 6/15/2021

By:   
Authorized Representative



## DEPARTMENT APPROVALS

EVENT NAME: Day on the Town

LICENSE NUMBER #22-00011757

COMMISSION HEARING DATE: 02/222

NOTE TO STAFF: Please submit approval by 02-21-22

DATE OF EVENT:

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 issues	N/A	\$0	\$0
<b>BUILDING</b> 101-000.000-634.0005 248.530.1850	MJM	1. All exits, exit accesses, and exit discharges must be maintained 2. Tents that require permits need a tent layout plan for review 3. All tents are required to have flame certification 4. Tents and canopies must be stabilized with weights 5. Electrical cords or water lines must be taped or matted to prevent trip hazards	Tents over 400 SQFT	\$116.11	
<b>FIRE</b> 101-000.000-634.0004 248.530.1900	JDP	Follow all current COVID-19 guidelines Crowd managers required for event 1/250 ratio Maintain proper clearance around fire hydrants and fire department connections to buildings Maintain fire lanes-field inspection required	Field inspection required	\$0.00	

		Fire extinguishers required for tents, size 5lb, ABC extinguisher Food trucks require inspection prior to event-contact Fire Marshal to schedule Cooking areas requires inspection by Fire Marshal Maintain exit access and discharge to all buildings. Flame retardant certificate for tents required to be submitted. Protect extension cords with wire bridge.			
<b>POLICE</b> 101-000.000.634.0003 248.530.1870	SG	Personnel and Barricades		\$1300.00	
<b>PUBLIC SERVICES</b> 101-000.000-634.0002 248.530.1642	CL	Set up and Clean up costs including Barricades. ADDITIONAL COST COULD OCCUR for any items added to the typical set up scope or if clean up is more extensive than previous years.		\$3,000	
<b>ENGINEERING</b> 101-000.000.634.0002 248.530.1839	SDZ	Permit for obstruction of sidewalks and roads	Obstruction Permit	\$65	
<b>SP+ PARKING</b>	RW	Parking available on street and structures	None	\$0	\$0
<b>INSURANCE</b> 248.530.1807		Need to submit CoI, Hold Harmless Agreement	None	\$0	\$0
<b>CLERK</b> 101-000.000-614.0000 248.530.1803		Notification letters to be mailed by applicant no later than _____. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be	Applications for vendors license must be submitted no later than _____.	\$165	

		on file with the Clerk's Office no later than ____.			
				<b>TOTAL DEPOSIT REQUIRED</b>  <b>4646.11</b>	<b>ACTUAL COST</b>

**FOR CLERK'S OFFICE USE**

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

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

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



## MEMORANDUM

Clerk's Office

**DATE:** February 28, 2022

**TO:** Tom Markus, City Manager

**FROM:** Alexandra Bingham, City Clerk

**SUBJECT:** Special Event – Birmingham Farmers Market

### INTRODUCTION:

The Birmingham Shopping District has submitted a Special Event application to hold the 2022 Birmingham Farmers Market Sundays May 1, 2022 - October 20, 2022, from 9 a.m.-2 p.m. Set-up for the event is scheduled for Sundays from 7 a.m. – 9 a.m. Tear down will happen immediately following the event's 2 p.m. conclusion.

### BACKGROUND:

Prior to application submission, the Police Department reviewed the proposed event details including 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 Birmingham, and do not pose a conflict for this event:

- Celebrate Birmingham Parade/party May 15 Shain Park & city streets
- Art Birmingham May 7-8 Shain Park & city streets
- Memorial Day Ceremony May 30 Shain Park
- Movie Nights June 10, July 15, August 12, September 16 Shain Park
- Village Fair June 1-5 Shain Park & city streets
- Day on the Town July 30 City Streets

### LEGAL REVIEW:

n/a

### FISCAL IMPACT:

n/a

### PUBLIC COMMUNICATIONS:

The BSD 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 Farmers Market to be held Sundays beginning May 1, 2022 – October 30, 2022. Set up will begin in Lot 6, on May 1 at 7:00 a.m. Tear down will occur immediately following the event, at 2:00 p.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 11, 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 Shopping District to hold the 2022 Farmers Market days beginning on Sunday, May 1, 2022 – October 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.

22-00011760

**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 January 24, 2022

Name of Event Birmingham Farmers Market

Detailed Description of Event (attach additional sheet if necessary) This will be the 20th annual season of the Farmers Market. The market offers the community the access to fresh produce directly from growers. Throughout the season, more than 70 booths will feature a diverse array of Michigan-grown produce including vegetables, fruits, flowers, and garden plants, plus prepared foods, baked goods, soaps, and miscellaneous items. We will follow all applicable state and county safety guidelines.

Location Municipal Parking Lot #6 on N. Old Woodward

Date(s) of Event Sundays, May 1 - October 30, 2022 Hours of Event 9 a.m. - 2 p.m.

Date(s) of Set-up day of event Hours of Set-up 7 - 9 a.m.

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

Date(s) of Tear-down day of event Hours of Tear-down 2-3:30 p.m.

Organization Sponsoring Event Birmingham Shopping District

Organization Address 151 Martin St., Birmingham, MI 48009

Organization Phone 248-530-1200

Contact

Person Jaimi Brook

Contact

Phone \_\_\_\_\_

Contact Email Jbrook@bhamgov.org    248-530-1254 office    248-508-5518

## II. EVENT INFORMATION

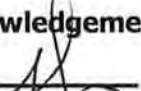
1. Organization Type city - Birmingham Shopping District  
(city, non-profit, community group, etc.)
2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event. ) TBD  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Is the 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 \_\_\_\_\_  
\_\_\_\_\_
5. Total number of people expected to attend per day 1,000 - 3,000
6. The event will be held on the following City property: (Please list)  
☒ Street(s) Municipal Parking Lot #6 on N. Old Woodward  
\_\_\_\_\_  
☐ Sidewalk(s) \_\_\_\_\_  
\_\_\_\_\_  
☐ Park(s) \_\_\_\_\_  
\_\_\_\_\_
7. Will street closures be required? YES ☐ NO ☒  
**(Police Department acknowledgement prior to submission of application is required) (initial here)** [Signature]
8. What parking arrangements will be necessary to accommodate attendance? nearby parking deck and street parking will be sufficient

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

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

Describe BSD event staff will be on-site during the event as well as community volunteers.

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 ☐

X Live X Amplification \_\_\_\_\_ X Loudspeakers

Recorded Time music will begin 9 a.m.

Time music will end 2 p.m.

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

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

Number of signs/banners one 20'x4' sign and four A-frame signs, 2 banners

Size of signs/banners 20'x4' sign on the south end of the parking lot; a-frame signs are 2'x3'; banners are 14'x5'

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.



### III. I. 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)	1-70	10'x10' and 10'x20'
Portable Toilets	2	1 reg & 1 handicap
Rides		
Displays		
Vendors	1-70	
Temporary Structure (must attach a photo)		
Other (describe)		

## SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Birmingham Farmers Market

EVENT DATE Sundays, May 1 - October 30, 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.

  
Signature

1-25-22  
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.

Sample of previous  
Farmers Market  
Signage

(left side)



SUNDAYS  
9 A.M.-2 P.M.

~~3rd-1st~~  
MAY 5TH -  
OCT 27TH  
~~25th~~  
30th



# Sample of previous Sign (right side)

**OPENING DAY**

SUN, MAY 5<sup>19</sup> 31

**CHEF CLASH**

SUN, JUNE 23<sup>19</sup> 21

**CORN FESTIVAL**

SUN, AUG 11<sup>19</sup> 17

**HARVEST FEST**

SUN, SEPT 15<sup>18</sup> 11

**END OF SEASON  
CELEBRATION**

SUN, OCT 27<sup>25</sup> 23

660 N. OLD WOODWARD

## SPONSORS

BANK OF ANN ARBOR

BLOOMFIELD HILLS DENTAL ASSOCIATES

CARUSO CARUSO • CIBC

FOREST AND PHOENICIA RESTAURANT

LUIGI BRUNI

LUXE BAR & GRILL AND SALVATORE SCALLOPINI

NAJOR COMPANIES

POWER HOME REMODELING • PRIMI PIATTI

RENEWAL BY ANDERSON

C&G NEWSPAPERS • DOWNTOWN PUBLICATIONS • GSTV

THE DETROIT JEWISH NEWS • OAKLAND COUNTY MOMS



FM signage  
4-14-21  
2x3 ft. Coroplast




**THANK YOU**  
for visiting  
today!



**WELCOME**

As always, NO Bikes, Skateboards,  
Rollerblades or Hoverboards

**THANK YOU**



**PRODUCE GUIDE**

Produce	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
Apples																								
Asparagus																								
Avocados																								
Bananas																								
Beans																								
Berries																								
Broccoli																								
Cauliflower																								
Corn																								
Cucumbers																								
Eggplant																								
Kale																								
Leeks																								
Lentils																								
Mushrooms																								
Onions																								
Parsnips																								
Peas																								
Potatoes																								
Spinach																								
Sweet Potatoes																								
Tomatoes																								
Winter Squash																								
Yams																								

UNLIMITED SUPPLY ALL YEAR



**KIDS  
ZONE**

2/9/94  
to let's  
□□



Yellow = food  
Green = farm/forest  
Blue = craft  
Pink = us  
Orange = sponsor

January 11, 2022

TO: Birmingham Property Owner

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NAME OF EVENT: **Birmingham Farmers Market**  
LOCATION: **Parking Lot #6 on N. Old Woodward**  
DATES/TIMES: **Sundays only, May 1 – October 30, 2022, 9:00 am – 2:00 pm**

BRIEF DESCRIPTION OF EVENT/ACTIVITY:  
**The market offers the community an opportunity to purchase fresh produce directly from growers. Throughout the season more than 70 booths feature a diverse array of Michigan-grown produce including vegetables, fruits, flowers and garden plants, plus prepared foods, baked goods, and soaps.**

HOURS OF SET-UP **7:00 am to 9:00 am** HOURS OF TEAR-DOWN **2:00 pm to 3:30 pm**

DATE OF CITY COMMISSION MEETING: **Monday, , 2022**

The City Commission will meet in the Municipal Building. Should you have any statement regarding the above, you are invited to attend the meeting in person or virtually through ZOOM: <https://zoom.us/j/655079760> Meeting ID: 655079760 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

EVENT ORGANIZER: **Birmingham Shopping District**  
ADDRESS: **151 Martin Street, Birmingham, MI 48009**  
PHONE: **248-530-1254 day of cell—248-508-5518**

January 11, 2022

TO: Birmingham Property Owner

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Birmingham Shopping District  
151 Martin Street  
Birmingham, MI 48009

1925151057  
MICHELE KOTCHER  
961 N OLD WOODWARD AVE  
BIRMINGHAM, MI 48009

Birmingham Shopping District  
151 Martin Street  
Birmingham, MI 48009

1925151057  
DAVID ROGERS  
963 N OLD WOODWARD AVE  
BIRMINGHAM, MI 48009

Birmingham Shopping District  
151 Martin Street  
Birmingham, MI 48009

1925151057  
THOMAS CATTON  
KAREN CATTON  
967 N OLD WOODWARD AVE  
BIRMINGHAM, MI 48009

Birmingham Shopping District  
151 Martin Street  
Birmingham, MI 48009

1925151057  
BETH ANNE LASSER  
965 N OLD WOODWARD AVE  
BIRMINGHAM, MI 48009





michigan municipal league

## Liability & Property Pool

### CERTIFICATE OF COVERAGE

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

**Name and Address of Participant:**

City of Birmingham

151 Martin St., PO Box 3001  
Birmingham, MI 48012-3001

**Coverage Afforded:**

Michigan Municipal League Liability and Property Pool  
1675 Green Road  
Ann Arbor, MI 48105-2530

**Name and Address of Service Provider:**

Meadowbrook, Inc  
P.O. Box 2054  
Southfield, MI 48037-2054

This is to certify that the coverage listed below has been issued to the participant named above and is in-force at this time. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the coverage afforded herein is subject to all the terms, exclusions and conditions of the Pool contract.

Coverage	Contract Number	Expiration Date	Limits of Liability
<u>General Liability</u>	MML001444020	7/1/2022	\$10,000,000
<u>Automobile Liability</u>			Bodily Injury & Property Damage Combined Single Limit
<u>Other</u>			

**Description of Operations/Locations/Vehicles:**

Certificate Holder Additional Insured solely with respect to: Services provided on behalf of the City of Birmingham.


RECEIVED JUN 24 2021

CANCELLATION: Should any of the above described coverages be canceled before the expiration date thereof, the administrator will endeavor to mail 60 days' written notice to the certificate holder named below, but failure to mail such notice shall impose no obligation or liability of any kind upon the Pool.

**Name and Address of Certificate Holder:**

Birmingham Principal Shopping District  
151 Martin St.  
Birmingham, MI 48009

Date Issued: 6/15/2021

By:   
Authorized Representative

## DEPARTMENT APPROVALS

EVENT NAME: Birmingham Farmers Market

LICENSE NUMBER #22-00011760

COMMISSION HEARING DATE: 02/28/22

NOTE TO STAFF: Please submit approval by 02/21/28

DATE OF EVENT:

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 Issues	N/A	\$0	\$0
<b>BUILDING</b> 101-000.000.634.0005 248.530.1850	MJM	All tents must be weighted down. No stakes.	Tents over 400Sq ft	\$442.78	
<b>FIRE</b> 101-000.000-634.0004 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.	Inspections required for food trucks, tents, cooking areas, fire lanes	\$0	

		Maintain fire lanes per IFC '15			
<b>POLICE</b> 101-000.000.634.0003 248.530.1870	SG	On duty personnel will provide extra patrol.		\$0	\$0
<b>PUBLIC SERVICES</b> 101-000.000-634.0002 248.530.1642	CL	Estimate based on actual costs of DPS services requested by BSD for this event in previous years. Additional costs may apply should scope of work change.		\$4,000 Equipment & labor	
<b>ENGINEERING</b> 101-000.000.634.0002 248.530.1839	SDZ	Obstruction Permit needed for lot	Obstruction Permit	\$65	
<b>SP+ PARKING</b>	RW	Parking available on-street and structures. Free parking on Sundays	None	\$0	\$0
<b>INSURANCE</b> 248.530.1807		Need to submit Col, Hold Harmless Agreement	None	\$0	\$0
<b>CLERK</b> 101-000.000-614.0000 248.530.1803		Notification letters to be mailed by applicant no later than _____. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than _____.	Applications for vendors license must be submitted no later than _____.	\$165 pd	
				<b>TOTAL DEPOSIT REQUIRED</b>  <b>4672.78</b>	<b>ACTUAL COST</b>

**FOR CLERK'S OFFICE USE**

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

Rev. 2/2/22

h:\shared\special events\general information\approval page.doc





## MEMORANDUM

Clerk's Office

**DATE:** February 28, 2022

**TO:** Tom Markus, City Manager

**FROM:** Alexandra Bingham, City Clerk

**SUBJECT:** Special Event – Birmingham Movie Nights

### INTRODUCTION:

The Birmingham Shopping District has submitted a Special Event application to hold the 2022 Birmingham Movie Nights Fridays June 10, 2022, July 15, 2022, August 12, 2022, and September 16, 2022, from 6:30 p.m.- 10 p.m. Set-up for the event is scheduled from 12 p.m. – 6:30 p.m. Tear down will happen immediately following the event's conclusion until 11:30 p.m.

### BACKGROUND:

Prior to application submission, the Police Department reviewed the proposed event details including 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 Birmingham, and do not pose a conflict for this event:

- Celebrate Birmingham Parade/party May 15 Shain Park & city streets
- Art Birmingham May 7-8 Shain Park & city streets
- Memorial Day Ceremony May 30 Shain Park
- Day on the Town July 30 City Streets
- Village Fair June 1-5 Shain Park & city streets
- Farmers Market Sundays Lot 6

### LEGAL REVIEW:

n/a

### FISCAL IMPACT:

n/a

### PUBLIC COMMUNICATIONS:

The BSD 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 Movie Nights to be held Fridays June 10, 2022, July 15, 2022, August 12, 2022, and September 16, 2022, Set up will begin at 12:00 p.m. Tear down will occur immediately following the event, until 11:30 p.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 11, 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 Shopping District to hold the 2022 Birmingham Movie Nights on June 10, 2022, July 15, 2022, August 12, 2022, and September 16, 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.

22-00011759

**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 January 24, 2022

Name of Event Birmingham Movie Nights

Detailed Description of Event (attach additional sheet if necessary) \_\_\_\_\_

We will be holding 4 outdoor Movie Nights. We plan to have pre-movie entertainment and sponsor booths.  
We will follow all applicable state and county safety guidelines.

Location Booth Park

Date(s) of Event June 10, July 15, August 12, Sept. 16, 2022\* Hours of Event 6:30 - 10 p.m.  
rain dates 6/11, 7/16, 8/13, 9/17, 2022

Date(s) of Set-up day of events Hours of Set-up 12 - 6:30 p.m. (port-a-potty delivery may be earlier in the day)

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

Date(s) of Tear-down day of events Hours of Tear-down end of movie - 11:30 p.m. (port-a-potty pick-up Monday morning)

Organization Sponsoring Event Birmingham Shopping District

Organization Address 151 Martin St., Birmingham, MI 48009

Organization Phone 248-530-1200

Contact \_\_\_\_\_

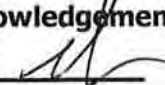
Person Jaimi Brook

Contact \_\_\_\_\_

Phone \_\_\_\_\_

Contact Email jbrook@bhamgov.org      248-530-1254 office      248-508-5518 cell

## II. EVENT INFORMATION

1. Organization Type City - Birmingham Shopping District  
(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. ) TBD  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Is the event a fundraiser? YES ☐ NO ☒  
List \_\_\_\_\_ beneficiary \_\_\_\_  
List \_\_\_\_\_ expected income \_\_\_\_  
Attach information about the beneficiary.
4. First time event in Birmingham? YES ☐ NO ☒  
If no, describe This will be the 16th year for the event.  
\_\_\_\_\_
5. Total number of people expected to attend per day 400
6. The event will be held on the following City property: (Please list)  
☐ Street(s) \_\_\_\_\_  
☐ Sidewalk(s) \_\_\_\_\_  
☒ Park(s) Booth 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? Nearby parking deck and street parking will be sufficient.




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

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

Describe BSD event staff will be on-site throughout the event.

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 ☐

  x   Live      x   Amplification                 x   Loudspeakers

Recorded Time music will begin   6:30 p.m.  

Time music will end   10:30 p.m.  

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

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

Number of signs/banners   1  

Size of signs/banners   2'x3' a-frame  

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.

### III. I. 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)	8	10'x10'
Portable Toilets	2	1-reg. 1- handicap
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)	10	6' tables

## SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Birmingham Movie Nights

EVENT DATE June 10, July 15, August 12, September 16, 2022 (rain dates 6/11, 7/16, 8/13, 9/17/2022)

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.



Signature

1-25-22

Date

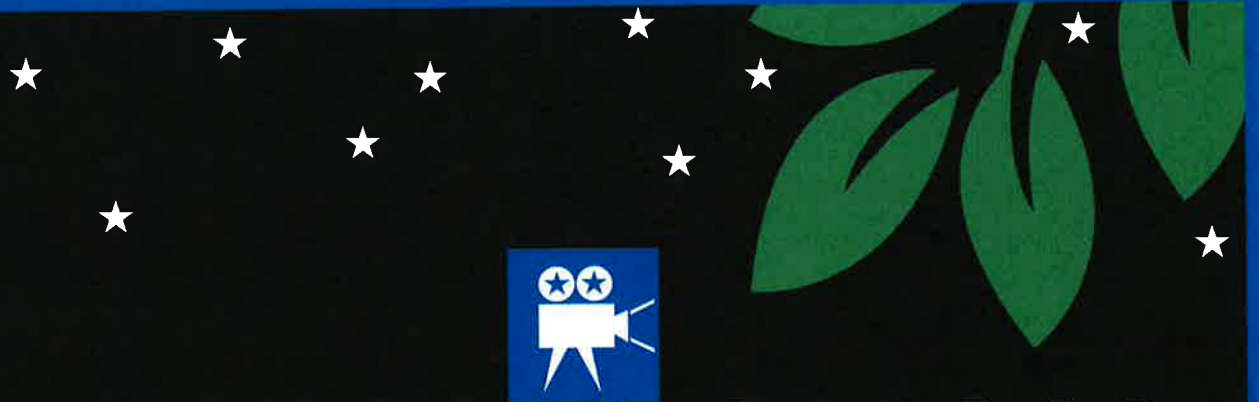
*By providing your e-mail to the City, you agree to receive news and notifications from the City.  
If you do not wish to receive these messages, you may unsubscribe at any time.*

-----

#### 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.

Sample 2' x 3' Sign



# BIRMINGHAM

*Movie Night*

Thank You To Our Sponsors



BANK OF ANN ARBOR – BIRMINGHAM • TDR ORTHODONTICS  
KW DOMAIN • SAAD DENTAL

**2021 SCHEDULE**

July 16: **Elf** ("Christmas in July")  
August 13: **CARS**

Activities begin at 7:30 p.m. • Movie at dusk

It's All  
**BIRMINGHAM**  
*The Shopping District*

[www.ALLINBirmingham.com](http://www.ALLINBirmingham.com)



# Sample Layout



## NOTIFICATION

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\*\*\*Rain dates—Saturdays—June 11, July 16, August 13, Sept. 17, 2022\*\*\*  
6:30 p.m.

**DATE/TIME OF CITY COMMISSION MEETING:** Monday, , 2022 at 7:30 p.m.

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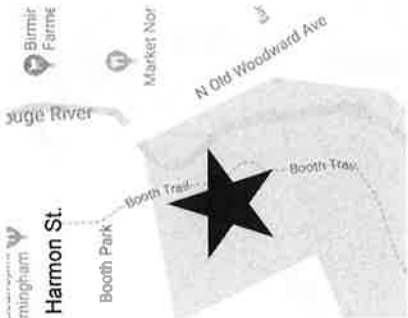
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**ADDRESS:** 151 Martin, Birmingham, MI 48009  
**PHONE:** 248-530-1200 day of event—248-508-5518

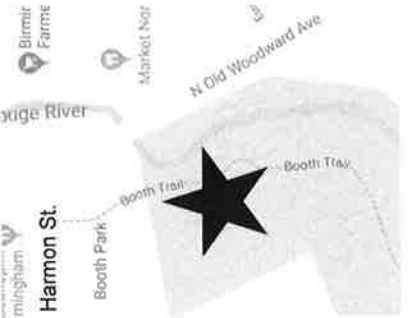
Birmingham Shopping District  
151 Martin Street  
Birmingham, MI 48009

1925327032  
ORLEY LAX PARTNERS 511 W  
40900 WOODWARD AVE STE 200  
BLOOMFIELD HILLS, MI 48304



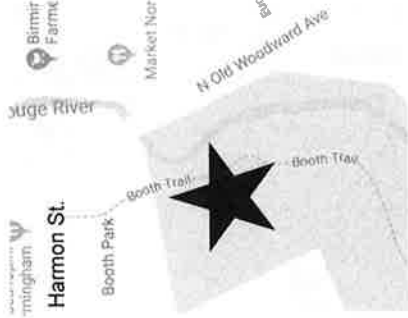
Birmingham Shopping District  
151 Martin Street  
Birmingham, MI 48009

1925327033  
HICKORY HILL CONDO ASSOCIATION  
18161 W 13 MILE RD  
SOUTHFIELD, MI 48076



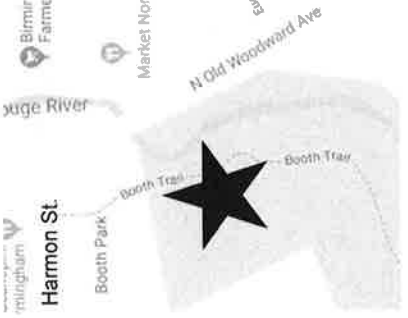
Birmingham Shopping District  
151 Martin Street  
Birmingham, MI 48009

1925327033  
ANTOINETTE SEGITZ TRUST  
545 N OLD WOODWARD AVE  
BIRMINGHAM, MI 48009



Birmingham Shopping District  
151 Martin Street  
Birmingham, MI 48009

1925327033  
DENNIS J GISTINGER  
MARIA GISTINGER  
547 N OLD WOODWARD AVE  
BIRMINGHAM, MI 48009





michigan municipal league

## Liability & Property Pool

### CERTIFICATE OF COVERAGE

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

**Name and Address of Participant:**

City of Birmingham

151 Martin St., PO Box 3001  
Birmingham, MI 48012-3001

**Coverage Afforded:**

Michigan Municipal League Liability and Property Pool  
1675 Green Road  
Ann Arbor, MI 48105-2530

**Name and Address of Service Provider:**

Meadowbrook, Inc.  
P.O. Box 2054  
Southfield, MI 48037-2054

This is to certify that the coverage listed below has been issued to the participant named above and is in-force at this time. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the coverage afforded herein is subject to all the terms, exclusions and conditions of the Pool contract.

Coverage	Contract Number	Expiration Date	Limits of Liability
<u>General Liability</u>	MML001444020	7/1/2022	\$10,000,000
<u>Automobile Liability</u>			Bodily Injury & Property Damage Combined Single Limit
<u>Other</u>			

**Description of Operations/Locations/Vehicles:**

Certificate Holder Additional Insured solely with respect to: Services provided on behalf of the City of Birmingham.

RECEIVED JUN 24 2021

CANCELLATION: Should any of the above described coverages be canceled before the expiration date thereof, the administrator will endeavor to mail 60 days' written notice to the certificate holder named below, but failure to mail such notice shall impose no obligation or liability of any kind upon the Pool.

**Name and Address of Certificate Holder:**

Birmingham Principal Shopping District  
151 Martin St.  
Birmingham, MI 48009

Date Issued: 6/15/2021

By:   
Authorized Representative



## DEPARTMENT APPROVALS

EVENT NAME: Birmingham Movie Nights

LICENSE NUMBER #22-00011759

COMMISSION HEARING DATE: 02/28/22

NOTE TO STAFF: Please submit approval by 02-21-22

DATE OF EVENT:

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 Issues	N/A	\$0	\$0
<b>BUILDING</b> 101-000.000.634.0005 248.530.1850	MJM	Any tents over 400 sqft. Require a permit. All tents/canopies must be weighted down regardless of size.		\$116.11	
<b>FIRE</b> 101-000.000-634.0004 248.530.1900	JDP	Response for emergencies from stations. 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	Inspections may be required (see comments)	\$0	

		Do not block fire hydrants or Fire Department Connections with storage, tents or other. Maintain fire lanes per IFC '15			
<b>POLICE</b> 101-000.000.634.0003 248.530.1870	SG	On duty personnel to provide extra patrol.		\$0	\$0
<b>PUBLIC SERVICES</b> 101-000.000-634.0002 248.530.1642	CL	No stakes driven in the ground. Estimated costs include: Banner placement and removal. Barricade placement and removal for each event. Set up and clean up for each event even if the event is cancelled. Additional cost is possible if the event exceeds the typical scope for set up, and /or if extra clean up is necessary.		\$3,500	
<b>ENGINEERING</b> 101-000.000.634.0002 248.530.1839	SDZ	Obstruction Permit for blocking public pathway/sidewalk	Obstruction Permit	\$65	
<b>SP+ PARKING</b>	RW	Parking available on street and structures	None	\$0	\$0
<b>INSURANCE</b> 248.530.1807		Need to submit Col, Hold Harmless Agreement	None	\$0	\$0
<b>CLERK</b> 101-000.000-614.0000 248.530.1803		Notification letters to be mailed by applicant no later than _____. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than _____.	Applications for vendors license must be submitted no later than _____.	\$165 pd	

				<b>TOTAL DEPOSIT REQUIRED \$3846.11</b>	<b>ACTUAL COST</b>
--	--	--	--	---	------------------------

**FOR CLERK'S OFFICE USE**

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

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

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



## MEMORANDUM

Clerk's Office

**DATE:** February 28, 2022  
**TO:** Tom Markus, City Manager  
**FROM:** Alexandria Bingham, City Clerk  
**SUBJECT:** Board of Review resignation – Leland Feiste

---

**INTRODUCTION/BACKGROUND:**

Board of Review member Leland Feiste submitted his resignation from the board effective February 7, 2022. This creates a vacancy for the remainder of his three-year term to expire December 31, 2022.

**LEGAL REVIEW:**

n/a

**FISCAL IMPACT:**

n/a

**PUBLIC COMMUNICATIONS:**

The City Clerk's office will publish a notice of intention to appoint to this position, post the vacancy on the "board and commission opportunities" portion of the city's website and include it in the city's digital news vehicles as publication schedules permit.

**SUMMARY:**

The City Commission is being asked to accept the resignation of Leland Feiste from the Board of Review, thank him for his service, and to direct the City Clerk to begin the process of filling the vacancy.

**ATTACHMENTS:**

1. Resignation email

**SUGGESTED COMMISSION ACTION:**

To make a motion to accept the resignation of Leland Feiste from the Board of Review, to thank him for his service and to direct the City Clerk to begin the process of filling the vacancy.





Christina Woods <cwoods@bhamgov.org>

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## Leland Fieste- Board of Review Resignation

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**Jack Todd** <jtodd@bhamgov.org>

Mon, Feb 7, 2022 at 10:29 AM

To: BIRMINGHAM CLERK'S OFFICE <CLERK@bhamgov.org>

I just spoke with Mr. Feiste over the phone and he has verbally resigned from his Board of Review position effective 2/7/2022.

--

Jack Todd  
Deputy Treasurer  
City of Birmingham  
248-530-1833

**\*Important Note to Residents\***

Let's connect! Join the Citywide Email System to receive important City updates and critical information specific to your neighborhood at [www.bhamgov.org/citywideemail](http://www.bhamgov.org/citywideemail).

**DATE:** 2/22/2022

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

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

**SUBJECT:** Resolution for Confirming S.A.D. #896S  
Maple Rd. Sewer Laterals

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## INTRODUCTION:

A public hearing on the confirmation of the special assessment roll for sewer improvements on Maple is being held on February 28<sup>th</sup>, 2022. The special assessment will reimburse the City for improvements made to property owner's sewer laterals. If the City Commission approves the roll, the property owners who had improvements done 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 February 14<sup>th</sup>, 2022, the City Commission determined the necessity of the Maple Road Sewer Lateral project and a Hearing of Confirmation of the Special Assessment Roll was set February 28<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 properties to be assessed for the improvements to the property. Pursuant to City Code at section 94-9, whenever a special assessment roll shall be confirmed by the City Commission, it should be final and conclusive.

## FISCAL IMPACT:

If confirmed, the special assessments will reimburse the Sewer Fund \$33,205. Property owners will 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 special assessment roll 896S, 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 896S and further to confirm the roll as attached to this report.

## ATTACHMENTS:

- Proposed Special Assessment Roll
- Memorandum: Necessity of Maple Rd. Sewer Lateral S.A.D.

## SUGGESTED COMMISSION ACTION:

Motion adopting a resolution confirming special assessment roll 896S as follows:

WHEREAS, Special Assessment Roll, designated Roll No. 896S, 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 02-042-22 provided it would meet this 28<sup>th</sup> day of February, 2022 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this February 28th, 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. 896S 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.

SAD896S					
Maple Paving Project- Sewer Laterals Contract #-20(P)					
					\$145
Address	Street	Parcel Number	SAD	Actual Length	Actual Cost (6")
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
				Total	\$33,205



**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.

---

**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:** 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:** 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:** 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:** 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:** 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:** 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:** 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 #  
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:** 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



Properties subject to SAD



## 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

SAD896S					
Maple Paving Project- Sewer Laterals Contract #-20(P)					
					\$145
Address	Street	Parcel Number	SAD	Actual Length	Actual Cost (6")
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	E. 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
					\$33,205

**DATE:** February 18<sup>th</sup>, 2022

**TO:** Thomas Markus, City Manager

**FROM:** Brooks Cowan, Senior Planner

**APPROVED:** Nick Dupuis, Planning Director

**SUBJECT:** Public Hearing – Corridor Improvement Authority Development & TIF Plan Update

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**INTRODUCTION:**

The Corridor Improvement Authority has made updates to its Development & TIF (Tax Increment Finance) Plan which was first approved by City Commission on May 11<sup>th</sup>, 2015. The purpose of the plan is to capture tax revenue to be used for a portion of the construction cost for up to two parking structures in the Triangle District. The City of Birmingham must reach a formal agreement with Oakland County for their share of the tax capture value to be finalized, however the County has recently requested that Birmingham update its Development & TIF Plan given the changes that have occurred since 2015. If the City Commission chooses to approve the updated plan, City staff will once again enter into negotiations with Oakland County in an attempt to capture County tax revenue to be used for the purpose of constructing up to two parking structures in the Triangle District. Oakland County's portion provides the largest tax capture and is crucial to the success of the Development and TIF Plan.

**BACKGROUND:**

Birmingham established a Corridor Improvement Authority (CIA) in the Triangle District in 2008. A Corridor Improvement Authority is governed under Michigan Public Act 57 of 2018 to prevent deterioration, promote economic growth, and encourage historic preservation in a business district. The CIA district consists of the commercial portion of the Triangle District between Woodward Avenue, E. Maple, and Adams Road. The construction of up to two parking structures in the Triangle District is meant to be a catalyst for commercial development in an area that permits buildings between three to nine stories in height.

Over the course of six years, the CIA met to review existing conditions in the Triangle District and complete a Development and TIF Plan as required by the state in order to enter into a tax capturing agreement with the county. The City coordinated with LSL Planning and Miller Canfield for planning and parking related issues in order to formulate a Development & TIF Plan that aligned with the existing conditions, zoning requirements, and the Triangle District Urban Design Plan. The CIA ensured that the Development & TIF plan satisfied all state requirements of the then Corridor Improvement Authority Act, P.A. 280 of 2005.

The CIA recommended that the City Commission approve the Development & TIF Plan in the spring of 2015 with the anticipation that the area's taxable value would be lowest at this point due to demolitions. Approving the Development & TIF Plan at this time was an ideal base year



for capturing increases in taxable value to be used for the construction of up to two parking structures. The goal was to have captured value from Oakland County account for approximately one third of the total construction costs.

After the City Commission's approval in May of 2015, the City of Birmingham presented the Development & TIF Plan to Oakland County's TIF Review Committee. Ultimately, the Oakland County Board of Commissioners approved Birmingham's proposal with the condition that Corporation Counsel negotiate a contract with the city. Corporation Counsel then added conditions that required Birmingham agree to cap the County's contribution at \$1.6 million and add a clawback provision if Birmingham did not initiate construction of a parking structure by 2026. Birmingham did not agree to such conditions and negotiations stalled for a period of time.

City staff has re-initiated TIF discussions with Oakland County, now operating under the direction of a new County Executive. Birmingham has requested to continue the negotiations where they left off and not have to begin the entire review process with the TIF Review Committee again. Oakland County has requested that the City of Birmingham update its Development & TIF Plan to reflect current 2021 values before continuing discussions.

Birmingham's CIA met on October 5<sup>th</sup>, 2021 and October 26<sup>th</sup>, 2021 to review updates made to the Development and TIF Plan. Major changes to the plan included updating parking structure cost projections, using the actual average annual taxable value growth rate in the district of 6% for tax capture projections instead of an inflationary 2.5%, and updating projections that assume 100% of Oakland County's tax capture. The CIA also reviewed all updates to the Corridor Improvement Authority Act as amended to P.A. 57 of 2018, Part 6 in order to ensure that all updated state requirements have been met. **Updates made to the Development and TIF Plan are highlighted in red throughout the document.**

On January 24, 2022, the City Commission reset the public hearing date for the CIA amendments to February 28, 2022. A public hearing at the City Commission is required pursuant to Michigan P.A. 157 of 2018.

#### LEGAL REVIEW:

The City Attorney has reviewed the plan and finds it comports with the requirements of current statutes.

#### FISCAL IMPACT:

The goal of the Corridor Improvement Authority's Development and TIF Plan is to satisfy state requirements for the City to enter into a TIF agreement with Oakland County. If an agreement with Oakland County is accomplished, Birmingham may capture Oakland County's portion of property taxes and direct the revenues towards payments for up to two parking structures in the Triangle District. Without the participation of Oakland County and other taxing jurisdictions, all funding for improvements would come from the city and thus would likely stall.

#### PUBLIC NOTIFICATION:

Michigan P.A. 57 of 2018 requires that notice of the time and place of the hearing shall be given by publication twice in a newspaper of general circulation, the first of which shall be not less than 20 days before the date set for the hearing. Notice of the hearing shall be posted in at least 20 conspicuous and public places in the district not less than 20 days before the hearing. Notice shall also be mailed to all property taxpayers of record in the district not less than 20 days before the hearing.

20 public notice signs were placed throughout the district in conspicuous and public places in December of 2021. Notices were mailed to all property taxpayers of record in the district on February 4<sup>th</sup>, 2022. Notice of time and place of the hearing was published in a newspaper of general circulation on January 20<sup>th</sup>, 2022 and again on February 20<sup>th</sup>, 2022.

**SUMMARY:**

The Planning Division requests that the City Commission consider the updates to the City of Birmingham's Corridor Improvement Authority Development & TIF Plan updates.

**ATTACHMENTS:**

- Birmingham CIA Development and TIF Plan (updates in red)
- October 5<sup>th</sup> & 26<sup>th</sup>, 2021 Meeting Minutes

**SUGGESTED RESOLUTION:**

Make a motion adopting a resolution to approve the updates to the City of Birmingham's Corridor Improvement Authority Development and TIF Plan.

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City of Birmingham

# Corridor Improvement Authority

FOR THE TRIANGLE DISTRICT

## DEVELOPMENT & TAX INCREMENT FINANCING PLAN

October 2021 Draft

(2021 Updates in Red)









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## Acknowledgements

### City Commission

Pierre Boutros, Mayor  
Therese Long, Mayor Pro Tem  
Clinton Baller  
Rackeline Hoff  
Brad Host  
Mark Nickita  
Stuart Sherman

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## 2021 CIA Update Summary

In 2021, Birmingham's Corridor Improvement Authority (CIA) made updates to its Development and TIF Plan that was first approved by the City Commission in 2015. The CIA was established in 2008 for the City's Triangle District which encompasses the commercial area between Woodward Avenue, Maple Road, and Adams Road. The intent of Birmingham's CIA is to create a Development and TIF Plan that satisfies all State guidelines and enables Oakland County to work with the City on economic development projects. If the County chooses to opt-in to Birmingham's Development and TIF Plan, the City may capture the County's tax revenue for the purpose of financing a public parking system in the Triangle District. The establishment of a multi-story parking system in the Triangle District is meant to be a catalyst for commercial development and serve as a major benefit to both the City and the County by supporting long-term economic growth.

Birmingham's CIA began meeting in 2009 to create a Development and TIF Plan for a public parking system in the City's Triangle District. The Authority reviewed and recommended potential locations for parking structures as well as estimated costs and tax capture projections. In 2015, Birmingham's City Commission approved the Corridor Improvement Authority's Development and TIF Plan, which was then brought to Oakland County for review.

Oakland County approved Birmingham's Development and TIF Plan in 2015 with the condition that an agreement be reached through contract negotiations. In 2016, Oakland County proposed a condition with a cap on the tax capture amount and a clawback provision if Birmingham did not initiate project construction by 2026. The City and the County were unable to reach amenable terms at that time, however the City has reinstituted discussions with Oakland County once again, and wishes to get back to the final negotiation process.

Oakland County has requested that the City of Birmingham revisit its CIA Development & TIF Plan to make updates in order to reflect changes since 2015 and allow for review and input in public meetings.

Both the County and the CIA have requested that updates to the document be called out by City staff. In Chapter One, such changes include updates to the Land Use Plan, Existing Parking Conditions, and the Projected Parking Demand to reflect new construction and changes in tenants since 2015.

Chapter Two changes were made to the Preliminary Parking Cost Estimates in order to reflect current economic factors. Land in the Triangle District has experienced an average annual increase of 6% since 2015, therefore the projected land cost was updated to reflect this value. The projected cost of a parking structure was also updated, given the dramatic increase in materials and labor since 2015. The City now estimates a 5-story, 450 space parking structure to cost approximately \$40,000 per space. Obtaining land and developing a parking structure through a public-private partnership was also included as a potential means of accomplishing the City's goals in the Triangle District Master Plan. Updates addressing the now P.A. 57 of 2018, Part 6, Section 910 were also made and the City has included a detailed description of how it will satisfy Reporting Requirements.

In Chapter Three, updates were made to the estimated captured taxable value projections. The projected average annual increase in taxable value was updated to 6% to reflect historical trends, as opposed to the inflationary assumption of 2.5% from 2015. The City also assumed a 100% tax capture from Oakland County which results in approximately \$6 million worth of tax capture by 2040 to be used for initiating economic development in the City and County.

## Chapter One: Introduction

### Introduction

The City of Birmingham is one of the premier suburban communities in metropolitan Detroit. Birmingham's Triangle District is physically located in the center of the city, between Adams Road and Woodward Avenue, south of Maple Road. Although the district has great potential for redevelopment, it is currently underdeveloped in comparison to its surrounding. To the west is the city's vibrant Downtown, filled with shops, restaurants, movie theaters, offices and homes – in proximity to, but disconnected from the Triangle District by Woodward Avenue. Maple Road, which bounds the north end of the District, is lined with both successful businesses and underutilized properties and provides the primary pedestrian and vehicular connection to Downtown Birmingham. East of the Triangle District is a quality single family residential neighborhood that is well-established and planned to remain. The Eton Road mixed-use Rail District hosts loft style urban living with landmark restaurants, live-work units, multi-story apartment buildings, indoor recreation facilities and a wide variety of unique, clustered uses such as home furnishing shops, dance and art studios, and industrial uses.

Development of the Triangle District Urban Design Plan in 2007 marked the beginning of a long-term effort to revitalize the district. Recognizing the potential growth in the district, the city identified the key elements necessary for the successful redevelopment of the district. The primary goal of the Triangle District Urban Design Plan project was to create a unified framework for development that improves the economic, social and pedestrian environments while protecting the central neighborhood that exists within the district. The resulting strategy included a set of development guidelines intended to create an urban, pedestrian-friendly environment similar to those that are so successful in other areas of the city.

The Triangle District is also envisioned as a transit-oriented district that will draw on regional transit plans that include Birmingham as a destination. Doing so requires a more compact, urban building form, which is best achieved through a form-based code, which the city adopted in 2007.







The Triangle District's unique needs lay in the demand for improved circulation and parking. Parking is scattered and unorganized and building placements are, in many places, not conducive to the pedestrian scale and comfort envisioned. A form-based code was developed to encourage building placement and design in the form required to create attractive and inviting public streets and spaces. Over time, buildings developed under the Triangle Plan will line the roadways to create a more urban street scale that is comfortable to pedestrians and suitable for mixed-use development. However, a key element to the successful revitalization of the Triangle District is the need for better organized and more efficient parking facilities.

As evidenced by the success of the city's Downtown parking program, public parking structures that are designed and located appropriately can significantly impact the economic success of local businesses. Since the need for improved parking was identified as a primary concern, the city began to assess the feasibility of such a structure in the Triangle District. New legislation in 2005 enabled the city to use a new tool that allows tax increment financing to revitalize road corridors through the creation of a Corridor Improvement Authority (CIA).

Pursuant to Act 280, Public Acts of Michigan, 2005, now P.A. 57 of 2018, Part 6, the Corridor Improvement Authority Act, the Birmingham Triangle District's CIA was incorporated on November 10, 2008 with the objective of stimulating and encouraging economic development activities within the established District. It was on this date that the Authority District boundaries were established. The CIA is overseen by a board comprised of four members appointed by the Mayor and confirmed by the City Commission. **A development plan or a TIF plan developed by an authority under a statute or section of law repealed by the bill remains in effect with the authority under the corresponding part of the Act.**

The City of Birmingham developed this Development and Tax Increment Finance Plan for the Triangle District to outline the improvements necessary to realize the vision established in the Triangle District Urban Design Plan. It describes proposed improvements needed to achieve the goals for the district and the method of financing proposed to fund them.

## Triangle District Background

The city developed an Urban Design Plan for the Triangle District in 2007, which included the following goals:

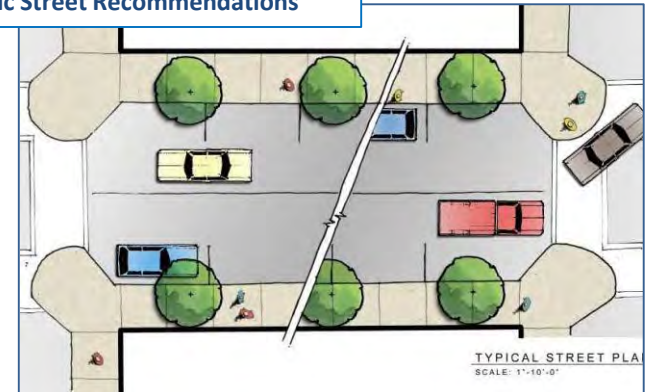
- Improve the visual appearance of the area, its streets, alleys, public spaces, and buildings by establishing guidelines for design and implementation of public and private projects.
- Improve the economic and social vitality by encouraging diversity of use and opportunities for a variety of experiences.
- Better utilize property through more compact, mixed-use development.
- Provide links to Downtown across Woodward's high traffic barrier.
- Improve the comfort, convenience, safety, and enjoyment of the pedestrian environment by create an inviting, walkable, pedestrian neighborhood and setting aside public plazas.
- Encourage sustainable development.
- Protect the integrity of established residential neighborhoods.
- Organize the parking and street system to facilitate efficient access, circulation, and parking to balance vehicular and pedestrian needs.

Since development of the Triangle District Urban Design Plan, the city has established a CIA to carry out the parking recommendations. While the Urban Design Plan recommends a number of changes to the Triangle District that are being implemented by the City, the CIA's focus is to implement the parking aspects of the Urban Design Plan. The Birmingham Triangle District CIA held their first meeting on January 20, 2009, where they began their work by recommending the City Commission begin developing this Development and Tax Increment Financing Plan for the district. Their specific purpose is to facilitate the planning and financing of public parking in the Triangle District.

### Open Space Design Recommendations



### Public Street Recommendations



### Building Design Recommendations





**The Triangle District Development and TIF Plans were created according to the Corridor Improvement Authority Act, P.A. 280 of 2005, as amended, now P.A. 57 of 2018, Part 6**



## Purpose of the Development and TIF Plans

The purpose of a CIA is to plan for, correct and prevent deterioration in business districts, to encourage historic preservation and to promote economic growth within the district.

The City of Birmingham has determined that the development plan and tax increment financing plan constitutes a public purpose, based on the following considerations:

- The proposed method of financing the development is feasible and the authority has the ability to arrange the financing.
- The development is reasonable and necessary to carry out the purposes of the CIA Act.
- The land within the district that is to be acquired is reasonably necessary to carry out the purposes of the plan and of the CIA Act in an efficient and economically satisfactory manner.
- The development plan is in reasonable accord with the City of Birmingham's Master Plan, which includes the Triangle District Subarea Plan.
- Public services, such as fire and police protection and utilities, are adequate to service the project area.
- Changes in zoning, streets, street levels, intersections, and utilities are reasonably necessary to facilitate the planned redevelopment of the District.

Chapter Two of this Plan discusses the recommendations for stimulating redevelopment within the Triangle District. A key concern in the Triangle District Design Plan is the need for more organized and efficient parking. The Birmingham Triangle District Corridor Improvement Authority was established to facilitate the construction of new parking facilities that will serve the district. Chapter Three contains the Tax Increment Financing Plan that will be required to finance the development of parking facilities. Both plans have been prepared in consideration of the required legal parameters, economic factors, and realistic projections.

## Approval

According to the Corridor Improvement Authority Act, P.A. 280 of 2005, as amended, now P.A. 57 of 2018, Part 6, Development and Tax Increment Financing Plans must be adopted by the City Commission by resolution after holding a public hearing. The City of Birmingham held a public hearing on March 16, 2015 and adopted this Development and Tax Increment Finance Plan on May 11, 2015.

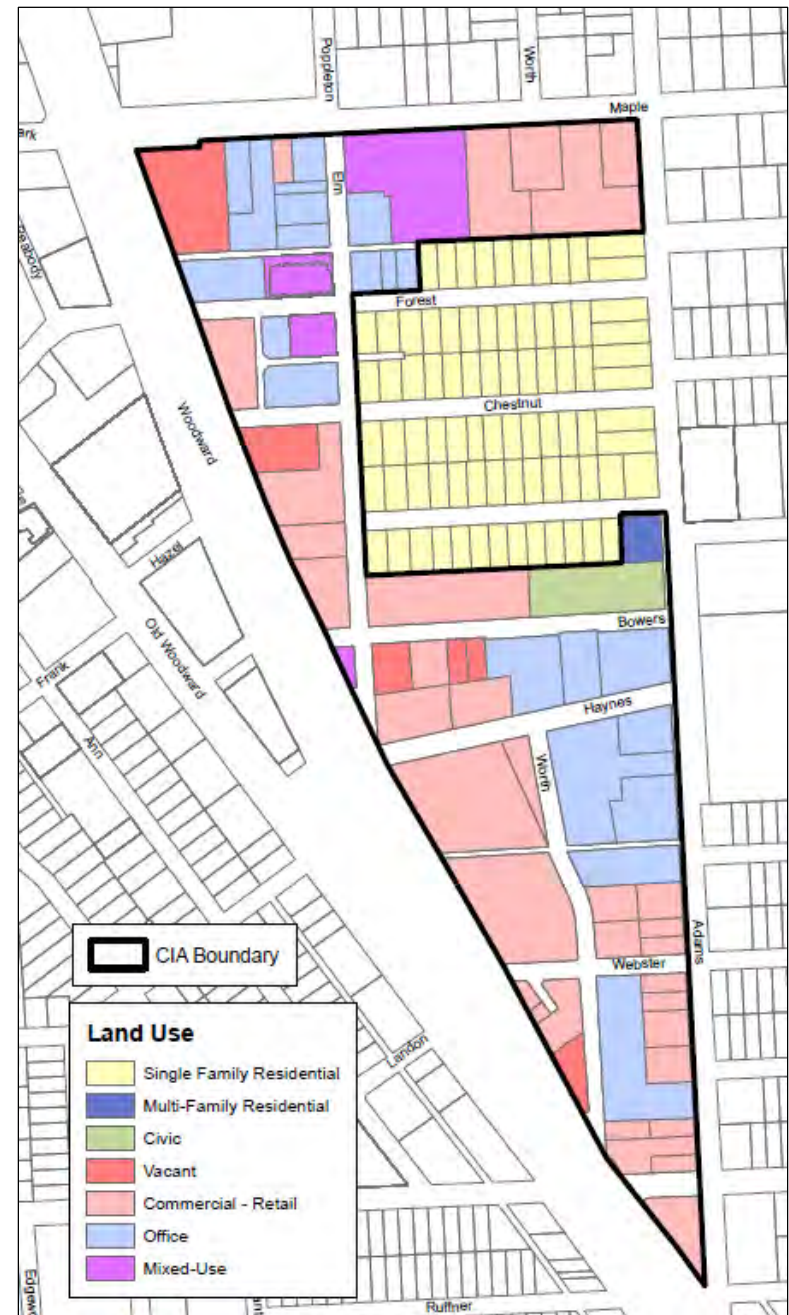
## Existing Land Use

Land uses were inventoried throughout the Triangle District (see map). Sites along Woodward Avenue, the district's western boundary, consist of general commercial uses including auto sales agencies, a gas station, a Walgreens, and a grocery store. The area transitions to less intense office and retail uses to the east of Woodward which predominantly consists of expansive surface parking lots, buildings with large blank walls, and offices stilted above exposed ground level parking lots.

There is a large vacant parcel on the southeast corner of Woodward Ave and E. Maple Rd which was the former site of a hotel and is now a gravel parking lot. Maple Road has a mix of office, live-work units, senior living, and retail along its frontage. Adams Road has the corridor's sole multi-family residential building and is also fronted by a mix of office and retail uses.

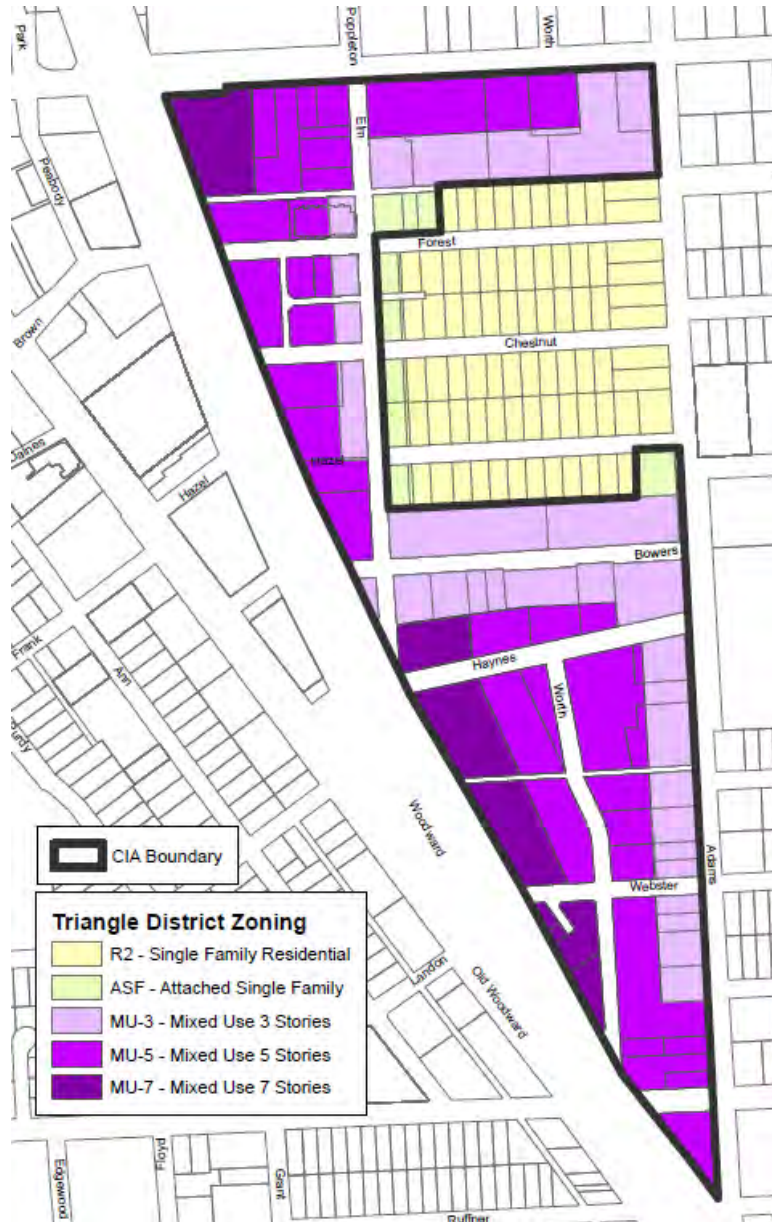
Since the adoption of the Triangle District Plan, the area has experienced four new mixed-use developments. The All Seasons Senior Living development successfully developed a large parcel due to reduced parking requirements for senior living. The developments at 735 Forest, 750 Forest, and 34400 Woodward include a mix of retail, office, restaurant, and residential on smaller parcels in the zones permitting three to five stories.

The large parcels south of Bowers have not been developed since the adoption of the Triangle District Plan and Triangle Overlay District. The former Borders Books site was converted to a Walgreens. A number of the buildings and parking lots appear to be degrading in quality and declining into disrepair.





## Regulating Plan & Existing Parking and Land Use Conditions





#### CIA District Usage

Total Commercial Floor Area (SF)	697,462
Total District Land Area (SF)	1,395,162
<b>Floor Area Ratio</b>	<b>50%</b>
<b>Total Parking</b>	
Off-street parking spaces	2,206
On-street parking spaces	354
<b>Total Parking</b>	<b>2,560</b>
<b>Existing Parking Ratio</b>	
<b>Spaces Per 1,000 SF Floor Area</b>	<b>3.67</b>



#### Existing Parking and Land Use Conditions

A detailed parking inventory was completed December, 2006. The inventory of parking was updated in 2009, and again in 2021. There are 2,206 private parking spaces and 354 on-street public parking spaces, for a total of 2,560 spaces in the CIA District.

Birmingham's Zoning Ordinance requires 1 parking space for every 300 SF of office and retail which equates to 3.33 parking spaces per 1,000 SF of commercial space. At this time, the CIA District exceeds that value by a small amount with approximately 3.67 parking space per 1,000 square feet of commercial use. Meeting the parking requirement on-site in this area has led to expansive surface parking lots, large gaps between buildings, and a lack of pedestrian connectivity. An excess of surface parking is not an efficient use of space in the CIA District where the intent of the Triangle District Plan and the Zoning Ordinance is to encourage a dense walkable environment, a mix of residential and commercial uses, and to limit the use of exposed surface parking.

The CIA District has a total land area of 1,395,162 SF. Meanwhile there is currently a total of 697,462 SF of commercial space. This equates to a floor-area-ratio of 50%, meaning for every 1 SF of land, approximately 0.5 SF of commercial space is being used. Current zoning for this district enables a floor area ratio of 300% in the MU-3 zone, 500%, in the MU-5 zone, and 700% in the MU-7 zone. An additional 100%-200% (1-2 floors) can be obtained in each zone if certain requirements are met. This means for every 1 SF of land, the Triangle District could have between 3 to 9 SF of space for people to live, work, shop, and gather. Multi-story buildings are crucial for districts that desire a dense mixed-use area, however being required to provide all parking on-site presents an extreme difficulty to property owners and developers trying to maximize the use of the space. Multi-story parking structures that serve the parking requirements for surrounding buildings would enable the district to maximize the space for people oriented uses with more density that will activate the area at all times of the day.

While the City has established an extensive public parking program for the Downtown, it does not extend into the Triangle District. This leaves private property owners to provide for their own parking needs, which has lead to inefficiencies in use and wasted land that could otherwise be developed to contribute to the desired vibrancy of the district.

## Projected Parking Demand

In order to estimate the amount of parking demand in the future that could support a public parking facility, the district was analyzed for future build-out. A full build-out shows the amount of development that could occur based upon the Urban Design Plan and new Triangle District Overlay. However, because it is unlikely that all of the current uses in the district will be removed and redeveloped, assumptions were made on which buildings would likely remain and which areas would likely redevelop. This “partial build-out” included development that is anticipated or likely to occur in the future and gives a more realistic estimate of future parking demands.

Future parking demand was estimated based upon the Institute of Transportation Engineer’s Parking Generation Manual and observed parking demands in the city. The projections assume that new development will be providing some on-site parking, either via private parking structures, underground lots or small surface lots. A summary of the parking analysis is provided below:

Available On-street Parking Spaces	Private Parking Spaces	Projected Parking Demand Based Upon Partial Build-out	Future Parking Deficit
354	2,206	4,513	1,953

The above projected deficit showed the future need for an additional 444 parking spaces in the north end of the Triangle District near Maple Road and an additional 1,566 spaces in the south portion of the District.

The development of public parking structures, in strategic locations that will best serve the maximum number of businesses is recommended. Because the demand for parking will occur incrementally over time as the Triangle District redevelops, it is recommended that the City first acquire land for one or more surface parking lots to be developed with structures as the area redevelops and parking demand increases.







## Chapter Two: Development Plan

### Introduction

According to the Corridor Improvement Authority Act, P.A. 280 of 2005, as amended, now P.A. 57 of 2018, Part 6, the City of Birmingham's Corridor Improvement Authority must develop a Development Plan for any improvements that are proposed to be funded through Tax Increment Financing. The law prescribes the various elements required in the Development Plan, including reporting requirements pursuant to Part 9 of P.A. 57 of 2018, which are discussed later in this Chapter.

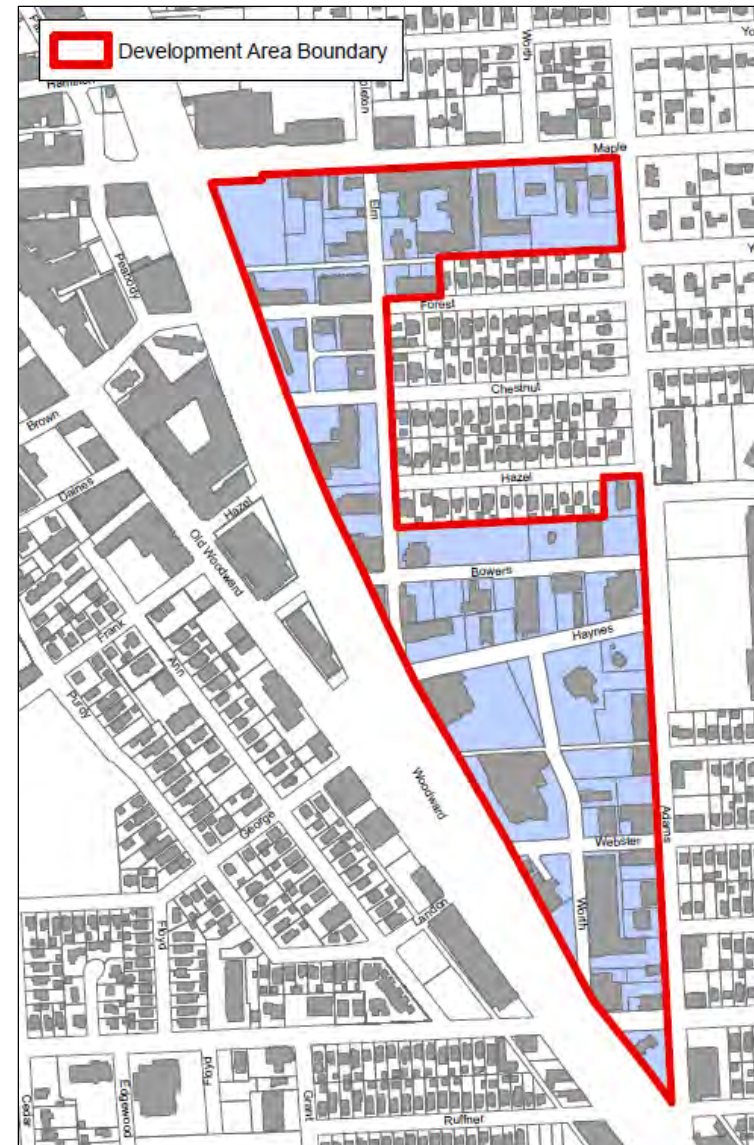
### Development Plan

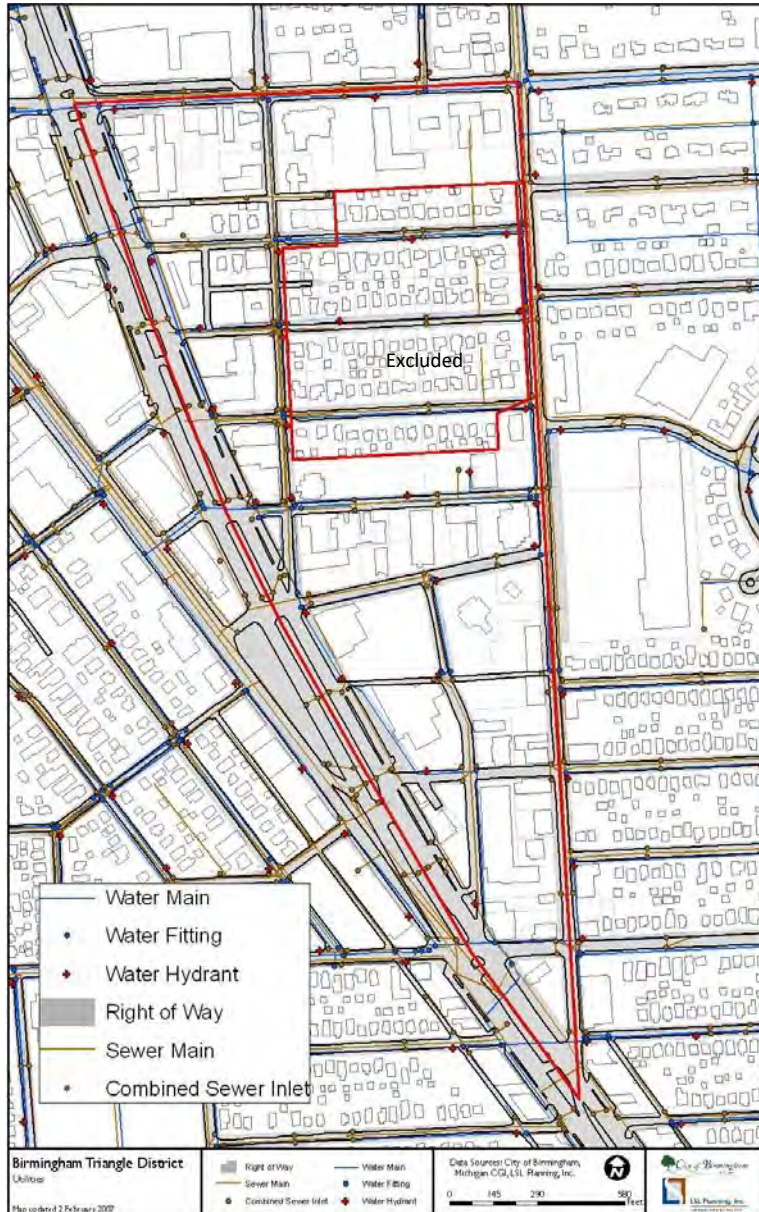
According to Section 6 2 1 of the Corridor Improvement Authority Act, the Development Plan must address the following:

- **Section 621(2) (a) Development Area Boundary:** *The designation of boundaries of the development area in relation to highways, streets, streams, or otherwise.*

The Development Area is generally enclosed by Woodward Avenue on the west, Maple Road on the north and Adams Road on the east, excluding the existing single-family neighborhood along Forest, Chestnut and Hazel Streets east of Elm Street. The Triangle District serves as a transitional growth area between Birmingham's central business district west of Woodward and the residential neighborhoods to the east (See District Map, right).

- **Section 621(2) (b) Existing Streets and Public Facilities:** *The location and extent of existing streets and other public facilities within the development area, designating the location, character, and extent of the categories of public and private land uses then existing and proposed for the development area, including residential, recreational, commercial, industrial, educational, and other uses, and including a legal description of the development area.*





Utility Map

The boundaries of the Development Area in relation to highways, streets, and other rights-of-way are shown on the District Map, as previously presented under item 21(2) (a). The district is also well served by public water and sewer services (See Utility Map, left).

The city maintains a Fire Station at the northwest corner of Adams and Bowers. This is their main station, containing administrative offices and training facilities.

Land uses in the district include a mix of commercial and office uses. The district is adjacent to a single-family neighborhood that is not proposed to be included in the TIF Plan. Most of the higher intensity uses are located along Woodward, with other fine stores and offices found throughout the district.

Woodward Avenue is an eight-lane state trunkline with a center median that runs along the western edge of the district. Maple Road is a four-lane arterial road that runs along the northern edge of the district. Streets within the district are generally two-lane local city streets with sidewalks and on-street parking. Street circulation in the south end of the district could be improved through road realignments, and some of the parking lots and loading areas are unorganized throughout the district, as are several building arrangements. The disjointed arrangement of buildings and parking does not create the physical context for a strong synergy between the various uses in the area. It is a goal of this Development Plan to provide more organized parking that will help improve business vitality in the district.

- **Section 621(2) (c) Existing Improvements:** A description of existing improvements in the development area to be demolished, repaired, or altered, a description of any repairs and alterations, and an estimate of the time required for completion.

The Birmingham Corridor Improvement Authority plans to redevelop one or two sites within the district into a public parking facility. Immediate plans are to acquire a site(s) for the future parking facilities and construct a surface parking lot until the area redevelops and need for a parking structure increases. Because the site for the parking facilities has yet to be determined, the specific details regarding site demolition or repairs are



unknown. If existing surface lots on the future site can be re-used to provide temporary parking, they will be repaired or retained if in good condition. Otherwise, purchase and demolition of existing commercial buildings is likely needed, as most lots in the district are developed to some extent.

The timing of construction will depend on the redevelopment of the district creating additional parking demand and generating additional tax increment rate of capture to fund construction. The city plans to issue bonds for the land acquisition costs as well as the parking facility construction costs; therefore, the timing of bond issues will be determined when adequate revenues exists to make the expected payments. The City may also choose to pursue a public-private partnership that may involve negotiating a ground lease for the construction of a mixed use building that contains a public parking structure.

- **Section 621(2) (d) Estimated Cost of Improvements:** *The location, extent, character, and estimated cost of the improvements including rehabilitation contemplated for the development area and an estimate of the time required for completion.*

For each parking structure, preliminary estimates assume a land cost of approximately \$7,500,000. When purchased, the land may be redeveloped immediately into a 90-space surface parking lot that is estimated to cost approximately \$225,000. It is anticipated a 450-space parking structure cost will be approximately \$18,000,000. It is anticipated that a portion of the cost of each structure will be funded through the CIA, and the remainder will be funded through other mechanisms, including a Special Assessment District. Demolition costs will be determined once a site is identified. The actual number and configuration of parking facilities will be determined based upon development in the District and growth in parking demand.

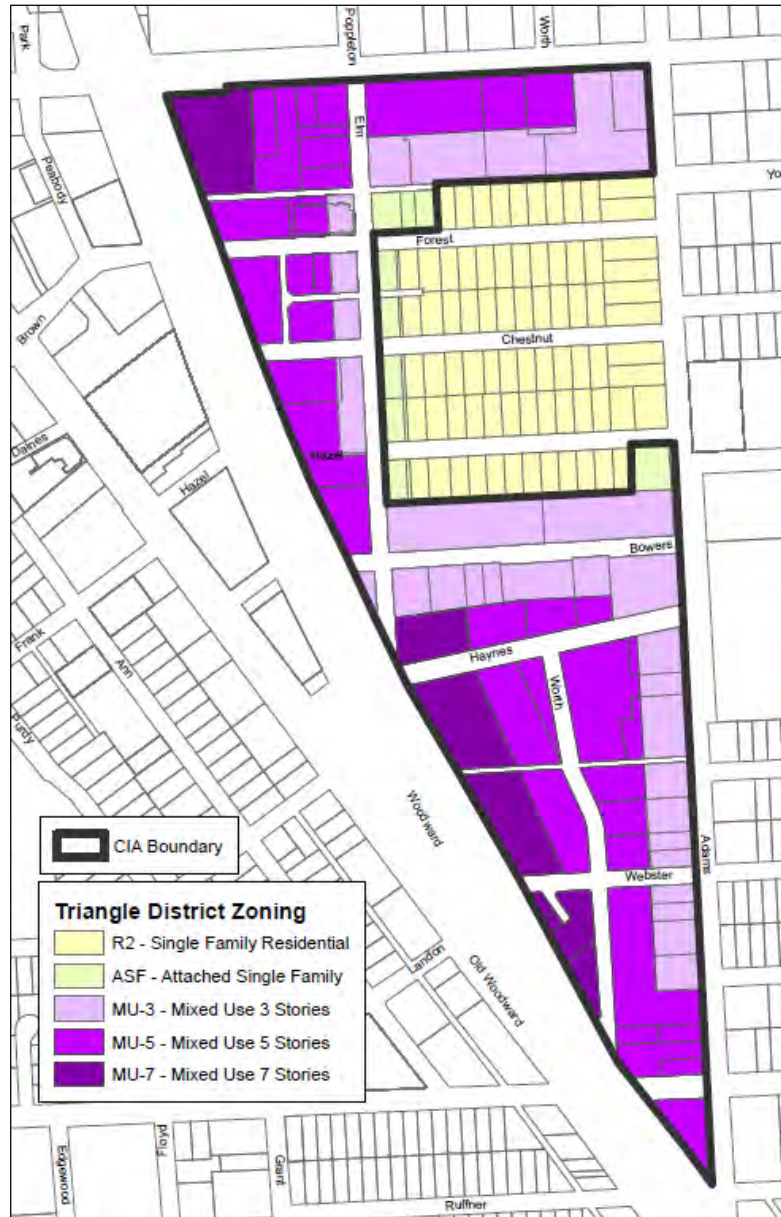
- **Section 621(2) (e) Construction Timeline:** *A statement of the construction or stages of construction planned, and the estimated time of completion of each stage.*

Due to limited resources, the CIA will take a phased approach to developing the parking facilities. If TIF revenues and other available funds exceed those projected, the city may proceed with the site acquisition sooner. Once acquired, the site will be prepared for construction of the facilities.

2021 Preliminary Parking Cost Estimates <sup>(1)</sup>	
Land Cost	\$7,500,000
Interim Surface Parking Lot Cost	\$225,000
<b>Parking Structure Cost</b>	<b>\$18,000,000</b>
<b>Total</b>	<b>\$25,725,000</b>

(1) Amounts are expressed in 2021 dollar values. Actual costs will need to be adjusted, depending on the actual build year.





Due to the large construction costs related to a parking structure, the CIA may need to wait for additional tax increment revenues to accrue before it can finance construction. Instead, the site(s) may first be developed into a surface parking lot containing approximately 90 parking spaces, to help offset immediate parking needs in the district. The specific construction dates will be determined as redevelopment in the surrounding area demands additional parking. Additional parking facilities may be constructed based upon development in the District and growth in parking demand.

- **Section 621(2) (f) Open Spaces:** *A description of any parts of the development area to be left as open space and the use contemplated for the space.*

No new open spaces are proposed as part of this Development Plan, except for ancillary sidewalks and pedestrian areas associated with development of parking facilities. The Triangle District Master Plan included recommendations for public open space; however these will be implemented by other means and will not be funded through the CIA development plan.

- **Section 621(2) (g) Conveyances Between CIA and City:** *A description of any portions of the development area that the authority desires to sell, donate, exchange, or lease to or from the municipality and the proposed terms.*

The CIA does not currently own or control any land in the Triangle District. Once a parking facility is complete, the CIA anticipates it will be conveyed to the City of Birmingham in its entirety. The City may also choose to pursue a public-private partnership which would involve negotiating a ground lease for the construction of a public structure.

- **Section 621(2) (h) Desired Zoning Changes:** *A description of desired zoning changes and changes in streets, street levels, intersections, traffic flow modifications, or utilities.*

No changes in zoning are required to implement the Corridor Improvement Authority's Development Plan. However, the city previously adopted an Overlay District for the area. The overlay was adopted to implement the development contemplated in the Triangle Plan using form-based code requirements (see Triangle District Regulating Plan, at left). The code encourages mixed-use development rather than creating use-specific



districts. It encourages additional building height and high density residential uses that will complement the city's goals to become more transit-oriented.

**The Triangle District Urban Design Plan includes other recommendations for the district; however, the CIA has committed only to development of parking facilities at this time.**

- **Section 621(2) (i) Financing:** *An estimate of the cost of the development, a statement of the proposed method of financing the development, and the ability of the authority to arrange the financing.*

Incremental taxes on real property included in the CIA district boundary will be captured under the Tax Increment Financing Plan to reimburse eligible activity expenses. It is anticipated that the TIF will be used to cover a portion of the acquisition and construction costs, with the other portion coming from a parking special assessment district.

The total taxable value of all property (real and personal) was \$46,110,000 for the 2014 tax year. From 2015 to 2020, there was an annual increase in taxable value ranging from 0.11% to 11.15%, averaging 6% annually. The TIFA Plan assumes an annual increase in taxable value of 2% for 2021 and 6% for the years 2022 and beyond. The City expects this value to increase as developments in the area are completed.

It is anticipated that the term of the TIFA Plan will depend on the actual cost estimates received after final plans are prepared. The estimated captured taxable value and tax increment revenues for the eligible property for each year of the Plan are presented in Chapter 3.

The tax increment and capture year data presented in Chapter 3 are estimates based on currently available information. It is the intent of this plan to provide for capture of all eligible tax increments in whatever amounts and in whatever years they become available until all project costs described in this plan are paid. Cash flow estimates for eligible activities are also presented in Chapter 3.

- **Section 621(2) (j) Designated Beneficiaries:** *Designation of the person or persons, natural or corporate, to whom all or a portion of the development is to be leased, sold, or conveyed in any manner and for whose benefit the project is being undertaken if that information is available to the authority.*



The projects undertaken by the CIA are intended to benefit all property owners within the district. They are not intended to benefit any one or set of property owners; rather to remedy a district-wide shortage in parking that will hopefully help to attract additional commerce and residential development to the district. The parking facilities will be conveyed to the city once completed.

- **Section 621(2) (k) Conveyance Procedures:** *The procedures for bidding for the leasing, purchasing, or conveying in any manner of all or a portion of the development upon its completion, if there is no express or implied agreement between the authority and persons, natural or corporate, that all or a portion of the development will be leased, sold, or conveyed in any manner to those persons.*

The projects included in this Development Plan are intended to be publicly owned in perpetuity; no conveyances are anticipated. The city may enter into a public-private partnership with a developer to partially fund the structure. This can be achieved through a condominium development that allows partial ownership of the structure by the city. Additional construction cost savings may be realized if other private structures are proposed that could be built simultaneously. Should the city choose in the future to sell the parking facility proposed in this Plan, the procedures in the Birmingham City Charter will be followed.

- **Section 621(2) (l) Population Estimates and Displacement:** *Estimates of the number of persons residing in the development area and the number of families and individuals to be displaced. If occupied residences are designated for acquisition and clearance by the authority, a development plan shall include a survey of the families and individuals to be displaced, including their income and racial composition, a statistical description of the housing supply in the community, including the number of private and public units in existence or under construction, the condition of those units in existence, the number of owner-occupied and renter-occupied units, the annual rate of turnover of the various types of housing and the range of rents and sale prices, an estimate of the total demand for housing in the community, and*

*the estimated capacity of private and public housing available to displaced families and individuals.*

There is a single apartment building located in the Corridor Improvement Authority boundary. This building is not proposed to be impacted and no families or individuals will be displaced as result of development of a parking facility. Therefore, a demographic survey and information regarding housing in the community are not applicable and are not needed for this plan.

- **Section 621(2) (m) Relocation Priorities:** *A plan for establishing priority for the relocation of persons displaced by the development in any new housing in the development area.*

No residents will be displaced as a result of this development. Therefore, a plan for relocation of displaced persons is not applicable and is not needed for this plan.

- **Section 621(2) (n) Relocation Costs:** *Provision for the costs of relocating persons displaced by the development and financial assistance and reimbursement of expenses, including litigation expenses and expenses incident to the transfer of title, in accordance with the standards and provisions of the uniform relocation assistance and real property acquisition policies act of 1970, Public Law 91-646, 84 Stat. 1894.*

No residents will be displaced as result of this development and no relocation costs will be incurred. Therefore, provision for relocation costs is not applicable and is not needed for this plan.

- **Section 621(2) (o) Relocation Assistance Act:** *A plan for compliance with 1972 PA 227, MCL 213.321 to 213.332.*

No residents will be displaced as result of this development. Therefore, no relocation assistance strategy is needed for this plan.

- **Section 621(2) (p) Governing Body Approval of Amendments:** *The requirement that amendments to an approved development plan or tax increment plan must be submitted by the authority to the governing body for approval or rejection.*

The Tax Increment Finance and Development Plans for the City of Birmingham Corridor Improvement Authority for the Triangle District was approved by the CIA Board on January 22<sup>nd</sup>, 2015, and approved by the Birmingham City Commission on May 11<sup>th</sup>, 2015.

- **Section 621(2) (q) Development Plan Evaluation:** *A schedule to periodically evaluate the effectiveness of the development plan.*

The City of Birmingham Corridor Improvement Authority will review the Tax Increment and Development Plan as needed. It is anticipated that they will meet approximately 4 times a year, must hold at least two (2) informational meetings, and will review the plan at least once per year to update key figures and ensure projects and recommendations are still relevant.

- **Section 910 Reporting Requirements:** *A plan to report the activities of the CIA to the public.*

The City of Birmingham plans to utilize the existing website that is operated and regularly maintained to provide access to authority records and documents for the fiscal year beginning on the effective date of this Act, including all of the following:

- Minutes of all board meetings.
- Annual budget.
- Annual audits.
- Currently adopted development plan.
- Currently adopted tax increment finance plan.
- Current authority staff contact information.
- A listing of current contracts with a description of those contracts and other documents related to management of the authority and services provided by the authority.
- Additionally, the municipality must include on the website an annual updated synopsis of activities of the authority, which must include all of the following, if any:
  - For any tax increment revenue described in the annual audit that is not spent within five years of its receipt, a description of the reasons for accumulating those funds, a time frame when the funds will be spent, the uses for which the funds will be spent, and, if any funds have not been spent within 10 years of their receipt, the amount of those funds and a written explanation of why they have not been spent.
  - A list of authority accomplishments, including progress made on development plan and tax increment finance plan goals and objectives for the immediately preceding fiscal year.
  - All other components pursuant to Part 9 of the Act.
- Annually on a form and in the manner prescribed by the Department of Treasury, an authority that is capturing tax increment revenue must submit to the governing body of the municipality, the governing body of a taxing unit levying taxes subject to capture by an authority, and the Department a report on the status of the tax increment financing account. The report must be filed with the Department of Treasury.



# Chapter Three: Tax Increment Finance Plan

## Introduction

This Tax Increment Finance (TIF) Plan is prepared in connection with the Development Plan described in Chapter Two. It was reviewed and adopted alongside the Development Plan; therefore, the city satisfied its notification and publication requirements when preparing notices for the Development Plan.

## TIF Plan

According to Section 18 to 20 of Act 280, Public Acts of Michigan, 2005, now P.A.57 of 2018, Part 6, after establishing a TIF Plan, the city must report annually to the State Tax Commission regarding the status of the financing account. The report must include:

- The amount and source of revenue in the account.
- The amount in any bond reserve account.
- The amount and purpose of expenditures from the account.
- The amount of principal and interest on any outstanding bonded indebtedness.
- The initial assessed value of the project area.
- The captured assessed value retained by the authority.
- The tax increment revenues received.
- The increase in the state equalized valuation as a result of the implementation of the tax increment financing plan.
- The type and cost of capital improvements made in the development area.
- Any additional information the governing body considers necessary.

### 2014 Base Property Values for All CIA Parcels

Property			Property			Property		
Parcel Number	Class	2014 Taxable	Parcel Number	Class	2014 Taxable	Parcel Number	Class	2014 Taxable
08-19-36-226-002	202	\$1,100,000	08-19-36-232-005	201	\$797,020	08-19-36-281-031	201	\$2,127,270
08-19-36-226-003	201	\$500,230	08-19-36-233-021	402	\$0	08-19-36-282-005	201	\$2,916,760
08-19-36-226-007	201	\$326,710	08-19-36-233-022	201	\$988,360	08-19-36-282-006	201	\$3,301,410
08-19-36-226-009	201	\$301,100	08-19-36-234-002	405	\$760,250	08-19-36-282-007	202	\$0
08-19-36-226-012	201	\$335,330	08-19-36-234-004	405	\$235,950	08-19-36-283-009	201	\$782,730
08-19-36-226-013	201	\$299,370	08-19-36-234-007	405	\$111,200	08-19-36-283-014	201	\$350,000
08-19-36-226-020	201	\$689,550	08-19-36-235-003	405	\$114,300	08-19-36-283-016	201	\$747,080
08-19-36-226-021	201	\$55,550	08-19-36-235-004	405	\$114,300	08-19-36-283-019	201	\$198,420
08-19-36-226-022	201	\$947,240	08-19-36-235-005	405	\$114,300	08-19-36-283-020	201	\$237,980
08-19-36-227-002	201	\$818,680	08-19-36-235-006	405	\$109,220	08-19-36-283-021	201	\$290,020
08-19-36-227-003	201	\$653,940	08-19-36-235-007	405	\$104,140	08-19-36-283-022	201	\$307,740
08-19-36-227-005	201	\$203,200	08-19-36-235-008	405	\$104,140	08-19-36-283-024	201	\$1,315,660
08-19-36-227-006	201	\$278,380	08-19-36-235-009	405	\$104,140	08-19-36-283-025	202	\$268,480
08-19-36-227-007	201	\$164,080	08-19-36-235-010	405	\$104,140	08-19-36-284-001	201	\$105,370
08-19-36-227-008	201	\$237,410	08-19-36-235-011	405	\$81,280	08-19-36-284-002	201	\$107,590
08-19-36-227-023	201	\$407,510	08-19-36-235-012	405	\$0	08-19-36-284-009	201	\$415,490
08-19-36-227-024	201	\$1,325,000	08-19-36-235-013	405	\$220,960	08-19-36-284-010	202	\$191,400
08-19-36-227-027	202	\$183,900	08-19-36-280-002	201	\$258,040	08-19-36-285-001	201	\$4,874,880
08-19-36-227-028	201	\$508,000	08-19-36-281-003	202	\$262,550	08-19-36-285-002	201	\$160,570
08-19-36-228-001	201	\$819,200	08-19-36-281-004	201	\$219,020	08-19-36-285-006	201	\$289,670
08-19-36-228-002	201	\$379,750	08-19-36-281-005	201	\$267,440	08-19-36-285-007	201	\$0
08-19-36-228-003	201	\$231,330	08-19-36-281-017	201	\$494,180	08-19-36-285-008	201	\$254,000
08-19-36-228-004	201	\$300,000	08-19-36-281-022	201	\$175,190	08-19-36-285-009	201	\$234,760
08-19-36-228-005	201	\$751,310	08-19-36-281-028	201	\$294,880	08-19-36-285-010	201	\$103,290
08-19-36-230-003	201	\$877,050	08-19-36-281-029	201	\$1,071,450	08-19-36-285-012	201	\$262,060
08-19-36-230-004	402	\$0	08-19-36-281-030	201	\$454,460	08-19-36-285-013	201	\$563,160
08-19-36-232-001	201	\$1,093,010				08-19-36-427-001	201	\$607,400
						Total 2014 Value	\$42,360,930	

## 2014 Personal Property Values

08-99-00-000-106	2,700	08-99-00-007-153	1,220	08-99-00-011-074	-	08-99-00-014-012	10,000
08-99-00-000-174	59,800	08-99-00-007-154	-	08-99-00-011-099	2,670	08-99-00-014-017	557,390
08-99-00-000-176	-	08-99-00-007-194	-	08-99-00-011-101	-	08-99-00-014-018	-
08-99-00-001-015	21,370	08-99-00-007-234	-	08-99-00-011-102	-	08-99-00-014-049	50,000
08-99-00-001-042	790	08-99-00-008-014	520	08-99-00-011-103	-	08-99-00-014-050	-
08-99-00-001-043	-	08-99-00-008-018	-	08-99-00-011-108	-	08-99-00-014-055	500
08-99-00-001-149	-	08-99-00-008-041	15,040	08-99-00-011-137	39,620	08-99-00-014-103	-
08-99-00-001-210	-	08-99-00-008-046	-	08-99-00-011-150	-	08-99-00-014-104	-
08-99-00-002-030	2,440	08-99-00-008-047	-	08-99-00-012-021	-	08-99-00-014-109	2,500
08-99-00-002-072	3,010	08-99-00-008-048	127,840	08-99-00-012-024	520	08-99-00-014-110	-
08-99-00-002-103	421,630	08-99-00-008-054	3,390	08-99-00-012-025	77,450	08-99-00-014-113	2,500
08-99-00-003-176	-	08-99-00-008-103	-	08-99-00-012-028	72,500	08-99-00-014-117	15,000
08-99-00-004-094	-	08-99-00-009-003	214,130	08-99-00-012-030	520	08-99-00-014-135	-
08-99-00-004-098	-	08-99-00-009-046	1,370	08-99-00-012-042	19,520	08-99-00-015-044	-
08-99-00-004-112	-	08-99-00-009-051	3,940	08-99-00-012-043	-	08-99-00-015-046	-
08-99-00-004-114	-	08-99-00-009-054	-	08-99-00-012-045	1,040	08-99-00-015-047	-
08-99-00-004-115	29,950	08-99-00-009-055	-	08-99-00-012-112	-	08-99-00-015-084	-
08-99-00-004-146	-	08-99-00-009-073	-	08-99-00-013-005	-	08-99-00-015-086	-
08-99-00-004-166	2,160	08-99-00-009-074	95,280	08-99-00-013-007	-	08-99-00-015-087	-
08-99-00-004-169	1,870	08-99-00-009-075	1,560	08-99-00-013-008	-	08-99-00-015-088	-
08-99-00-005-082	-	08-99-00-009-103	100,070	08-99-00-013-009	75,840	08-99-00-015-091	-
08-99-00-005-109	5,110	08-99-00-009-104	13,520	08-99-00-013-010	17,110	08-99-00-015-092	-
08-99-00-005-153	-	08-99-00-009-105	305,740	08-99-00-013-012	1,020	08-99-00-015-145	-
08-99-00-006-144	750	08-99-00-009-155	-	08-99-00-013-013	-	08-99-00-015-148	-
08-99-00-006-145	-	08-99-00-010-041	53,960	08-99-00-013-034	2,030	08-99-00-015-149	-
08-99-00-007-069	4,590	08-09-90-010-042	-	08-99-00-013-035	75,000	08-99-01-001-120	128,350
08-99-00-007-075	-	08-99-00-010-043	106,690	08-99-00-013-042	510	08-99-01-001-140	-
08-99-00-007-076	-	08-99-00-010-099	8,210	08-99-00-013-082	1,020	08-99-01-001-470	46,390
08-99-00-007-077	-	08-99-00-010-149	-	08-99-00-013-108	-	08-99-01-001-650	5,780
08-99-00-007-078	3,980	08-99-00-011-004	10,690	08-99-00-013-111	-	08-99-01-001-663	-
08-99-00-007-151	-	08-99-00-011-037	-	08-99-00-013-129	32,010	08-99-01-001-836	110,990
08-99-00-007-152	-	08-99-00-011-067	35,670	08-99-00-013-135	-	08-99-01-001-861	41,460

08-99-01-001-935	-	08-99-01-900-048	-
08-99-01-001-950	40,150	08-99-01-910-037	-
08-99-01-001-958	-	08-99-01-920-010	690
08-99-01-002-392	-	08-99-01-920-179	-
08-99-01-002-397	-	08-99-01-930-027	-
08-99-01-002-450	1,800	08-99-01-930-158	1,280
08-99-01-002-554	-	08-99-01-940-016	2,620
08-99-01-002-780	4,490	08-99-01-940-040	-
08-99-01-002-860	-	08-99-01-950-068	-
08-99-01-003-640	76,260	08-99-01-950-099	-
08-99-01-003-705	69,030	08-99-01-950-111	-
08-99-01-003-719	307,370	08-99-01-960-165	-
08-99-01-003-865	-	08-99-01-960-168	-
08-99-01-004-835	-	08-99-01-970-284	41,630
08-99-01-004-970	-	08-99-01-970-303	1,480
08-99-01-005-065	-	08-99-01-970-318	830
08-99-01-005-697	3,560	08-99-01-970-438	2,650
08-99-01-010-290	-	08-99-01-970-798	-
08-99-01-013-695	2,550	08-99-01-970-803	-
08-99-01-850-089	-	08-99-01-970-888	76,920
08-99-01-860-104	-	08-99-01-980-239	-
08-99-01-860-230	5,600	08-99-01-980-244	-
08-99-01-880-017	15,230	08-99-01-980-373	-
08-99-01-880-196	37,860	08-99-01-980-378	-
08-99-01-890-046	1,440	<b>Personal</b>	
08-99-01-890-054	-	<b>Property Total:</b>	<b>3,749,070</b>
08-99-01-890-056	2,290		
08-99-01-890-057	-		
08-99-01-890-059	5,110		
08-99-01-890-060	-		
08-99-01-890-136	-		
08-99-01-900-024	-		
08-99-01-900-030	-		



When developing the TIF Plan, the city must include the following:

- **A Development Plan:** The Development Plan for this project is described in Chapter Two: Development Plan.
- **A detailed explanation of the tax increment procedure:** Tax Increment Financing is a method of funding public investments in an area slated for (re)development by capturing, for a time, all or a portion of the increased tax revenue that may result from increases in property values, either as a result of (re)development or general market inflation. The concept of tax increment financing is applied only to the Development Area for which a development plan has been prepared by the Authority and adopted by the community's legislative body.

"Captured Assessed Value" can be described as the amount in any year of the Plan in which the current assessed value exceeds the initial assessed value. Current assessed value for this purpose includes the amount of local taxes paid in lieu of property taxes. "Initial Assessed Value" represents the assessed value as equalized for all properties in the Development Area at the time of resolution adoption. (See *2014 Base Property Values for all CIA Parcels*, on page 18). It is relevant to mention that the value of tax-exempt property is represented as a zero value, since no tax increment will be collected for that site, regardless of increases in actual property value. The taxable difference between the initial assessed value (base year total) and any incremental increase in the value can be captured and (re)invested by the CIA. The estimated capture for the Birmingham CIA is shown in the *Estimated Captured Assessed Value* (right).

For this plan, historic trends have been used to project future values for tax increment. Given the average growth rate over the past six years, TIF projections assume a future increase in taxable value of 6% for the years 2022 and beyond. The City expects this value to increase significantly when new developments are completed.

## ESTIMATED CAPTURED TAXABLE VALUE

2015-2040

	Tax Year	Taxable Value <sup>(1)</sup>	% Value Increase	Base Value	Captured Value
Base Year	2014 (A)	\$ 46,110,000		\$ 46,110,000	\$ -
	2015 (A)	48,800,480	5.83%	46,110,000	2,690,480
	2016 (A)	54,239,550	11.15%	46,110,000	8,129,550
	2017 (A)	54,297,220	0.11%	46,110,000	8,187,220
	2018 (A)	59,052,170	8.76%	46,110,000	12,942,170
	2019 (A)	61,431,850	4.03%	46,110,000	15,321,850
	2020 (A)	66,262,290	7.86%	46,110,000	20,152,290
	2021 (A)	67,586,450	2.00%	46,110,000	21,476,450
	2022	71,641,637	6.00%	46,110,000	25,531,637
	2023	75,940,135	6.00%	46,110,000	29,830,135
	2024	80,496,543	6.00%	46,110,000	34,386,543
	2025	85,326,336	6.00%	46,110,000	39,216,336
	2026	90,445,916	6.00%	46,110,000	44,335,916
	2027	95,872,671	6.00%	46,110,000	49,762,671
	2028	101,625,031	6.00%	46,110,000	55,515,031
	2029	107,722,533	6.00%	46,110,000	61,612,533
	2030	114,185,885	6.00%	46,110,000	68,075,885
	2031	121,037,038	6.00%	46,110,000	74,927,038
	2032	128,299,260	6.00%	46,110,000	82,189,260
	2033	135,997,216	6.00%	46,110,000	89,887,216
	2034	144,157,049	6.00%	46,110,000	98,047,049
	2035	152,806,472	6.00%	46,110,000	106,696,472
	2036	161,974,860	6.00%	46,110,000	115,864,860
	2037	171,693,352	6.00%	46,110,000	125,583,352
	2038	181,994,953	6.00%	46,110,000	135,884,953
	2039	192,914,650	6.00%	46,110,000	146,804,650
	2040	204,489,529	6.00%	46,110,000	158,379,529

### Notes

(A) - Actual values

<sup>(1)</sup> 2022 - 2040 assume 6% growth/year.

In order to make use of tax increment financing the CIA must submit to the City governing body a Tax Increment Financing and Development Plan which the city must approve by resolution. Following approval of resolution, municipal and county treasurers must transfer to the CIA the amount of certain taxes paid to them as a result of increased value. The transmitted funds are denominated “tax increment revenues”. Tax increment revenues are additionally limited as explained below:

*“Tax increment revenues” means the amount of ad valorem property taxes and specific local taxes attributable to the application of the levy of all taxing jurisdictions upon the captured assessed value of real and personal property in the Development Area. Tax increment revenues do not include any of the following:*

- a. Taxes under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906.*
- b. Taxes levied by local or intermediate school districts.*
- c. Ad valorem property taxes attributable either to a portion of the captured assessed value shared with taxing jurisdictions within the jurisdictional area of the authority or to a portion of value of property that may be excluded from captured assessed value or specific local taxes attributable to the ad valorem property taxes.*
- d. Ad valorem property taxes excluded by the tax increment financing plan of the authority from the determination of the amount of tax increment revenues to be transmitted to the authority or specific local taxes attributable to the ad valorem property taxes.*
- e. Ad valorem property taxes exempted from capture under section 18(5) or specific local taxes attributable to the ad valorem property taxes.*
- f. Ad valorem property taxes specifically levied for the payment of principal and interest of obligations approved by the electors or obligations pledging the unlimited taxing power of the local governmental unit or specific taxes attributable to those ad valorem property taxes.*
- g. Ad valorem property taxes levied under 1 or more of the following specific local taxes attributable to those ad valorem property taxes:*
  - i. The zoological authorities act, 2008 PA49, MCL 123.1161 to 123.1183*
  - ii. The art institute authorities act, 2010 PA 296, MCL 123.1201 to 120.1229.*

- **The maximum amount of bonded indebtedness to be incurred:** The maximum amount of bonded indebtedness to be incurred by, or on behalf of, the City of Birmingham CIA is \$83.9 million. This amount was established using 2021 estimates of the land cost (\$7,500,000), surface parking development cost (\$225,000), structure cost (\$18,000,000), and inflating the costs with the assumption that the land acquisition for the first parking structure construction will occur in 2025 at an adjusted cost of \$9,742,066, with the assumption that a structure will be built in 2026 (\$22,973,068) and the assumption that the second structure's property may be acquired in 2031 (\$13,797,859) and built in 2036 (\$37,420,707).

The construction of parking structure(s) will likely be timed to coincide with major new development. New development may necessitate construction of more than one parking structure. Parking structure(s) may also be partially funded through a public-private partnership with new development. The increased tax increment from major new development will likely accelerate repayment of any bonds for a parking structure.

- **The duration of the program:** This Tax Increment Financing Plan is shown to be effective until 2041, based upon a "worst-case" scenario. Depending on actual market activity and rate of increment capture, this duration may be extended or shortened. With major new development in the district, repayment of bonds for parking facilities could be accelerated. Major new development may also make it feasible to implement land acquisition, parking lot construction and construction of parking structure(s) sooner than expected. Principal and interest on all bonded debt will need to be paid, or sufficient funds to repay the full balance set aside in order to terminate this plan.
- **A statement of the estimated impact of tax increment financing on the assessed values of all taxing jurisdictions in which the development area is located:** The impact of tax increment financing on the revenues of all taxing jurisdictions is shown on the *Estimated Tax Capture by Taxing Jurisdiction Table* (next page). The CIA is eligible to capture tax increment revenues from the city, Oakland County and regional authorities, such as Huron-Clinton Metropark Authority, SMART and Oakland County Community College. The

Parking Structure Cost Projections		
Structure #1		Land acquisition and surface parking construction
	2021 Estimated Costs	\$7,725,000
	2025 Estimated Costs <sup>(1)(2)</sup>	<b>\$9,742,066</b>
		Parking structure #1
Structure #2	2021 Estimated Costs	\$18,000,000
	2026 Estimated Costs <sup>(2)</sup>	<b>\$22,973,068</b>
		Land acquisition and surface parking construction
	2021 Estimated Costs	\$7,725,000
Structure #2	2031 Estimated Costs <sup>(1)(2)</sup>	<b>\$13,797,859</b>
		Parking structure #2
	2021 Estimated Costs	\$18,000,000
	2036 Estimated Costs <sup>(2)</sup>	<b>\$37,420,707</b>
Total		<b>\$83,933,700</b>

(1) Assumes 6% annual land value increase

(2) Assumes 5% annual construction value increase

CIA will pay the debt service on the bonds for development of parking facilities from the tax increment revenues captured in the Development Area.

- **The Authority may provide for the use of part or all of the captured assessed value, but the portion intended to be used by the authority shall be clearly stated in the tax increment financing plan:** The CIA anticipates using all of the captured tax increment revenues to pay the costs of the development of parking facilities.



## Estimated Tax Capture by Taxing Jurisdiction

Fiscal Year Ending June 30

Fiscal Year	Captured Value <sup>(1)</sup>	City of Birmingham			Oakland County		Huron-Clinton Metro Park Authority	Oakland Community College	SMART	Total Mills
		Operating Levy 10.8929	Refuse Levy 0.7930	Library Levy 1.3380	Operating Levy 4.0132	Parks & Rec Levy 0.3470	OPT OUT	1.5057	0.9851	19.8749
2015	-									
2016	-	-	-	-	-	-	-	-	-	-
2017	-	-	-	-	-	-	-	-	-	-
2018	-	-	-	-	-	-	-	-	-	-
2019	-	-	-	-	-	-	-	-	-	-
2020	-	-	-	-	-	-	-	-	-	-
2021	-	-	-	-	-	-	-	-	-	-
2022	-	-	-	-	-	-	-	-	-	-
2023	25,531,637	278,114	20,247	34,161	102,464	8,859	-	38,443	25,151	507,439
2024	29,830,135	324,937	23,655	39,913	119,714	10,351	-	44,915	29,386	592,871
2025	34,386,543	374,569	27,269	46,009	138,000	11,932	-	51,776	33,874	683,429
2026	39,216,336	427,180	31,099	52,471	157,383	13,608	-	59,048	38,632	779,421
2027	44,335,916	482,947	35,158	59,321	177,929	15,385	-	66,757	43,675	881,172
2028	49,762,671	542,060	39,462	66,582	199,708	17,268	-	74,928	49,021	989,029
2029	55,515,031	604,720	44,023	74,279	222,793	19,264	-	83,589	54,688	1,103,356
2030	61,612,533	671,139	48,859	82,438	247,263	21,380	-	92,770	60,695	1,224,544
2031	68,075,885	741,544	53,984	91,086	273,202	23,622	-	102,502	67,062	1,353,002
2032	74,927,038	816,173	59,417	100,252	300,697	26,000	-	112,818	73,811	1,489,168
2033	82,189,260	895,279	65,176	109,969	329,842	28,520	-	123,752	80,965	1,633,503
2034	89,887,216	979,132	71,281	120,269	360,735	31,191	-	135,343	88,548	1,786,499
2035	98,047,049	1,068,017	77,751	131,187	393,482	34,022	-	147,629	96,586	1,948,674
2036	106,696,472	1,162,234	84,610	142,760	428,194	37,024	-	160,653	105,107	2,120,582
2037	115,864,860	1,262,104	91,881	155,027	464,989	40,205	-	174,458	114,138	2,302,802
2038	125,583,352	1,367,967	99,588	168,031	503,991	43,577	-	189,091	123,712	2,495,957
2039	135,884,953	1,480,181	107,757	181,814	545,333	47,152	-	204,602	133,860	2,700,699
2040	146,804,650	1,599,128	116,416	196,425	589,156	50,941	-	221,044	144,617	2,917,727
2041	158,379,529	1,725,212	125,595	211,912	635,609	54,958	-	238,472	156,020	3,147,778
Totals		16,802,637	1,223,228	2,063,906	6,190,484	535,259	-	2,322,590	1,519,548	30,657,652

<sup>(1)</sup> 2022-2041 assume 6% growth/year.



**BIRMINGHAM TRIANGLE DISTRICT  
CORRIDOR IMPROVEMENT AUTHORITY  
MINUTES OF TUESDAY OCTOBER 5<sup>th</sup>, 2021**

Municipal Building Commission Room #205  
151 Martin, Birmingham, Michigan

---

1. Call to Order by City Commissioner Stuart Sherman at 3:30 P.M.
2. Roll Call:

Present:     Stuart Sherman  
              Kip Cantrick, Jr.  
              Thomas Guastello  
              Samuel Oh

Absent:

Others Present: City Manager Markus, Assistant City Manager Ecker, Finance Director Gerber, Assistant to the City Manager Fairborn, Senior Planner Cowan

3. Approval of Minutes from January 20, 2017

**MOTION:** Motion by Mr. Cantrick, seconded by Mr. Sherman  
To approve the minutes of January 20, 2017 as presented.

VOTE:       Yeas, 2  
              Nays, None  
              Abstained, Cantrick and Oh

Motion carried 2-0.

4. New Business

- a. Review of Development Plan and TIF Plan updates

Senior Planner Cowan gave a summary of what the CIA had reviewed since it began in 2009 to create a Development and TIF Plan. This included decisions regarding the size of the structure, potential locations for parking structures, and then assumptions used in calculating the projections for land cost, parking structure cost, and TIF capture values.

Staff discussed how the CIA's Development and TIF Plan was approved by the City Commission in 2015 and then the City of Birmingham entered into negotiations with Oakland County from 2015 to 2017 to have them opt in for TIF capture. Oakland County proposed a cap on the TIF capture and a timeframe for parking structure initiation with a

10 year clawback provision. An agreement between Birmingham and Oakland County was not reached at that time. Staff indicated to the CIA that Birmingham had begun to renew discussions with Oakland County, and that the County had requested that the City update its Development and TIF plan to reflect changes since 2015 and to have changes reviewed in public meetings.

Staff presented updates that had been made to the Development and TIF Plan that was originally approved in 2015. Chapter one updates included changes in the existing land use map and the existing parking conditions to reflect new buildings and the change in businesses since 2015. Senior Planner Cowan indicated that the floor-area-ratio of commercial space in the Triangle District was added to the Land Use and Parking section to demonstrate the amount of surface parking lots acting as underutilized space. The Projected Parking Demand section was also updated given the changes in buildings and uses since 2015.

Staff then reviewed changes to the Development Plan in Chapter 2. For the Preliminary Parking Cost estimates, a 6% annual increase from original values was used for updating the land costs. This was based on the average annual increase in assessed value the area has experienced since 2015. A 5% annual increase from original values was used for the interim surface parking lot and parking structure cost. This value was based on an Engineering Construction Cost Index. Senior Planner Cowan and the Board discussed how the updated parking structure cost projections appeared low given recent developments in metro Detroit. The CIA concurred that the updated value appeared low, and that the projection should factor in Royal Oak's recent structures and the quote for Birmingham's N. Old Woodward parking deck proposal from 2019. The CIA also felt the current economy for construction materials would make a parking deck more costly as time goes on, therefore they would like to see projections on the higher end of estimates. Staff indicated that information would be incorporated with updates to projections in the next meeting.

Chapter 2 of the Development Plan was also updated to reflect the change in State policy from Act 280, Public Acts of Michigan, 2005 to P.A. 57 of 2018, Part 6. Section 910 Reporting Requirements was also added to the Development Plan. The City indicated they would be holding at least two informational meetings per year.

Senior Planner Cowan indicated that in Chapter 3 for the TIF plan, The City updated the Estimated Captured Taxable Value to have 6% annual increases instead of 2% from the former plan. The 6% value was used based on historical growth rates in the corridor since 2015.

CIA members commented on County values in the Estimated Tax Capture by Taxing Jurisdiction table. The City's table assumed 75% of County capture, however the CIA felt the table should be updated to include 100% County capture in the TIF Plan.



Commisioner Sherman commented that it was important to negotiate for the highest amount of capture possible.

It was summarized that the CIA wished to have the parking structure cost projections updated to higher values reflecting current costs and projected price increases, that the County's portion of the tax capture table be updated to reflect a 100% capture, and that changes to the document be highlighted in red.

The Board discussed available dates for the next meeting with the goal of conducting a public hearing before the end of October. There was general consensus that Tuesday Octboer 26<sup>th</sup> at 2 pm would work.

A motion was made by Stuart Sherman to schedule a public hearing for October 26<sup>th</sup>, 2021 at 2 pm. The motion was seconded by Thomas Guastello.

Yeas – 4

Nays – 0

The motion was approved.

5. Comments from the public (no public was present)

6. Adjournment

The meeting adjourned at 4:05 p.m.

**BIRMINGHAM TRIANGLE DISTRICT  
CORRIDOR IMPROVEMENT AUTHORITY  
MINUTES OF TUESDAY OCTOBER 26<sup>th</sup>, 2021**

Municipal Building Commission Room #205  
151 Martin, Birmingham, Michigan

---

1. Call to Order by Chairperson Stuart Sherman at 2:00 P.M.

2. Roll Call:

Present:     Stuart Sherman  
              Kip Cantrick, Jr.  
              Thomas Guastello  
              Samuel Oh

Absent:

Others Present: Assistant City Manager Ecker, Finance Director Gerber, Assistant to the City Manager Fairbairn, Senior Planner Cowan

3. Approval of Minutes from January 20<sup>th</sup>, 2017

**MOTION:** Motion by Mr. Guastello, seconded by Mr. Cantrick  
To approve the minutes of January 20, 2017 as presented

VOTE:       Yeas, 4  
              Nays, None

Motion carried 4-0.

4. Approval of Minutes from October 5<sup>th</sup>, 2021

**MOTION:** Motion by Mr. Guastello, seconded by Mr. Cantrick  
To approve the minutes of October 5<sup>th</sup>, 2021 as presented

5. Unfinished Business

a. Review of Development & TIF Plan updates

Senior Planner Cowan went over updates that were requested at the October 5<sup>th</sup>, 2021 meeting. The projected parking structure cost was updated to \$18 million with assuming \$40 thousand per parking space. Staff indicated they spoke with developers and professionals involved with parking structure development in metro Detroit who estimated costs of around \$35 to \$40 thousand per space, and that Birmingham should choose the

high end of that value. Comparable parking structure costs for Royal Oak and the N. Old Woodward project were discussed in arriving at an approximate construction value.

Staff also indicated that the estimated tax capture from Oakland County was updated from 75% to 100% as requested.

Chairperson Sherman commented that the total estimated tax capture was approximately 30% of the total estimated project cost which was a stated goal of the CIA from the beginning.

Senior Planner Cowan discussed an informal review of the updated plan with Oakland County staff who had questions regarding the 2015 base year and the 6% projected growth rate. Chairperson Sherman mentioned that Oakland County has reaped the benefits of Birmingham development for many years and that Birmingham is a tax donor to Oakland County. It was discussed how the 6% growth rate is based on actual values and that Birmingham's taxable value grows more than a 2.5% inflationary rate.

There was general consensus from the CIA that Birmingham should maintain the projected 6% growth rate and request that Oakland County permit a 100% tax capture for the purpose of economic development. Building parking structures in the Triangle District will spur development and increase the total taxable values for Oakland County.

Mr. Oh commented on the parking structure cost projections and the differences between Royal Oak's structures and what was planned for the N. Old Woodward project. Staff discussed how a number of factors were considered in the estimate including rising construction costs, underground spaces, and accommodating commercial space. The CIA discussed how they did not have exact plans for a structure, and were only looking for approximate values that can be justified at this time for the purpose of creating the Development and TIF Plan.

Overall the CIA was satisfied with the updates made to the Development and TIF Plan.

A motion was made by Kip Cantrick to recommend approval of the updates to the CIA's Development and TIF Plan to the City Commission. The Motion was seconded by Thomas Guastello.

Yeas – 4  
Nays – 0

The motion was approved.

5. Comments from the public (no public was present)

6. Adjournment

The meeting adjourned at 2:35 p.m.

DRAFT



**BIRMINGHAM TRIANGLE DISTRICT  
CORRIDOR IMPROVEMENT AUTHORITY  
MINUTES OF TUESDAY OCTOBER 26<sup>th</sup>, 2021**

Municipal Building Commission Room #205  
151 Martin, Birmingham, Michigan

---

1. Call to Order by Chairperson Stuart Sherman at 2:00 P.M.

2. Roll Call:

Present:     Stuart Sherman  
              Kip Cantrick, Jr.  
              Thomas Guastello  
              Samuel Oh

Absent:

Others Present: Assistant City Manager Ecker, Finance Director Gerber, Assistant to the City Manager Fairbairn, Senior Planner Cowan

3. Approval of Minutes from January 20<sup>th</sup>, 2017

**MOTION:** Motion by Mr. Guastello, seconded by Mr. Cantrick  
To approve the minutes of January 20, 2017 as presented

VOTE:       Yeas, 4  
              Nays, None

Motion carried 4-0.

4. Approval of Minutes from October 5<sup>th</sup>, 2021

**MOTION:** Motion by Mr. Guastello, seconded by Mr. Cantrick  
To approve the minutes of October 5<sup>th</sup>, 2021 as presented

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There was general consensus from the CIA that Birmingham should maintain the projected 6% growth rate and request that Oakland County permit a 100% tax capture for the purpose of economic development. Building parking structures in the Triangle District will spur development and increase the total taxable values for Oakland County.

Mr. Oh commented on the parking structure cost projections and the differences between Royal Oak's structures and what was planned for the N. Old Woodward project. Staff discussed how a number of factors were considered in the estimate including rising construction costs, underground spaces, and accomodating commercial space. The CIA discussed how they did not have exact plans for a structure, and were only looking for approximate values that can be justified at this time for the purpose of creating the Development and TIF Plan.

Overall the CIA was satisfied with the updates made to the Development and TIF Plan.

A motion was made by Kip Cantrick to recommend approval of the updates to the CIA's Development and TIF Plan to the City Commission. The Motion was seconded by Thomas Guastello.

Yeas – 4  
Nays – 0

The motion was approved.

5. Comments from the public (no public was present)

6. Adjournment

The meeting adjourned at 2:35 p.m.

DRAFT



## MEMORANDUM

Baldwin Public Library

**DATE:** February 23, 2022

**TO:** Tom Markus, City Manager

**FROM:** Rebekah Craft, Library Director

**SUBJECT:** RFP for Front Entrance and Circulation Area Design Development, etc.

---

### INTRODUCTION:

Since 2016, the Baldwin Public Library has been executing a three-phase plan to make improvements to the Library building. The final phase of improvements includes an expansion and renovation of the front entrance and circulation area.

### BACKGROUND:

In July 2021, Merritt Cieslak Design was hired to create conceptual and schematic designs to expand and renovate the front entrance and circulation area of the Library. Their designs were presented to the City Commission at the long-range planning meeting on January 22, 2022.

At its February 23, 2022 special meeting, the Baldwin Public Library Board of Directors approved the issuance of a Request for Proposals (RFP) for design development, construction drawings, bidding, and construction administration for the proposed expansion and renovation of the Front Entrance and Circulation area of the Library. Below is the relevant excerpt from the draft minutes of the meeting:

Motion: To approve the issuance of a Request for Proposals (RFP) for design development, construction drawings, bidding, and construction administration for the proposed expansion and renovation of the Youth Services section of the Baldwin Public Library, conditioned on review and approval by the City.

1<sup>st</sup> Wheeler

2<sup>nd</sup> Rumble

Yeas: Mark, Pisano, Rock, Rumble, Suhay, Wheeler

Nays: None.

Absent and excused: None.

The motion was approved unanimously.

### LEGAL REVIEW:

The City Attorney has reviewed the proposed RFP and has no concerns as to the form and content.



#### FISCAL IMPACT:

Based on project cost estimates, the architectural design fees are expected to cost \$283,000, or 10% of the project sub-total. The architectural design fees have been included in the Library's current budget and will be included in the proposed budget for FY2022-23. The architectural design fees will be paid using the Library's existing voter approved millage.

#### PUBLIC COMMUNICATIONS

To gather input, the Library hosted a community forum and sent out a survey to over 12,000 patrons in September 2021. The conceptual and schematic design shown in Attachment E of the RFP was designed based on feedback from more than 600 staff members and patrons.

On January 21, an email sharing the project plan and a video walk through of the proposed design was sent to 11,390 Library patrons and community members. The project has also been posted on the Library's website at [www.baldwinlib.org/renovation](http://www.baldwinlib.org/renovation), shared in the monthly newsletter, and shared on the Library's Twitter, Instagram, and Facebook social media accounts.

#### SUMMARY

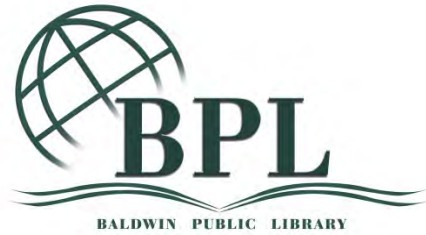
The Library Board respectfully requests that the Birmingham City Commission consider and approve the issuance of the proposed RFP to select an architectural firm to complete the design development, construction drawings, bidding, and construction administration.

#### ATTACHMENTS

- Proposed REQUEST FOR PROPOSALS for Expansion and Renovation of Front Entrance and Circulation Area of Baldwin Public Library (37 pages)

#### SUGGESTED COMMISSION ACTION

Make a motion authorizing the issuance of the Request for Proposals as recommended by the Library Board to finalize designs and prepare for the expansion and renovation of the Front Entrance and Circulation area of the Baldwin Public Library, with the necessary funds to be paid by the Library



**REQUEST FOR PROPOSALS**  
**For Expansion and Renovation of Front Entrance and Circulation Area of**  
**Baldwin Public Library**

---

Sealed proposals endorsed **“EXPANSION AND RENOVATION OF FRONT ENTRANCE AND CIRCULATION AREA OF BALDWIN PUBLIC LIBRARY”**, will be received at the Administrative Office of the Baldwin Public Library, 300 West Merrill Street, Birmingham, Michigan, 48009; until 3:30 p.m. on Thursday, March 31, 2022, after which time bids will be publicly opened and read.

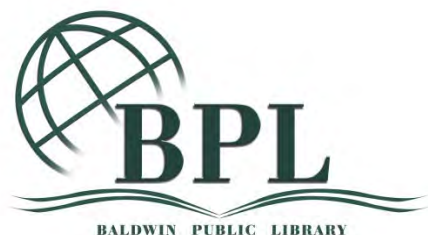
**Bidders will be required to attend a mandatory pre-bid meeting on Tuesday, March 15, 2022, at 2:00 p.m. at the Baldwin Public Library. Bidders must register for the pre-bid meeting by 4:00 on Friday, March 11, 2022, by contacting Library Director Rebekah Craft at [rebekah.craft@baldwinlib.org](mailto:rebekah.craft@baldwinlib.org).**

The Baldwin Public Library, in conjunction with the City of Birmingham, Michigan, is accepting sealed bid proposals from qualified professional firms to carry out design development, construction drawings, provide bid assistance and construction administration for the expansion and renovation of the front entrance and circulation area of the Baldwin Public Library, based on the conceptual/schematic design developed by Merritt Cieslak Design. This work must be performed as specified in accordance with the specifications contained in this Request for Proposals (RFP).

The RFP, including the specifications, may be obtained online from the Michigan Inter-governmental Trade Network at <http://www.mitn.info> or at the Baldwin Public Library, 300 West Merrill St., Birmingham, Michigan, ATTENTION: Rebekah Craft, Director.

The acceptance of any proposal made pursuant to this invitation shall not be binding upon the City until an agreement has been executed.

<b>Submitted to MITN:</b>	March 1, 2022
<b>Mandatory Pre-Bid Meeting:</b>	March 15, 2022
<b>Deadline for Submissions:</b>	3:30 p.m. on Thursday, March 31, 2022
<b>Contact Person:</b>	Rebekah Craft, Director 300 W Merrill St. Birmingham, MI 48009 Phone: 248.554.4681 Email: <a href="mailto:rebekah.craft@baldwinlib.org">rebekah.craft@baldwinlib.org</a>



**REQUEST FOR PROPOSALS**  
**For Expansion and Renovation of Front Entrance and Circulation Area of**  
**Baldwin Public Library**

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## **INTRODUCTION**

For purposes of this request for proposals the City of Birmingham, Michigan (hereby known as “City”) and the Baldwin Public Library (hereby known as “Library”) will be referred to as “Client” and the private firm will hereby be referred to as “Architect.”

The Client is accepting sealed bid proposals from qualified professional firms to provide architectural services to carry out design development, construction drawings, provide bid assistance, and construction administration for the expansion and renovation of the Front Entrance and Circulation area of the Baldwin Public Library, based on the conceptual/schematic designs of January 19, 2022, included as Attachment E herein. This work must be performed as specified in accordance with the specifications outlined by the Scope of Work contained in this Request For Proposals (RFP).

During the evaluation process, the Client reserves the right, where it may serve the Client’s best interest to request additional information or clarification from proposers, or to allow corrections of errors or omissions. At the discretion of the Client, firms submitting proposals may be requested to make oral presentations as part of the evaluation.

It is anticipated the selection of a firm will be completed by April 25, 2022. An Agreement for services will be required with the selected Architect. A copy of the Agreement is contained herein for reference. Contract services will commence upon execution of the service agreement by the Client.

The Architect will work with the Library on the Design Development and Construction Drawing phases, with the City in a supportive role. The Architect will then work with the City during the Bidding and Construction Administration phases, with the Library in a supportive role.

## **REQUEST FOR PROPOSALS (RFP)**

The purpose of this RFP is to request sealed bid proposals from qualified parties presenting their qualifications, capabilities and costs to provide architectural services to carry out design development, construction drawings, provide bid assistance and construction administration for the expansion and renovation of the Front Entrance and Circulation area of the Baldwin Public Library, based on the conceptual/schematic designs of January 19, 2022, included as Attachment E herein.

## **MANDATORY PRE-BID MEETING**

Prior to submitting a bid, interested firms are required to attend a pre-bid meeting to conduct an on-site visit of the location and access to the project location to make inquiries about the RFP. The pre-bid meeting is scheduled for Tuesday, March 15, 2022, at 2:00 p.m. at the Baldwin Public Library.



## INVITATION TO SUBMIT A PROPOSAL

Proposals shall be submitted no later than 3:30 p.m. on Thursday, March 31, 2022 to:

Baldwin Public Library  
Attn: Rebekah Craft  
300 W. Merrill St.  
Birmingham, Michigan 48009

[rebekah.craft@baldwinlib.org](mailto:rebekah.craft@baldwinlib.org)

One (1) print and one (1) electronic copy, in PDF format, of the proposal shall be submitted. The two print copies of the proposal should be firmly sealed in an envelope, which shall be clearly marked on the outside, **"EXPANSION AND RENOVATION OF FRONT ENTRANCE AND CIRCULATION AREA OF BALDWIN PUBLIC LIBRARY."** Any proposal received after the due date cannot be accepted and will be rejected and returned, unopened, to the proposer. Proposer may submit more than one proposal provided each proposal meets the functional requirements.

## INSTRUCTIONS TO BIDDERS

1. Any and all forms requesting information from the bidder must be completed on the attached forms contained herein (see Architect's Responsibilities). If more than one bid is submitted, a separate bid proposal form must be used for each.
2. Any request for clarification of this RFP shall be made in print or by email and delivered to: Rebekah Craft, Director, 300 W. Merrill St., Birmingham, MI 48009 or [rebekah.craft@baldwinlib.org](mailto:rebekah.craft@baldwinlib.org). Such request for clarification shall be delivered, in writing, no later than 5 days prior to the deadline for submissions. Any request will be reviewed by the Client, and all questions and responses will be shared with all bidders who signed in at the Pre-Bid Meeting.
3. All proposals must be submitted following the RFP format as stated in this document and shall be subject to all requirements of this document including the instruction to respondents and general information sections. All proposals must be regular in every respect and no interlineations, excisions, or special conditions shall be made or included in the RFP format by the respondent.
4. The contract will be awarded by the Client to the most responsive and responsible bidder with the lowest price and the contract will require the completion of the work pursuant to these documents.
5. Each respondent shall include in his or her proposal, in the format requested, the cost of performing the work. Municipalities are exempt from Michigan State Sales and Federal Excise taxes. The Baldwin Public Library is a sub-unit of the City of Birmingham, a tax-exempt municipal government located in Oakland

County. Do not include such taxes in the proposal figure. The Client will furnish the successful company with tax exemption information when requested.

6. Each respondent shall include in their proposal the following information: Firm name, address, city, state, zip code, and telephone 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 and Library should be directed as part of their proposal.

## **EVALUATION PROCEDURE AND CRITERIA**

The evaluation panel will consist of members of the Baldwin Public Library Board of Directors and any other person(s) designated by the City who will evaluate the proposals based on, but not limited to 1) the ability to provide services as outlined, 2) related experience with similar projects, Architect background, and personnel qualifications, 3) quality of materials proposed, 4) overall costs, and 5) references. This review will consider the following criteria:

1. Experience and qualifications of the proposed team members, including interior design staff and partners, who will be assigned to the Project.
2. Experience and demonstrated ability in the design of libraries and similar public projects, with priority given to experience and ability in the design of libraries.
3. Demonstrated understanding of the expectations of Birmingham and/or similar communities that place high value on aesthetics of public spaces, as well as an understanding of the importance of the Library as part of Birmingham's civic center.
4. Bid price for design development, preparation of construction documents, bidding assistance, and construction administration for the project.
5. Demonstrated performance in execution of projects on time and within budget.
6. Quality and completeness of proposal.

## **TERMS AND CONDITIONS**

1. The Client reserves the right to reject any or all proposals received, waive informalities, or accept any proposal, in whole or in part, it deems best. The Client reserves the right to award the contract to the next most qualified Architect if the

successful Architect does not execute a contract within ten (10) business days after the award of the proposal.

2. The Client reserves the right to request clarification of information submitted and to request additional information of one or more Architects.
3. The Client 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 Client may terminate this Agreement at any point in the process upon notice to Architect sufficient to indicate the Client's desire to do so. In the case of such a stoppage, the Client agrees to pay Architect for services rendered to the time of notice, subject to the contract maximum amount.
4. Any proposal may be withdrawn up until the date and time set above for the opening of the proposals. Any proposals not so withdrawn shall constitute an irrevocable offer, for a period of ninety (90) days, to provide the services set forth in the proposal.
5. The cost of preparing and submitting a proposal is the responsibility of the Architect and shall not be chargeable in any manner to the Client.
6. Payment will be made within thirty (30) days after invoice has been accepted by the Client. Acceptance by the Client is defined as authorization by the designated Client representative to this project that all the criteria requested under the Scope of Work contained herein have been provided. Invoices are to be rendered each month following the date of execution of an Agreement with the Client.
7. The Architect will not exceed the timelines established for the completion of this project.
8. The successful bidder shall enter into and will execute the contract as set forth and attached as Attachment A.
9. The Client will own the final designs and documents prepared by the Architect as part of this RFP.

## **ARCHITECT'S RESPONSIBILITIES**

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

1. All completed and signed forms requested for completion within this RFP.
  - a. Bidder's Agreement (Attachment B)
  - b. Cost Proposal (Attachment C)
  - c. Iran Sanctions Act Vendor Certification Form (Attachment D)
  - d. Agreement (Attachment A - **only if selected by the Client**).

2. Provide a description of completed projects (including library projects) that demonstrate the firm's ability to complete projects of similar scope, size, and purposed, and in a timely manner, and within budget.
3. Provide a description of the firm, including resumes and professional qualifications of the principals involved in administering the project, as well as all others associated with the firm that are assigned to the project and include names, titles, phone numbers, email addresses and assigned role for the project.
4. Provide a list of sub-architects and their qualifications, which include names, titles, phone numbers, email addresses and their respective role in this project as applicable.
5. Any changes in the staff members assigned to the project (principals, staff and/or others) shall be communicated to the Client in writing within two (2) business days.
6. Provide three (3) client references from past projects, include name of contact, title, and current phone number. At least two (2) of the client references should be for projects of a similar size and scope for a municipal client.
7. Provide a project timeline addressing each section within the Scope of Work and a description of the overall project approach. Include a statement that the Architect will be available according to the proposed timeline.
8. The Architect will be responsible for any changes necessary for the plans to be approved by the Client.
9. The Architect must receive budgetary approval before performing and billing for additional work outside the project scope.

## **CLIENT RESPONSIBILITIES**

1. The Client will provide a designated representative to work with the Architect to coordinate both the Client and the Architect's efforts and to inspect and verify any work performed by the Architect. During the design development and creation of construction document phase, the lead agency will be the Library, and during the bidding and construction administration phase, the lead agency will be the City.
2. The Library will provide access to the building during regular business hours.



## **SETTLEMENT OF DISPUTES**

The successful bidder agrees to certain dispute resolution avenues/limitations. Please refer to paragraph 19 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 11 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

## **CONTINUATION OF COVERAGE**

The Architect also agrees to provide all insurance coverages as specified. Upon failure of the Architect to obtain or maintain such insurance coverage for the term of the agreement, the City and Library may, at their option, purchase such coverage and subtract the cost of obtaining such coverage from the contract amount. In obtaining such coverage, the Client 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 Client until a written contract has been executed by both parties. Failure or refusal to execute the contract shall be considered an abandonment of all rights and interest in the award and the contract may be awarded to another. The successful bidder agrees to enter into and will execute the contract as set forth and attached as Attachment A.

## **INDEMNIFICATION**

The successful bidder agrees to indemnify the City and the Library and various associated persons. Please refer to paragraph 10 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

## **EXAMINATION OF PROPOSAL MATERIALS**

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

## **PROJECT TIMELINE**

1. Mandatory pre-bid meeting will be held at the Library on Tuesday, March 15, 2022, at 2:00 p.m.
2. Proposals will be submitted by 3:30 p.m. on Thursday, March 31, 2022

3. The Library Board will recommend the successful candidate to the Birmingham City Commission, which will make the final decision to execute an agreement at its regularly scheduled meeting on April 25, 2022.
4. Architect will have the Design Development and Construction Document elements outlined in the Scope of Work section of this RFP completed by November 7, 2022.
5. The Bidding and Construction Administration phases will occur only after funding for the Project has been confirmed. The project is anticipated to begin in the summer of 2023 and to be completed in early 2024.

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

## **SCOPE OF WORK**

The Architect shall perform the following services in accordance with the requirements as defined herein.

### **Overview**

The Baldwin Public Library—located at 300 West Merrill in downtown Birmingham—was built in 1927, with major additions completed in 1960, 1982, and 2020. The original building was designed by Marcus Burrowes; the 1960 addition was designed by Linn Smith; and the 1982 building was designed by Gunnar Birkerts. The 2020 addition was designed by Luckenbach Ziegelman Gardner Architects.

The main purpose of this RFP is to secure design development, construction drawings, bidding assistance, and construction administration services for the expansion and renovation of the Front Entrance and Circulation Area of the Baldwin Public Library, based on a concept plan previously developed. That design is detailed in Attachment E.

### **Program Confirmation**

- 1) Assist Library in determination of responsibilities, procedures, and schedule requirements. The Architect will be responsible for documentation of all meetings associated with the Project.
- 2) Review existing studies, space programming, layouts and designs provided by Library with regard to the Scope of Work of the project. Provide early advice to the

Library on possible changes to the objectives to assure feasibility, quality, meeting cost budget, and minimizing reductions in service during construction.

3) Confirm with Library the professional fees and the schedule.

## **PHASE 1**

### **Design Development**

- 1) Based on the conceptual/schematic designs of January 19, 2022, develop Design Development Documents for the Library's approval. The process will include meetings with Library staff to hear their opinions, meetings with Library administration and the Library Board Building Committee, and a presentation to the Library Board.
- 2) The Design Development Documents shall illustrate and describe the development of the approved Schematic Design Documents and shall consist of drawings and other documents—including plans, sections, elevations, typical construction details, and diagrammatic layouts of building systems—to fix and describe the size and character of the Project as to architectural; interior design; structural, mechanical, and electrical systems; and landscaping—including lighting, acoustics, and internal materials and finishes--and such other elements as may be appropriate. The Design Development Documents shall also include outline specifications that identify major materials and systems and establish in general their quality levels.
- 3) The Architect shall update project total cost estimates (including an operable Excel spreadsheet with line-by-line breakout of all fees, architectural costs, construction costs, furnishings, shelving, technology, and construction and design contingencies) and submit them to the Library.
- 4) The Architect shall provide and develop the project phasing plan and construction timeline and submit those to the Library. The Library wishes to remain open during regular business hours for the duration of the project.
- 5) The Architect shall provide renderings of internal and external features suitable for public viewing and preliminary code compliance review by the City's Building Department.

## Construction Documents

- 1) Construction documents shall include, but not be limited to, detailed civil, architectural, engineering, and shop drawings for the construction of this project.
- 2) Based on the Library's approval of the Design Development Documents and the Library's authorization of any adjustments in the Project requirements and the budget for the cost of work, the Architect shall prepare Construction Documents for the Library's approval.
- 3) The process will include meetings with Library staff, the Library Board Building Committee, and the City's Building Department.
- 4) The Construction Documents shall illustrate and describe the further development of the approved Design Development Documents and shall consist of drawings, specifications, and structural calculations, setting forth in detail the quality levels of materials and systems. Any and all terms and conditions associated with construction documents will be subject to the review and approval of the City.
- 5) The Architect shall provide 4 sets of the completed construction documents to the City's Building Department for code compliance review.
- 6) The Architect shall make any necessary updates to the cost estimates.
- 7) Design Development and Construction Documents shall be completed by November 7, 2022.

## **PHASE 2**

### Bidding Assistance

1. The Architect, following the approval of the Construction Documents and the latest preliminary cost estimate of construction cost, shall assist the Client in obtaining bids and shall assist in the bidding process by:
  - a) Assisting the Client in the preparation of the Architectural specifications for the City's bid documents.
  - b) Assisting the Client by participating in a mandatory pre-bid meeting with bidders for construction.

- c) Assisting the Client in the preparation of responses to questions from the prospective bidders and providing clarifications and interpretations of the bidding specification documents to all prospective bidders in the form of addenda.
- d) Assist in the evaluation of bids for the selection of a construction contractor.

#### Construction Administration

1. The Architect shall assist the City in providing administration of the construction project. The Architect's responsibility to provide assistance under this section of the Scope of Work shall commence upon the award of the initial contract for construction and terminates upon the payment of the final payment to the construction contractor.
2. The Architect shall be a representative of and shall advise and consult with the City during the administration of the contract for construction. The Architect shall regularly advise and consult with the City during the construction phase.
3. The Architect shall visit the site and may be accompanied by a representative of the City's Building Department at intervals appropriate to the stage of construction, or as otherwise agreed by the City and Architect, (1) to become generally familiar with and to keep the City informed about the progress and quality of the portion of the work completed, (2) to endeavor to guard the City against defects and deficiencies in the work, and (3) to determine in general if the work is being performed in a manner indicating that the work, when fully completed, will be in accordance with the contract documents. However, the Architect shall not be required to make exhaustive continuous on-site inspections to check the quality or quantity of work. The Architect shall neither have control over or charge of, not be responsible for, the construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the work.
4. The Architect shall report to the City all known deviations from the contract documents and from the most recent construction schedule submitted by the construction contractor. However, the Architect shall not be responsible for the construction contractor's failure to perform work in accordance with the requirements of the contract documents. The Architect shall be responsible for the Architect's negligent acts or omissions, but shall not have control over or charge of and shall not be responsible for acts or omissions of the construction contractor, subcontractors, or their agents or employees, or of any acts of any other persons or entities performing portions of the work.



5. The Architect shall, at times outlined in this RFP, have access to the construction site to facilitate its visits.
6. Except for code compliance or permit related issues as deemed necessary by the City, the Architect shall serve as the primary contact in communicating with the construction contractor concerning matters arising out of or relating to the construction documents. Communications by and with the Architect's consultants shall be through the Architect.
7. The Architect has the authority to reject work that does not conform to the contract documents, following consultation with the City.
8. The Architect shall review and respond to requests for information about the contract documents.
9. The Architect shall maintain a record of submittals and copies of submittals supplied by the construction contractor.
10. The Architect may authorize minor changes in the work that are consistent with the intent of the contract documents and do not involve an adjustment in the contract sum or an extension of the contract time, upon review and approval by the City and Library.
11. The Architect shall conduct inspections to determine the date or dates of substantial completion and the date of final completion.
12. The Architect shall prepare change orders and construction change directives, with supporting documentation and data if deemed necessary by the City for the City's approval and execution in accordance with the construction documents.
13. The Architect shall review and certify the amounts due the construction contractor to the designated City representative.

## **ATTACHMENT A**

**AGREEMENT**  
**For Expansion and Renovation of Front Entrance and Circulation Area of**  
**Baldwin Public Library**

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**THIS AGREEMENT** is entered into this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between the **CITY OF BIRMINGHAM**, whose address is 151 Martin Street, Birmingham, MI 48009 (hereinafter referred to as the City) and \_\_\_\_\_ (name of party) a Michigan \_\_\_\_\_ (Corporation, P.C., LLC, etc.), whose address is \_\_\_\_\_, (hereafter referred to as Architect) and the foregoing shall collectively be referred to as the parties.

**WHEREAS**, the City of Birmingham, in conjunction with the Baldwin Public Library desires having work completed to perform design development, creation of construction drawings, provide bidding assistance, and construction administration for the expansion and renovation of the Front Entrance and Circulation Area of the Baldwin Public Library, based on the approved concept plan of January 19, 2022, and in connection therewith has requested proposals for the Expansion and Renovation of the Front Entrance and Circulation Area of Baldwin Public Library; and

**WHEREAS**, Architect has qualifications that meet the project requirements and has provided a response and cost proposal to perform design development, creation of construction drawings, provide bidding assistance, and construction administration for the expansion and renovation of the Front Entrance and Circulation Area of the Baldwin Public Library.

**NOW, THEREFORE**, in consideration of the foregoing preambles, the adequacy of which is acknowledged by and between the parties to this Agreement, the parties agree as follows:

1. **MUTUALLY AGREE:** It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to perform design development, creation of construction drawings, provide bidding assistance, and construction administration for the expansion and renovation of the Front Entrance and Circulation Area of the Baldwin Public Library, based on the approved concept plan of January 19, 2022, and the Architect's cost proposal dated \_\_\_\_\_, 2022 shall be incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto. (attached hereto as Attachment "A").

2. **TERM:** This Agreement shall have a term of two (2) years from the date stated above. The City shall have the right to unilaterally terminate this Agreement on thirty (30) days written notice. In the event of termination, the Architect shall receive compensation for services to the date the termination takes effect and the City shall be entitled to retain and use the results of all drawings prepared by the Architect through such date.

**3. TERMS OF PAYMENT:** The Architect will invoice monthly for all labor supplied and work completed. In no event shall invoices be submitted more than 45 days after completion of services. Submitted invoices shall include the following detailed information: the type of work performed, the time spent on the work, the individual who performed the work and the per hour billing rate charged. The City may, at its sole discretion demand review and the right to request at any time further detailed accounting information for any or all bills. The right to inspection of any bill and invoice shall never be at any cost or billings to the City, nor shall preparation of said invoices be billed to the City or against the general retainer. Payment terms will be net 30 days unless otherwise specified by the City.

**4.** Architect shall employ personnel of good moral character and fitness in performing all services under this Agreement.

**5. INSURANCE SUBMISSION REQUIREMENTS:** The Architect has submitted proof to the City that it meets all City insurance requirements. Insurance, with coverage amounts at no less than the City's minimum requirements, must be held by the Architect throughout the term of this Agreement. Certificates of insurance as stated below will be required no later than five (5) business days from the date of Architect acceptance of the terms of this Agreement.

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

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

**8. COMPLIANCE WITH LAWS:** Architect agrees to fully and faithfully carry out the duties of set forth herein using its best efforts in accomplishing all assignments from the City, and further, in addition to upholding all federal, and state laws and applicable codes of professional conduct to which Architect is subject, Architect hereby agrees to be bound by all Federal, State, or City of Birmingham ordinances, rules, regulations and policies as are amended from time to time, and including without limitation the Fair Labor Standards Act, the Equal Employment Opportunity rules and regulations, the Transportation Safety Act and the Occupational Safety and Health Acts.

**9. NON-COMPLIANCE WITH INSURANCE REQUIREMENTS:** Failure to deliver and maintain insurance in accordance with the terms of this Agreement will be cause for the City, by and through its City Manager, to terminate this Agreement, or at the City's option, the City may purchase on the open market such required insurance and shall be entitled to charge any additional cost to the Architect, either by offset to any amounts due and owing Architect for services provided to the City, or, by separate bill and demand for payment. Nothing in this paragraph shall be deemed to create or be interpreted as establishing a "for cause" termination; Architect agrees and understands that its engagement is at will and may be terminated by the City Manager for any cause or no cause.

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

**11. STANDARD INSURANCE REQUIREMENTS:**



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

A. Workers' Compensation Insurance:

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

For Sole Proprietorships: Architect shall complete and furnish to the City prior to the commencement of work under this Agreement a signed and notarized Sole Proprietor Form, for sole proprietors with no employees or with employees, as the case may be.

B. Commercial General Liability Insurance: Architect 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 Architect Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.

C. Additional Insured: Commercial General Liability, as described above, shall include an endorsement stating the following **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.

D. Professional Liability: If applicable, professional liability insurance with limits of not less than \$2,000,000 per claim if Architect will provide services that are customarily subject to this type of coverage.

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

F. Proof of Insurance Coverage: Architect 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, or a signed and notarized copy of the Sole Proprietor Form;
- 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
- 3) Two (2) copies of Certificate of Insurance for Professional Liability Insurance, if applicable;
- 4) If so requested, Certified Copies of all policies mentioned above will be furnished.

G. Maintaining Insurance: Upon failure of the Architect 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.

**12. WRITTEN NOTICES:** Written notices regarding this Agreement shall be addressed to the following:

City: City of Birmingham  
P.O. Box 3001  
Birmingham, Michigan 48012  
Attn: Rebekah Craft, Library Director

Architect:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attn: \_\_\_\_\_

**13. COVID:** The Architect shall follow all of the City's COVID-19 safety protocols while on City property. Additionally, Architect 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 Architect staff. Failure to provide proof of vaccination when requested will cause the City to request unvaccinated personnel to leave, request alternate staff, and if the Architect is unable to comply, this violation of safety protocols will constitute a breach of contract by the Architect.

**14. AMENDMENTS:** No amendment, modification or supplement to this Agreement shall be binding unless it is in writing and signed by authorized representatives of the parties.

**15. WAIVER OF BREACH:** No waiver by either party of any breach of any of the terms, covenants or conditions herein contained by the other party shall be construed as a waiver of any succeeding breach of this same or of any other term, covenant or condition.

**16. COMPLETE AGREEMENT:** The parties agree that the conditions set forth in this Agreement sets forth all terms and conditions of Architect agreement with the City of Birmingham. This Agreement supersedes all prior agreements or understandings between the parties. There are no promises, conditions or understandings other than those stated herein, and, that any prior negotiations, terms or conditions discussed between the City and the Architect shall not constitute a part of this Agreement. The term "agreement" as used in this clause shall include any future written amendments, modifications, or supplements made in accordance herewith.

**17. DIRECT OR INDIRECT INTEREST:** 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 Architect, the City shall have the right to terminate this Agreement without further liability to the Architect if the disqualification has not been removed within thirty (30) days after the City has given the Architect 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.

**18. FAILURE TO PERFORM.** If Architect 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.

**19. LEGAL PROCEEDINGS:** Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by

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

**20. RESPONSE TO REQUESTS FOR PROPOSALS:** The Architect shall be held to and bound by all terms, conditions, warranties and representations which it made in its written response dated \_\_\_\_\_, to the City's Request for Proposals dated \_\_\_\_\_ (attached hereto as Attachment "B"). In the event of a conflict in any of the terms of this Agreement and the Architect \_\_\_\_\_ (date of response) response, the terms of this Agreement shall prevail.

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

**IN WITNESS WHEREOF,** the parties hereto agree to be bound by the above terms and conditions, and Architect, by its authorized signature below, expressly accepts this Agreement upon the above provided terms and conditions contained in this Agreement as of the date first above written.

Architect

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF MICHIGAN     )  
  ) ss:  
COUNTY OF OAKLAND    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, who acknowledged that with authority on behalf of \_\_\_\_\_ to do so he/she signed this Agreement.

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_  
County, Michigan  
Acting in \_\_\_\_\_ County, Michigan  
My commission expires: \_\_\_\_\_

**CITY OF BIRMINGHAM:**

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

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

**APPROVED:**

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

\_\_\_\_\_  
Rebekah Craft, Library Director  
(Approved as to substance)

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

\_\_\_\_\_  
Mark A. Gerber, Finance Director  
(Approved as to Financial  
Obligation)





**ATTACHMENT B - BIDDER'S AGREEMENT**  
**For Expansion and Renovation of Front Entry and Circulation Area of**  
**Baldwin Public Library**

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

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

---

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

**DATE**

---

**TITLE**

**DATE**

---

**AUTHORIZED SIGNATURE**

**E-MAIL ADDRESS**

---

**COMPANY**

---

**ADDRESS**

**PHONE**

---

**NAME OF PARENT COMPANY**

**PHONE**

---

**ADDRESS**

**ATTACHMENT C - COST PROPOSAL**  
**For Expansion and Renovation of Front Entry and Circulation Area of**  
**Baldwin Public Library**

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**In order for the bid to be considered valid, this form must be completed in its entirety.** The cost for the Scope of Work shall be itemized by a dollar amount based on the Phases and elements included in this Request for Proposal as follows:

COST PROPOSAL	
ITEM	BID AMOUNT
Phase 1	
Design Development	\$
Construction Documents	\$
Phase 2	
Bidding Assistance	\$
Construction Administration	\$
<b>TOTAL BID AMOUNT</b>	\$

Firm Name\_\_\_\_\_

Authorized signature\_\_\_\_\_ Date\_\_\_\_\_

**ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM**  
**For Expansion and Renovation of Front Entry and Circulation Area of**  
**Baldwin Public Library**

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Pursuant to Michigan Law and the Iran Economic Sanction Act, 2012 PA 517 ("Act"), prior to the Library 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 Library.

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

**DATE**

---

**TITLE**

**DATE**

---

**AUTHORIZED SIGNATURE**

**E-MAIL ADDRESS**

---

**COMPANY**

---

**ADDRESS**

**PHONE**

---

**NAME OF PARENT COMPANY**

**PHONE**

---

**ADDRESS**

---

**TAXPAYER I.D.#**

## ATTACHMENT E – CONCEPTUAL/SCHEMATIC ESTIMATES & DESIGNS

### For Expansion and Renovation of Front Entry and Circulation Area of Baldwin Public Library

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The expansion and renovation of the Front Entrance and Circulation Area is the final phase of a proposed three-phase project.

The designs on the following pages were developed jointly by Merritt Cieslak Design and the Baldwin Public Library Board of Directors and Library Staff.

## AERIAL VIEW







## VIEW FROM SHAIN PARK



## VIEW FROM PLAZA





## VIEW FROM PLAZA



## VIEW FROM WEST





## VIEW FROM COMMUNITY HOUSE



## VIEW OF ENTRY



## VIEW OF MATERIAL RETURN



## VIEW OF COLLABORATION & CAFE

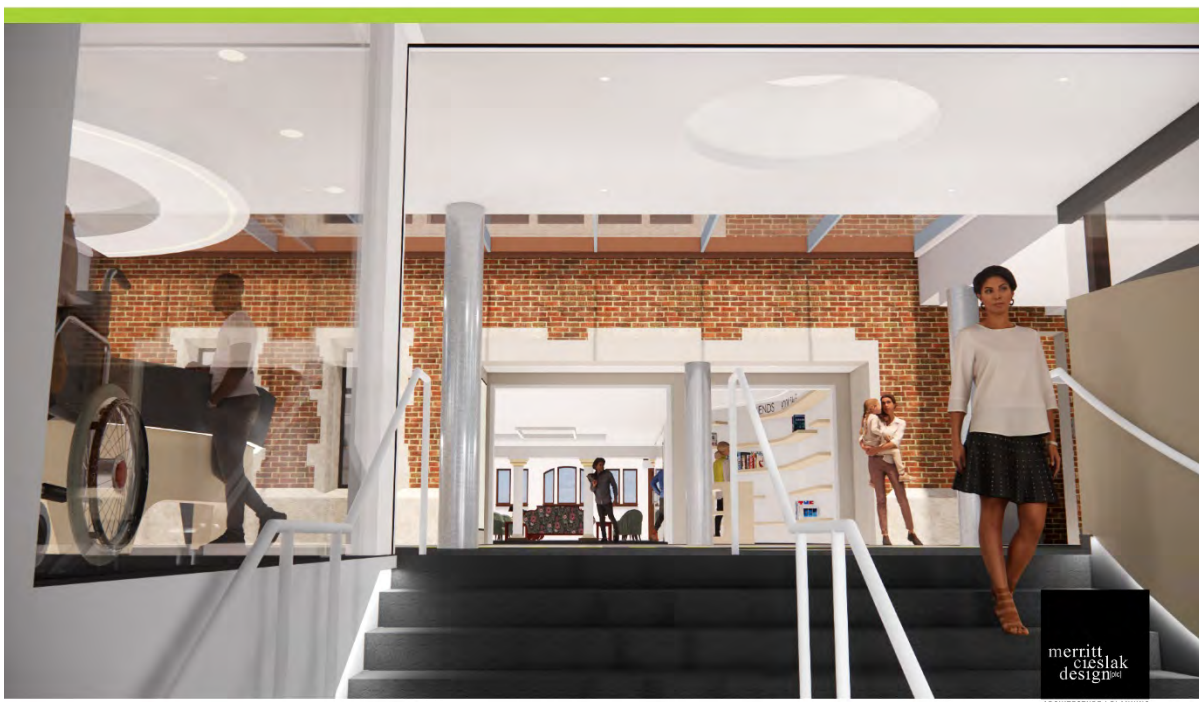




## VIEW OF COLLABORATION & CAFE



## VIEW FROM VESTIBULE



## VIEW TOWARDS CIRCULATION DESK



## VIEW FROM CIRCULATION DESK





## SKYLIGHT (STEEL STRUCTURE)



## SKYLIGHT (STEEL STRUCTURE)



## VIEW OF FRIENDS AREA



## VIEW FROM GRAND HALL



## **Front Entrance and Circulation Area Expansion and Renovation Cost Estimates as of January 2022**

The cost of the project, in 2023 dollars, ***including owner's contingency***, is estimated to be \$3,526,316. The project includes two optional add-ons:

- Full east-side Nanawall (instead of Hangar Door) with an estimated cost of \$15,000 in 2023 dollars
- Snow melt system for full plaza with an estimated cost of \$50,000 in 2023 dollars





## MEMORANDUM

City Manager's Office

**DATE:** February 21, 2022

**TO:** Thomas Markus, City Manager

**FROM:** Jana Ecker, Assistant City Manager

**SUBJECT:** Code of Conduct

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The City Commission has recently expressed interest in adopting a formal code of conduct to establish rules and/or protocols to guide the communication and conduct of local government elected officials, appointed officials and members of the public.

On February 14, 2022 the City Commission held a workshop to discuss the purpose and benefits of adopting a code of conduct to ensure respectful and civil communication and public engagement between elected and appointed officials and members of the public. Sample provisions from ordinances and resolutions adopted in other municipalities were reviewed. Based on the discussion, there appeared to be support for the adoption of a formal code of conduct to encourage civil and respectful communication between all parties engaged in local governance.

**ATTACHMENTS:**

- Powerpoint presentation from February 14, 2022 City Commission Workshop

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution directing the City Manager to prepare a draft Code of Conduct for the City for placement on a future City Commission agenda for review and consideration.

# Code of Conduct Workshop



City Commission  
February 14, 2022

# What is a Code of Conduct?

- Document adopted by the City Commission outlining the expectations for the conduct and communication between elected and appointed officials, City staff and the public
- Different than code of ethics, but very closely related
- Standard provisions include:
  - Clearly defined roles and responsibilities
  - Standards of conduct during public meetings and at ceremonial, public and private events
  - Standards of conduct required of elected officials in all communications with each other, other officials, City staff, the media and the public
  - Process for reporting, investigating and enforcing the Code of Conduct





# Why do we need a Code of Conduct?



- Public officials have a responsibility to promote and maintain high standards of conduct to uphold the integrity of the public process and enhance public trust in government
- A Code of Conduct establishes standards to promote integrity, objectivity, leadership and accountability to ensure a transparent and open public process
- A Code of Conduct establishes standards to allow for the expression of different opinions and debates on policies, while ensuring respect for individuals and the process, ensuring issue oriented discussion and eliminating personal attacks

# Workshop Code of Conduct February 2021

- Start on time and end on time
- Cell phones must be on mute, no outside or behind the scenes communication on the content is permitted
- Stay focused on the topic or question at hand
- Actively listen and participate in discussion
- Attack the issue, not the person
- Maintain an open and positive mindset, explore multiple perspectives, and discuss potential outcomes
- Workshops are not a place to argue or set policy. Formal decisions can only be made at the regular City Commission meeting, not during a workshop
- Public comment is to be heard, not responded to



# When / where would a Code of Conduct apply?



- On Duty:
- When conducting business of the elected office, including during City Commission meetings and other official public events
- When acting as a representative of the City Commission or giving the impression of representation

- Off Duty:
- Continue respectful behavior at both public and private events - elected and appointed officials are always on display



# General Obligations

- 
- Inspire public confidence in City government
  - Work for the common good
  - Treat others with respect
  - Refrain from discrimination
  - Refrain from bullying or intimidating others
  - Disagree civilly and professionally
  - Be open to all opinions
  - Provide open access to information
  - Do not use your position to gain an advantage or cause a disadvantage
  - Declare any conflicts
  - Respect the roles of elected official and City staff
  - Utilize City resources properly



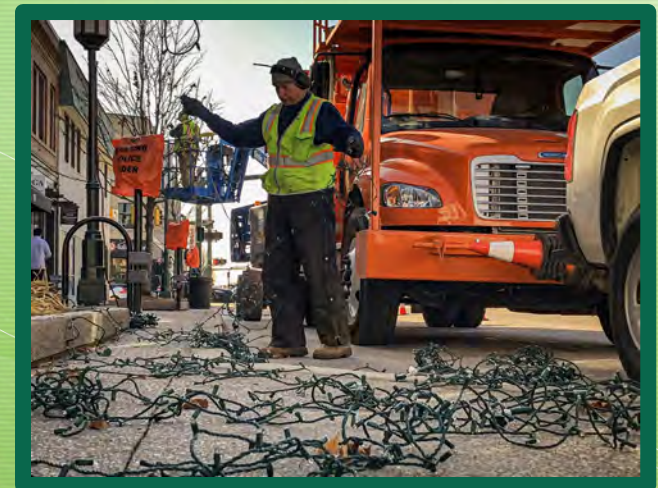


# Sample Provisions: Outline Roles & Responsibilities



- City Commission is governing body responsible for policy making, approving budget, ordinances, development proposals, hiring City Manager and appointing members to advisory boards
- Should avoid personal involvement in day to day operations
- City Manager oversees staff and manages operation, implements Commission decisions

City Council	City Manager & Staff
<ul style="list-style-type: none"><li>• Make policy-level decisions</li><li>• Hire &amp; supervise City Manager</li><li>• Approve<ul style="list-style-type: none"><li>◦ Budget and related work plan</li><li>◦ Ordinances and policy decisions</li><li>◦ Development proposals</li><li>◦ Variances and rezoning requests</li></ul></li><li>• Appoint representatives to advisory boards and commissions</li></ul>	<ul style="list-style-type: none"><li>• Provide best efforts and technical advice to Council</li><li>• Manage operations and staff</li><li>• Propose budget and policies</li><li>• Carry out Council decisions</li><li>• Deliver services</li><li>• Equitably enforce codes &amp; policies</li></ul>



# Eliminate Predetermination on Issues

- Establish expectation that Commissioners cannot have or appear to have a closed mind or predetermined opinion on an issue prior to the public meeting
- Require Commissioners to come into the discussion with an open mind
- Come to public meeting prepared to actively listen, openly discuss issues, consider all perspectives





# Conduct Issue-Oriented Discussion



- Require discussion to be focused on issues relative to the topic only
- Requirements for conduct between elected officials to ensure issue-oriented discussion and not personal attacks
- Allow for disagreement, but not derogatory comments about other Commission members, their opinions and actions
- Establish a “Point of Personal Privilege” rule for offensive remarks or conduct
- Encourage effective problem-solving
- Avoid debate with members of the public

## Respect

GIVE IT



TO GET IT



# Clear Communication Requirements

- Commissioner requests for research or other staff work to be directed to the City Manager
- Establish parameters - If more than one hour of staff time will be required to complete the task, item will be placed on City Commission agenda to determine the direction of the entire Commission
- Commissioner requests for information or service from City consultants to be directed to the City Manager
- Once a majority decision of the Commission has been made, all Commissioners must respect that official position and defend if needed, even if dissenting
- Media – Mayor is the official spokesperson





# Avoid Conflict with Open Meetings Act



- Commissioners to refrain from receiving information and evidence outside of a Commission meeting (ex parte communication) on any quasi-judicial matter pending before the Commission
- If a Commissioner is exposed to ex parte communication, the Commissioner must disclose all such information during the public hearing before public comment is held
- Individual Commissioners not to make promises on behalf of the City Commission

# Enforcement Provisions

- Establish process for review of potential violations of Code of Conduct
- Establish potential repercussions or sanctions for violation by elected officials, City staff and members of the public
- Sanction – An action taken by the City Commission if a person is found in violation of the Code of Conduct, may include:
  - Reprimand – a verbal statement in a meeting that addresses a violation of the Code of Conduct
  - Formal Censure – an official written statement approved by the City Commission as an official sanction which identifies the Code of Conduct violation and expresses disapproval of the violation(s)
  - Mandatory training, removal from board / committee assignments etc.





# Next Steps:



- Is there support for a Code of Conduct to clearly convey expectations of professional and courteous discourse to provide sound governance for the City?
- If so, are there any areas reviewed tonight that should be excluded from a proposed Code of Conduct for the City?
- What is the vision of the City Commission's organizational culture and values?



Questions?

**DATE:** Thursday, February 24, 2022

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

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

**APPROVED BY:** Alexandria Bingham, City Clerk

**SUBJECT:** 2021 Liquor License review and 2022 Liquor License Renewal

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**INTRODUCTION:**

Annually the City Commission is required by Chapter 10, Alcoholic Liquors, of the Birmingham Code of Ordinances to review and consider the renewal of liquor licenses for establishments which sell intoxicating liquor for consumption on the premises in the City. As part of the review process, investigations of each licensed establishment are conducted by the Building, Planning, Police, Fire and Treasury departments to determine whether the licensee is in compliance with all applicable City and State codes.

If violations of the City or State codes are found, a public hearing must be held to consider whether to recommend renewal of the license. Public hearings should be scheduled for March 28, 2022 7:30 pm to allow adequate time to forward objections to the Michigan Liquor Control Commission by the March 31, 2022 deadline.

**BACKGROUND:**

Pursuant to Chapter 10, Alcoholic Liquors, each January the City performs investigations as part of the renewal process for liquor licenses. As stated in City Ordinance:

Chapter 10, Section 10-40

The City Commission may object to renewal of a license for consumption of intoxicating liquor on the premises for one or more of the following reasons:

1. Licensee's failure to comply with all applicable city and state laws concerning health, safety, moral conduct or public welfare.
2. Licensee's repeated violations of state liquor laws.
3. Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:
  - a. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
  - b. A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood;
  - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining premises;

- d. Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order and tranquility in the neighborhood of the licensed premises;
  - e. Any advertising, promotion or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises;
  - f. Numerous police contacts with the licensed premises or the patrons of the premises;
  - g. Failure to adequately staff and control the premises; and
  - h. The conditions or practices of the business present immediate health and safety issues.
- 4. Licensee's failure to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of the City Code.
  - 5. Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license.
  - 6. Licensee's failure to comply with all standards and plans established and approved by the city commission at the time of original approval or transfer of the license.
  - 7. Licensee's failure to timely pay its taxes or other monies due the city.
- (Code 1963, § 7.403(b); Ord. No. 1551, § 7.403(B), 3-15-93; Ord. No. 2067, 8-22-11)

Accordingly, all licensed establishments have been inspected to determine compliance with Chapter 10 of the City Code regarding Alcoholic Liquors. All licensed establishments were notified that the City Commission will be considering renewal of their licenses at the February 28, 2022 meeting. As City staff conducted their reviews and investigations, establishments were contacted multiple times by mail, email and phone on the status of any violations and how to quickly resolve them. The owners of the establishments with outstanding financial obligations to the City have been contacted personally, as well.

In addition, the latest 2021 inspection records were obtained from the Oakland County Health Division and the Department of Agriculture. A detailed review of these records did not reveal any outstanding critical violations at any of the establishments. Any minor violations were in the process of being resolved.

Concurrently, with the annual Liquor License investigation process, in January of 2022 City staff also reviewed all outdoor dining licenses. City Staff noted several billing issues and sent out corrected invoices to those impacted restaurants on February 2, 2022. Many restaurants with outdoor dining also hold liquor licenses. Under Chapter 10, section 10-40 licensees are required to pay off all amounts owed to the City. Several restaurants owe the City monies for open invoices related to outdoor dining as shown in the Treasury report. The payment due date is March 1, 2022.

#### LEGAL REVIEW:

The City Attorney has reviewed the suggested process and finds it in order.

#### FISCAL IMPACT:

A total of \$143.14 in water bills remain unpaid as well as \$28,608.56 in Outdoor Dining Invoices remain unpaid as of February 24, 2022.

#### PUBLIC COMMUNICATIONS:

On December 15, 2021, liquor license holders were notified by certified mail with return receipt of their need to apply for 2022 Liquor Licenses. They were also informed of the review and renewal process, including physical establishment inspections and review of records by City staff. License holders were also notified of the date which the City Commission will review and recommend renewal of all licenses based on the review reports. All 2022 Liquor License applications were returned to the Clerk's Office.

In the weeks prior to the February 28, 2022 City Commission meeting, all license holders with outstanding financial obligations were contacted by phone and email in an effort to resolve all outstanding amounts prior to the Commission meeting on February 28, 2022.

#### SUMMARY:

Each year the City Commission reviews all licensed establishments for compliance with Chapter 10, Alcoholic Liquors of the City Code to consider the renewal of each license.

The City Commission may wish to recommend renewal for all Class B, Class C and Microbrewery Liquor Licenses for establishments which are in compliance with Chapter 10, Alcoholic Liquors of the Birmingham Code of Ordinances.

The City Commission may wish to object to the renewal of Class B, Class C and Microbrewery Liquor Licenses held by establishments that are not in compliance with Chapter 10, Alcoholic Liquors of the City Code. To do so, a public hearing must first be held for each establishment not in compliance. Objections must be received by the Michigan Liquor Control Commission by March 31, 2022. Therefore, if public hearings are to be held the City Commission should schedule them for the March 28, 2022 meeting.

#### ATTACHMENTS:

1. Listing of Current and Pending Liquor Licenses in Birmingham
2. 2021 Liquor License Investigative Review Summary
3. Departmental Reports from:
  - a. Police
  - b. Planning
  - c. Building (includes fire violations)
  - d. Treasury



## SUGGESTED COMMISSION ACTION:

To make a motion adopting a resolution to approve the renewal of liquor licenses for the 2022 licensing period, for the following establishments holding a Class B, Class C, or Microbrewery Liquor License that are in compliance with Chapter 10, Alcoholic Liquors of the City Code:

- Brooklyn Pizza
- Community House
- Elie's Mediterranean
- Emagine Palladium/Ironwood Grill
- Fleming's #3302
- Forest Grill
- Hazel & Ravines
- La Strada Cafe
- Lincoln Hills Golf Course
- Mad Hatter
- Market North End
- Springdale Golf Course
- Streetside Seafood
- The Morrie

And

To make a motion adopting a resolution to set public hearings on Monday, March 28, 2022 to consider whether the City Commission shall file objections with the Michigan Liquor Control Commission for the renewal of licenses held by the owners/operators of the following establishments that are in violation of Chapter 10, Alcoholic Liquors of the City Code:

- 220 Merrill
- Adachi Restaurant
- All Seasons Of Birmingham
- Bella Piatti
- Birmingham 8 Theater
- Birmingham Pub
- Churchill's Bistro/Cigar Bar
- Daxton
- Dick O Dow's Irish Pub
- Griffin Claw Brewing Company
- Hyde Park Prime Steakhouse
- Luxe Bar And Grill
- Maple Road Tap Room (Whole Foods)
- Mare
- Papa Joe's Gourmet Market Place Birmingham
- Per Noi
- Phoenicia
- Salvatore Scallopini
- Slice/Shift/Sidecar
- Social Kitchen And Bar
- Tallulah Wine Bar & Bistro
- The Townsend
- Toast
- Townhouse

And

Further, to make a motion adopting a resolution to direct the City Manager to notify the owners/operators of licensed establishments for which a public hearing is set, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel, and that the licensee may present witnesses or written evidence at the hearing.

### Current Liquor License List

DBA	Address	MLCC Status	Type
220 Merrill	124 S Old Woodward, Suite A	Active	Class C
Adachi Restaurant	325 S Old Woodward Ave	Active	Class C
All Seasons Of Birmingham	111 Elm Rd	Active	Class C
Bella Piatti	167 Townsend	Active	Class C
Birmingham 8 Theater	211 S Old Woodward	Active	Class C
Birmingham Pub	555 S Old Woodward	Active	Class C
Brooklyn Pizza	111 Henrietta	Active	Class C
Churchill's Bistro/Cigar Bar	116 S Old Woodward	Active	Class C
Community House	380 S Bates	Active	Class C
Daxton	298 S Old Woodward Ave	Escrow	B-Hotel
Dick O Dow's Irish Pub	160 W Maple	Active	Class C
Elie's Mediterranean	263 Pierce St	Active	Class C
Emagine Palladium/Ironwood Grill	209 Hamlin Row	Active	Class C
Fleming's #3302	323 N Old Woodward Ave	Active	Class C
Forest Grill	735 Forest Ave	Active	Class C
Griffin Claw Brewing Company	575 S Eton St	Active	Micro Brewer
Hazel & Ravines	34977 Woodward Ave	Active	Class C
Hyde Park Prime Steakhouse	207 S Woodward	Active	Class C
La Strada Caffe	243 E. Merrill St	Active	Class C
Lincoln Hills Golf Course	2666 W 14 Mile Rd	Active	Class C
Luxe Bar And Grill	525 N Old Woodward Ave	Active	Class C
Mad Hatter	185 N Old Woodward	Active	Class C
Maple Road Tap Room (Whole Foods)	2100 E Maple	Active	Class C
Mare	115 Willits	Active	Class C
Market North End	474 N Old Woodward	Active	Class C
Papa Joe's Gourmet Market Place Birmingham	34244 Woodward	Active	Class C
Pernoi	310 E Maple Rd	Active	Class C
Phoenicia	588 S Old Woodward	Active	Class C
Salvatore Scallopini	505 N Old Woodward	Active	Class C
Slice/Shift/Sidecar	117 Willits	Active	Class C
Social Kitchen And Bar	225 Maple	Active	Class C
Springdale Golf Course	316 Strathmore	Active	Class C
Streetside Seafood	273 Pierce St	Active	Class C
Tallulah Wine Bar & Bistro	155 S Bates St	Active	Class C

The Morrie	260 N Old Woodward Ave	Active	Class C
The Townsend	100 Townsend	Active	B-Hotel
Toast	203 Pierce	Active	Class C
Townhouse	217 Pierce St.	Active	Class C
<b>Pending or otherwise Inactive Licenses</b>			
<b>DBA</b>	<b>Address</b>	<b>MLCC Status</b>	<b>Type</b>
RH	300-394 S Old Woodward	Escrow	Closed
Whistle Stop Diner	501 S Eton St	Escrow	Class C
Sushi Japan	176 S. Old Woodward	Pending	
EM "Employee Meal"	470 N. Old Woodward	Incomplete Application	
Big Rock Chophouse & The Reserve	245 S Eton	Escrow	Class C/ Brew Pub

## 2021 Liquor License Investigative Review Summary

### Establishments in Compliance

Brooklyn Pizza	111 Henrietta
Community House	380 S Bates
Elie's Mediterranean	263 Pierce St
Emagine Palladium/Ironwood Grill	209 Hamlin Row
Fleming's #3302	323 N Old Woodward Ave
Forest Grill	735 Forest Ave
Hazel & Ravines	34977 Woodward Ave
La Strada Cafe	243 E. Merrill St
Lincoln Hills Golf Course	2666 W 14 Mile Rd
Mad Hatter	185 N Old Woodward
Market North End	474 N Old Woodward
Springdale Golf Course	316 Strathmore
Streetside Seafood	273 Pierce St
The Morrie	260 N Old Woodward Ave

### Establishments with violations as outlined in Chapter 10, Section 10-40

220 Merrill	124 S Old Woodward, Suite A
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#### Planning

- Clutter/outdoor storage around the building
- A-frame signs without permits (green sticker)
- Dumpster screen gate damaged and in need of repair
- 5 ft. clear walking path does not seem to be fully maintained along Merrill

Adachi Restaurant	325 S Old Woodward Ave
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#### Planning

- Propane heaters damaged and left on the ground in disarray.
- Minor indoor seating discrepancies (please see attached spreadsheet).  
Restaurant manager was advised of the issue and assured compliance.

All Seasons Of Birmingham	111 Elm Rd
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#### Planning

- Large, unpermitted-frame signs

Bella Piatti	167 Townsend
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#### Planning

- Outdoor dining platform appears to be used to store tables/chairs etc.

Birmingham 8 Theater	211 S Old Woodward
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#### Planning

- A-frame sign without permit (green sticker)

Birmingham Pub	555 S Old Woodward
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#### Treasury

- Outdoor Dining (due 3/1/2022), \$373.62

#### Planning



- Windows on Woodward side are blocked with opaque materials
- Outdoor dining tables/chairs appear to be stacked, stored and unused

Churchill's Bistro/Cigar Bar	116 S Old Woodward
<u>Planning</u>	
<ul style="list-style-type: none"> <li>• Permitted portable sign needs new permit sticker</li> <li>• Minor indoor seating discrepancies. Restaurant manager was advised of the issue and assured compliance.</li> </ul>	
Daxton	298 S Old Woodward Ave
<u>Treasury</u>	
<ul style="list-style-type: none"> <li>• Delinquent Water Due, \$143.14</li> </ul>	
Dick O Dow's Irish Pub	160 W Maple
<u>Planning</u>	
<ul style="list-style-type: none"> <li>• A-frame sign without permit (green sticker)</li> <li>• Outdoor dining patio in rear may extend beyond the approved dimensions</li> </ul>	
Griffin Claw Brewing Company	575 S Eton St
<u>Planning</u>	
<ul style="list-style-type: none"> <li>• Barrels and pallets stored across parking lot</li> </ul>	
Hyde Park Prime Steakhouse	207 S Woodward
<u>Planning</u>	
<ul style="list-style-type: none"> <li>• Blinds closed throughout all hours of the day</li> </ul>	
Luxe Bar And Grill	525 N Old Woodward Ave
<u>Planning</u>	
<ul style="list-style-type: none"> <li>• Remnants of temporary COVID-19 outdoor dining enclosure remain on the façade</li> </ul>	
Maple Road Tap Room (Whole Foods)	2100 E Maple
<u>Planning</u>	
<ul style="list-style-type: none"> <li>• Restaurant currently being used as employee break room and storage</li> </ul>	
Mare	115 Willits
<u>Planning</u>	
<ul style="list-style-type: none"> <li>• A-frame sign without permit (green sticker)</li> </ul>	
Papa Joe's Gourmet Market Place Birmingham	34244 Woodward
<u>Planning</u>	
<ul style="list-style-type: none"> <li>• Window signage appears to exceed 18 sq. ft. permitted</li> </ul>	
Per Noi	310 E Maple Rd
<u>Planning</u>	
<ul style="list-style-type: none"> <li>• Propane heaters stored in via</li> <li>• Outdoor dining being used with eisenglass enclosure. Eisenglass enclosures are not permitted for outdoor dining.</li> </ul>	
Phoenicia	588 S Old Woodward
<u>Planning</u>	
<ul style="list-style-type: none"> <li>• Planters used for outdoor dining being stored in right-of-way near the street</li> <li>• Back of building appears cluttered</li> </ul>	
Salvatore Scallopini	505 N Old Woodward

Planning

- Planters that appear to have been part of the outdoor dining patio stored in right-of-way and blocking bike rack
- Minor indoor seating discrepancies. Restaurant manager was advised of the issue and assured compliance

Slice/Shift/Sidecar 117 Willits

Treasury

- Outdoor Dining (due 3/1/22) \$776.62

Planning

- A-frame signs without permits (green stickers)
- Outdoor dining furnishing may be being stored in right-of-way

Social Kitchen And Bar 225 Maple

Planning

- A-frame sign without permit (green sticker)
- Some clutter in rear dumpster area, linen storage stored outside of screening
- Minor indoor seating discrepancies (please see attached spreadsheet). Restaurant manager was advised of the issue and assured compliance.

Tallulah Wine Bar & Bistro 155 S Bates St

Treasury

- Outdoor Dining (due 3/1/22) \$13,763.60

Planning

- Minor indoor seating discrepancies. Restaurant manager was advised of the issue and assured compliance

The Townsend 100 Townsend

Planning

- Canvas panel on west side of outdoor dining not approved.

Toast 203 Pierce

Treasury

- Outdoor Dining (due 3/1/22) \$11,031.50

Planning

- Large seat discrepancy observed. Restaurant manager was advised of the issue and assured compliance.

Townhouse 217 Pierce St.

Treasury

- Outdoor Dining (due 3/1/22) \$2,663.22



# MEMORANDUM

(Police Department)

**DATE:** January 20, 2022

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

**FROM:** Scott Grewe, Police Commander

**SUBJECT:** 2021 Annual Class B/C Liquor License Report

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Liquor license inspections were conducted at the following Class B/C liquor license establishments/brew pubs in 2021:

1. 220 Merrill
2. Adachi Restaurant
3. All Seasons Senior Living
4. Bella Piatti
5. Big Rock Chop & Brew House/The Reserve
6. Birmingham Theater
7. Bistro Joe's
8. Churchill's Bistro
9. Community House
10. Daxton Hotel
11. Dick O'Dow's
12. Ellie's Mediterranean Grill & Bar
13. Emagine
14. Fleming's Prime Steakhouse & Wine Bar
15. Forest Grill
16. Griffin Claw Brewery
17. Hazel and Ravines
18. Hyde Park Steakhouse
19. La Strada Cafe
20. Luxe Bar & Grill
21. Mad Hatter
22. Maple Road Tap Room (Whole Foods)
23. Market North End
24. Pernoi
25. Phoenecia
26. Salvatore Scallopini
27. Sidecar/Slice/Shift
28. Social Kitchen and Bar
29. Streetside Seafood

30. Tallulah Wine Bar & Bistro
31. Toast
32. Townhouse
33. Townsend Hotel/The Corner Bar
34. Lincoln Hills Golf Course-City of Birmingham
35. Springdale Golf Course-City of Birmingham

All of the above listed establishments were license compliant according to the standards set by the Michigan Liquor Control Commission (MLCC).

### **2021 Liquor Law Violations Class B/C**

The Birmingham Police Department did not conduct any liquor decoy operations in 2021 on Class B/C licensed establishments due to the Covid-19 pandemic.

### **2021 Liquor Law Violations Specially Designated Merchant (SDM)**

The Birmingham Police Department did not conduct any liquor decoy operations in 2021 on SDM licensed establishments due to the Covid-19 pandemic.

### **2021 Police Contacts**

All Class B/C establishments/brew pubs were checked for assaultive behavior/disorderly conduct related police contacts. The following list details the police related contacts:

- 1) 220 Merrill
  - a) March 22, 2021: A report was filed by multiple parties stating they were possibly drugged while at 220. The complainants stated they were very sick after drinking at 220 and posted their allegations to social media. The police department received ten additional reports with similar allegations in the days that followed the social media post. Since those reports, five additional reports were received throughout the remainder of the year.
    1. The above listed incidents were reported by both male and females. The complainants describing feeling overly intoxicated for the amount of alcohol consumed, light headed, numb, loss of dexterity, passing out and vomiting. The reports have involved both the 220 restaurant and the Rose Room.
    2. An extensive investigation was launched by our detectives including our officer assigned to the Narcotics Enforcement Team (NET). Additionally the Oakland County Health Department assisted in the investigation and conducted two unannounced site visits.
- To date, no evidence has been obtained to substantiate any of the claims.
- b) July 22, 2021: Officers were called to the location for an assault that occurred. It was reported that a male suspect spit in the face of a female. The suspect was a relative of the victims soon to be ex-husband. The suspect was later charged with assault.



2) Daxton Hotel (298 S. Old Woodward)

- a) May 18, 2021: Two patrons of the hotel exited the bar and met outside on the public sidewalk. Once outside, the suspect punched the victim, knocking him unconscious, the suspect then fled the scene. An investigation identified the suspect who was later charged with assault.

3) Market North End (474 N. Old Woodward)

- a) March 21, 2021: A physical altercation occurred after a conversation between two groups turned negative while at this location. Upon exiting, an assault occurred on the public sidewalk. The unknown suspects fled the area and were unable to be identified.

4) Sidecar/Slice/Shift (117 Willits)

- a) August 17, 2021: Officers were called to this location for a fight in progress. An assault occurred where two individuals assaulted another. Arrests were made on scene.

It should be noted that in addition to the above listed incidents, the police department also conducted 324 documented self-initiated bar and restaurant checks in 2021.



## MEMORANDUM

Planning Division

**DATE:** February 22, 2022

**TO:** Alexandria Bingham, City Clerk Designee

**FROM:** Nicholas Dupuis,

**SUBJECT:** 2022 Liquor License Renewal Inspections – Planning Division

Please be advised that the Planning Division has completed the inspections for the annual renewal of liquor licenses across the City. These inspections serve as a means to ensure that all license holders in the City are in compliance with their Special Land Use Permits and have kept a well-maintained building and general site in accordance with the approved plans on file with the Planning Division. The following observations were made:

- **220 Merrill – 220 Restaurant**
  - Clutter/outdoor storage around the building
  - A-frame signs without permits (green sticker)
  - Dumpster screen gate damaged and in need of repair
  - 5 ft. clear walking path does not seem to be fully maintained along Merrill
- **325 S. Old Woodward – Adachi Sushi**
  - Propane heaters damaged and left on the ground in disarray.
  - Minor indoor seating discrepancies (please see attached spreadsheet). Restaurant manager was advised of the issue and assured compliance.
- **111 Elm – All Seasons**
  - Large, unpermitted-frame signs
- **167 Townsend – Bella Piatti**
  - Outdoor dining platform appears to be used to store table/chairs/etc
- **211 S. Old Woodward – Birmingham 8 Theater**
  - A-frame sign without permit (green sticker)
- **555 S. Old Woodward – Birmingham Pub**
  - Windows on Woodward side are blocked with opaque materials
  - Outdoor dining tables/chairs appear to be stacked, stored and unused
- **34244 Woodward – Bistro Joes**
  - Window signage appears to exceed 18 sq. ft. permitted
- **116 S. Old Woodward – Churchill's Cigar Bar and Bistro**
  - Permitted portable sign needs new permit sticker
  - Minor indoor seating discrepancies (please see attached spreadsheet). Restaurant manager was advised of the issue and assured compliance.
- **160 W. Maple – Dick O' Dows**
  - A-frame sign without permit (green sticker)
  - Outdoor dining patio in rear may extend beyond the approved dimensions

- **575 S. Eton – Griffin Claw**
  - Barrels and pallets stored across parking lot
- **201 S. Old Woodward – Hyde Park Prime**
  - Blinds closed throughout all hours of the day
- **525 N. Old Woodward – Luxe**
  - Remnants of temporary COVID-19 outdoor dining enclosure remain on the façade
- **115 Willits – Mare Mediterranean**
  - A-frame sign without permit (green sticker)
- **310 E. Maple – Perno**
  - Propane heaters stored in via
  - Outdoor dining being used with eisnglass enclosure. Eisnglass enclosures are not permitted for outdoor dining.
- **588 S. Old Woodward – Phonecia**
  - Planters used for outdoor dining being stored in right-of-way near the street
  - Back of building appears cluttered
- **100 Townsend – Rugby Grille**
  - Canvas panel on west side of outdoor dining not approved.
- **505 N. Old Woodward – Salvatore Scallopini**
  - Planters that appear to have been part of the outdoor dining patio stored in right-of-way and blocking bike rack
  - Minor indoor seating discrepancies (please see attached spreadsheet). Restaurant manager was advised of the issue and assured compliance
- **117 Willits – Shift/Sidecar/Slice (S-Three)**
  - A-frame signs without permits (green stickers)
  - Outdoor dining furnishing may be being stored in right-of-way
- **225 E. Maple – Social Kitchen & Bar**
  - A-frame sign without permit (green sticker)
  - Some clutter in rear dumpster area, linen storage stored outside of screening
  - Minor indoor seating discrepancies (please see attached spreadsheet).  
Restaurant manager was advised of the issue and assured compliance
- **155 Bates – Tallulah**
  - Minor indoor seating discrepancies (please see attached spreadsheet).  
Restaurant manager was advised of the issue and assured compliance
- **203 Pierce – Toast**
  - Large seat discrepancy observed. Restaurant manager was advised of the issue and assured compliance.
- **2100 E. Maple – Maple Road Taproom**
  - Restaurant currently being used as employee break room and storage

Bistro Seat Inspection - **February 2022**

Bistro Licenses	Address	Indoor Dining Seats		Outdoor Dining Seats			Total Seating		
		Floor	Bar	Public Property	Dining Platform	Private Property	Indoor	Outdoor	Establishment
Adachi Sushi	325 S. Old Woodward	60	7	0	0	0	67	0	67
Bella Piatti	167 Townsend	52	10	0	0	0	62	0	62
Bistro Joe's	34244 Woodward						0	0	0
Bloom	239 N. Old Woodward	0	0	0	0	0	0	0	0
Brooklyn Pizza	111 Henrietta	52	10	0	0	0	62	0	62
Churchills Bistro & Cigar Bar	116 S. Old Woodward	58	8	0	0	0	66	0	66
Elie's Mediterranean Grill/Bar	263 Pierce	56	8	12	18	0	64	30	94
Forest Grill	735 Forest	54	10	18	0	0	64	18	82
La Strada Café	243 E. Merrill	48	6	0	0	0	54	0	54
Luxe Bar & Grill	525 N. Old Woodward	42	8	0	0	0	50	0	50
Mad Hatter Café	185 N. Old Woodward	50	8	0	0	0	58	0	58
Maple Road Taproom (Whole Foods)	2100 E. Maple	0	0	0	0	0	0	0	0
Market North End	474 N. Old Woodward	52	11	0	0	0	63	0	63
Perno	310 E. Maple						0	0	0
Salvatore Scallopini	505 N. Old Woodward	62	6	0	0	0	68	0	68
Social Kitchen & Bar	225 E. Maple	54	12	0	0	42	66	42	108
Sushi Japan		50	4	0	0	0	54	0	54
Tallulah Wine Bar & Bistro	155 S. Bates	52	10	0	0	0	62	0	62
Toast	203 Pierce	90	9	0	22	0	99	22	121
Townhouse	180 Pierce	38	6	0	26	0	44	26	70
Whistle Stop	501 S. Eton	0	0	0	0	0	0	0	0

Approved Bistro Seats - **2022**

Bistro Licenses	Address	Indoor Dining Seats		Outdoor Dining Seats			Total Seating		
		Floor	Bar	Public Property	Dining Platform	Private Property	Indoor	Outdoor	Establishment
Adachi Sushi	325 S. Old Woodward	55	10	0	0	67	65	67	132
Bella Piatti	167 Townsend	52	10	6	22	0	62	28	90
Bistro Joe's	34244 Woodward	54	10	0	0	60	64	60	124
Bloom	239 N. Old Woodward	58	7	36	0	0	65	36	101
Brooklyn Pizza	111 Henrietta	52	10	41	0	0	62	41	103
Churchills Bistro & Cigar Bar	116 S. Old Woodward	54	9	12	0	0	63	12	75
Elie's Mediterranean Grill/Bar	263 Pierce	56	8	4	20	0	64	24	88
Forest Grill	735 Forest	54	10	30	0	0	64	30	94
La Strada Café	243 E. Merrill	57	8	14	0	0	65	14	79
Luxe Bar & Grill	525 N. Old Woodward	49	10	12	0	0	59	12	71
Mad Hatter Café	185 N. Old Woodward	50	8	24	0	0	58	24	82
Maple Road Taproom (Whole Foods)	2100 E. Maple	28	8	0	0	33	36	33	69
Market North End	474 N. Old Woodward	54	10	0	0	44	64	44	108
Perno	310 E. Maple	58	7	0	0	26	65	26	91
Salvatore Scallopini	505 N. Old Woodward	58	6	34	0	0	64	34	98
Social Kitchen & Bar	225 E. Maple	54	10	56	0	30	64	86	150
Sushi Japan	176 S. Old Woodward	48	6	16	0	0	54	16	70
Tallulah Wine Bar & Bistro	155 S. Bates	54	10	0	42	0	64	42	106
Toast	203 Pierce	55	10	19	40	0	65	59	124
Townhouse	180 Pierce	40	10	64	0	0	50	64	114
Whistle Stop	501 S. Eton	56	8	28	0	0	64	28	92





**RUGBY GRILLE**

















**BIRMINGHAM PUB**





**BIRMINGHAM PUB**





**BIRMINGHAM PUB**





**ADACHI**





ADACHI





**220 MERRILL**



**220 MERRILL**







220 MERRILL









**PERNOI**





**PERNOI**





**SOCIAL KITCHEN**





HENDRICK'S

Did You Know...  
We Have  
A LATE NIGHT HAPPY  
HOUR  
\$3.00 WELL  
DRINKS FROM  
THURSDAY 10:00-1:00 FRIDAY 11:00-1:00 SATURDAY 11:00-1:00





**S-THREE**





S-THREE



SHIFT

NOW  
  
OPEN

from 5 p.m.  
Tuesday  
thru  
Saturday













DICK O' DOWS



UNAUTHORIZED  
VEHICLES WILL BE  
TOWED AWAY AT  
OWNER'S EXPENSE  
BOB ADAMS TOWING  
248-644-5000

RESERVED  
FOR  
LONGTERM  
OFFICE USE

DICK O' DOWS



am  
Community  
**NOTICE**  
the subject of a  
hearing with  
Birmingham.  
ns, please call  
530-1850

WE ARE OPEN DURING  
CONSTRUCTION!  
PLEASE USE WILLITTIS  
ALLEY ENTRANCE!  
→  
LOOK FOR THE  
GARAGE DOOR!!

# IRISH PUB

WE ARE OPEN DURING  
CONSTRUCTION!  
PLEASE USE WILLITTIS  
ALLEY ENTRANCE!  
→



\* \* We Are \* \*  
\* \* Open! \* \*  
~~~~~  
\* Please Use \*  
Willittis Alley  
Entrance \*  
\* AROUND BACK!! \*  
(BY GARAGE DOOR)



PER 1A "R" PRODLTS  
800-647-6130  
EBR - 2514

**DICK O' DOWS**





505 N. OLD WOODWARD



**LUXE**





**ALL SEASONS**





**GRIFFIN CLAW**





**GRIFFIN CLAW**





**GRIFFIN CLAW**





# MAPLE ROAD TAPROOM







## MEMORANDUM

Building Department

**DATE:** February 22, 2022

**TO:** Alexandria Bingham, City Clerk

**FROM:** Bruce R. Johnson, Building Official

**SUBJECT:** 2022 Liquor License Renewal Inspections

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This year the Building Department conducted inspections of the 38 establishments within the City that are licensed to serve liquor. The department inspected each facility for compliance with applicable building codes, reviewed the prior year's code enforcement records and obtained the Health Department inspection records for City Commission consideration per Section 10-37 of the City Code.

The initial inspections occurring in January of this year were to check that building, electrical, mechanical, and plumbing codes were being adhered to. Any deficiencies or violations were communicated to the manager on-site who was informed that a follow-up would be scheduled within a couple weeks to verify compliance. The provided inspection history reports will show that all facilities corrected their violations except for one. The Daxton Hotel has installed a lift in front of their loading dock that has reduced the minimum length of their loading space required by the Zoning Ordinance. The hotel is currently under a temporary certificate of occupancy and this violation must be resolved prior to the issuance of a full certificate of occupancy.

Building Department staff also conducted a 2021 code enforcement audit. The cited violations have been corrected and the enforcement history reports have been attached for consideration. In addition, we obtained the 2021 inspection records from the Oakland County Health Division and/or the Department of Agriculture for each facility. The Health Department records were obtained by searching their software program called "Sword Solutions". They were not conducting routine inspections last year due to the pandemic, and therefore not every facility will have these inspections records. The record for those that were not inspected last year will state that there were no results matching the search criteria. A review of these records did not reveal any outstanding critical violations at any of the establishments.



LCC ANNUAL Inspection | ILCC22-0001

Property Information

08-19-36-202-017                      220 E MERRILL ST                      Subdivision:  
Birmingham MI, 48009                      Lot:                      Block:

Name Information

Owner:                      220 PARK PLACE LLC                      Phone:  
Occupant:                      220 RESTAURANT HOSPITALITY LLC                      Phone:                      (248) 645 7777

Inspection Group Information

Date Filed:                      01/14/2022                      Date Closed:                      01/24/2022                      Status:                      APPROVED  
Description:

LCC, FOLLOW-UP Inspection | Mike Morad

Status:                      Completed                      Result:                      Approved  
Scheduled:                      01/24/2022 12:00 AM                      Completed:                      01/24/2022 12:40 PM

LCC, INITIAL Inspection | Mike Morad

Status:                      Completed                      Result:                      Disapproved  
Scheduled:                      01/14/2022 09:00 AM                      Completed:                      01/14/2022 03:46 PM

Violations:

- Uncorrected                      1.Align hood nozzles.  
2.Grease trap reports.  
3.Install blank in panel "d".  
4.Remove extension cords.  
5.Keep clear in front of electrical panels.  
6.Remove all storage blocking doors/ Exits.  
7.Repair leak on union on hot water storage tank.

Comments:

Scheduling Comment                      AM

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Site Plan ComplaintEnforcement | E21-0792

Property Information

08-19-36-202-017                      220 E MERRILL ST                      Subdivision:  
                                                 Birmingham MI, 48009                      Lot:                      Block:

Name Information

Owner:                      220 PARK PLACE LLC                      Phone:  
Occupant:                      220 RESTAURANT HOSPITALITY LLC                      Phone:                      (248) 645 7777  
Filer:                      Phone:

Enforcement Information

Date Filed:                      05/21/2021                      Date Closed:                      10/28/2021                      Status:                      CLOSED  
Complaint:  
                    outdoor dining violation.  
Last Action Date:                      Last Inspection:                      10/28/2021  
Last Action:

Follow Up Inspection | Doug Manigold

Status:                      Completed                      Result:                      Complied  
Scheduled:                      10/28/2021                      Completed:                      10/28/2021

Initial Inspection Inspection | Doug Manigold

Status:                      Completed                      Result:                      Violation(s)  
Scheduled:                      05/24/2021                      Completed:                      05/21/2021

Comments:

NOTE                      Writer assigned complaint that tables placed along city sidewalk was in violation of the original outdoor dining site plan.  
  
                                                 Writer spoke with general manager Steve, who stated they were approved by the city to have tables along the sidewalk.  
                                                 Writer spoke with Nick in Planning who stated they had been tentatively approved to place tables.  
                                                 Writer asked Steve to move a planter and table that violated the 5 ft space for pedestrians.  
                                                 Writer also asked Steve to move a cart and a hostess stand onto their own property. No further action taken.  
  
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## Sidewalk Obstruction Enforcement | E21-1631

### Property Information

08-19-36-202-017      220 E MERRILL ST      Subdivision:  
Birmingham MI, 48009      Lot:      Block:

### Name Information

Owner:      220 PARK PLACE LLC      Phone:  
Occupant:      220 RESTAURANT HOSPITALITY LLC      Phone:      (248) 645 7777  
Filer:      Phone:

### Enforcement Information

Date Filed:      09/13/2021      Date Closed:      10/28/2021      Status:      CLOSED

Complaint:  
hostess stand blocking sidewalk

Last Action Date:      Last Inspection:      10/28/2021

Last Action:

### Follow Up Inspection | Doug Manigold

Status:      Completed      Result:      Complied  
Scheduled:      10/28/2021      Completed:      10/28/2021

### Initial Inspection Inspection | Doug Manigold

Status:      Completed      Result:      Violation(s)  
Scheduled:      09/15/2021      Completed:      09/13/2021

#### Comments:

Hostess stand at 220 Merrill in the sidewalk area causing pedestrian traffic to go around. The restaurant has been warned several times about putting the stand on the sidewalk. The stand has not been approved on the outdoor dining plan. Building Official, Bruce Johnson, prepared a letter to the restaurant outlining the violation and to remove the stand. Writer will issue violation notice and attach same to letter

### Follow Up Inspection | Doug Manigold

Status:      Completed      Result:      Violation(s)  
Scheduled:      09/15/2021      Completed:      09/15/2021

#### Comments:

NOTE      Writer drove by today at approx 1235pm and observed the hostess stand approx 1 ft onto the sidewalk. There was a 6 ft red carpet runner also on the sidewalk.

Writer stopped and asked the hostess to remove the runner and move the stand off the sidewalk. see pic

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# Sword Solutions

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State / County

MI - Oakland County

Address

City

birmingham

License #

Restaurant Name

220 MERRILL

From Date

January 1, 2021

To Date

December 31, 2021

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## 220 MERRILL

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220 MERRILL ST  
Birmingham, MI 48009

**License #**  
079039

**County**  
Oakland County

### Inspections



**Inspection Date** 08-10-2021

**Inspection Type** Complaint



No details.

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LCC ANNUAL Inspection | ILCC22-0002

Property Information

08-19-36-208-015      325 S OLD WOODWARD AVE STE 1      Subdivision:  
Birmingham MI, 480096202      Lot:      Block:

Name Information

Owner:      325 S OLD WOODWARD LLC      Phone:  
Occupant:      ADACHI RESTAURANT GROUP LLC      Phone:      (248) 855 2100

Inspection Group Information

Date Filed:      01/13/2022      Date Closed:      01/28/2022      Status:      APPROVED  
Description:

LCC, FOLLOW-UP Inspection | Mike Morad

Status:      Completed      Result:      Approved  
Scheduled:      01/28/2022 12:00 AM      Completed:      01/28/2022 11:19 AM

LCC, FOLLOW-UP Inspection | Mike Morad

Status:      Completed      Result:      Partially Approved  
Scheduled:      01/21/2022 12:00 AM      Completed:      01/21/2022 03:44 PM

**Violations:**  
Uncorrected      1. Need grease trap report.

LCC, INITIAL Inspection | Mike Morad

Status:      Completed      Result:      Partially Approved  
Scheduled:      01/13/2022 01:00 PM      Completed:      01/13/2022 04:28 PM

**Comments:**  
Scheduling Comment      pm  
1.Adjust hood nozzle  
2.Grease trap report

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Property Maintenance - ComEnforcement | E21-0337

Property Information

08-19-36-208-015      325 S OLD WOODWARD AVE STE 1      Subdivision:  
Birmingham MI, 480096202      Lot:      Block:

Name Information

Owner:      325 S OLD WOODWARD LLC      Phone:  
Occupant:      ADACHI RESTAURANT GROUP LLC      Phone:      (248) 855 2100  
Filer:      Phone:

Enforcement Information

Date Filed:      03/01/2021      Date Closed:      03/01/2021      Status:      CLOSED  
Complaint:  
    dumpster left out over the weekend and rat seen by resident  
Last Action Date:      Last Inspection:      03/01/2021  
Last Action:

Initial Inspection Inspection | PATTY CURTIS

Status:      Completed      Result:      Violation(s)  
Scheduled:      03/01/2021      Completed:      03/01/2021

Comments:

I inspected this morning. No indication of rat nests or burrows on this property. (there have been rat holes in the past on neighboring properties; they have bait traps out)  
The dumpster occasionally rolls onto sidewalk or is left on sidewalk by dumpster company. VN sent to Adachi to resolve this issue with their dumpster service provider and their employees.  
Will monitor, this particular complaint is closed.



**Property Maintenance - ComEnforcement | E21-0428****Property Information**

08-19-36-208-015      325 S OLD WOODWARD AVE STE 1      Subdivision:  
Birmingham MI, 480096202      Lot:      Block:

**Name Information**

Owner:      325 S OLD WOODWARD LLC      Phone:  
Occupant:      ADACHI RESTAURANT GROUP LLC      Phone:      (248) 855 2100  
Filer:      Phone:

**Enforcement Information**

Date Filed:      03/18/2021      Date Closed:      03/19/2021      Status:      CLOSED

**Complaint:**

Complaint forwarded to Nick Dupuis about storage of outdoor seating materials, valet signs. Nick states that they are using alley behind the restaurant as a dump with their property strewn about.

Last Action Date:      Last Inspection:      03/19/2021

**Last Action:**

Nick sent email with photos regarding this complaint to Doug, Patty and Mollie on 3/18/21. The photos have been uploaded to this complaint.

**Follow Up Inspection | Doug Manigold**

Status:      Completed      Result:      Complied  
Scheduled:      03/26/2021      Completed:      03/19/2021

**Initial Inspection Inspection | Doug Manigold**

Status:      Completed      Result:      Violation(s)  
Scheduled:      03/18/2021      Completed:      03/18/2021

**Comments:**

NOTE      Complaint from Planning that restaurant was storing tables, and other items in the public pass thru.  
  
Writer confirmed complaint. there were several tables, chairs and propane heater outside of the restaurant site. Writer completed violation notice and served the afternoon manager. Writer will f/u

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Trash Complaint - ComEnforcement | E21-0962

Property Information

08-19-36-208-015      325 S OLD WOODWARD AVE STE 1      Subdivision:  
Birmingham MI, 480096202      Lot:      Block:

Name Information

Owner:      325 S OLD WOODWARD LLC      Phone:  
Occupant:      ADACHI RESTAURANT GROUP LLC      Phone:      (248) 855 2100  
Filer:      Phone:

Enforcement Information

Date Filed:      06/11/2021      Date Closed:      10/24/2021      Status:      VIOLATION NOTICE ISSUED  
Complaint:  
    Dumpster on sidewalk along with trash.  
Last Action Date:      Last Inspection:      10/24/2021  
Last Action:

Follow Up Inspection | JOHN NAPLES

Status:      Completed      Result:      No Violation  
Scheduled:      10/24/2021      Completed:      10/24/2021

Initial Inspection Inspection | Doug Manigold

Status:      Completed      Result:      Violation(s)  
Scheduled:      06/14/2021      Completed:      06/11/2021

Comments:

NOTE      Citizen complaint that the 2 dumpsters for Adachi are left on the sidewalk after pickup. There is also a bag of garbage containing fruit spilled on the sidewalk.

Writer confirmed complaint. 2 dumpsters left on sidewalk and a broken bag od fruit spilled out. Writer contacted one of the chefs who clenaed up the garbage. Writer issued violation notice for leaving the dumpsters on the sidewalk and having garbage spilling out. Writer left vn on bar for the general manager and asked the chefs to have the GM call when he/she got came into work. See pics.

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Trash Complaint - ComEnforcement | E21-1196

Property Information

08-19-36-208-015      325 S OLD WOODWARD AVE STE 1      Subdivision:  
Birmingham MI, 480096202      Lot:      Block:

Name Information

Owner:      325 S OLD WOODWARD LLC      Phone:  
Occupant:      ADACHI RESTAURANT GROUP LLC      Phone:      (248) 855 2100  
Filer:      Phone:

Enforcement Information

Date Filed:      07/16/2021      Date Closed:      10/24/2021      Status:      TICKET ISSUED  
Complaint:  
    Dumpsters blocking sidewalk  
Last Action Date:      Last Inspection:      10/24/2021  
Last Action:

Follow Up Inspection | JOHN NAPLES

Status:      Completed      Result:      No Violation  
Scheduled:      10/24/2021      Completed:      10/24/2021

Initial Inspection Inspection | Doug Manigold

Status:      Completed      Result:      Violation(s)  
Scheduled:      07/19/2021      Completed:      07/16/2021

Comments:

NOTE      Writer observed 2 dumpsters blocking the sidewalk at listed restaurant. Writer had previously issued a vn on 6/11/21, E21-0962 for the same violation. Writer issued ticker #BC90118 for sidewalk obstruction. Writer served ticket to the bar manager who stated the dishwasher has been off so the dumpsters were not moved. Bar manager moved them back in the enclosure.

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State / County

MI - Oakland County

Address

City

birmingham

License #

Restaurant Name

ADACHI

From Date

January 1, 2021

To Date

December 31, 2021

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## ADACHI

[+ Show All Inspection Details](#)[View Map](#)

325 S OLD WOODWARD  
Birmingham, MI 48009

**License #**  
228355

**County**  
Oakland County

### Inspections



**Inspection Date** 10-20-2021

**Inspection Type** Enforcement Follow Up



No details.

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LCC ANNUAL Inspection | ILCC22-0003

Property Information

08-19-36-227-029                      111 ELM ST                      Subdivision:  
BIRMINGHAM MI, 48009-6400                      Lot:                      Block:

Name Information

Owner:                      MAPLE ELM DEVELOPMENT CO LLC                      Phone:  
Occupant:                      ALL SEASONS OF BIRMINGHAM                      Phone:

Inspection Group Information

Date Filed:              01/10/2022                      Date Closed:              01/18/2022                      Status:      APPROVED  
Description:

LCC, FOLLOW-UP Inspection | Mike Morad

Status:              Completed                      Result:              Approved  
Scheduled:              01/18/2022 12:00 AM                      Completed:              01/18/2022 11:50 AM

LCC, INITIAL Inspection | Mike Morad

Status:              Completed                      Result:              Disapproved  
Scheduled:              01/10/2022 09:30 AM                      Completed:              01/10/2022 12:35 PM

Violations:

- Corrected                      1.Remove slide lock from kitchen door exit.  
2.Replace missing sprinkler head trim. Kitchen, Clean linen(2).  
3.No storage in electrical room.  
4.No storage 18" from ceiling.  
5.Need tags on backflow devices in suppression room.

Comments:

Scheduling Comment              am

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# Sword Solutions

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State / County

MI - Oakland County

Address

City

birmingham

License #

Restaurant Name

ALL SEASONS OF BIRMINGHAM

From Date

January 1, 2021

To Date

December 31, 2021

Show partial?

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LCC ANNUAL Inspection | ILCC22-0005

Property Information

08-19-36-138-002                      167 TOWNSEND ST                      Subdivision:  
Birmingham MI, 480096001                      Lot:                      Block:

Name Information

Owner:                      EPM INVESTMENTS LLC                      Phone:                      (248) 787 9056  
Occupant:                      BELLA PIATTI LLC                      Phone:                      (248) 915-0348

Inspection Group Information

Date Filed:                      01/11/2022                      Date Closed:                      01/11/2022                      Status:                      APPROVED  
Description:

LCC, INITIAL Inspection | Mike Morad

Status:                      Completed                      Result:                      Approved  
Scheduled:                      01/11/2022 01:10 AM                      Completed:                      01/11/2022 03:23 PM

Comments:

Scheduling Comment                      pm



## Property Information

|                  |                          |              |        |
|------------------|--------------------------|--------------|--------|
| 08-19-36-138-002 | 167 TOWNSEND ST          | Subdivision: |        |
|                  | Birmingham MI, 480096001 | Lot:         | Block: |

|           |                     |        |                |
|-----------|---------------------|--------|----------------|
| Owner:    | EPM INVESTMENTS LLC | Phone: | (248) 787 9056 |
| Occupant: | BELLA PIATTI LLC    | Phone: | (248) 915-0348 |
| Filer:    |                     | Phone: |                |

|                   |                                  |                  |            |         |        |
|-------------------|----------------------------------|------------------|------------|---------|--------|
| Date Filed:       | 10/04/2021                       | Date Closed:     | 10/11/2021 | Status: | CLOSED |
| Complaint:        | sidewalk being blocked by diners |                  |            |         |        |
| Last Action Date: |                                  | Last Inspection: | 10/11/2021 |         |        |
| Last Action:      |                                  |                  |            |         |        |

|            |            |            |            |
|------------|------------|------------|------------|
| Status:    | Completed  | Result:    | Complied   |
| Scheduled: | 10/12/2021 | Completed: | 10/11/2021 |

|            |            |            |              |
|------------|------------|------------|--------------|
| Status:    | Completed  | Result:    | Violation(s) |
| Scheduled: | 10/07/2021 | Completed: | 10/06/2021   |

NOTE Writer served violation notice to Joy. Writer went over each violation and advised compliance by 4pm Friday 10/8/21 4pm. Joy stated she would have it done before Friday.

|            |            |            |            |
|------------|------------|------------|------------|
| Status:    | Completed  | Result:    | No Change  |
| Scheduled: | 10/07/2021 | Completed: | 10/11/2021 |

|            |            |            |              |
|------------|------------|------------|--------------|
| Status:    | Completed  | Result:    | Violation(s) |
| Scheduled: | 10/05/2021 | Completed: | 10/04/2021   |

NOTE citizen complaint that diners and their tables, heaters etc are blocking or almost blocking the sidewalk for pedestrians. Complaint was that there was approx 2 ft of pathway to walk between the dining platform, diners on the sidewalk and the building.

Writer stopped by today and observed approx 27 chairs stacked up on the west side of the dining platform, along with 3 umbrellas. There were 2 tables along the building side of the sidewalk (in site plan) however there was also 3 heaters next to that area. There were planters on the curb side and the building side(not on approved plan) of the sidewalk.

Writer will issue violation notice for violation of the outdoor dining approved plan

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**Citations – Fire Department****Property Information****08-19-36-138-002****167 Townsend****Birmingham, MI. 48009****Name Information****Owner: EPM Investments LLC****Occupant: Bella Piatti LLC****Enforcement Information****Citation Issuance from 1/1/21 thru 2/14/21****Date Filed 01/22/2021, 01/23/2021****Date Closed:****Status: Closed****Citation issued****4 Total****Initial Inspection – Jack D. Pesha, Fire Marshal**

| Status:    | Complete   | Result    | Violation(s) |
|------------|------------|-----------|--------------|
| Scheduled: | 01/22/2021 | Completed | 2021         |
|            | 01/23/2021 |           |              |

Comments: Occupant found in violation of the fire code on two separate occasions. On 1/22/21, citations issued for improper storage of LP gas outside of buildings and protection of LP gas containers. Containers were found in the public way, loose and unprotected.

On 1/23/21, repeat violations were issued because the hazard was not mitigated after owner and management was ordered to do so.

**Resolved in court hearing with fines paid.**

**Occupant currently compliant with fire code.**





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Restaurant Name

BELLA PIATTI

From Date

January 1, 2021

To Date

December 31, 2021

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## BELLA PIATTI

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167 TOWNSEND  
Birmingham, MI 48009

**License #**  
249188

**County**  
Oakland County

### Inspections



**Inspection Date** 04-06-2021

**Inspection Type** Complaint



No details.

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LCC ANNUAL Inspection | ILCC22-0008

Property Information

08-19-36-210-005      555 S OLD WOODWARD AVE STE 100      Subdivision:  
BIRMINGHAM MI, 48009-6658      Lot:      Block:

Name Information

Owner:      MANORWOOD PROPERTIES LLC      Phone:  
Occupant:      Birmingham Pub, LLC      Phone:      (586) 770 3500

Inspection Group Information

Date Filed:      01/13/2022      Date Closed:      01/26/2022      Status:      APPROVED  
Description:

LCC, FOLLOW-UP Inspection | Mike Morad

Status:      Completed      Result:      Approved  
Scheduled:      01/26/2022 12:00 AM      Completed:      01/26/2022 01:38 PM

LCC, INITIAL Inspection | Mike Morad

Status:      Completed      Result:      Disapproved  
Scheduled:      01/13/2022 01:00 PM      Completed:      01/13/2022 04:30 PM

Violations:

- Uncorrected      1.Fire extinguisher out of date and 1 rusted.  
2.No coat storage in stairway.  
3.Keep electrical panels clear.  
4.Keep exits clear5>kinstall missing ceiling tiles.  
6.Hood maintenance.

Comments:

Scheduling Comment      pm

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**LIGHTINGEnforcement | E21-0521**

**Property Information**

|                  |                                |              |        |
|------------------|--------------------------------|--------------|--------|
| 08-19-36-210-005 | 555 S OLD WOODWARD AVE STE 100 | Subdivision: |        |
|                  | BIRMINGHAM MI, 48009-6658      | Lot:         | Block: |

**Name Information**

|           |                          |        |                |
|-----------|--------------------------|--------|----------------|
| Owner:    | MANORWOOD PROPERTIES LLC | Phone: |                |
| Occupant: | Birmingham Pub, LLC      | Phone: | (586) 770 3500 |
| Filer:    | Andrea                   | Phone: | (248) 346 6630 |

**Enforcement Information**

|             |            |              |            |         |        |
|-------------|------------|--------------|------------|---------|--------|
| Date Filed: | 04/07/2021 | Date Closed: | 04/07/2021 | Status: | CLOSED |
|-------------|------------|--------------|------------|---------|--------|

Complaint:

Exterior lighting malfunctioning. Producing bright, flashing colors, mostly visible at night.

Last Action Date:

Last Inspection: 04/07/2021

Last Action:

**Initial Inspection Inspection | Doug Manigold**

|            |            |            |              |
|------------|------------|------------|--------------|
| Status:    | Completed  | Result:    | No Violation |
| Scheduled: | 04/07/2021 | Completed: | 04/07/2021   |

**Comments:**

NOTE      Drove by the busines, did not see any light bliking. Writer sent email to commander Grewe asking for the PD to drive by at night and email their findings.

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BIRMINGHAM PUB

From Date

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LCC ANNUAL Inspection | ILCC22-0009

Property Information

08-19-36-206-007                      211 S OLD WOODWARD AVE                      Subdivision:  
Birmingham MI, 480096165                      Lot:                      Block:

Name Information

Owner:                      FULLER CENTRAL PARK PROPERTIES LLC                      Phone:  
Occupant:                      BIRMINGHAM THEATER LLC                      Phone:                      (248) 723 6230

Inspection Group Information

Date Filed:                      01/14/2022                      Date Closed:                      01/21/2022                      Status:                      APPROVED  
Description:

LCC, FOLLOW-UP Inspection | Mike Morad

Status:                      Completed                      Result:                      Approved  
Scheduled:                      01/21/2022 12:00 AM                      Completed:                      01/21/2022 03:40 PM

LCC, INITIAL Inspection | Mike Morad

Status:                      Completed                      Result:                      Disapproved  
Scheduled:                      01/14/2022 09:10 AM                      Completed:                      01/14/2022 03:53 PM

Violations:

- Corrected                      1. No storage in exits.  
                                                 2. Several emergency lights inoperable.  
                                                 3. Keep balcony exits clear.

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BIRMINGHAM THEATRE LLC

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LCC ANNUAL Inspection | ILCC22-0011

Property Information

|                  |                          |              |        |
|------------------|--------------------------|--------------|--------|
| 08-19-36-129-001 | 111 HENRIETTA ST         | Subdivision: |        |
|                  | Birmingham MI, 480093333 | Lot:         | Block: |

Name Information

|           |                          |        |                |
|-----------|--------------------------|--------|----------------|
| Owner:    | FREUND INVESTMENT II LLC | Phone: | (858) 232 6867 |
| Occupant: | BROOKLYN PIZZA           | Phone: | (248) 258-6690 |

Inspection Group Information

|              |            |              |            |         |          |
|--------------|------------|--------------|------------|---------|----------|
| Date Filed:  | 01/10/2022 | Date Closed: | 01/24/2022 | Status: | APPROVED |
| Description: |            |              |            |         |          |

LCC, FOLLOW-UP Inspection | Mike Morad

|            |                     |            |                     |
|------------|---------------------|------------|---------------------|
| Status:    | Completed           | Result:    | Approved            |
| Scheduled: | 01/24/2022 12:00 AM | Completed: | 01/24/2022 02:43 PM |

LCC, INITIAL Inspection | Mike Morad

|            |                     |            |                     |
|------------|---------------------|------------|---------------------|
| Status:    | Completed           | Result:    | Disapproved         |
| Scheduled: | 01/10/2022 09:15 AM | Completed: | 01/10/2022 12:38 PM |

Violations:

- Uncorrected
- 1.Mount fire extinguishers.

2.Repair loose handrail to basement.

3.Replace missing ceiling tiles in basement.

4.Repair gap at water heater vent with cement.

5.Provide grease trap records.





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BROOKLYN PIZZA

From Date

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## BROOKLYN PIZZA

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111 HENRIETTA  
Birmingham, MI 48009

**License #**  
022652

**County**  
Oakland County

### Inspections



**Inspection Date** 08-10-2021

**Inspection Type** Enforcement Follow Up



No details.

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## Property Information

|                  |                          |              |        |
|------------------|--------------------------|--------------|--------|
| 08-19-36-201-013 | 116 S OLD WOODWARD AVE   | Subdivision: |        |
|                  | Birmingham MI, 480096107 | Lot:         | Block: |

Block:

|           |                        |        |                |
|-----------|------------------------|--------|----------------|
| Owner:    | THE GWYNN BUILDING LLC | Phone: | (248) 828 6661 |
| Occupant: | <b>Churchill's</b>     | Phone: |                |

Phone:

|             |            |              |            |         |          |
|-------------|------------|--------------|------------|---------|----------|
| Date Filed: | 01/14/2022 | Date Closed: | 01/25/2022 | Status: | APPROVED |
|-------------|------------|--------------|------------|---------|----------|

APPROVED

LCC, FOLLOW-UP Inspection | Mike Morad

01/25/2022 03:37 PM

|         |           |         |             |
|---------|-----------|---------|-------------|
| Status: | Completed | Result: | Disapproved |
|---------|-----------|---------|-------------|

01/14/2022 03:14 PM

- 1.Keep area around water heater clear of combustables.
- 2.Repair broken step on stairs.
- 3.Chain tanks.
- 4.Mount fire extinguishers.

## pm

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CHURCHILLS BISTRO AND CIGAR BAR

From Date

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## CHURCHILLS BISTRO AND CIGAR BAR

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116 S OLD WOODWARD  
Birmingham, MI 48009

**License #**  
073098

**County**  
Oakland County



## Inspections

**Inspection Date** 09-14-2021

**Inspection Type** Follow-up



No details.

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LCC ANNUAL Inspection | ILCC22-0013

Property Information

08-19-36-132-007                      380 S BATES ST                      Subdivision:  
BIRMINGHAM MI, 48009-3366                      Lot:                      Block:

Name Information

Owner:                      COMMUNITY HOUSE                      Phone:                      (248) 644 5832  
Occupant:                      COMMUNITY HOUSE                      Phone:                      (248) 644 5832

Inspection Group Information

Date Filed:                      01/10/2022                      Date Closed:                      01/10/2022                      Status:                      APPROVED  
Description:

LCC, INITIAL Inspection | Mike Morad

Status:                      Completed                      Result:                      Approved  
Scheduled:                      01/10/2022 10:00 AM                      Completed:                      01/10/2022 12:32 PM

Comments:

Scheduling Comment                      am



VEGETATION OVER SIDEWALKEnforcement | E21-1273

Property Information

08-19-36-132-007

380 S BATES ST

Subdivision:

BIRMINGHAM MI, 48009-3366

Lot:

Block:

Name Information

Owner:COMMUNITY HOUSE

Phone:(248) 644 5832

Occupant:COMMUNITY HOUSE

Phone:(248) 644 5832

Filer:Glen

Phone:(248) 935 6613

Enforcement Information

Date Filed:07/23/2021

Date Closed:07/31/2021

Status:CLOSED

Complaint:  
vegetation encroaching over sidewalk

Last Action Date:

Last Inspection:07/31/2021

Last Action:

Follow Up Inspection | JOHN NAPLES

Status:Completed

Result:Complied

Scheduled:08/01/2021

Completed:07/31/2021

Initial Inspection Inspection | JOHN NAPLES

Status:Completed

Result:No Violation

Scheduled:07/25/2021

Completed:07/25/2021

Comments:

Not quite a violation yet, but i will monitor the growth and follow-up.





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COMMUNITY HOUSE

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LCC ANNUAL Inspection | ILCC22-0004

Property Information

08-19-36-202-019      298 S OLD WOODWARD AVE      Subdivision:  
BIRMINGHAM MI, 48009-6163      Lot:      Block:

Name Information

Owner:      WOODWARD BROWN VENTURES LLC      Phone:  
Occupant:      DAXTON HOTEL      Phone:

Inspection Group Information

Date Filed:      01/10/2022      Date Closed:      Status:      DEFICIENT  
Description:

LCC, FOLLOW-UP Inspection | Mike Morad

Status:      Completed      Result:      Disapproved  
Scheduled:      02/14/2022 12:00 AM      Completed:      02/16/2022 02:33 PM

**Violations:**  
Uncorrected      Lift is still installed in the loading dock area.

LCC, FOLLOW-UP Inspection | Mike Morad

Status:      Completed      Result:      Disapproved  
Scheduled:      01/31/2022 12:00 AM      Completed:      01/31/2022 03:07 PM

**Comments:**  
No change. The lift is still in the loading dock area.

LCC, FOLLOW-UP Inspection | Mike Morad

Status:      Completed      Result:      Disapproved  
Scheduled:      01/20/2022 12:00 AM      Completed:      01/20/2022 03:52 PM

**Violations:**  
Uncorrected      1.The lift in the loading dock has reduced the loading dock dimension below 40'

LCC, INITIAL Inspection | Mike Morad

Status:      Completed      Result:      Disapproved  
Scheduled:      01/10/2022 01:00 PM      Completed:      01/10/2022 04:17 PM

**Violations:**  
Uncorrected      1.Exit lights at N end of kitchen and at S end of suppression room.  
2.The lift in the loading dock has reduced the loading dock dimension below 40'.

**Comments:**  
Scheduling Comment      pm  
1.Exit lights at N end of kitchen and at S end of suppression room.  
2.The lift in the loading dock has reduced the loading dock dimension below 40'.

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CONSTRUCTION SITE INSPECTIONEnforcement | E21-0354

Property Information

08-99-00-021-065                      298 S OLD WOODWARD AVE                      Subdivision:  
BIRMINGHAM MI, 48009                      Lot:                      Block:

Name Information

Owner:                      DAXTON HOTEL                      Phone:  
Occupant:                      Phone:  
Filer:                      Phone:

Enforcement Information

Date Filed:                      03/04/2021                      Date Closed:                      10/11/2021                      Status:                      CLOSED  
Complaint:  
pallet of stone in parking area.  
Last Action Date:                      Last Inspection:                      10/11/2021  
Last Action:

Initial Inspection Inspection | Doug Manigold

Status:                      Completed                      Result:                      Violation(s)  
Scheduled:                      03/05/2021                      Completed:                      03/04/2021

Comments:

NOTE                      There is a pallet of stone countertop in the parking area in front of the hotel. writer contacted PM Clayton Swenson who stated they would move the pallet into the garage.

Follow Up Inspection | Doug Manigold

Status:                      Completed                      Result:                      Complied  
Scheduled:                      03/05/2021                      Completed:                      10/11/2021

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DAXTON HOTEL

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LCC ANNUAL Inspection | ILCC22-0014

Property Information

08-19-25-378-010

160 W MAPLE RD

Subdivision:

Birmingham MI, 48009

Lot:

Block:

Name Information

Owner:

LEVINSON-LEVIN PROPERTIES LLC

Phone:

Occupant:

Dick O Dows

Phone:

(248) 642 1135

Inspection Group Information

Date Filed:

01/14/2022

Date Closed:

01/14/2022

Status:

APPROVED

Description:

LCC, INITIAL Inspection | Mike Morad

Status:

Completed

Result:

Approved

Scheduled:

01/14/2022 09:45 AM

Completed:

01/14/2022 01:12 PM

Comments:

Scheduling Comment

am



### Property Information

Block:

Phone: (586) 604 2395

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Property Maintenance - ComEnforcement | E21-0392

Property Information

|                  |                      |              |        |
|------------------|----------------------|--------------|--------|
| 08-19-25-378-010 | 160 W MAPLE RD       | Subdivision: |        |
|                  | Birmingham MI, 48009 | Lot:         | Block: |

Name Information

|           |                               |        |                |
|-----------|-------------------------------|--------|----------------|
| Owner:    | LEVINSON-LEVIN PROPERTIES LLC | Phone: |                |
| Occupant: | Dick O Dows                   | Phone: | (248) 642 1135 |
| Filer:    |                               | Phone: |                |

Enforcement Information

|                   |                                                    |                  |            |         |        |
|-------------------|----------------------------------------------------|------------------|------------|---------|--------|
| Date Filed:       | 03/10/2021                                         | Date Closed:     | 09/06/2021 | Status: | CLOSED |
| Complaint:        | Complaint of dumpster leaking oil in Willits Alley |                  |            |         |        |
| Last Action Date: |                                                    | Last Inspection: | 09/06/2021 |         |        |
| Last Action:      |                                                    |                  |            |         |        |

Follow Up Inspection | Doug Manigold

|            |            |            |            |
|------------|------------|------------|------------|
| Status:    | Completed  | Result:    | Complied   |
| Scheduled: | 09/07/2021 | Completed: | 09/06/2021 |

Initial Inspection Inspection | Doug Manigold

|            |            |            |              |
|------------|------------|------------|--------------|
| Status:    | Completed  | Result:    | Violation(s) |
| Scheduled: | 03/10/2021 | Completed: | 09/06/2021   |



## Property Maintenance - ComEnforcement | E21-1926

### Property Information

08-19-25-378-010

160 W MAPLE RD

Subdivision:

Birmingham MI, 48009

Lot:

Block:

### Name Information

Owner: LEVINSON-LEVIN PROPERTIES LLC

Phone:

Occupant: Dick O Dows

Phone: (248) 642 1135

Filer: Ami

Phone: (313) 770 7574

### Enforcement Information

Date Filed: 11/11/2021

Date Closed: 12/06/2021

Status: CLOSED

Complaint:

board and screws on city sidewalk

Last Action Date:

Last Inspection: 12/06/2021

Last Action:

### Follow Up Inspection | Doug Manigold

Status: Completed

Result: Complied

Scheduled: 12/06/2021

Completed: 12/06/2021

### Follow Up Inspection | Doug Manigold

Status: Completed

Result: No Change

Scheduled: 11/24/2021

Completed: 11/24/2021

### Follow Up Inspection | Doug Manigold

Status: Completed

Result: No Change

Scheduled: 11/15/2021

Completed: 11/15/2021

### Follow Up Inspection | Doug Manigold

Status: Completed

Result: No Change

Scheduled: 11/12/2021

Completed: 11/12/2021

### Initial Inspection Inspection | Doug Manigold

Status: Completed

Result: Violation(s)

Scheduled: 11/11/2021

Completed: 11/11/2021

### Comments:

NOTE

Bolts used to hold down dining platform were left on the sidewalk.  
Spoke with Mitch Black who stated they had someone coming to remove them ASAP. Placed cones over them until they are removed.

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**Citations – Fire Department****Property Information**

08-19-25-378-010                      160 West Maple  
Birmingham, MI. 48009

**Name Information**

**Owner:**                                      Levinson-Levin Properties LLC

**Occupant:**                                  Dick O'Dow's

**Enforcement Information****Citation Issuance from 1/1/21 thru 2/14/21**

**Date Filed**            02/27/2021            **Date Closed:**                                      **Status: Closed**

**Citation issued**                              **2 Total**

**Initial Inspection – Jack D. Pesha, Fire Marshal**

|                   |           |               |              |
|-------------------|-----------|---------------|--------------|
| <b>Status:</b>    | Complete  | <b>Result</b> | Violation(s) |
| <b>Scheduled:</b> | 2/27/2021 | Completed     | 2021         |

Comments: Occupant fined for having heat source (LP gas patio heaters) too close to combustible materials and building. An additional citation issued for improper storage of LP gas cylinder.

**Resolved in court hearing with fines paid.**

**Occupant currently compliant with fire code.**





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DICK O DOWS

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### Property Information

Block:

Phone: (248) 647-2420

Description:

01/11/2022 03:24 PM

Scheduling Comment      pm

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Site Plan ComplaintEnforcement | E21-0793

Property Information

08-19-36-201-009                      263 PIERCE ST                      Subdivision:  
Birmingham MI, 480096044                      Lot:                      Block:

Name Information

Owner:                      GLADYS DUFFY PEW GST EX TRUST                      Phone:  
Occupant:                      ELIE'S MEDITERREAN GRILL                      Phone:                      (248) 647-2420  
Filer:                      Phone:

Enforcement Information

Date Filed:                      05/21/2021                      Date Closed:                      05/21/2021                      Status:                      VERBAL WARNING ISSUED  
Complaint:  
                    outdoor dining violation  
Last Action Date:                      Last Inspection:                      05/21/2021  
Last Action:

Initial Inspection Inspection | Doug Manigold

Status:                      Completed                      Result:                      Violation(s)  
Scheduled:                      05/24/2021                      Completed:                      05/21/2021

Comments:

NOTE                      Writer assigned complaint that outdoor dining site plan was in violation.  
                    Writer found 1 table that violated the 5 ft pedestrian space. Employee from Elies moved the table approx 1 ft to comply with ordinance. no further violation observed.

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ELIES

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## Property Information

|                  |                      |              |        |
|------------------|----------------------|--------------|--------|
| 08-19-25-453-011 | 209 HAMILTON ROW     | Subdivision: |        |
|                  | Birmingham MI, 48009 | Lot:         | Block: |

Block:

|           |                             |        |                |
|-----------|-----------------------------|--------|----------------|
| Owner:    | PALLADIUM OF BIRMINGHAM LLC | Phone: | (248) 593 6200 |
| Occupant: | <b>EMAGINE</b>              | Phone: |                |

Phone:

|             |            |              |            |         |          |
|-------------|------------|--------------|------------|---------|----------|
| Date Filed: | 01/10/2022 | Date Closed: | 01/21/2022 | Status: | APPROVED |
|-------------|------------|--------------|------------|---------|----------|

Status: APPROVED

LCC, FOLLOW-UP Inspection | Mike Morad

Completed: 01/21/2022 11:58 AM

|         |           |         |             |
|---------|-----------|---------|-------------|
| Status: | Completed | Result: | Disapproved |
|---------|-----------|---------|-------------|

Completed: 01/10/2022 04:11 PM

Scheduling Comment      pm

1. Replace light in mechanical room above water heater
2. Low drinking fountain inop
3. Remove slide bolt on exit door in projector room
4. Install missing blanks in electrical panel
5. Grease trap reports

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Address

City

birmingham

License #

Restaurant Name

EMAGINE GRILLE

From Date

January 1, 2021

To Date

December 31, 2021

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## Property Information

|                  |                        |              |        |
|------------------|------------------------|--------------|--------|
| 08-19-25-376-099 | 323 N OLD WOODWARD AVE | Subdivision: |        |
|                  | Birmingham MI, 48009   | Lot:         | Block: |

|           |                                    |        |                |
|-----------|------------------------------------|--------|----------------|
| Owner:    | U S REIF 325 N OLD WOODWARD MI LLC | Phone: | (248) 399 9999 |
| Occupant: | <b>FLEMINGS PRIME STEAKHOUSE</b>   | Phone: |                |

|              |            |              |            |         |          |
|--------------|------------|--------------|------------|---------|----------|
| Date Filed:  | 01/14/2022 | Date Closed: | 01/28/2022 | Status: | APPROVED |
| Description: |            |              |            |         |          |

|            |                     |            |                     |
|------------|---------------------|------------|---------------------|
| Status:    | Completed           | Result:    | Approved            |
| Scheduled: | 01/28/2022 12:00 AM | Completed: | 01/28/2022 11:17 AM |

|            |                     |            |                     |
|------------|---------------------|------------|---------------------|
| Status:    | Completed           | Result:    | Not Ready           |
| Scheduled: | 01/24/2022 12:00 AM | Completed: | 01/24/2022 12:40 PM |

|            |                     |            |                     |
|------------|---------------------|------------|---------------------|
| Status:    | Completed           | Result:    | Disapproved         |
| Scheduled: | 01/14/2022 01:00 PM | Completed: | 01/14/2022 03:11 PM |

Uncorrected

- 1.Keep rear exit hallway clear of all storage.
- 2.Check all emergency lights for proper operation.
- 3.No storage in electrical room.
- 4.Grease trap reports.

Scheduling Comment      pm

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Restaurant Name

FLEMINGS PRIME STEAKHOUSE &amp; WINE BAR

From Date

January 1, 2021

To Date

December 31, 2021

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LCC ANNUAL Inspection | ILCC22-0018

Property Information

08-19-36-234-004                      735 FOREST AVE STE 100                      Subdivision:  
BIRMINGHAM MI, 48009-6429                      Lot:                      Block:

Name Information

Owner:                      735 FOREST STREET LLC                      Phone:                      (248) 258 9453  
Occupant:                      FOREST GRILL                      Phone:                      (248) 840 8127

Inspection Group Information

Date Filed:                      01/12/2022                      Date Closed:                      01/28/2022                      Status:                      APPROVED  
Description:

LCC, FOLLOW-UP Inspection | Mike Morad

Status:                      Completed                      Result:                      Approved  
Scheduled:                      01/28/2022 12:00 AM                      Completed:                      01/28/2022 11:09 AM

LCC, FOLLOW-UP Inspection | Mike Morad

Status:                      Completed                      Result:                      Partially Approved  
Scheduled:                      01/25/2022 12:00 AM                      Completed:                      01/25/2022 01:15 PM

**Violations:**  
Uncorrected                      1. Exit light over kitchen back door still inoperative.

LCC, FOLLOW-UP Inspection | Mike Morad

Status:                      Completed                      Result:                      Locked Out  
Scheduled:                      01/24/2022 12:00 AM                      Completed:                      01/24/2022 12:39 PM

LCC, INITIAL Inspection | Mike Morad

Status:                      Completed                      Result:                      Disapproved  
Scheduled:                      01/12/2022 09:00 AM                      Completed:                      01/12/2022 04:08 PM

**Comments:**  
Scheduling Comment                      am  
  
1.Remove extension cords.  
2.Egress light in kitchen inop.  
3.Grease trap reports.

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City

birmingham

License #

Restaurant Name

FOREST GRILL

From Date

January 1, 2021

To Date

December 31, 2021

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LCC ANNUAL Inspection | ILCC22-0019

Property Information

08-20-31-203-036                      575 S ETON ST                      Subdivision:  
BIRMINGHAM MI, 48009-6824                      Lot:                      Block:

Name Information

Owner:                      ETON STREET BREWERY REAL ESTATE LLC                      Phone:  
Occupant:                      GRIFFIN CLAW BREWERY                      Phone:

Inspection Group Information

Date Filed:              01/12/2022                      Date Closed:              01/24/2022                      Status:      APPROVED  
Description:

LCC, FOLLOW-UP Inspection | Mike Morad

Status:              Completed                      Result:              Approved  
Scheduled:              01/24/2022 09:30 AM                      Completed:              01/24/2022 12:38 PM

LCC, INITIAL Inspection | Mike Morad

Status:              Completed                      Result:              Disapproved  
Scheduled:              01/12/2022 09:30 AM                      Completed:              01/12/2022 04:05 PM

Violations:

- Uncorrected                      1.Fire extinguishers out of date.  
                                         2.Kitchen hood maintenance.  
                                         3.Emergency lights in kitchen inop.  
                                         4.Keep exits clear.  
                                         5.Keep Electrical panels clear.

Comments:

Scheduling Comment              am

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# FOOD ESTABLISHMENT EVALUATION REPORT

FOOD & DAIRY DIVISION  
P.O. Box 30017, Lansing, MI 48909  
Toll-free Phone: 1800-292-3939

*In accordance with Act 92 of 2000 and Act 64 of 1913*

|                                                           |                                      |
|-----------------------------------------------------------|--------------------------------------|
| Establishment Name<br><b>GRIFFIN CLAW BREWING COMPANY</b> | Phone<br><b>707-513-5717</b>         |
| Address<br><b>575 S ETON BIRMINGHAM, MI 48009</b>         | License Number<br><b>FFPA-012028</b> |
|                                                           | Evaluation Number<br><b>31979824</b> |

## ESTABLISHMENT INFORMATION

License Type: FFP Record ID: FFPA-012028 Risk Category:  
 Certified Manager Status: In Compliance  
 Variance in Place: None  
 License Limitation: None  
 Establishment Description:

## EVALUATION INFORMATION

Evaluation Type: Initial Evaluation Start Time: 4/14/2021 9:35 am  
 FDA Contract Evaluation: Elapsed Time: Hr  
 Seizure: None  
 Attachments: Yes  
 Person In Charge: Scott Lapage/Jason Schreider  
 Person Report Provided To: Report Provided By: Emailed

*An evaluation has been conducted this date. The following items were observed and found in violation of the Food Law, P.A. 92 of 2000, as amended. You are required to correct these violations as soon as possible and not later than ten calendar days for priority and priority foundation items, or 90 days for core items. Failure to comply with this notice may result in action against you or your food establishment license. Please contact us if you have questions.*

## VIOLATIONS

### UNCORRECTED VIOLATIONS FROM CURRENT EVALUATION

#### 117.20(b)(4)

Requirement: Plant Construction and Design: Construction [S]

Observation: Be constructed in such a manner that floors, walls, and ceilings may be adequately cleaned and kept clean and kept in good repair:

Worn area of flooring- recession in floor adjacent to canning line.

Status: Not Corrected Core Violation

Correct By Date: 07/13/2021

#### 3-305.12(B)

Requirement: Food storage, prohibited areas - toilet rooms [C]

Observation: Food product- containers of packaged canola oil- stored in the restroom in restaurant - one container box used as a door stop

Status: Not Corrected Core Violation

Correct By Date: 07/13/2021



FFC Ch 4 - Equipment, Utensils, & Linens

**Requirement:** 4-501.11(A) - Good repair and proper adjustment - equipment maintenance [C]

**Observation:** Torn rubber gasket, edge seal on the ice machine storage compartment lid in restaurant area

**Status:** Not Corrected Core Violation

**Correct By Date:** 07/13/2021

**EVALUATION COMMENT**

Firm operates a wholesale brewery manufacturing alcohol products including various beers and ales which according to the Operations Director compromises the largest volume of sales for the company at this time. The location also houses and operates a full-service restaurant and bar under same ownership.

Annual sales: \$2 Million

Volume annually: 14, 000 barrels

Distribution: Statewide and recently to Indiana

Distribution of can beer and kegs via the 3 tier system in Michigan - largest distributor is Powers.

Largest item sold: Raggedy Ass IPA Beer- Canned

Largest customer: Metro Airport- various vendors

Production: 4-5 days/ week. 7am-3pm

Associated Business: Brewery located in Rochester, MI

Discussion: FDA requirements under CFR 117

Spent wooden barrels held on outdoor property are not reused for production of product- sold for other uses including woodworking projects.

**Inspector Name / ID:** Diane Prellwitz / 028

**Phone Number:** 248 3883896



LCC ANNUAL Inspection | ILCC22-0020

Property Information

08-19-36-207-001

34977 WOODWARD AVE  
MI, 480090931

Subdivision:  
Lot:  
Block:

Name Information

Owner: CATALYST DEVELOPMENT CO & LLC  
Occupant: HAZEL RAVINES & DOWNTOWN

Phone: (269) 217 5157  
Phone:

Inspection Group Information

Date Filed: 01/13/2022  
Description:

Date Closed: 01/26/2022

Status: APPROVED

LCC, FOLLOW-UP Inspection | Mike Morad

Status: Completed  
Scheduled: 01/25/2022 12:00 AM

Result: Approved  
Completed: 01/26/2022 04:29 PM

LCC, INITIAL Inspection | Mike Morad

Status: Completed  
Scheduled: 01/13/2022 09:00 AM

Result: Disapproved  
Completed: 01/13/2022 12:02 PM

Violations:

Uncorrected

1.Add suppression head to hood over grill.  
2.Remove temp lights in main hall.  
3.Fire suppression test reports.

Comments:

Scheduling Comment

am





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State / County

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Address

City

Birmingham

License #

Restaurant Name

HAZEL, RAVINES &amp; DOWNTOWN

From Date

January 1, 2021

To Date

December 31, 2021

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LCC ANNUAL Inspection | ILCC22-0021

Property Information

08-19-36-206-006      201 S OLD WOODWARD AVE      Subdivision:  
Birmingham MI, 48009      Lot:      Block:

Name Information

Owner:      FULLER CENTRAL PARK PROPERTIES      Phone:  
Occupant:      Hyde Park Steakhouse      Phone:

Inspection Group Information

Date Filed:      01/14/2022      Date Closed:      01/28/2022      Status:      APPROVED  
Description:

LCC, FOLLOW-UP Inspection | Mike Morad

Status:      Completed      Result:      Not Ready  
Scheduled:      01/28/2022 12:00 AM      Completed:      01/28/2022 11:43 AM

LCC, FOLLOW-UP Inspection | Mike Morad

Status:      Completed      Result:      Partially Approved  
Scheduled:      01/24/2022 12:00 AM      Completed:      01/24/2022 02:41 PM

**Violations:**  
Uncorrected      1.Several emergency lights inop.

LCC, INITIAL Inspection | Mike Morad

Status:      Completed      Result:      Disapproved  
Scheduled:      01/14/2022 01:30 PM      Completed:      01/14/2022 03:18 PM

**Violations:**  
Uncorrected      1.Rear exit door South end is inop.  
2.Keep electrical equipment clear.  
3.Install covers on junction boxes.  
4.Replace sprinkler box wrench.  
5.Mount fire extinguisher and have maintenance performed.  
6.Several emergency lights inop.  
7.Perform semi annual hood Maintenance.

**Comments:**  
Scheduling Comment      pm

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State / County

MI - Oakland County

Address

City

birmingham

License #

Restaurant Name

HYDE PARK PRIME STEAKHOUSE

From Date

January 1, 2021

To Date

December 31, 2021

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LCC ANNUAL Inspection | ILCC22-0022

Property Information

08-19-36-201-019                      243 E MERRILL ST                      Subdivision:  
Birmingham MI, 480096150                      Lot:                      Block:

Name Information

Owner:                      MERRILLWOOD INVESTMENT LLC                      Phone:                      (248) 646 7500  
Occupant:                      LASTRADA-CAFE                      Phone:

Inspection Group Information

Date Filed:                      01/12/2022                      Date Closed:                      01/21/2022                      Status:                      APPROVED  
Description:

LCC, FOLLOW-UP Inspection | Mike Morad

Status:                      Completed                      Result:                      Approved  
Scheduled:                      01/21/2022 12:00 AM                      Completed:                      01/21/2022 03:41 PM

LCC, INITIAL Inspection | Mike Morad

Status:                      Completed                      Result:                      Disapproved  
Scheduled:                      01/12/2022 01:00 PM                      Completed:                      01/12/2022 03:56 PM

Violations:

- Corrected                      1.Missing electrical cover plate at end of bar.  
2.Hang fire extinguisher.  
3.No storage on refrigerators.  
4.Remove extension cords.

Comments:

Scheduling Comment                      pm

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State / County

MI - Oakland County

Address

City

birmingham

License #

Restaurant Name

LA STRADA CAFFE LLC

From Date

January 1, 2021

To Date

December 31, 2021

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LCC ANNUAL Inspection | ILCC22-0040

Property Information

08-19-34-426-011

2666 W 14 MILE RD

Subdivision:

Birmingham MI, 480092800

Lot:

Block:

Name Information

Owner:

CITY OF BIRMINGHAM

Phone:

Occupant:

Lincoln Hills Golf Course

Phone:

(248) 530 1676

Inspection Group Information

Date Filed:

01/10/2022

Date Closed:

01/25/2022

Status:

APPROVED

Description:

LCC, FOLLOW-UP Inspection | Mike Morad

Status:

Completed

Result:

Approved

Scheduled:

01/25/2022 12:00 AM

Completed:

01/25/2022 12:53 PM

LCC, INITIAL Inspection | Mike Morad

Status:

Completed

Result:

Partially Approved

Scheduled:

01/14/2022 12:00 AM

Completed:

01/14/2022 01:10 PM

Comments:

- 1.Emergency light over main door inop.
- 2.Remove carts from building.



Altering City PropertyEnforcement | E21-0944

Property Information

08-19-34-426-0112666 W 14 MILE RDSubdivision:  
 Birmingham MI, 480092800Lot:Block:

Name Information

Owner:CITY OF BIRMINGHAMPhone:  
 Occupant:Lincoln Hills Golf CoursePhone:(248) 530 1676  
 Filer:Phone:

Enforcement Information

Date Filed:06/08/2021Date Closed:06/08/2021Status:CLOSED  
 Complaint:  
 Complaint from golf course staff that neighboring resident has a gate to enter the course.  
 Last Action Date:Last Inspection:06/08/2021  
 Last Action:

Initial Inspection Inspection | PATTY CURTIS

Status:CompletedResult:Violation(s)  
 Scheduled:06/09/2021Completed:06/08/2021

Comments:

I received a call from Jackie at Lincoln Hills Golf Course, saying that grounds crew reported a gate that had been installed in the perimeter fence behind tee #3. CEO Stover and I went out to inspect, and confirmed that a gate is there. The resident had installed a combination lock, and the City has installed a padlock.  
 We spoke to the resident, Jessie, (2703 Middlebury, Bloomfield Hills, 248-495-1026) who advised that when her family moved in after buying their home in January, the gate was already there. The gate is not new, has fading paint, and appears to have been put there much earlier than in recent weeks. Jessie said that they don't use the gate and installed the lock so people didn't enter their yard from the course.  
 We told her that as long as the course is okay with the two locks, the gate can likely stay as-is for now, unless some other decision is made by the City. Jackie of LHGC agreed that there doesn't seem to be cause for concern with the two locks in place.  
 This complaint is closed.

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License #

Restaurant Name

LINCOLN HILLS GOLF COURSE

From Date

January 1, 2021

To Date

December 31, 2021

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LCC ANNUAL Inspection | ILCC22-0023

Property Information

08-19-25-327-031

525 N OLD WOODWARD AVE  
Birmingham MI, 480095378

Subdivision:  
Lot:  
Block:

Name Information

Owner: MASTERPIECE INVESTMENTS LLC  
Occupant: LUXE BAR & GRILL

Phone:  
Phone: (248) 867 8305

Inspection Group Information

Date Filed: 01/12/2022  
Description:

Date Closed: 01/12/2022

Status: APPROVED

LCC, INITIAL Inspection | Mike Morad

Status: Completed  
Scheduled: 01/12/2022 01:30 PM

Result: Approved  
Completed: 01/12/2022 03:54 PM

Comments:

Scheduling Comment      pm





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License #

Restaurant Name

LUXE BAR AND GRILL

From Date

January 1, 2021

To Date

December 31, 2021

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## LUXE BAR AND GRILL

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525 N OLD WOODWARD  
Birmingham, MI 48009

**License #**  
067415

**County**  
Oakland County

### Inspections



**Inspection Date** 12-15-2021

**Inspection Type** Follow-up



No details.

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LCC ANNUAL Inspection | ILCC22-0024

Property Information

08-19-25-378-016

185 N OLD WOODWARD AVE  
Birmingham MI, 480093372

Subdivision:  
Lot:  
Block:

Name Information

Owner: BIRMINGHAM RIVERSIDE LLC  
Occupant: MAD HATTER

Phone:  
Phone:

Inspection Group Information

Date Filed: 01/13/2022  
Description:

Date Closed: 01/27/2022

Status: APPROVED

LCC, FOLLOW-UP Inspection | Mike Morad

Status: Completed  
Scheduled: 01/27/2022 12:00 AM

Result: Approved  
Completed: 01/27/2022 12:53 PM

LCC, FOLLOW-UP Inspection | Mike Morad

Status: Completed  
Scheduled: 01/25/2022 12:00 AM

Result: Locked Out  
Completed: 01/25/2022 03:41 PM

Comments:

The restaurant was closed.  
We will return Thursday

LCC, INITIAL Inspection | Mike Morad

Status: Completed  
Scheduled: 01/13/2022 01:30 PM

Result: Disapproved  
Completed: 01/13/2022 04:26 PM

Violations:

Uncorrected

1.Replace missing ceiling tiles in basement.  
2.Keep exits clear.  
3.No propane in building.

Comments:

Scheduling Comment pm



**Citations – Fire Department****Property Information**

08-19-25-378-016                      185 North Old Woodward  
Birmingham, MI. 48009

**Name Information**

**Owner:**                                      Birmingham Riverside LLC

**Occupant:**                                      Mad Hatter Bistro

**Enforcement Information****Citation Issuance from 1/1/21 thru 2/14/21**

**Date Filed**      01/13/2022      **Date Closed:** Pending Court Date                      **Status:** Open

Citation issued                      1 Total

**Initial Inspection – Jack D. Pesha, Fire Marshal**

**Status:**                      Court date pending

**Result**      Violation(s)

**Scheduled:**      1/13/2022

**Completed**                      Awaiting Court Date

Comments: While performing the 2022 annual liquor license inspection, the Fire Marshal discovered a 20 lb. LP gas cylinder stored in the manager's office. Storage of LP gas is prohibited in assembly (A-2) occupancies. Employee's were ordered to remove and secure the tank. A citation was issued for storage of flammable gas in an A-2 occupancy. Since issuance of citation, occupant has been found in compliance.

**Court date pending.**

**Occupant currently compliant with fire code.**





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Address

City

birmingham

License #

Restaurant Name

MAD HATTER BISTRO

From Date

January 1, 2021

To Date

December 31, 2021

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## MAD HATTER BISTRO

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185 N OLD WOODWARD  
Birmingham, MI 48009

**License #**  
210820

**County**  
Oakland County

### Inspections



**Inspection Date** 12-01-2021

**Inspection Type** Enforcement Follow Up



No details.

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LCC ANNUAL Inspection | ILCC22-0025

Property Information

08-19-25-378-029      115 WILLITS ST      Subdivision:  
BIRMINGHAM MI, 48009-3317      Lot:      Block:

Name Information

Owner:      WILLITS RETAIL LLC      Phone:  
Occupant:      Mare Mediterranean      Phone:

Inspection Group Information

Date Filed:      01/13/2022      Date Closed:      01/25/2022      Status:      APPROVED  
Description:

LCC, FOLLOW-UP Inspection | Mike Morad

Status:      Completed      Result:      Approved  
Scheduled:      01/25/2022 12:00 AM      Completed:      01/25/2022 03:40 PM

LCC, INITIAL Inspection | Mike Morad

Status:      Completed      Result:      Disapproved  
Scheduled:      01/13/2022 09:30 AM      Completed:      01/13/2022 11:57 AM

Violations:

- Uncorrected      1.Sprinkler trim in kitchen.  
2.Key for knoxbox.  
3.No storage 18" from ceiling.

Comments:

Scheduling Comment      am

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# Sword Solutions

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State / County

MI - Oakland County

Address

City

Birmingham

License #

Restaurant Name

MARE MEDITERRANEAN

From Date

January 1, 2021

To Date

December 31, 2021

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LCC ANNUAL Inspection | ILCC22-0026

Property Information

08-19-25-330-001

474 N OLD WOODWARD AVE

Subdivision:

Birmingham MI, 48009

Lot:

Block:

Name Information

Owner:

LPH VENTURES IV LLC

Phone:

(248) 613 6300

Occupant:

MARKET

Phone:

(248) 841 3982

Inspection Group Information

Date Filed:

12/21/2021

Date Closed:

01/25/2022

Status:

APPROVED

Description:

LCC, FOLLOW-UP Inspection | Mike Morad

Status:

Completed

Result:

Approved

Scheduled:

01/25/2022 12:00 AM

Completed:

01/25/2022 12:57 PM

LCC, FOLLOW-UP Inspection | Mike Morad

Status:

Completed

Result:

Partially Approved

Scheduled:

01/24/2022 12:00 AM

Completed:

01/24/2022 12:41 PM

Violations:

Uncorrected

1.Complete hood suppression NW hoodand install cover on trigger box or cap gasline to stove.

LCC, INITIAL Inspection | Mike Morad

Status:

Completed

Result:

Disapproved

Scheduled:

01/12/2022 02:00 PM

Completed:

01/12/2022 03:57 PM

Violations:

Uncorrected

1.Replace missing emergency light in kitchen.  
2.Remove extension cord from ceiling in kitchen.  
3.Missing recessed trim in kitchen.  
4.Grease trap report.  
5.Adjust hood suppression.  
6.Complete hood suppression NW hoodand install cover on trigger box.

Comments:

Scheduling Comment

pm



CONSTRUCTION SITE COMPLAINTEnforcement | E21-0358

Property Information

08-19-25-330-001                      474 N OLD WOODWARD AVE                      Subdivision:  
Birmingham MI, 48009                      Lot:                      Block:

Name Information

Owner:                      LPH VENTURES IV LLC                      Phone:                      (248) 613 6300  
Occupant:                      MARKET                      Phone:                      (248) 841 3982  
Filer:                      Phone:

Enforcement Information

Date Filed:                      03/05/2021                      Date Closed:                      03/05/2021                      Status:                      CLOSED

Complaint:  
complaint received regarding a "deck" being constructed. Property has permit for outdoor dining structure. Complainant stated not enough room there for the structure and would like an inspector to go out.

Last Action Date:                      Last Inspection:                      03/05/2021

Last Action:

Initial Inspection Inspection | STEVE STOVER

Status:                      Completed                      Result:                      No Violation  
Scheduled:                      03/05/2021                      Completed:                      03/05/2021

Comments:

PERMIT                      permit is good and plans for deck has been approved.

\_\_\_\_\_

\_\_\_\_\_

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**SAFETY CONCERNEnforcement | E21-0951**

**Property Information**

|                  |                        |              |        |
|------------------|------------------------|--------------|--------|
| 08-19-25-330-001 | 474 N OLD WOODWARD AVE | Subdivision: |        |
|                  | Birmingham MI, 48009   | Lot:         | Block: |

**Name Information**

|           |                     |        |                |
|-----------|---------------------|--------|----------------|
| Owner:    | LPH VENTURES IV LLC | Phone: | (248) 613 6300 |
| Occupant: | MARKET              | Phone: | (248) 841 3982 |
| Filer:    |                     | Phone: |                |

**Enforcement Information**

|                   |            |                  |            |         |        |
|-------------------|------------|------------------|------------|---------|--------|
| Date Filed:       | 06/09/2021 | Date Closed:     | 06/09/2021 | Status: | CLOSED |
| Complaint:        |            |                  |            |         |        |
| Last Action Date: |            | Last Inspection: | 06/09/2021 |         |        |
| Last Action:      |            |                  |            |         |        |

**Initial Inspection Inspection | PATTY CURTIS**

|            |            |            |            |
|------------|------------|------------|------------|
| Status:    | Completed  | Result:    | Complied   |
| Scheduled: | 06/08/2021 | Completed: | 06/09/2021 |

**Comments:**

I was given a copy of BPD report #21-8405, regarding an after-the fact walk-in desk report of a pole falling down onto a patron at Market restaurant.  
Mike Morad and I inspected with the manager, and it was explained that it was a roll-up shade on the attached patio portion that had fallen down from rolled-up position for unknown reason. No injury, patron just wanted to document it at BPD.  
Means to avoid it happening again were discussed; we are satisfied that the manager will take precaution to ensure that employees properly secure the roll-up shades.

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Property Maintenance - ComEnforcement | E21-1026

Property Information

|                  |                        |              |        |
|------------------|------------------------|--------------|--------|
| 08-19-25-330-001 | 474 N OLD WOODWARD AVE | Subdivision: |        |
|                  | Birmingham MI, 48009   | Lot:         | Block: |

Name Information

|           |                     |        |                |
|-----------|---------------------|--------|----------------|
| Owner:    | LPH VENTURES IV LLC | Phone: | (248) 613 6300 |
| Occupant: | MARKET              | Phone: | (248) 841 3982 |
| Filer:    | Patti               | Phone: |                |

Enforcement Information

|             |            |              |            |         |        |
|-------------|------------|--------------|------------|---------|--------|
| Date Filed: | 06/21/2021 | Date Closed: | 06/30/2021 | Status: | CLOSED |
|-------------|------------|--------------|------------|---------|--------|

Complaint:

Complaint that lumber has been sitting under the outside patio, patio heaters sitting outside without being moved in two weeks, garbage is unkept. Also complaining that outdoor dining structure is unkept, homemade and unpainted.

Last Action Date: Last Inspection: 06/30/2021

Last Action:

Initial Inspection Inspection | PATTY CURTIS

|            |            |            |              |
|------------|------------|------------|--------------|
| Status:    | Completed  | Result:    | No Violation |
| Scheduled: | 06/30/2021 | Completed: | 06/30/2021   |

Comments:

business has been advised on 6-29-21 that the temporary extended outdoor seating permission expires at midnight on 6/30/21, and no use of this structure can be allowed as of 7-1-21. They have until 7-14-21 to actually remove the structure, and any activity will be monitored by occasional inspections by CodE until that date.



### Property Information

Block:

Phone: (248) 894 3076

Last Action:

Completed: 08/28/2021

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**Citations – Fire Department****Property Information**

08-99-00-014-056                      474 North Old Woodward  
Birmingham, MI. 48009

**Name Information**

**Owner:**                                      Market  
**Occupant:**                                Market North End – Zero Nine Two Six LLC

**Enforcement Information****Citation Issuance from 1/1/21 thru 2/14/21**

**Date Filed**      01/18/2022      **Date Closed:** Pending Court Date                      **Status:** Open  
**Citation issued**                      **1 Total**

**Initial Inspection – Jack D. Pesha, Fire Marshal**

| Status:    | Court date pending | Result    | Violation(s)        |
|------------|--------------------|-----------|---------------------|
| Scheduled: | 1/18/2022          | Completed | Awaiting Court Date |

Comments: While performing the annual 2022 liquor license inspection, the Fire Marshal discovered a gas fired commercial stove appliance was in operation without commercial hood suppression installed as required. A pot of food was being made on this appliance and open flames were noted from the burner showing it was in use. There was no fire suppression protection for this appliance causing a fire hazard. Owner ordered to disconnect gas from this appliance. A citation was issued for operating an unsafe cooking/heating appliance. Owner complied and had commercial hood installation completed and inspected in the following weeks.

**Court date pending.**

**Occupant currently compliant with fire code.**





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State / County

MI - Oakland County

Address

City

birmingham

License #

Restaurant Name

MARKET NORTH END

From Date

January 1, 2021

To Date

December 31, 2021

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LCC ANNUAL Inspection | ILCC22-0010

Property Information

08-19-36-282-005

34244 WOODWARD AVE  
Birmingham MI, 48009

Subdivision:  
Lot:  
Block:

Name Information

Owner: PAPA JOES HOLDING CO LLC  
Occupant: BISTRO JOE'S

Phone: (248) 723 9400  
Phone:

Inspection Group Information

Date Filed: 01/10/2022  
Description: bistro joe's

Date Closed: 01/31/2022  
Status: APPROVED

LCC, FOLLOW-UP Inspection | Mike Morad

Status: Completed  
Scheduled: 01/31/2022 12:00 AM

Result: Approved  
Completed: 01/31/2022 12:05 PM

LCC, FOLLOW-UP Inspection | Mike Morad

Status: Completed  
Scheduled: 01/28/2022 12:00 AM

Result: Not Ready  
Completed: 01/28/2022 11:35 AM

LCC, FOLLOW-UP Inspection | Mike Morad

Status: Completed  
Scheduled: 01/21/2022 12:00 AM

Result: Partially Approved  
Completed: 01/21/2022 11:59 AM

Violations:

Uncorrected

1.Hood cleaning  
2.Backflow reports on suppression system.

LCC, INITIAL Inspection | Mike Morad

Status: Completed  
Scheduled: 01/10/2022 01:15 PM

Result: Disapproved  
Completed: 01/10/2022 04:14 PM

Violations:

Uncorrected

1.Repair loose hand sink in upper kitchen  
2.Install missing light covers on hood  
3.Hood cleaning  
4.Cover open electrical in receiving  
5.Repair loose smoke detector in receiving  
6.Backflow reports on suppression system.



Site Plan ComplaintEnforcement | E21-1118

Property Information

08-19-36-282-005                      34244 WOODWARD AVE                      Subdivision:  
Birmingham MI, 48009                      Lot:                      Block:

Name Information

Owner:                      PAPA JOES HOLDING CO LLC                      Phone:                      (248) 723 9400  
Occupant:                      BISTRO JOE'S                      Phone:  
Filer:                      Phone:

Enforcement Information

Date Filed:                      07/06/2021                      Date Closed:                      07/09/2021                      Status:                      CLOSED  
Complaint:  
                    site plan violation  
Last Action Date:                      Last Inspection:                      07/09/2021  
Last Action:

Follow Up Inspection | STEVE STOVER

Status:                      Completed                      Result:                      Complied  
Scheduled:                      07/09/2021                      Completed:                      07/09/2021

Initial Inspection Inspection | STEVE STOVER

Status:                      Completed                      Result:                      Violation(s)  
Scheduled:                      07/02/2021                      Completed:                      07/06/2021

Comments:

site plan                      site plan violation friday night 7-2-21 . Temporary structure was not removed. Violation giving to mgr on 7-6-21.



**BISTRO VIOLATION Enforcement | E21-1883****Property Information**

08-19-36-282-005

34244 WOODWARD AVE

Subdivision:

Birmingham MI, 48009

Lot:

Block:

**Name Information**

Owner: PAPA JOES HOLDING CO LLC

Phone: (248) 723 9400

Occupant: BISTRO JOE'S

Phone:

Filer:

Phone:

**Enforcement Information**

Date Filed: 10/30/2021

Date Closed: 10/30/2021

Status: CLOSED

Complaint:

seating complaint

Last Action Date:

Last Inspection: 10/30/2021

Last Action:

**Initial Inspection Inspection | JOHN NAPLES**

Status: Completed

Result: No Violation

Scheduled: 10/30/2021

Completed: 10/30/2021

**Comments:**

Per MM, he wanted the seating capacity checked at this location. MM stated the allowed seating capacity was 64. I spoke w/an employee named Janet at the business. Janet stated she runs the business, but is not the manager. I advised Janet why i was there. I checked the seating capacity, and there were 64 seats. Janet stated some seats were removed earlier in the week at the request of the fire chief. MM was advised.

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**Citations – Fire Department****Property Information**

08-19-36-282-005

34244 Woodward

Birmingham, MI. 48009

**Name Information****Owner:** Papa Joes Holding CO LLC**Occupant:** Papa Joe's**Enforcement Information**

Citation Issuance from 1/1/21 thru 2/14/21

**Date Filed** 10/13/2021**Date Closed:****Status:** Closed

Citation issued

8 Total

**Initial Inspection – Jack D. Pesha, Fire Marshal****Status:** Closed**Result****Violation(s)****Scheduled:** 10/13/2021

Completed

2021

Comments: Inspector Crawford performed a target hazard inspection on 10/13/2021 and found several violations in the Papa Joe's portion of the occupancy. This occupancy is shared with Bistro Joe's (2<sup>nd</sup> floor), and is an open floor plan. Violations found affect both occupants due to the floor plan and egress pathways. Eight citations were issued for various life safety violations that were not corrected in the given 10 business days (stated on the correction order). Violations have since been corrected and occupant is compliant with the fire code. NOTE: Violations were issued to this occupancy in late 2020 by former Fire Marshal for similar violations.

**Resolved in court hearing with fines paid.****Occupant currently compliant with fire code.**





# FOOD ESTABLISHMENT EVALUATION REPORT

FOOD & DAIRY DIVISION  
P.O. Box 30017, Lansing, MI 48909  
Toll-free Phone: 1800-292-3939

*In accordance with Act 92 of 2000 and Act 64 of 1913*

|                                                              |                                    |                              |
|--------------------------------------------------------------|------------------------------------|------------------------------|
| Establishment Name<br><b>PAPA JOES BIRMINGHAM LLC</b>        |                                    | Phone<br><b>248-723-9400</b> |
| Address<br><b>34244 WOODWARD AVENUE BIRMINGHAM, MI 48009</b> | License Number<br><b>FRE084826</b> | Evaluation Number            |

## ESTABLISHMENT INFORMATION

License Type: FRE Record ID: FRE084826 Risk Category:  
 Certified Manager Status: Not In Compliance  
 Variance in Place: None  
 License Limitation: None  
 Establishment Description: Z retail food establishment (full-service grocery and restaurant)

## EVALUATION INFORMATION

Evaluation Type: Investigation Evaluation Start Time: 3/4/2021 11:00 am  
 FDA Contract Evaluation: Elapsed Time: Hr  
 Seizure: None  
 Attachments: No  
 Person In Charge: Janet Smith  
 Person Report Provided To: Report Provided By: Emailed

*An evaluation has been conducted this date. The following items were observed and found in violation of the Food Law, P.A. 92 of 2000, as amended. You are required to correct these violations as soon as possible and not later than ten calendar days for priority and priority foundation items, or 90 days for core items. Failure to comply with this notice may result in action against you or your food establishment license. Please contact us if you have questions.*

## VIOLATIONS

### EVALUATION COMMENT

Complaint investigation was conducted initially in response to complaint centered around Covid-19 related issue of mask wearing but also included evaluation of employees handling practices including use of gloves- when to wear, bare hand contact rules- best practices and eating while working rules when and when and proper hand washing.

No violations observed regarding scope of this investigation.

Inspector Name / ID: Diane Prellwitz / 028

Phone Number: 248 3883896





# FOOD ESTABLISHMENT EVALUATION REPORT

FOOD & DAIRY DIVISION  
P.O. Box 30017, Lansing, MI 48909  
Toll-free Phone: 1800-292-3939

*In accordance with Act 92 of 2000 and Act 64 of 1913*

|                                                              |                                    |                              |
|--------------------------------------------------------------|------------------------------------|------------------------------|
| Establishment Name<br><b>PAPA JOES BIRMINGHAM LLC</b>        |                                    | Phone<br><b>248-723-9400</b> |
| Address<br><b>34244 WOODWARD AVENUE BIRMINGHAM, MI 48009</b> | License Number<br><b>FRE084826</b> | Evaluation Number            |

## ESTABLISHMENT INFORMATION

License Type: FRE Record ID: FRE084826 Risk Category:  
 Certified Manager Status: Not In Compliance  
 Variance in Place: None  
 License Limitation: None  
 Establishment Description: Z retail food establishment (full-service grocery and restaurant)

## EVALUATION INFORMATION

Evaluation Type: Consultation Evaluation Start Time: 10/27/2020 12:50 pm  
 FDA Contract Evaluation: Elapsed Time: Hr  
 Seizure: None  
 Attachments: No  
 Person In Charge: J/ Nabil  
 Person Report Provided To: Report Provided By:

*An evaluation has been conducted this date. The following items were observed and found in violation of the Food Law, P.A. 92 of 2000, as amended. You are required to correct these violations as soon as possible and not later than ten calendar days for priority and priority foundation items, or 90 days for core items. Failure to comply with this notice may result in action against you or your food establishment license. Please contact us if you have questions.*

## VIOLATIONS

### EVALUATION COMMENT

Visit to clarify where Sudokthai brand items are being made, sold and distributed between Papa Joes Markets/outlets. According to Store Manager, J., Mr. Watt had been cooking at a kiosk station in the prepared foods on the lower level at the Birmingham store. Oakland County Sanitarian, Sara Serota, emailed to say that she talked to Mr Tawat Sittipomg, owner of Sukhothai (248) 765-5001 and he says since Covid he's switched to cooking and packaging at night at the Rochester Papa Joes and bring to Birmingham Store for sale.

Inspector Name / ID: Diane Prellwitz / 028

Phone Number: 248 3883896



LCC ANNUAL Inspection | ILCC22-0029

Property Information

08-19-36-206-002      310 E MAPLE RD      Subdivision:  
Birmingham MI, 480096308      Lot:      Block:

Name Information

Owner:      FULLER CENTRAL PARK PROPTS      Phone:      (248) 473 5533  
Occupant:      PERNOI      Phone:

Inspection Group Information

Date Filed:      01/13/2022      Date Closed:      02/04/2022      Status:      APPROVED

Description:

LCC, FOLLOW-UP Inspection | Mike Morad

Status:      Completed      Result:      Approved  
Scheduled:      02/04/2022 12:00 AM      Completed:      02/04/2022 11:55 AM

LCC, FOLLOW-UP Inspection | Mike Morad

Status:      Completed      Result:      Not Ready  
Scheduled:      01/31/2022 12:00 AM      Completed:      01/31/2022 03:53 PM

Comments:

No change.

LCC, FOLLOW-UP Inspection | Mike Morad

Status:      Completed      Result:      Not Ready  
Scheduled:      01/28/2022 12:00 AM      Completed:      01/28/2022 11:42 AM

LCC, FOLLOW-UP Inspection | Mike Morad

Status:      Completed      Result:      Not Ready  
Scheduled:      01/25/2022 12:00 AM      Completed:      01/26/2022 04:30 PM

Violations:

Uncorrected      1.Hood suppression report.  
2.Hood cleaning.

LCC, INITIAL Inspection | Mike Morad

Status:      Completed      Result:      Partially Approved  
Scheduled:      01/13/2022 10:30 AM      Completed:      01/13/2022 11:59 AM

Violations:

Uncorrected      1.Hood suppression report.  
2.Hood cleaning.

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**Citations – Fire Department****Property Information**

08-99-00-020-032                      310 East Maple  
Birmingham, MI. 48009

**Name Information**

Owner:                                      Pernoi  
Occupant:                                  Casa Pernoi

**Enforcement Information**

Citation Issuance from 1/1/21 thru 2/14/21

Date Filed      01/22/2021, 01/25/2021      Date Closed:                                      Status: Closed  
Citation issued                                  3 Total

**Initial Inspection – Jack D. Pesha, Fire Marshal**

| Status:    | Complete   | Result    | Violation(s) |
|------------|------------|-----------|--------------|
| Scheduled: | 01/22/2021 | Completed | 2021         |
|            | 01/25/2021 |           |              |

Comments: Occupant found in violation of the fire code on two separate occasions. On 1/22/21, citations issued for unprotected LP gas cylinders in the parking garage and near the outdoor dining structure. Also, improper protection of LP cylinders.

On 1/25/21, the occupant was issued citation again for improper protection of LP gas containers for repeating the violation.

Resolved in court hearing with fines paid.

Occupant currently compliant with fire code.





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State / County

MI - Oakland County

Address

City

birmingham

License #

Restaurant Name

PERNOI

From Date

January 1, 2021

To Date

December 31, 2021

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## PERNOI

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310 E MAPLE RD  
Birmingham, MI 48009

**License #**  
240444

**County**  
Oakland County

### Inspections



**Inspection Date** 11-17-2021**Inspection Type** Follow-up

No details.

**Inspection Date** 03-23-2021**Inspection Type** Complaint

No details.

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LCC ANNUAL Inspection | ILCC22-0028

Property Information

08-19-36-253-028      588 S OLD WOODWARD AVE      Subdivision:  
Birmingham MI, 48009      Lot:      Block:

Name Information

Owner:      EID PROPERTIES LLC      Phone:  
Occupant:      **Phoenicia Restaurant**      Phone:

Inspection Group Information

Date Filed:      01/12/2022      Date Closed:      01/28/2022      Status:      APPROVED  
Description:

LCC, FOLLOW-UP Inspection | Mike Morad

Status:      Completed      Result:      Approved  
Scheduled:      01/28/2022 12:00 AM      Completed:      01/28/2022 11:19 AM

LCC, FOLLOW-UP Inspection | Mike Morad

Status:      Canceled      Result:      Canceled  
Scheduled:      01/24/2022 12:00 AM      Completed:      01/24/2022 12:43 PM

LCC, INITIAL Inspection | Mike Morad

Status:      Completed      Result:      Disapproved  
Scheduled:      01/12/2022 10:00 AM      Completed:      01/12/2022 04:00 PM

Violations:

- Uncorrected
- 1.Several emergency lights inop.  
2.Service on hood suppression.  
3.No storage on refrigerator.  
4.Remove extension cords from blowers.  
5.Propane tanks to be at least 5' from doors.  
6.Grease trap reports.

Comments:

Scheduling Comment      am





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State / County

MI - Oakland County

Address

City

birmingham

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Restaurant Name

PHOENICIA RESTAURANT

From Date

January 1, 2021

To Date

December 31, 2021

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LCC ANNUAL Inspection | ILCC22-0030

Property Information

08-19-25-327-032

505 N OLD WOODWARD AVE  
Birmingham MI, 48009

Subdivision:  
Lot:  
Block:

Name Information

Owner: ORLEY LAX PARTNERS 511 W  
Occupant: SALVATORE SCALLOPINI RESTAURAN

Phone:  
Phone: (248) 644 8977

Inspection Group Information

Date Filed: 01/12/2022  
Description:

Date Closed: 01/12/2022

Status: APPROVED

LCC, INITIAL Inspection | Mike Morad

Status: Completed  
Scheduled: 01/12/2022 02:30 PM

Result: Approved  
Completed: 01/12/2022 03:53 PM

Comments:

Scheduling Comment      pm





# Sword Solutions

[Home](#)[Inspections](#)[Contact Us](#)

State / County

MI - Oakland County

Address

City

birmingham

License #

Restaurant Name

SALVATORE SCALLOPINI

From Date

January 1, 2021

To Date

December 31, 2021

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## SALVATORE SCALLOPINI

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505 N OLD WOODWARD  
Birmingham, MI 48009

**License #**  
022633

**County**  
Oakland County

### Inspections



**Inspection Date** 12-08-2021

**Inspection Type** Follow-up



No details.

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LCC ANNUAL Inspection | ILCC22-0031

Property Information

08-19-25-378-028

117 WILLITS ST  
BIRMINGHAM MI, 48009-3317

Subdivision:  
Lot:  
Block:

Name Information

Owner: WILLITS RETAIL LLC  
Occupant: **SIDECAR SLIDER BAR**

Phone:  
Phone: (734) 891 8702

Inspection Group Information

Date Filed: 01/13/2022  
Description:

Date Closed: 01/25/2022

Status: APPROVED

LCC, FOLLOW-UP Inspection | Mike Morad

Status: Completed  
Scheduled: 01/25/2022 12:00 AM

Result: Approved  
Completed: 01/25/2022 12:57 PM

LCC, INITIAL Inspection | Mike Morad

Status: Completed  
Scheduled: 01/13/2022 02:00 PM

Result: Disapproved  
Completed: 01/13/2022 04:24 PM

Violations:

- Uncorrected
- 1.Repair broken handrail.  
2.Keep storage away from heater.  
3.18" clearance to ceiling with storage.  
4.Key for knox box.  
5.Trim ring for recessed light in kitchen.  
6.Cover hole in drywall.

Comments:

Scheduling Comment      pm



Site Plan ComplaintEnforcement | E21-0514

Property Information

08-19-25-378-028

117 WILLITS ST  
BIRMINGHAM MI, 48009-3317

Subdivision:  
Lot:  
Block:

Name Information

Owner: WILLITS RETAIL LLC  
Occupant: SIDECAR SLIDER BAR  
Filer:

Phone:  
Phone: (734) 891 8702  
Phone:

Enforcement Information

Date Filed: 04/06/2021  
Complaint: complaint regarding bar service outside  
Last Action Date:  
Last Action:

Date Closed: 04/15/2021  
Last Inspection: 04/15/2021

Status: CLOSED

Follow Up Inspection | PATTY CURTIS

Status: Completed  
Scheduled: 04/12/2021

Result: Complied  
Completed: 04/15/2021

Comments:

Scheduling Comment      tables, cooler, sidewalk

Initial Inspection Inspection | PATTY CURTIS

Status: Completed  
Scheduled: 04/07/2021

Result: Violation(s)  
Completed: 04/06/2021

Comments:

complaint received that bar service is in the outdoor dining area. The tent permit is no longer in effect, and the outdoor dining plan does not allow for a bar outside.  
Upon inspection, there is no "bar" outside. There is a large cooler box with advertising on it, but it was empty.  
I checked with Nick D. in Planning; he said the cooler has to be removed, as well as the "extra" tables that are placed behind the hi-top table against the building.  
I spoke with manager Steve Simon, 248-376-9550, and advised him; he said that the company ownning the cooler is picking it up today or tomorrow, and he will have those tables removed.  
I also reminded him about keeping a clear 5-foot sidewalk passage at all points, as it appears that one table near the City light post is encroaching that passage.



Trash Complaint - ComEnforcement | E21-0580

Property Information

08-19-25-378-028

117 WILLITS ST  
BIRMINGHAM MI, 48009-3317

Subdivision:  
Lot:  
Block:

Name Information

Owner: WILLITS RETAIL LLC  
Occupant: SIDECAR SLIDER BAR  
Filer:

Phone:  
Phone: (734) 891 8702  
Phone:

Enforcement Information

Date Filed: 04/19/2021  
Complaint: complaint of broken glass in Willits alley, from Sidecar  
Last Action Date: Last Inspection: 04/19/2021  
Last Action:

Date Closed: 04/19/2021  
Status: CLOSED

Initial Inspection Inspection | PATTY CURTIS

Status: Completed  
Scheduled: 04/20/2021

Result: No Violation  
Completed: 04/19/2021

Comments:

upon inspection, the maintenance crew from The Willits was sweeping it up; it was in the private alley and not Willits Alley.



## Site Plan ComplaintEnforcement | E21-1146

### Property Information

08-19-25-378-028      117 WILLITS ST      Subdivision:  
BIRMINGHAM MI, 48009-3317      Lot:      Block:

### Name Information

Owner:      WILLITS RETAIL LLC      Phone:  
Occupant:      SIDECAR SLIDER BAR      Phone:      (734) 891 8702  
Filer:      Phone:

### Enforcement Information

Date Filed:      07/09/2021      Date Closed:      07/12/2021      Status:      VIOLATION NOTICE ISSUED  
Complaint:  
    violation of site plan  
Last Action Date:      Last Inspection:      07/14/2021  
Last Action:

### Follow Up Inspection | STEVE STOVER

Status:      Completed      Result:      Partially Complied  
Scheduled:      07/15/2021      Completed:      07/13/2021

#### Comments:

site plan      Chairs have been removed to the correct number of site plan, 4 steel tables still installed to shift exterior....

### Follow Up Inspection | STEVE STOVER

Status:      Completed      Result:      Partially Complied  
Scheduled:      07/14/2021      Completed:      07/14/2021

#### Comments:

site plan      no change from 7-13-21.... tables, planters and lights still are in violation. They do have the correct number of chairs on sidewalk...

### Follow Up Inspection | STEVE STOVER

Status:      Completed      Result:      Not Complied  
Scheduled:      07/14/2021      Completed:      07/12/2021

### Follow Up Inspection | STEVE STOVER

Status:      Completed      Result:      Not Complied  
Scheduled:      07/12/2021      Completed:      07/12/2021

### Initial Inspection Inspection | STEVE STOVER

Status:      Completed      Result:      Not Complied  
Scheduled:      07/12/2021      Completed:      07/09/2021

#### Comments:

site plan      Violation of site plan. Violation issued. Only 68 seats allowed. They have 106 and must remove 36.  
Spoke to Steve to remove 12 chairs from sidecar and remove tables from shift and also move tables closer to building and he said I AM NOT MOVING THE CHAIRS FROM SIDECAR!  
Myself and ceo Manigold advised him and issued a violation.

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## Site Plan ComplaintEnforcement | E21-1175

### Property Information

08-19-25-378-028      117 WILLITS ST      Subdivision:  
BIRMINGHAM MI, 48009-3317      Lot:      Block:

### Name Information

Owner:      WILLITS RETAIL LLC      Phone:  
Occupant:      SIDECAR SLIDER BAR      Phone:      (734) 891 8702  
Filer:      Phone:

### Enforcement Information

Date Filed:      07/12/2021      Date Closed:      07/21/2021      Status:      CLOSED  
Complaint:  
    SITE PLAN VIOLATION  
Last Action Date:      Last Inspection:      07/21/2021  
Last Action:

### Follow Up Inspection | STEVE STOVER

Status:      Completed      Result:      Complied  
Scheduled:      07/21/2021      Completed:      07/21/2021

### Follow Up Inspection | Doug Manigold

Status:      Completed      Result:      Violation(s)  
Scheduled:      07/19/2021      Completed:      07/16/2021

#### Comments:

NOTE      Writer spoke with Steve Simon and asked him his plans for the planters as they have not been moved. Steve stated that his architect has been in touch with Jana about getting the planters approved. Steve was concerned because they wanted the planters to help hold the lighting they hoped to get approved along with the planters. Writer will followup 7/21/21

### Follow Up Inspection | Doug Manigold

Status:      Completed      Result:      Partially Complied  
Scheduled:      07/16/2021      Completed:      07/15/2021

#### Comments:

NOTE      Writer and CEO Stover met with Steve Simon and manager Wayne on site. They have made significant progress. The overhead lights were removed. Chairs were removed from the Sidecar portion of the sidewalk which brought them in compliance. The tables at Shift were removed.  
We went over the rest of the list that required removal. All but 2 heaters were to be removed, the planters needed to be removed. Steve stated that the planters may need extra time for the removal. On site was as the architect Chris Longe, who was measuring distances. They may submit another plan for approval with the city. Writer will followup tomorrow 7/16/21

### Follow Up Inspection | STEVE STOVER

Status:      Completed      Result:      Not Complied  
Scheduled:      07/15/2021      Completed:      07/14/2021

### Follow Up Inspection | Doug Manigold

Status:      Completed      Result:      Violation(s)  
Scheduled:      07/15/2021      Completed:      07/14/2021

#### Comments:



NOTE

CEO Stover and writer met with manager, Wayne, and issued the business another site plan violation. We went over more issues with the outdoor dining and the items not approved. During the conversation, Wayne asked if we lived in Germany and called us Nazi's. We explained to Wayne we were only following the site plan submitted by them. We advised Wayne that the following needed to be done.

The violation is as follows:

Shift-All tables attached to building must be removed along with overhead lighting

Sidecar- Overhead lighting, seating in excess of 12 chairs

Slice-overhead lighting, umbrellas, planters and heaters must be removed.

Items not removed by 7/15/21 would be impounded for being place in public roght of way w/o approval.

## Initial Inspection Inspection | STEVE STOVER

Status: Completed

|         |              |
|---------|--------------|
| Result: | Violation(s) |
|---------|--------------|

Scheduled: 07/13/2021

Completed: 07/12/2021

**Comments:**

site plan

SITE PLAN VIOLATION FOR INSTALLING OVER HEAD LIGHTING OVER SIDEWALK.  
NO ELECTRICAL PERMIT ISSUED. VIOLATION WRITTEN.

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**Property Maintenance - ComEnforcement | E21-1182****Property Information**

08-19-25-378-028      117 WILLITS ST      Subdivision:  
BIRMINGHAM MI, 48009-3317      Lot:      Block:

**Name Information**

Owner:      WILLITS RETAIL LLC      Phone:  
Occupant:      SIDECAR SLIDER BAR      Phone:      (734) 891 8702  
Filer:      Phone:

**Enforcement Information**

Date Filed:      07/14/2021      Date Closed:      10/11/2021      Status:      CLOSED  
Complaint:  
PRMT  
Last Action Date:      Last Inspection:      10/11/2021  
Last Action:

**Follow Up Inspection | Doug Manigold**

Status:      Completed      Result:      Complied  
Scheduled:      07/28/2021      Completed:      10/11/2021

**Follow Up Inspection | Doug Manigold**

Status:      Completed      Result:      Partially Complied  
Scheduled:      07/22/2021      Completed:      07/22/2021

**Comments:**

NOTE      Writer and CEO Stover spoke with GM Wayne who rearranged tables and seating accoring to plan. The heater and umbrellas were removed. The planters were still there. Wayne stated that they have submitted a new site plan for review. This was confirmed by Nick in Planning. The new plan calls for heater, umbrellas and planters. Writer will f/u on new plan

**Initial Inspection Inspection | Doug Manigold**

Status:      Completed      Result:      Violation(s)  
Scheduled:      07/15/2021      Completed:      07/14/2021

**Comments:**

NOTE      Citizen complaint that Sidecar/Slice was storing umbrellas and potting mix against the side of the building accesable by pedestrians. complaint alos alleges that itmes are stored in the parking area along the alley.  
CEO Stover is also handling a site plan complaint about the outdoor dining issues involved with the 3 restaurants, see E21-1175.  
  
Writer walked back in tha lley and observed a large staniless steel object in the area. Head chef stated that the object belonged to ecolabs and they were supposed to pick it up a couple of weeks ago. Everything else in the area appeared ok. Writer spoke with manager Wayne and advised him the bags of soil and umbrella bnneded to be moved from against the building even though it wass private property where they were laying. Wayne stated he would try to get it cleaned up today.





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City

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Restaurant Name

SIDECAR SLIDER BAR

From Date

January 1, 2021

To Date

December 31, 2021

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## SIDECAR SLIDER BAR

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117 WILLITS ST  
Birmingham, MI 48009

**License #**  
249737

**County**  
Oakland County

### Inspections



**Inspection Date** 11-02-2021**Inspection Type** Follow-up

No details.

**Inspection Date** 10-21-2021**Inspection Type** Complaint

No details.

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LCC ANNUAL Inspection | ILCC22-0032

Property Information

|                  |                          |              |        |
|------------------|--------------------------|--------------|--------|
| 08-19-25-456-019 | 225 E MAPLE RD           | Subdivision: |        |
|                  | Birmingham MI, 480096324 | Lot:         | Block: |

Name Information

|           |                     |        |  |
|-----------|---------------------|--------|--|
| Owner:    | RABBIT HOLDINGS LLC | Phone: |  |
| Occupant: | Social Kitchen      | Phone: |  |

Inspection Group Information

|              |            |              |            |         |          |
|--------------|------------|--------------|------------|---------|----------|
| Date Filed:  | 01/14/2022 | Date Closed: | 01/28/2022 | Status: | APPROVED |
| Description: |            |              |            |         |          |

LCC, FOLLOW-UP Inspection | Mike Morad

|            |                     |            |                     |
|------------|---------------------|------------|---------------------|
| Status:    | Completed           | Result:    | Approved            |
| Scheduled: | 01/28/2022 12:00 AM | Completed: | 01/28/2022 11:15 AM |

LCC, FOLLOW-UP Inspection | Mike Morad

|            |                     |            |                     |
|------------|---------------------|------------|---------------------|
| Status:    | Completed           | Result:    | Partially Approved  |
| Scheduled: | 01/24/2022 12:00 AM | Completed: | 01/24/2022 03:08 PM |

Violations:

Uncorrected 1.Update fire extinguishers and mount.

LCC, INITIAL Inspection | Mike Morad

|            |                     |            |                     |
|------------|---------------------|------------|---------------------|
| Status:    | Completed           | Result:    | Disapproved         |
| Scheduled: | 01/14/2022 10:00 AM | Completed: | 01/14/2022 03:40 PM |

Violations:

Uncorrected 1.No storage in front of electric panels or water heaters.  
2.Chain all tanks.  
3.Align hood nozzles.  
4.Remove extension cords.  
5.Update fire extinguishers and mount.  
6.Remove propane tanks.  
7.Grease trap reports.

Comments:

Scheduling Comment am

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**Citations – Fire Department****Property Information**

08-19-25-456-019                      225 East Maple  
Birmingham, MI. 48009

**Name Information**

**Owner:**                                      Rabbit Holdings LLC

**Occupant:**                                   Social Kitchen

**Enforcement Information****Citation Issuance from 1/1/21 thru 2/14/21**

**Date Filed**            01/14/2022      **Date Closed:** Pending Court Date                      **Status:** Open

Citation issued                      8 Total

**Initial Inspection – Jack D. Pesha, Fire Marshal**

| Status:    | Court date pending | Result    | Violation(s)        |
|------------|--------------------|-----------|---------------------|
| Scheduled: | 1/14/2022          | Completed | Awaiting Court Date |

Comments: While performing the 2022 annual liquor license inspection the Fire Marshal discovered 8 – 20 lb. LP gas cylinders stored next to HVAC equipment and stored under the patio deck on the second floor roof top patio and mechanical equipment area. Management was ordered to remove the tanks immediately. Citations were issued for each tank found in violation.

On 4/21/2021 a target hazard inspection was performed by Inspector Scaife. Inspector Scaife found LP gas in this area and instructed management to remove the tanks. Inspector Scaife followed up with a re-inspection on 5/6/2021 and found the establishment in compliance.

On 6/24/2021 The Fire Marshal conducted a target hazard inspection to check for LP gas storage. None found on this date. Manager on duty informed that the inspection was to check for LP gas use and storage on the rooftop because it is prohibited. Manger informed to notify owner not to use LP on rooftop.

**Court date pending.**

**Occupant currently compliant with fire code.**





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License #

Restaurant Name

SOCIAL KITCHEN &amp; BAR

From Date

January 1, 2021

To Date

December 31, 2021

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## SOCIAL KITCHEN & BAR

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225 E MAPLE RD  
Birmingham, MI 48009

**License #**  
072898

**County**  
Oakland County

### Inspections



**Inspection Date** 10-20-2021**Inspection Type** Enforcement Follow Up

No details.

**Inspection Date** 09-14-2021**Inspection Type** Enforcement Follow Up**Priority**Potentially Hazardous Food (Time/Temperature Control for Safety Food), Hot and Cold Holding. ([3-501.16](#))**Corrections**

Discard all noted food items.

**Comments**

1) Facility made Caesar dressing at 54F for over four hours per person in charge. 2) Facility cooked chicken at 64F over four hours per person in charge. 3) Fresh garlic and oil mixture at 77F overnight on the dry storage shelf per person in charge.

**Priority Foundation**Using a Handwashing Sink. ([5-205.11](#))**Corrections**

Ensure handwashing sinks are accessible at all times.

**Comments**

Handwashing sink next to salad station blocked with trash can.

**Priority Foundation**Packaged and Unpackaged Food - Separation, Packaging, and Segregation. ([3-302.11](#))**Corrections**

Store all noted food items in a manner above.

**Comments**

1) Whole muscle beef on top of turkey in reach in meat cooler in prep area. 2) Raw shell eggs next to ready to eat foods in reach in cooler on the cookline.

**Inspection Date** 03-16-2021**Inspection Type** Complaint

No details.



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LCC ANNUAL Inspection | ILCC22-0039

Property Information

|                  |                      |              |        |
|------------------|----------------------|--------------|--------|
| 08-19-24-451-001 | 316 STRATHMORE RD    | Subdivision: |        |
|                  | Birmingham MI, 48009 | Lot:         | Block: |

Name Information

|           |                        |        |                |
|-----------|------------------------|--------|----------------|
| Owner:    | CITY OF BIRMINGHAM     | Phone: |                |
| Occupant: | Springdale Golf Course | Phone: | (248) 530 1676 |

Inspection Group Information

|              |            |              |            |         |          |
|--------------|------------|--------------|------------|---------|----------|
| Date Filed:  | 01/10/2022 | Date Closed: | 01/14/2022 | Status: | APPROVED |
| Description: |            |              |            |         |          |

LCC, INITIAL Inspection | Mike Morad

|            |                     |            |                     |
|------------|---------------------|------------|---------------------|
| Status:    | Completed           | Result:    | Approved            |
| Scheduled: | 01/14/2022 12:00 AM | Completed: | 01/14/2022 01:10 PM |

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SPRINGDALE GOLF COURSE

From Date

January 1, 2021

To Date

December 31, 2021

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## Property Information

|                  |                      |              |        |
|------------------|----------------------|--------------|--------|
| 08-19-36-201-009 | 273 PIERCE ST        | Subdivision: |        |
|                  | Birmingham MI, 48009 | Lot:         | Block: |

Block:

|           |                               |        |                |
|-----------|-------------------------------|--------|----------------|
| Owner:    | GLADYS DUFFY PEW GST EX TRUST | Phone: |                |
| Occupant: | <b>STREETSIDE RESTAURANT</b>  | Phone: | (248) 646 6395 |

Phone: (248) 646 6395

|             |            |              |            |         |          |
|-------------|------------|--------------|------------|---------|----------|
| Date Filed: | 01/11/2022 | Date Closed: | 01/11/2022 | Status: | APPROVED |
|-------------|------------|--------------|------------|---------|----------|

Status: APPROVED

LCC, INITIAL Inspection | Mike Morad

01/11/2022 03:23 PM

Scheduling Comment      pm

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Site Plan ComplaintEnforcement | E21-0795

Property Information

08-19-36-201-009

273 PIERCE ST

Subdivision:

Birmingham MI, 48009

Lot:

Block:

Name Information

Owner:

GLADYS DUFFY PEW GST EX TRUST

Phone:

Occupant:

STREETSIDE RESTAURANT

Phone: (248) 646 6395

Filer:

Phone:

Enforcement Information

Date Filed:

05/21/2021

Date Closed:

07/15/2021

Status:

CLOSED

Complaint:

outdoor dining violation per site plan

Last Action Date:

Last Inspection:

07/15/2021

Last Action:

Follow Up Inspection | Doug Manigold

Status:

Completed

Result:

Complied

Scheduled:

07/16/2021

Completed:

07/15/2021

Initial Inspection Inspection | Doug Manigold

Status:

Completed

Result:

Violation(s)

Scheduled:

05/24/2021

Completed:

05/21/2021

Comments:

NOTE

Writer assigned to followup on site plan complaint regarding 5 ft spacing.  
Writer spoke with general manager, Heather and advised she needed to arrange their outdoor dining to make sure the 5 ft pedestrian passage was in effect. We looked over the area and writer asked her to move a table over and remove 3 heaters. No further action taken



## Site Plan ComplaintEnforcement | E21-1100

### Property Information

08-19-36-201-009      273 PIERCE ST      Subdivision:  
Birmingham MI, 48009      Lot:      Block:

### Name Information

Owner:      GLADYS DUFFY PEW GST EX TRUST      Phone:  
Occupant:      STREETSIDE RESTAURANT      Phone:      (248) 646 6395  
Filer:      Phone:

### Enforcement Information

Date Filed:      07/01/2021      Date Closed:      07/23/2021      Status:      CLOSED

Complaint:  
violation re outdoor dining

Last Action Date:      Last Inspection:      07/23/2021

Last Action:

### Follow Up Inspection | Doug Manigold

Status:      Completed      Result:      Complied  
Scheduled:      07/21/2021      Completed:      07/23/2021

### Follow Up Inspection | Doug Manigold

Status:      Completed      Result:      Violation(s)  
Scheduled:      07/16/2021      Completed:      07/15/2021

#### Comments:

NOTE      Writer spoke with GM Cora and explained that the propane tanks and cage needed to be removed asap. Cora contacted the propane company and was advised that monday 7/19/21 would be the quickest they could come get them.

### Initial Inspection Inspection | PATTY CURTIS

Status:      Completed      Result:      Violation(s)  
Scheduled:      07/02/2021      Completed:      07/01/2021

#### Comments:

All outdoor seating in use on Thursday evening, July 1, 2021, including that for which permit expired at midnight (extended Covid-19 outdoor dining permit)  
I did NOT deliver a VN today (copy is attached). Per employee Jordan, the manager has been discussing this today with Jana Ecker due to their normal approved patio being disrupted by the building construction next door.  
Follow up to occur

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STREETSIDE SEAFOOD

From Date

January 1, 2021

To Date

December 31, 2021

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LCC ANNUAL Inspection | ILCC22-0034

Property Information

08-19-36-128-006      155 S BATES ST FL 1      Subdivision:  
Birmingham MI, 48009      Lot:      Block:

Name Information

Owner:      BATES GROUP LLC      Phone:  
Occupant:      TALLULAH WINE BAR & BISTRO      Phone:

Inspection Group Information

Date Filed:      01/11/2022      Date Closed:      01/20/2022      Status:      APPROVED  
Description:

LCC, FOLLOW-UP Inspection | Mike Morad

Status:      Completed      Result:      Approved  
Scheduled:      01/20/2022 12:00 AM      Completed:      01/20/2022 03:47 PM

LCC, INITIAL Inspection | Mike Morad

Status:      Completed      Result:      Partially Approved  
Scheduled:      01/11/2022 02:30 PM      Completed:      01/11/2022 03:25 PM

- Violations:**
- Corrected
- 1.Install blanks in breaker box where missing.  
2.Replace inop Emergency light in kitchen.  
3.Provide backflow certification.



**Citations – Fire Department****Property Information****08-19-36-128-006****155 South Bates****Birmingham, MI. 48009****Name Information****Owner: Bates Group LLC****Occupant: Tallulah Wine Bar & Bistro****Enforcement Information****Citation Issuance from 1/1/21 thru 2/14/21****Date Filed 2/11/2021****Date Closed:****Status: Closed****Citation issued****4 Total****Initial Inspection – Jack D. Pesha, Fire Marshal****Status: Complete****Result****Violation(s)****Scheduled: 2/11/2021****Completed****3/4/2021**

Comments: On 2/11/2021 Fire Inspector Slanda was performing a target hazard inspection on all establishments with outdoor dining. Inspector Slanda discovered that Tallulah Wine Bar & Bistro were operating fuel fire (LP gas) appliances in an occupied, enclosed outdoor dining structure with the potential of creating a hazardous carbon monoxide environment for patrons. Management immediately removed the hazard. Citations were issued for prohibited use of LP gas and failure to report building maintenance of life safety systems.

Fines paid in court hearing. Owner has been compliant with Fire Code since.

**Resolved in court hearing with fines paid.**

**Occupant currently compliant with fire code.**





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Restaurant Name

TALLULAH WINE BAR AND BISTRO

From Date

January 1, 2021

To Date

December 31, 2021

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## TALLULAH WINE BAR AND BISTRO

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155 S BATES  
Birmingham, MI 48009

**License #**  
075848

**County**  
Oakland County



## Inspections

**Inspection Date** 10-20-2021

**Inspection Type** Follow-up



No details.

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LCC ANNUAL Inspection | ILCC22-0027

Property Information

08-19-25-453-011                      260 N OLD WOODWARD AVE                      Subdivision:  
Birmingham MI, 48009                      Lot:                      Block:

Name Information

Owner:                      PALLADIUM OF BIRMINGHAM LLC                      Phone:                      (248) 593 6200  
Occupant:                      THE MORRIE                      Phone:

Inspection Group Information

Date Filed:                      01/13/2022                      Date Closed:                      01/25/2022                      Status:                      APPROVED  
Description:

LCC, FOLLOW-UP Inspection | Mike Morad

Status:                      Completed                      Result:                      Approved  
Scheduled:                      01/25/2022 12:00 AM                      Completed:                      01/25/2022 03:36 PM

LCC, INITIAL Inspection | Mike Morad

Status:                      Completed                      Result:                      Partially Approved  
Scheduled:                      01/13/2022 10:00 AM                      Completed:                      01/13/2022 12:00 PM

Comments:

Scheduling Comment                      am  
  
1.Hood suppression report.  
2.Hood cleaning.

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**Citations – Fire Department****Property Information**

08-99-00-020-060                      260 North Old Woodward  
Birmingham, MI. 48009

**Name Information**

**Owner:**                                      Morrie, The

**Occupant:**                                      Morrie, The

**Enforcement Information****Citation Issuance from 1/1/21 thru 2/14/21**

**Date Filed**              6/28/2021              **Date Closed:**                                      **Status: Closed**

Citation issued                                      2 Total

**Initial Inspection – Jack D. Pesha, Fire Marshal**

|                   |           |               |              |
|-------------------|-----------|---------------|--------------|
| <b>Status:</b>    | Complete  | <b>Result</b> | Violation(s) |
| <b>Scheduled:</b> | 6/28/2021 | Completed     | 2021         |

Comments: On 6/28/2021 Fire Marshal Pesha went to location to inform management to remove the LP gas storage tank that was placed on North Old Woodward without a permit and no protection from vehicle strikes. Fire Marshal found patio heaters with 20 lb. LP tanks attached, on their sides from being knocked over from high winds. While knocking on the door of the establishment Fire Marshal seen a patio heater inside the building with a 20 lb LP tank connected to it. It is against the fire code to store LP gas in a building rated as an assembly. Two citations were issued for unprotected LP gas storage and Lp gas-separation from a means of egress. Issue was corrected later that day after contacting the owner of the situation.

**Resolved in court hearing with fines paid.**

**Occupant currently compliant with fire code.**





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Restaurant Name

THE MORRIE

From Date

January 1, 2021

To Date

December 31, 2021

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## THE MORRIE

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260 N OLD WOODWARD  
Birmingham, MI 48009

**License #**  
239175

**County**  
Oakland County

### Inspections



**Inspection Date** 11-04-2021

**Inspection Type** Consultation



No details.

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LCC ANNUAL Inspection | ILCC22-0035

Property Information

08-19-36-201-020

203 PIERCE ST  
Birmingham MI, 48009

Subdivision:  
Lot:  
Block:

Name Information

Owner: 50935 VAN DYKE LLC  
Occupant: **TOAST ENTERPRISES, LLC**

Phone:  
Phone: (248) 398-0444

Inspection Group Information

Date Filed: 01/11/2022  
Description:

Date Closed: 12/27/2021

Status: APPROVED

LCC, FOLLOW-UP Inspection | Mike Morad

Status: Completed  
Scheduled: 01/27/2022 12:00 AM

Result: Approved  
Completed: 02/01/2022 07:33 AM

LCC, INITIAL Inspection | Mike Morad

Status: Completed  
Scheduled: 01/11/2022 08:00 AM

Result: Disapproved  
Completed: 01/11/2022 11:56 AM

Violations:

Uncorrected

Remove new booths in lobby area. Submit plans for potential approval  
Remove curtain in lobby  
Repair drain on handsink in kitchen  
Terminate unused suppression head on hood  
Install missing cover plate on electric box at alarm  
Install missing cover plate on basement outlet.  
Chain all tanks  
Repair 2 broken sprinkler heads in freezer  
Keep stairs clear  
Clear area around gas meter.

Comments:

Scheduling Comment

am



**LITTEREnforcement | E21-1004**

**Property Information**

|                  |                      |              |        |
|------------------|----------------------|--------------|--------|
| 08-19-36-201-020 | 203 PIERCE ST        | Subdivision: |        |
|                  | Birmingham MI, 48009 | Lot:         | Block: |

**Name Information**

|           |                        |        |                |
|-----------|------------------------|--------|----------------|
| Owner:    | 50935 VAN DYKE LLC     | Phone: |                |
| Occupant: | TOAST ENTERPRISES, LLC | Phone: | (248) 398-0444 |
| Filer:    | Tina                   | Phone: | (248) 865 1515 |

**Enforcement Information**

|             |            |              |            |         |        |
|-------------|------------|--------------|------------|---------|--------|
| Date Filed: | 06/16/2021 | Date Closed: | 08/05/2021 | Status: | CLOSED |
|-------------|------------|--------------|------------|---------|--------|

Complaint:

Someone is leaving food and trash in the alley behind Toast.

Last Action Date:

Last Inspection: 08/05/2021

Last Action:

**Initial Inspection Inspection | Doug Manigold**

|            |            |            |              |
|------------|------------|------------|--------------|
| Status:    | Completed  | Result:    | No Violation |
| Scheduled: | 06/30/2021 | Completed: | 08/05/2021   |

**Comments:**

Complainant info      Complainant is Tina from Toast 248-865-1515 ext 105

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**BISTRO VIOLATION Enforcement | E21-1368****Property Information**

08-19-36-201-020

203 PIERCE ST

Subdivision:

Birmingham MI, 48009

Lot:

Block:

**Name Information**

Owner: 50935 VAN DYKE LLC

Phone:

Occupant: TOAST ENTERPRISES, LLC

Phone: (248) 398-0444

Filer:

Phone:

**Enforcement Information**

Date Filed: 08/04/2021

Date Closed:

Status: VIOLATION NOTICE ISSUED

Complaint:

SLUP operation hours violation

Last Action Date:

Last Inspection: 09/20/2021

Last Action:

**Follow Up Inspection | Doug Manigold**

Status: Completed

Result: Partially Complied

Scheduled: 09/21/2021

Completed: 09/20/2021

**Comments:**

NOTE Applied for hour changes to Planning Board

**Initial Inspection Inspection | Doug Manigold**

Status: Completed

Result: Violation(s)

Scheduled: 08/05/2021

Completed: 08/04/2021

**Comments:**

NOTE According to Planning, toast has changed their hours of operation in violation of the approved SLUP. Writer issued violation notice and asked that they continue with approved hours or file for an amended SLUP. 14 days to comply. Writer mailed 1 notice to corporate headquarters in Ferndale. Writer served notice to GM Tony and advised.

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## Property Information

|                  |                      |              |        |
|------------------|----------------------|--------------|--------|
| 08-19-36-201-020 | 203 PIERCE ST        | Subdivision: |        |
|                  | Birmingham MI, 48009 | Lot:         | Block: |

Block:

|           |                        |        |                |
|-----------|------------------------|--------|----------------|
| Owner:    | 50935 VAN DYKE LLC     | Phone: |                |
| Occupant: | TOAST ENTERPRISES, LLC | Phone: | (248) 398-0444 |
| Filer:    |                        | Phone: |                |

Phone:

|                   |                                |                  |            |         |        |
|-------------------|--------------------------------|------------------|------------|---------|--------|
| Date Filed:       | 09/10/2021                     | Date Closed:     | 09/20/2021 | Status: | CLOSED |
| Complaint:        | umbrellas overhanging sidewalk |                  |            |         |        |
| Last Action Date: |                                | Last Inspection: | 09/20/2021 |         |        |
| Last Action:      |                                |                  |            |         |        |

Last Action:

|            |            |            |            |
|------------|------------|------------|------------|
| Status:    | Completed  | Result:    | Complied   |
| Scheduled: | 09/21/2021 | Completed: | 09/20/2021 |

Completed: 09/20/2021

|            |            |            |              |
|------------|------------|------------|--------------|
| Status:    | Completed  | Result:    | Violation(s) |
| Scheduled: | 09/13/2021 | Completed: | 09/10/2021   |

Completed: 09/10/2021

NOTE

Citizen complaint that the umbrellas at toast are overhanging the sidewalk and hanging low possibly causing injury.

Writer had previously spoken to Tony the GM about the low hanging umbrellas. Writer will issue vn and ask that they be moved back toward the building more and not hang over the sidewalk. Also planters are encroaching on the pedestrian passage which writer will address.

Writer met with Tony and issued the violation notice. Writer asked Tony to remove the 3 umbrellas on the southern most of the businesss. Planters on the south needed to be moved.

Citizen complaint that the umbrellas at toast are overhanging the sidewalk and hanging low possibly causing injury.

Writer had previously spoken to Tony the GM about the low hanging umbrellas. Writer will issue vn and ask that they be moved back toward the building more and not hang over the sidewalk. Also planters are encroaching on the pedestrian passage which writer will address.

Writer met with Tony and issued the violation notice. Writer asked Tony to remove the 3 umbrellas on the southern most of the businesss. Planters on the south needed to be moved.

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**Citations – Fire Department****Property Information****08-19-36-201-020****203 Pierce****Birmingham, MI. 48009****Name Information****Owner: 50935 Van Dyke, LLC****Occupant: Toast Enterprises, LLC****Enforcement Information****Citation Issuance from 1/1/21 thru 2/14/21****Date Filed 08/25/2021****Date Closed:****Status: Closed****Citation issued****1 Total****Initial Inspection – Jack D. Pesha, Fire Marshal****Status: Complete****Result****Violation(s)****Scheduled: 08/25/2021****Completed****2021**

**Comments:** Occupant found in violation of the fire code with LP tank storage violation. Storage of LP gas was found stacked loose on LP gas cage next to egress door. On 8/25/2021, Fire Marshal found improper storage of LP gas outside of building in the alley. Occupant corrected violation the same day the citation issued.

**Resolved in court hearing with fines paid.**

**Occupant currently compliant with fire code.**





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State / County

MI - Oakland County

Address

City

birmingham

License #

Restaurant Name

TOAST BIRMINGHAM

From Date

January 1, 2021

To Date

December 31, 2021

Show partial?

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### Property Information

Block:

Phone: (248) 294 0700

Description:

01/14/2022 01:11 PM

Scheduling Comment am

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**OCCUPANCY COMPLAINT Enforcement | E21-0230****Property Information**

08-19-36-129-017      180 PIERCE ST      Subdivision:  
BIRMINGHAM MI, 48009-6006      Lot:      Block:

**Name Information**

Owner:      PIERCE MARTIN LLC      Phone:  
Occupant:      Townhouse Kitchen & bar LLC      Phone:      (248) 294 0700  
Filer:      Phone:

**Enforcement Information**

Date Filed:      02/12/2021      Date Closed:      04/01/2021      Status:      IN COMPLIANCE

**Complaint:**

Occupancy violation

permit issued 4/1/21- enforcement closed.

Last Action Date:      Last Inspection:      02/12/2021

Last Action:

**Initial Inspection Inspection | Doug Manigold**

Status:      Completed      Result:      Violation(s)  
Scheduled:      02/15/2021      Completed:      02/12/2021

**Comments:**

NOTE      The townhouse restaurant had been advised not to use the dining pods(structures) without getting their occupancy permit. Birmingham Fire Marshal Pesha along with Asst building Official Morad advised not to occupy any of the outdoor dining structures without the proper occupancy permits. This conversation took place yesterday afternoon 2/11/21. The FD checked back yesterday evening and notice one of the structures was occupied. A report from FF Slanda indicated the owner, Jeremy Sasson, would rather receive a ticket in lieu of asking the diners to leave. Writer was advised to issue ticket for occupying a structure w/o occupancy permit to Townhouse Restaurant and Bar RestaurantLL.

Writer met with Jane, jeremy's assistant who was on site. Writer issued her the ticket #BC90053 with court date of March 10, 2021.

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Site Plan ComplaintEnforcement | E21-1543

Property Information

08-19-36-129-017

180 PIERCE ST  
BIRMINGHAM MI, 48009-6006

Subdivision:  
Lot:  
Block:

Name Information

Owner:PIERCE MARTIN LLCPhone:

Occupant:Townhouse Kitchen & bar LLCPhone:(248) 294 0700

Filer:Phone:

Enforcement Information

Date Filed:08/26/2021Date Closed:12/02/2021Status:CLOSED

Complaint:  
Equipment outside site plan for outdoor dining

Last Action Date:Last Inspection:12/02/2021

Last Action:

Follow Up Inspection | Doug Manigold

Status:CompletedResult:Complied

Scheduled:12/02/2021Completed:12/02/2021

Initial Inspection Inspection | Doug Manigold

Status:CompletedResult:Violation(s)

Scheduled:08/27/2021Completed:08/26/2021

Comments:

NOTE

Townhouse has chairs, planters and heater outside the approved outdoor dining area. Writer spoke with manager on site and asked that those items be moved by the end of the day. Writer gave him copy of the approved site plan.

Follow Up Inspection | Doug Manigold

Status:CompletedResult:Partially Complied

Scheduled:08/27/2021Completed:08/27/2021



**Citations – Fire Department****Property Information****8-19-36-129-017****180 Pierce****Birmingham, MI. 48009****Name Information****Owner: Pierce Martin LLC****Occupant: Townhouse Kitchen and Bar****Enforcement Information****Citation Issuance from 1/1/21 thru 2/14/21****Date Filed 2/11/2021****Date Closed:****Status: Closed****Citation issued****6 Total**

Occupant failed to provide fire protection to outdoor dining structures. Building safety systems out of date for required scheduled maintenance.

Citations resolved in court hearing. Owner/occupant paid fines for fire code violations.

**Initial Inspection – Jack D. Pesha, Fire Marshal****Status: Complete****Result****Violation(s)****Scheduled: 2/11/2021****Completed****2/11/2021**

Comments: On 2/11/2021, Fire Inspector discovered that the outdoor dining structures were in violation of not having fire extinguishers inside of units. Owner Jeremy Sasson was contacted by Fire Marshal and stated he would have extinguishers installed before occupying guests. Fire Marshal was informed that Mr. Sasson instructed management to let guests in after phone conversation without proper fire protection and stated **“they would rather receive a ticket for the violation than shut down the outdoor structures.”** Townhouse restaurant was issued citations for this violation and five other open violations discovered with the business occupancy. Fines paid in court hearing. Owner has been compliant with Fire Code since.

**Resolved in court hearing with fines paid.**

**Occupant currently compliant with fire code.**





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MI - Oakland County

Address

City

birmingham

License #

Restaurant Name

TOWNHOUSE KITCHEN AND BAR

From Date

January 1, 2021

To Date

December 31, 2021

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## TOWNHOUSE KITCHEN AND BAR

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180 PIERCE ST  
Birmingham, MI 48009

**License #**  
071328

**County**  
Oakland County



## Inspections

**Inspection Date** 12-14-2021

**Inspection Type** Enforcement Follow Up



No details.

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LCC ANNUAL Inspection | ILCC22-0037

Property Information

08-19-36-134-006      100 TOWNSEND ST      Subdivision:  
Birmingham MI, 48009      Lot:      Block:

Name Information

Owner:      THC INVESTORS LP      Phone:  
Occupant:      TOWNSEND HOTEL      Phone:      (248) 642 7900

Inspection Group Information

Date Filed:      01/11/2022      Date Closed:      01/20/2022      Status:      APPROVED  
Description:

LCC, FOLLOW-UP Inspection | Mike Morad

Status:      Completed      Result:      Approved  
Scheduled:      01/20/2022 12:00 AM      Completed:      01/20/2022 03:49 PM

LCC, INITIAL Inspection | Mike Morad

Status:      Completed      Result:      Disapproved  
Scheduled:      01/11/2022 08:30 AM      Completed:      01/11/2022 11:53 AM

Violations:

- Corrected      1.Outlet behind oven in kitchen needs repair.  
2.Grease trap reports.  
3.Exit signs in regency room are inoperative.  
4.Missing outlet cover in bakery.  
5.Keep electrical panels clear.  
6.Missing cover plate in electrical room.

Comments:

Scheduling Comment      am

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**WORK WITHOUT PERMITEnforcement | E21-2124**

**Property Information**

|                  |                      |              |        |
|------------------|----------------------|--------------|--------|
| 08-19-36-134-006 | 100 TOWNSEND ST      | Subdivision: |        |
|                  | Birmingham MI, 48009 | Lot:         | Block: |

**Name Information**

|           |                  |        |                |
|-----------|------------------|--------|----------------|
| Owner:    | THC INVESTORS LP | Phone: |                |
| Occupant: | THC INVESTORS LP | Phone: |                |
| Filer:    | Andrew Erickson  | Phone: | (248) 530 1854 |

**Enforcement Information**

|             |            |              |            |         |                       |
|-------------|------------|--------------|------------|---------|-----------------------|
| Date Filed: | 12/21/2021 | Date Closed: | 01/14/2022 | Status: | VERBAL WARNING ISSUED |
|-------------|------------|--------------|------------|---------|-----------------------|

Complaint: Installing blown insulation in entire attic. informed USA insulation , and Jason from the Townsend that a permit is required for the work being doing this work.

|                   |                  |
|-------------------|------------------|
| Last Action Date: | Last Inspection: |
|-------------------|------------------|

Last Action:

permit issued 1/14/22. enforcement closed.

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MI - Oakland County

Address

City

birmingham

License #

Restaurant Name

TOWNSEND HOTEL BANQUET

From Date

January 1, 2021

To Date

December 31, 2021

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## TOWNSEND HOTEL BANQUET

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100 TOWNSEND  
Birmingham, MI 48009

**License #**  
420677

**County**  
Oakland County

### Inspections



**Inspection Date** 12-14-2021**Inspection Type** Follow-up

No details.

**Inspection Date** 11-30-2021**Inspection Type** Consultation

No details.

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LCC ANNUAL Inspection | ILCC22-0038

Property Information

08-20-31-202-001                      2100 E MAPLE RD                      Subdivision:  
                                                 Birmingham MI, 480096513                      Lot:                      Block:

Name Information

Owner:                      WALNUT SUB PROPERTIES LLC                      Phone:  
Occupant:                      **WHOLE FOODS**                      Phone:

Inspection Group Information

Date Filed:              01/10/2022                      Date Closed:              01/20/2022                      Status:      APPROVED  
Description:

LCC, FOLLOW-UP Inspection | Mike Morad

Status:              Completed                      Result:              Approved  
Scheduled:              01/18/2022 12:00 AM                      Completed:              01/20/2022 03:53 PM

LCC, INITIAL Inspection | Mike Morad

Status:              Completed                      Result:              Disapproved  
Scheduled:              01/10/2022 10:30 AM                      Completed:              01/10/2022 04:22 PM

Violations:

- Corrected                      1.Need sign on electrical room door.  
                                                 2.Grease trap records.  
                                                 3.No Storage 18" from ceiling.  
                                                 4.Install blank in electric panel.

Comments:

Scheduling Comment              am  
  
                                                 Need sign on electrical room door  
                                                 Grease trap records  
                                                 No Storage 18" from ceiling  
                                                 Install blank in electric panel

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# FOOD ESTABLISHMENT EVALUATION REPORT

FOOD & DAIRY DIVISION  
P.O. Box 30017, Lansing, MI 48909  
Toll-free Phone: 1800-292-3939

*In accordance with Act 92 of 2000 and Act 64 of 1913*

|                                                        |                                      |
|--------------------------------------------------------|--------------------------------------|
| Establishment Name<br><b>WHOLE FOODS MARKET</b>        | Phone<br><b>512-542-0398</b>         |
| Address<br><b>2100 E MAPLE RD BIRMINGHAM, MI 48009</b> | License Number<br><b>FREL-203550</b> |
|                                                        | Evaluation Number<br><b>24863104</b> |

## ESTABLISHMENT INFORMATION

License Type: FRE Record ID: FREL-203550 Risk Category:  
 Certified Manager Status: Exempt  
 Variance in Place: None  
 License Limitation: None  
 Establishment Description:

## EVALUATION INFORMATION

Evaluation Type: Routine Evaluation Start Time: 5/5/2021 11:00 am  
 FDA Contract Evaluation: Elapsed Time: Hr  
 Seizure: None  
 Attachments: No  
 Person In Charge: Ed Kilpela  
 Person Report Provided To: Report Provided By: Emailed

*An evaluation has been conducted this date. The following items were observed and found in violation of the Food Law, P.A. 92 of 2000, as amended. You are required to correct these violations as soon as possible and not later than ten calendar days for priority and priority foundation items, or 90 days for core items. Failure to comply with this notice may result in action against you or your food establishment license. Please contact us if you have questions.*

## VIOLATIONS

### PREVIOUS VIOLATIONS CORRECTED AT CURRENT EVALUATION

#### FFC Ch 4 - Equipment, Utensils, & Linens

Requirement: 4-601.11(A) - Equipment, food-contact surfaces - clean to sight and touch [Pf]

Observation: knife and rack top not cleaned after use in seafood front service area- one knife with dried on scales- dust buildup on top slot panel

Status: Corrected Priority Foundation Violation

Corrected Date: 05/05/2021

#### 4-501.12

Requirement: Cutting surfaces - maintenance [C]

Observation: Worn/discolored plastic cutting boards in "kitchen express" prep. stations; and one blue board above sink storage area (removed from use)

Status: Corrected Core Violation

Corrected Date: 05/05/2021



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**FC Ch 3 - Food**

**Requirement:** 3-305.11(A) - Food storage - protected from contamination [C]

**Observation:** Copper piping in meat room and copper tube pipe inside ice maker in Cafe/coffee service area- not covered to protect from condensate transfer of oxidized material

**Status:** Corrected Core Violation

**Corrected Date:** 05/05/2021  
-----

**FC Ch 4 - Equipment, Utensils, & Linens**

**Requirement:** 4-501.11(A) - Good repair and proper adjustment - equipment maintenance [C]

**Observation:** Drain hose not connected (one end hanging out) inside the meat serviced display case- (reconnected during- however, may need gasket)

**Status:** Corrected Core Violation

**Corrected Date:** 05/05/2021

**EVALUATION COMMENT**

Reviewed File.

**Inspector Name / ID:** Diane Prellwitz / 028

**Phone Number:** 248 3883896



| APPLICANT                   | Parcel #         | July 2021 Tax Due | December 2021 Tax due | Invoices | Delinquent Special Assesments Due | Prior Year Delinquent Personal Property | Water Account Number | Delinquent Water Due | Outdoor Dining Payments Due 3/1/22 | Total Due   |
|-----------------------------|------------------|-------------------|-----------------------|----------|-----------------------------------|-----------------------------------------|----------------------|----------------------|------------------------------------|-------------|
| 220 Merrill Restaurant      | 19-36-202-017    |                   |                       |          |                                   |                                         | 00023-59924          |                      |                                    |             |
|                             | 99-00-015-113    |                   |                       |          |                                   |                                         | 00237-22056          |                      |                                    |             |
| Adachi Restaurant Group LLC | 99-00-019-073    |                   |                       |          |                                   |                                         |                      |                      |                                    |             |
| All Seasons                 | 19-36-227-029    |                   |                       |          |                                   |                                         | 09901-10370          |                      |                                    |             |
|                             | 99-00-014-135    |                   |                       |          |                                   |                                         | 09902-10371          |                      |                                    |             |
| Bella Piatti                | 99-00-012-120    |                   |                       |          |                                   |                                         |                      |                      |                                    |             |
| Birmingham Pub              |                  |                   |                       |          |                                   |                                         |                      |                      | \$373.62                           | \$373.62    |
| Birmingham Theater          | 99-01-960-507    |                   |                       |          |                                   |                                         |                      |                      |                                    |             |
| Bistro Joe's                | 99-00-002-103    |                   |                       |          |                                   |                                         | 19469-24354          |                      |                                    |             |
|                             | 19-36-283-025    |                   |                       |          |                                   |                                         |                      |                      |                                    |             |
| Brooklyn Pizza              | 99-01-950-279    |                   |                       |          |                                   |                                         | 32517-22522          |                      |                                    |             |
| Churchill's Bistro          | 99-01-009-140    |                   |                       |          |                                   |                                         | 35143-25682          |                      | PAID IN FULL 147.54                |             |
| Community House             | 19-36-132-007    |                   |                       |          |                                   |                                         | 00190-78528          |                      |                                    |             |
|                             |                  |                   |                       |          |                                   |                                         | 01909-22470          |                      |                                    |             |
| Dick O'Dow's                | 99-01-960-288    |                   |                       |          |                                   |                                         | 06549-23140          |                      | PAID IN FULL 110.76                |             |
|                             |                  |                   |                       |          |                                   |                                         | 06551-23142          |                      |                                    |             |
| Elie's Mediterranean Café   | 99-01-930-115    |                   |                       |          |                                   |                                         | 00022-19864          |                      | PAID IN FULL 2061.24               |             |
| Emagine Palladium           | 99-00-016-081    |                   |                       |          |                                   |                                         |                      |                      |                                    |             |
| Flemings                    | 99-00-008-040    |                   |                       |          |                                   |                                         |                      |                      |                                    |             |
| Forest Grill 2 LLC          | 99-00-009-074    |                   |                       |          |                                   |                                         |                      |                      | PAID IN FULL 290.60                |             |
| Griffin Claw Brewery        | 99-00-014-048    |                   |                       |          |                                   |                                         | 29898-19115          |                      |                                    |             |
|                             | 20-31-203-036    |                   |                       |          |                                   |                                         | 29899-19116          |                      |                                    |             |
| Hazel Ravines Downtown      | 99-00-019-061    |                   |                       |          |                                   |                                         | 34487-34546          |                      |                                    |             |
| Hyde Park Steakhouse        | 99-00-013-091    |                   |                       |          |                                   |                                         | 07725-23506          |                      |                                    |             |
|                             |                  |                   |                       |          |                                   |                                         | 32231-25766          |                      |                                    |             |
| La Strada Caffe LLC         | 99-00-016-108    |                   |                       |          |                                   |                                         |                      |                      |                                    |             |
| Lincoln Hills Golf Course   |                  |                   |                       |          |                                   |                                         |                      |                      |                                    |             |
| Luxe Bar & Grill            | 99-00-011-030    |                   |                       |          |                                   |                                         |                      |                      | PAID IN FULL \$252.90              |             |
| Mad Hatter                  | 99-00-015-066    |                   |                       |          |                                   |                                         |                      |                      | PAID IN FULL \$1151.64             |             |
| Mare Mediterranean          |                  |                   |                       |          |                                   |                                         |                      |                      |                                    |             |
| Market North End            | 99-00-014-056    |                   |                       |          |                                   |                                         | 07106-23265          |                      | PAID IN FULL \$36.95               |             |
| Papa Joe's Gourmet Market   | 08-19-36-282-005 |                   |                       |          |                                   |                                         | 00000-11459          |                      |                                    |             |
|                             | 08-99-00-014-117 |                   |                       |          |                                   |                                         | 19469-24354          |                      |                                    |             |
| Morrie, The                 | 99-00-020-060    |                   |                       |          |                                   |                                         |                      |                      | PAID IN FULL 138.08                |             |
| Pernoi                      | 99-00-020-032    |                   |                       |          |                                   |                                         |                      |                      |                                    |             |
| Phoenecia                   | 99-01-010-170    |                   |                       |          |                                   |                                         | 00785-22218          |                      | PAID IN FULL \$512.34              |             |
| Sidocar                     | 99-00-017-071    |                   |                       |          |                                   |                                         |                      |                      | \$776.62                           | \$776.62    |
| Salvatore Scallopini        | 99-01-850-267    |                   |                       |          |                                   |                                         | 06433-23066          |                      | PAID IN FULL 184.62                |             |
| Social Kitchen & Bar        | 99-00-013-079    |                   |                       |          |                                   |                                         |                      |                      | PAID IN FULL \$1130.85             |             |
| Springdale Golf Course      |                  |                   |                       |          |                                   |                                         |                      |                      |                                    |             |
| Streetside Seafood          | 99-01-006-540    |                   |                       |          |                                   |                                         | 00223-22048          |                      | PAID IN FULL \$2567.82             |             |
| Sushi Japan                 |                  |                   |                       |          |                                   |                                         |                      |                      |                                    |             |
| Tallulah Wine Bar & Bistro  | 99-00-011-051    |                   |                       |          |                                   |                                         | 02017-22504          |                      | \$13,763.60                        | \$13,763.60 |
| The Daxton Hotel            | 99-00-021-065    |                   |                       |          |                                   |                                         | 00000-11541          | 143.14               |                                    | \$143.14    |
|                             | 19-36-202-019    |                   |                       |          |                                   |                                         |                      |                      |                                    |             |
| Toast                       | 99-00-009-013    |                   |                       |          |                                   |                                         | 21549-22036          |                      | \$11,031.50                        | \$11,031.50 |
| Townhouse                   | 99-00-012-092    |                   |                       |          |                                   |                                         | 01128-08396          |                      | \$2,663.22                         | \$2,663.22  |
| Townsend Hotel              | 19-36-134-006    |                   |                       |          |                                   |                                         | 00169-25030          |                      |                                    |             |
|                             | 99-01-870-185    |                   |                       |          |                                   |                                         | 00171-22012          |                      |                                    |             |
| Whole Foods Market          | 99-00-018-001    |                   |                       |          |                                   |                                         | 10715-19104          |                      |                                    |             |
|                             | 20-31-202-001    |                   |                       |          |                                   |                                         | 10721-24202          |                      |                                    |             |
| Total:                      |                  |                   |                       |          |                                   |                                         |                      | 143.14               | \$28,608.56                        | \$28,751.70 |

Balances as of Thursday, February 24 2022 9:00 a.m.





## **NOTICE OF INTENTION TO APPOINT TO BOARD OF REVIEW**

At the regular meeting of Monday, March 28, 2022, the Birmingham City Commission intends to appoint one regular member to the Board of Review to serve the remainder of a three-year term to expire December 31, 2022. Applicants must be property owners and electors of the City of Birmingham.

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

Interested citizens may submit an application available at the Clerk's office or online at [www.bhamgov.org/boardopportunities](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 interview applicants and may make nominations and vote on appointments.

Board members are paid \$110 per diem.

| <b>Criteria/Qualifications of Open Position</b>                                             | <b>Date Applications Due<br/>(by noon)</b> | <b>Date of Interview</b> |
|---------------------------------------------------------------------------------------------|--------------------------------------------|--------------------------|
| Members must be property owners and 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 MUSEUM BOARD

At the regular meeting of Monday, March 28, 2022, the Birmingham City Commission intends to appoint one regular member to the Museum Board to serve the remainder of a three-year term to expire July 5, 2023.

Interested parties may submit an application available at 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 commission will discuss recommendations, and may make nominations and vote on appointments.

### Board Duties

The Museum Board is charged with collecting, arranging, cataloguing and preserving historical material. The Board may locate and erect plaques or markers at historic sites, buildings or properties in the City of Birmingham with the consent of the owner or owners of any such property and subject to the approval of the City Commission with respect to properties that, in the opinion of the Board, have historic significance. Further, the Board shall have the power to develop, operate and maintain the Allen House as a museum and to exercise authority, control and management over the Hunter House and John West Hunter Memorial Park.

| Criteria/Qualifications of Open Position | Date Applications Due<br>(by noon) | Date of Interview |
|------------------------------------------|------------------------------------|-------------------|
| Shall be qualified electors of the city. | 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.*





## MEMORANDUM

Finance Department

**DATE:** February 14, 2022

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

**FROM:** Mark Gerber, Director of Finance/Treasurer

**SUBJECT:** December 2021 Investment Report

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Public Act 213 of 2007 requires investment reporting on the City's general investments to be provided to the City Commission on a quarterly basis. This information is also required to be provided annually, which the City has and will continue to include within the audited financial statements.

General investments of the City are governed by state law and the City's General Investment Policy approved by the City Commission. The services of an outside investment advisor are utilized to assist the treasurer in determining which types of investments are most appropriate and permitted under the investment policy, maximize the return on the City's investments within investment policy constraints and provide for cash flow needs.

The two primary objectives for investment of City funds are the preservation of principal and liquidity to protect against losses and provide sufficient funds to enable the City to meet all operating requirements that might be reasonably anticipated. Investment activities include all City funds except the retirement and retiree health-care funds as follows:

- General Fund
- Permanent Funds
- Special Revenue Funds
- Capital Projects Fund
- Enterprise Funds
- Debt Service Funds
- Component Unit Funds
- Internal Service Funds

Overall, the City has \$106.6 million invested in various securities according to its general investment policy as of December 31, 2021.

The City has two pooled funds (CLASS Pool and J-Fund), which are used to meet payroll, contractor and other accounts payable needs. As indicated on the attached schedule, there is approximately \$13.2 million invested in pooled funds at the end of December. A maximum of 50% of the portfolio may be invested in pooled funds that meet state guidelines. The amount currently invested in pooled funds is 12%.



The City also holds approximately \$40.2 million, or 38%, of its investments in treasury notes and bills, which are obligations of the United States. The maximum amount of investments that may be held in government securities is 100%.

Investments in federal agencies total approximately \$53.2 million, or 50%, of the City's investments. The maximum amount of the portfolio that may be invested in federal agencies is 75%.

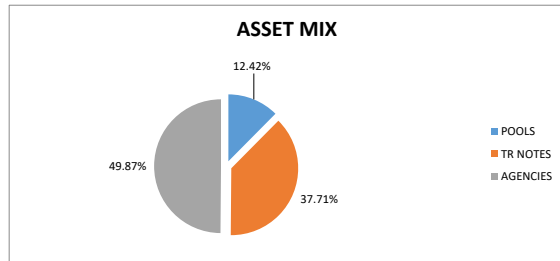
The Investment Policy requires that the average maturity of the portfolio may not exceed two and one-half years. The current average maturity of the portfolio is 1.3 years.



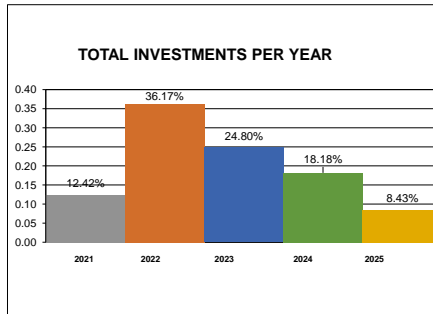
**CITY OF BIRMINGHAM  
GENERAL INVESTMENT PORTFOLIO SUMMARY**

**12/31/2021**

| YEAR | MATURITY DATE | DESCRIPTION | % YIELD | *       | ISSUER         | PAR VALUE      | COST           | CURRENT MARKET VALUE | YEARLY TOTAL   | % OF TOTAL |
|------|---------------|-------------|---------|---------|----------------|----------------|----------------|----------------------|----------------|------------|
| 2021 | 12/31/2021    | CLASS POOL  | 0.367%  | CITY    | MICHIGAN CLASS | 2,159,045.03   | 2,159,045.03   | 2,159,045.03         | 13,236,407.10  | 12.42%     |
|      | 12/31/2021    | J FUND      | 0.046%  | CITY    | COMERICA BANK  | 11,077,362.07  | 11,077,362.07  | 11,077,362.07        |                |            |
| 2022 | 1/5/2022      | AGENCY      | 1.533%  | INSIGHT | FNMA           | 2,000,000.00   | 2,021,480.00   | 2,000,220.00         | 38,547,760.00  | 36.17%     |
|      | 1/13/2022     | AGENCY      | 2.209%  | INSIGHT | FHLMC          | 1,000,000.00   | 1,006,550.00   | 1,000,650.00         |                |            |
|      | 1/13/2022     | AGENCY      | 1.655%  | INSIGHT | FHLMC          | 1,500,000.00   | 1,509,825.00   | 1,500,975.00         |                |            |
|      | 3/11/2022     | AGENCY      | 2.433%  | INSIGHT | FHLB           | 1,000,000.00   | 1,001,850.00   | 1,004,540.00         |                |            |
|      | 3/14/2022     | AGENCY      | 1.932%  | INSIGHT | FFCB           | 1,000,000.00   | 997,830.00     | 1,003,360.00         |                |            |
|      | 3/16/2022     | AGENCY      | 0.500%  | INSIGHT | FNMA           | 1,000,000.00   | 1,000,000.00   | 988,380.00           |                |            |
|      | 3/28/2022     | AGENCY      | 0.450%  | INSIGHT | FHLMC          | 1,500,000.00   | 1,500,000.00   | 1,471,020.00         |                |            |
|      | 3/28/2022     | AGENCY      | 1.250%  | INSIGHT | FHLB           | 800,000.00     | 797,440.00     | 782,621.85           |                |            |
|      | 3/28/2022     | AGENCY      | 1.460%  | INSIGHT | FHLB           | 700,000.00     | 697,060.00     | 694,023.15           |                |            |
|      | 3/31/2022     | TR NOTE     | 0.137%  | INSIGHT | U.S.           | 2,500,000.00   | 2,508,984.38   | 2,501,700.00         |                |            |
|      | 4/15/2022     | TR NOTE     | 0.134%  | INSIGHT | U.S.           | 2,000,000.00   | 2,065,241.08   | 2,011,940.00         |                |            |
|      | 6/10/2022     | AGENCY      | 1.882%  | INSIGHT | FHLB           | 1,500,000.00   | 1,510,635.00   | 1,517,431.30         |                |            |
|      | 6/10/2022     | AGENCY      | 1.930%  | INSIGHT | FHLB           | 2,000,000.00   | 2,011,248.00   | 2,011,478.70         |                |            |
|      | 7/28/2022     | AGENCY      | 0.550%  | INSIGHT | FHLB           | 1,500,000.00   | 1,500,000.00   | 1,482,435.00         |                |            |
|      | 8/5/2022      | AGENCY      | 1.497%  | INSIGHT | FFCB           | 2,000,000.00   | 2,020,180.00   | 2,019,020.00         |                |            |
|      | 8/19/2022     | AGENCY      | 0.450%  | INSIGHT | FNMA           | 2,000,000.00   | 1,999,500.00   | 1,983,060.00         |                |            |
|      | 9/9/2022      | AGENCY      | 1.613%  | INSIGHT | FHLB           | 1,500,000.00   | 1,516,588.50   | 1,518,060.00         |                |            |
|      | 9/30/2022     | AGENCY      | 0.390%  | INSIGHT | FHLMC          | 1,500,000.00   | 1,499,025.00   | 1,471,980.00         |                |            |
|      | 10/13/2022    | AGENCY      | 1.549%  | INSIGHT | FFCB           | 1,500,000.00   | 1,502,076.00   | 1,515,060.00         |                |            |
|      | 10/31/2022    | TR NOTE     | 1.854%  | INSIGHT | U.S.           | 1,500,000.00   | 1,506,977.68   | 1,520,220.00         |                |            |
|      | 11/2/2022     | AGENCY      | 0.320%  | INSIGHT | FHLMC          | 1,500,000.00   | 1,500,000.00   | 1,490,205.00         |                |            |
|      | 11/15/2022    | TR NOTE     | 0.124%  | INSIGHT | U.S.           | 3,000,000.00   | 3,050,976.56   | 3,032,100.00         |                |            |
|      | 11/17/2022    | FNMA        | 0.360%  | INSIGHT | FNMA           | 1,000,000.00   | 999,800.00     | 991,880.00           |                |            |
|      | 12/15/2022    | TR NOTE     | 0.133%  | INSIGHT | U.S.           | 3,000,000.00   | 3,054,375.00   | 3,035,400.00         |                |            |
| 2023 | 1/19/2023     | AGENCY      | 1.617%  | INSIGHT | FNMA           | 2,500,000.00   | 2,558,475.00   | 2,551,350.00         | 26,433,065.00  | 24.80%     |
|      | 2/17/2023     | AGENCY      | 0.192%  | INSIGHT | FHLB           | 1,500,000.00   | 1,542,361.50   | 1,516,095.00         |                |            |
|      | 2/21/2023     | AGENCY      | 1.491%  | INSIGHT | FFCB           | 2,000,000.00   | 2,004,653.94   | 2,030,140.00         |                |            |
|      | 3/31/2023     | TR NOTE     | 1.421%  | INSIGHT | U.S.           | 1,500,000.00   | 1,556,430.81   | 1,537,035.00         |                |            |
|      | 4/15/2023     | TR NOTE     | 0.207%  | INSIGHT | U.S.           | 3,000,000.00   | 3,001,992.34   | 2,990,040.00         |                |            |
|      | 5/15/2023     | TR NOTE     | 1.578%  | INSIGHT | U.S.           | 1,500,000.00   | 1,509,028.46   | 1,524,780.00         |                |            |
|      | 6/19/2023     | AGENCY      | 1.851%  | INSIGHT | FHLMC          | 1,500,000.00   | 1,550,467.50   | 1,547,190.00         |                |            |
|      | 6/26/2023     | AGENCY      | 0.233%  | INSIGHT | FHLMC          | 1,500,000.00   | 1,500,705.00   | 1,492,905.00         |                |            |
|      | 9/8/2023      | AGENCY      | 1.466%  | INSIGHT | FHLB           | 2,000,000.00   | 2,070,800.00   | 2,058,680.00         |                |            |
|      | 9/12/2023     | AGENCY      | 1.591%  | INSIGHT | FNMA           | 1,500,000.00   | 1,573,410.00   | 1,555,470.00         |                |            |
|      | 10/31/2023    | TR NOTE     | 1.423%  | INSIGHT | U.S.           | 1,500,000.00   | 1,587,954.24   | 1,559,295.00         |                |            |
|      | 10/31/2023    | TR NOTE     | 0.307%  | INSIGHT | U.S.           | 2,000,000.00   | 2,054,928.58   | 2,033,820.00         |                |            |
|      | 11/15/2023    | TR NOTE     | 1.572%  | INSIGHT | U.S.           | 1,500,000.00   | 1,570,258.93   | 1,556,835.00         |                |            |
|      | 11/15/2023    | TR NOTE     | 0.320%  | INSIGHT | U.S.           | 2,000,000.00   | 1,997,037.95   | 1,983,760.00         |                |            |
|      | 11/27/2023    | AGENCY      | 0.202%  | INSIGHT | FNMA           | 500,000.00     | 500,690.00     | 495,670.00           |                |            |
|      |               |             |         |         |                |                |                |                      |                |            |
|      |               |             |         |         |                |                |                |                      |                |            |
| 2024 | 1/19/2024     | AGENCY      | 0.241%  | INSIGHT | FFCB           | 1,000,000.00   | 999,670.00     | 994,050.00           | 19,378,380.00  | 18.18%     |
|      | 2/5/2024      | AGENCY      | 1.572%  | INSIGHT | FNMA           | 1,500,000.00   | 1,558,201.50   | 1,553,370.00         |                |            |
|      | 2/29/2024     | TR NOTE     | 1.637%  | INSIGHT | U.S.           | 1,750,000.00   | 1,785,621.10   | 1,800,522.50         |                |            |
|      | 4/15/2024     | TR NOTE     | 0.434%  | INSIGHT | U.S.           | 3,000,000.00   | 2,995,546.88   | 2,970,480.00         |                |            |
|      | 5/31/2024     | TR NOTE     | 0.462%  | INSIGHT | U.S.           | 1,000,000.00   | 1,040,823.66   | 1,027,660.00         |                |            |
|      | 6/14/2024     | FHLB        | 0.377%  | INSIGHT | U.S.           | 1,500,000.00   | 1,556,520.00   | 1,532,580.00         |                |            |
|      | 7/2/2024      | AGENCY      | 1.719%  | INSIGHT | FNMA           | 1,500,000.00   | 1,502,037.00   | 1,533,165.00         |                |            |
|      | 9/13/2024     | AGENCY      | 1.729%  | INSIGHT | FHLB           | 1,750,000.00   | 1,843,345.00   | 1,839,337.50         |                |            |
|      | 9/30/2024     | TR NOTE     | 0.569%  | INSIGHT | U.S.           | 1,500,000.00   | 1,541,020.65   | 1,524,030.00         |                |            |
|      | 10/31/2024    | TR NOTE     | 0.465%  | INSIGHT | U.S.           | 1,000,000.00   | 1,032,695.31   | 1,005,741.00         |                |            |
|      | 10/31/2024    | TR NOTE     | 0.557%  | INSIGHT | U.S.           | 2,000,000.00   | 2,057,741.08   | 2,041,959.00         |                |            |
|      | 11/15/2024    | TR NOTE     | 0.560%  | INSIGHT | U.S.           | 1,500,000.00   | 1,578,637.84   | 1,555,485.00         |                |            |
|      |               |             |         |         |                |                |                |                      |                |            |
| 2025 | 1/7/2025      | AGENCY      | 0.362%  | INSIGHT | FNMA           | 1,500,000.00   | 1,580,434.50   | 1,527,405.00         | 8,988,725.00   | 8.43%      |
|      | 2/12/2025     | AGENCY      | 0.344%  | INSIGHT | FHLMC          | 1,500,000.00   | 1,575,136.50   | 1,521,960.00         |                |            |
|      | 2/26/2025     | AGENCY      | 0.680%  | INSIGHT | FHLB           | 1,000,000.00   | 1,000,000.00   | 987,590.00           |                |            |
|      | 2/28/2025     | TR NOTE     | 0.508%  | INSIGHT | U.S.           | 1,500,000.00   | 1,533,925.38   | 1,505,745.00         |                |            |
|      | 3/31/2025     | TR NOTE     | 0.669%  | INSIGHT | U.S.           | 1,500,000.00   | 1,491,215.96   | 1,475,565.00         |                |            |
|      | 6/30/2025     | AGENCY      | 0.750%  | INSIGHT | FHLB           | 2,000,000.00   | 2,000,000.00   | 1,970,460.00         |                |            |
|      |               |             | 0.823%  |         |                | 105,736,407.10 | 107,265,815.91 | 106,584,337.10       | 106,584,337.10 | 100.00%    |



|          |                  |         |
|----------|------------------|---------|
| POOLS    | \$13,236,407.10  | 12.42%  |
| TR NOTES | \$40,194,112.50  | 37.71%  |
| AGENCIES | \$53,153,817.50  | 49.87%  |
| TOTAL    | \$106,584,337.10 | 100.00% |



| COMPARATIVE RETURNS |                |         |         |
|---------------------|----------------|---------|---------|
|                     | City Portfolio | 1-Yr TR | 2-Yr TR |
| Current Month       | 0.82%          | 0.36%   | 0.72%   |
| Previous Month      | 0.88%          | 0.12%   | 0.48%   |
| 1 Year Ago          | 1.28%          | 0.12%   | 0.12%   |

|                     |                  |         |
|---------------------|------------------|---------|
| * INSIGHT:          | \$93,347,930.00  | 87.58%  |
| * ASSIGNED TO CITY: | \$13,236,407.10  | 12.42%  |
|                     | \$106,584,337.10 | 100.00% |





## MEMORANDUM

Finance Department

**DATE:** February 18, 2022

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

**FROM:** Mark Gerber, Director of Finance/Treasurer

**SUBJECT:** Second Quarter Financial Reports

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### **Background**

Chapter 7, section 3(b) of the City charter requires the Director of Finance to report on the condition of the City quarterly. Quarterly reports are prepared for the first 3 quarters of the year with the annual audit serving as the 4<sup>th</sup> quarter report. Only the following funds are reported quarterly because by state law they require a budget: General Fund, Greenwood Cemetery Perpetual Care Fund, Major and Local Street Funds, Solid Waste Fund, Community Development Block Grant Fund, Law and Drug Enforcement Fund, Baldwin Public Library Fund, Principal Shopping District Fund, Brownfield Redevelopment Authority Fund, Triangle District Corridor Improvement Authority Fund, Indigent Defense Fund and the Debt Service Fund.

### **Overview**

Attached is the second quarter 2021-2022 fiscal year financial reports. The reports compare budget to actual for the current fiscal year and the prior fiscal year for the same quarter. This allows comparisons between fiscal years as well as percentage of budget received/spent for the year. The budget categories used for each fund are the same ones approved by the Commission when they adopted the budget. Budget discussions that follow will focus on each fund individually.

At this point, 50% of the fiscal year has lapsed.

### **General Fund**

Revenues are approximately \$770,000 higher than the previous year as a result of an increase tax revenue of approximately \$1,300,000. This was the result of an increase in taxable value. These revenue increases were partially offset by a decrease in intergovernmental revenue of \$500,000. Intergovernmental revenues decreased as a result of receiving COVID-related grants from the state in fiscal year 2020-2021.

Intergovernmental revenue is at 32% of budget as of December 31st because state shared revenue for the months of November and December are not received until the end of February. Charges for Services are at 40% of budget because ice arena fees were delayed due to construction. Fines and Forfeitures are at 26% of budget because the 48<sup>th</sup> District Court revenues have not returned to their pre-pandemic levels yet and the court retains the last quarter of revenues (October – December) until after their audit. Interest and Rent is at 21% of budget due to a timing difference on special assessment interest which won't be billed until the spring and low interest rates. Other Revenue is at 10% of budget due to the timing of when special assessments are billed out.



Total current year-to-date expenditures for the General Fund are lower than the prior year by approximately \$2,300,000. Most of the difference is the result of a decrease in Engineering and Public Services of \$1,400,000, a decrease in Transfers Out of \$700,000, and a decrease in General Government of \$300,000. Engineering and Public Services decreased as a result of sidewalk construction on Maple Road in fiscal year 2020-2021. Transfers Out decreased as a result of a decrease in transfers to the Capital Project Fund in 2021-2022 and a timing difference of a quarterly advance to the 48<sup>th</sup> District Court. General Government is lower in the current fiscal year due to unfilled positions and a reimbursement from the pension fund in fiscal year 2020-2021 which wasn't posted until the 3<sup>rd</sup> quarter.

### **Greenwood Cemetery Fund**

Cemetery plot sales are approximately the same as last year. Investment income is down slightly due to a large capital gain recorded in fiscal year 2020-2021. No expenditures have been budgeted for this fiscal year.

### **Major Street Fund**

Total revenues are approximately \$1,000,000 more than the prior year as a result of higher budgeted transfers from the General Fund. Intergovernmental revenue is at 34% as a result of November and December's road funding being received after December 31st. Interest and Rent is at 27% due to December's interest posted in January and lower interest rates.

Overall expenditures are \$1,100,000 lower than the previous year as a result of the Maple Road project in fiscal year 2020-2021.

### **Local Street Fund**

Total revenues for the year are approximately \$450,000 lower than the prior year due to lower budgeted transfers from the General Fund. Intergovernmental revenue is at 34% as a result of November and December's road funding being received after December 31st. Interest and Rent is at 36% due to December's interest posted in January and lower interest rates.

Total expenditures are approximately \$80,000 less than the prior year. Street trees are approximately \$100,000 more than the prior year and are at 67% of the budget because of storms. Construction costs are at 14% as a result of projects that will be started in the spring of 2022. Street Maintenance is approximately the same as last fiscal year and typically the activity picks up in the late winter early spring.

### **Solid Waste Fund**

Revenues are approximately \$132,000 higher than the previous year as a result of higher property tax revenue.

Expenditures are approximately the same as the prior fiscal year.

### **Brownfield Redevelopment Authority Fund**

Revenues are approximately \$100,000 than the prior year. This is the result of higher property tax revenue which is subject to tax capture.



Fiscal year 2021-2022 fiscal year expenditures are higher than the previous year due to the timing of payment to 2400 E. Lincoln in 2020-2021 which did not occur until the 4<sup>th</sup> quarter.

### **Principal Shopping District**

Revenues are up a slightly due to more special event revenue. Special assessments are 0% due to the special assessment normally being billed in January.

Expenditures for the year have slightly increased as a result of special events.

### **Community Development Block Grant Fund**

No CDBG expenditures were recorded for the first half of 2020-2021.

### **Triangle District Corridor Improvement Authority**

The City is attempting to re-engage with the County regarding tax capture for the district. To-date no property taxes have been captured and no funds spent on this activity.

### **Indigent Defense Fund**

This fund is new to the City and to the quarterly reporting. The Michigan Indigent Defense Commission required that the one of the control units for the 48<sup>th</sup> District Court assume financial responsibility for this program as the Court could no longer do this. The funding for this program mostly comes from the State of Michigan with a minor local share. The Court continued to provide administrative assistance with this program until December 31<sup>st</sup> which is the reason why there are no expenditures for this fiscal year to date.

### **Law and Drug Enforcement Fund**

Revenues are dependent on receipt of forfeited property proceeds as a result of prosecution of a drug case. The Other Income is the sale of equipment purchased with these funds. No expenditures have taken place through the 2<sup>nd</sup> quarter of this fiscal year.

### **Baldwin Library**

Revenue has increased approximately \$125,000. This is the result of an increase in property tax revenue and the timing of a payment from a contract municipality.

Expenditures are approximately \$500,000 less than the prior fiscal year due to building improvements made in fiscal year 2020-2021.

### **Debt Service Fund**

Budgeted revenues and expenditures are based on scheduled debt service payments. Expenditures are at 92% spent for the year as a result of making a principal payment in September.



CITY OF BIRMINGHAM  
 QUARTERLY BUDGET REPORT  
 GENERAL FUND  
 QUARTER ENDED: DECEMBER 31, 2021 AND DECEMBER 31, 2020  
 % OF FISCAL YEAR COMPLETED: 50%

|                                   | 2021-2022         |                        |                     | 2020-2021         |                        |                     |
|-----------------------------------|-------------------|------------------------|---------------------|-------------------|------------------------|---------------------|
|                                   | AMENDED<br>BUDGET | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED | AMENDED<br>BUDGET | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED |
| REVENUES:                         |                   |                        |                     |                   |                        |                     |
| USE OF (CONTRIB. TO) FUND BALANCE | 902,232           | 0                      | 0%                  | 3,246,276         | 0                      | 0%                  |
| TAXES                             | 28,293,010        | 28,238,144             | 100%                | 26,948,810        | 26,909,381             | 100%                |
| LICENSES AND PERMITS              | 2,742,640         | 1,139,043              | 42%                 | 2,774,960         | 1,192,829              | 43%                 |
| INTERGOVERNMENTAL                 | 2,349,240         | 753,538                | 32%                 | 2,865,630         | 1,260,610              | 44%                 |
| CHARGES FOR SERVICES              | 3,166,020         | 1,270,912              | 40%                 | 2,722,020         | 1,332,104              | 49%                 |
| FINES AND FORFEITURES             | 1,640,750         | 429,016                | 26%                 | 899,110           | 353,328                | 39%                 |
| INTEREST AND RENT                 | 637,060           | 136,019                | 21%                 | 247,690           | 179,670                | 73%                 |
| OTHER REVENUE                     | 641,570           | 64,824                 | 10%                 | 371,730           | 33,315                 | 9%                  |
| TRANSFERS IN                      | 100,000           | 50,000                 | 50%                 | 115,000           | 50,000                 | 43%                 |
| TOTAL REVENUES                    | <u>40,472,522</u> | <u>32,081,496</u>      | <u>79%</u>          | <u>40,191,226</u> | <u>31,311,237</u>      | <u>78%</u>          |
| EXPENDITURES:                     |                   |                        |                     |                   |                        |                     |
| GENERAL GOVERNMENT                | 6,610,256         | 2,646,018              | 40%                 | 6,156,118         | 2,983,678              | 48%                 |
| PUBLIC SAFETY                     | 15,903,349        | 7,794,514              | 49%                 | 15,548,352        | 7,693,497              | 49%                 |
| COMMUNITY DEVELOPMENT             | 3,034,851         | 1,289,880              | 43%                 | 2,915,849         | 1,250,278              | 43%                 |
| ENGINEERING AND PUBLIC SERVICES   | 7,241,212         | 2,380,423              | 33%                 | 7,612,067         | 3,780,267              | 50%                 |
| TRANSFERS OUT                     | 7,682,820         | 3,796,220              | 49%                 | 7,958,840         | 4,526,603              | 57%                 |
| TOTAL EXPENDITURES                | <u>40,472,488</u> | <u>17,907,055</u>      | <u>44%</u>          | <u>40,191,226</u> | <u>20,234,323</u>      | <u>50%</u>          |



CITY OF BIRMINGHAM  
 QUARTERLY BUDGET REPORT  
 GREENWOOD CEMETERY FUND  
 QUARTER ENDED: DECEMBER 31, 2021 AND DECEMBER 31, 2020  
 % OF FISCAL YEAR COMPLETED: 50%

|                           | 2021-2022         |                        |                     | 2020-2021         |                        |                     |
|---------------------------|-------------------|------------------------|---------------------|-------------------|------------------------|---------------------|
|                           | AMENDED<br>BUDGET | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED | AMENDED<br>BUDGET | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED |
| REVENUES:                 |                   |                        |                     |                   |                        |                     |
| CHARGES FOR SERVICES      | 60,000            | 31,846                 | 53%                 | 60,000            | 31,616                 | 53%                 |
| INTEREST AND RENT         | 24,500            | 10,461                 | 43%                 | 22,000            | 17,616                 | 80%                 |
| TRANSFERS IN              | <u>-</u>          | <u>-</u>               | 0%                  | <u>-</u>          | <u>-</u>               | 0%                  |
| TOTAL Revenues            | <u>84,500</u>     | <u>42,307</u>          | 50%                 | <u>82,000</u>     | <u>49,232</u>          | 60%                 |
| EXPENDITURES:             |                   |                        |                     |                   |                        |                     |
| OTHER CONTRACTUAL SERVICE | <u>-</u>          | <u>-</u>               | 0%                  | <u>20,000</u>     | <u>-</u>               | 0%                  |
| TOTAL EXPENDITURES        | <u>-</u>          | <u>-</u>               |                     | <u>20,000</u>     | <u>-</u>               |                     |



CITY OF BIRMINGHAM  
 QUARTERLY BUDGET REPORT  
 MAJOR STREETS  
 QUARTER ENDED: DECEMBER 31, 2021 AND DECEMBER 31, 2020  
 % OF FISCAL YEAR COMPLETED: 50%

|                                   | 2021-2022            |                        |                     | 2020-2021            |                        |                     |
|-----------------------------------|----------------------|------------------------|---------------------|----------------------|------------------------|---------------------|
|                                   | AMENDED<br>BUDGET    | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED | AMENDED<br>BUDGET    | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED |
| REVENUES:                         |                      |                        |                     |                      |                        |                     |
| USE OF (CONTRIB. TO) FUND BALANCE | 789,647              | -                      | 0%                  | 2,916,776            | -                      | 0%                  |
| INTERGOVERNMENTAL                 | 1,674,280            | 576,710                | 34%                 | 1,641,450            | 554,035                | 34%                 |
| INTEREST AND RENT                 | 59,580               | 15,826                 | 27%                 | 43,500               | 27,519                 | 63%                 |
| OTHER REVENUE                     | -                    | 1,245                  | 0%                  | -                    | -                      | 0%                  |
| TRANSFERS IN                      | <u>4,100,000</u>     | <u>2,050,000</u>       | 50%                 | <u>2,000,000</u>     | <u>1,000,000</u>       | 50%                 |
| <br>TOTAL REVENUES                | <br><u>6,623,507</u> | <br><u>2,643,781</u>   | <br><u>40%</u>      | <br><u>6,601,726</u> | <br><u>1,581,554</u>   | <br><u>24%</u>      |
| EXPENDITURES:                     |                      |                        |                     |                      |                        |                     |
| ADMINISTRATIVE                    | 20,570               | 11,528                 | 56%                 | 20,900               | 11,649                 | 56%                 |
| TRAFFIC CONTROLS & ENGINEERING    | 695,355              | 144,670                | 21%                 | 753,968              | 428,274                | 57%                 |
| CONSTRUCTION OF ROADS & BRIDGES   | 4,535,522            | 837,203                | 18%                 | 4,684,541            | 1,715,092              | 37%                 |
| MAINTENANCE OF ROADS & BRIDGES    | 595,840              | 118,787                | 20%                 | 363,011              | 102,519                | 28%                 |
| STREET CLEANING                   | 221,770              | 114,924                | 52%                 | 219,590              | 80,395                 | 37%                 |
| STREET TREES                      | 292,680              | 170,388                | 58%                 | 271,206              | 136,210                | 50%                 |
| SNOW AND ICE REMOVAL              | <u>261,770</u>       | <u>31,437</u>          | 12%                 | <u>288,510</u>       | <u>30,239</u>          | 10%                 |
| <br>TOTAL EXPENDITURES            | <br><u>6,623,507</u> | <br><u>1,428,937</u>   | <br><u>22%</u>      | <br><u>6,601,726</u> | <br><u>2,504,378</u>   | <br><u>38%</u>      |



CITY OF BIRMINGHAM  
 QUARTERLY BUDGET REPORT  
 LOCAL STREETS  
 QUARTER ENDED: DECEMBER 31, 2021 AND DECEMBER 31, 2020  
 % OF FISCAL YEAR COMPLETED: 50%

|                                   | 2021-2022            |                        |                     | 2020-2021            |                        |                     |
|-----------------------------------|----------------------|------------------------|---------------------|----------------------|------------------------|---------------------|
|                                   | AMENDED<br>BUDGET    | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED | AMENDED<br>BUDGET    | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED |
| REVENUES:                         |                      |                        |                     |                      |                        |                     |
| USE OF (CONTRIB. TO) FUND BALANCE | 1,151,004            | -                      | 0%                  | (378,300)            | -                      | 0%                  |
| INTERGOVERNMENTAL                 | 683,860              | 233,803                | 34%                 | 670,450              | 225,138                | 34%                 |
| INTEREST AND RENT                 | 30,600               | 10,916                 | 36%                 | 29,600               | 7,385                  | 25%                 |
| OTHER REVENUE                     | 204,730              | 102,711                | 50%                 | 197,460              | 34,495                 | 17%                 |
| TRANSFERS IN                      | <u>1,950,000</u>     | <u>975,000</u>         | 50%                 | <u>3,000,000</u>     | <u>1,500,000</u>       | 50%                 |
| <br>TOTAL REVENUES                | <br><u>4,020,194</u> | <br><u>1,322,430</u>   | <br><u>33%</u>      | <br><u>3,519,210</u> | <br><u>1,767,018</u>   | <br><u>50%</u>      |
| EXPENDITURES:                     |                      |                        |                     |                      |                        |                     |
| ADMINISTRATIVE                    | 28,960               | 15,738                 | 54%                 | 29,520               | 15,959                 | 54%                 |
| TRAFFIC CONTROLS & ENGINEERING    | 68,700               | 35,918                 | 52%                 | 65,300               | 27,401                 | 42%                 |
| CONSTRUCTION OF ROADS & BRIDGES   | 2,164,241            | 293,113                | 14%                 | 1,501,810            | 492,932                | 33%                 |
| MAINTENANCE OF ROADS & BRIDGES    | 714,333              | 200,494                | 28%                 | 940,017              | 203,228                | 22%                 |
| STREET CLEANING                   | 255,550              | 124,489                | 49%                 | 248,300              | 107,075                | 43%                 |
| STREET TREES                      | 614,630              | 413,425                | 67%                 | 557,733              | 311,910                | 56%                 |
| SNOW AND ICE REMOVAL              | <u>173,780</u>       | <u>28,133</u>          | 16%                 | <u>176,530</u>       | <u>35,847</u>          | 20%                 |
| <br>TOTAL EXPENDITURES            | <br><u>4,020,194</u> | <br><u>1,111,310</u>   | <br><u>28%</u>      | <br><u>3,519,210</u> | <br><u>1,194,352</u>   | <br><u>34%</u>      |



CITY OF BIRMINGHAM  
 QUARTERLY BUDGET REPORT  
 SOLID WASTE  
 QUARTER ENDED: DECEMBER 31, 2021 AND DECEMBER 31, 2020  
 % OF FISCAL YEAR COMPLETED: 50%

|                                   | 2021-2022         |                        |                     | 2020-2021         |                        |                     |
|-----------------------------------|-------------------|------------------------|---------------------|-------------------|------------------------|---------------------|
|                                   | AMENDED<br>BUDGET | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED | AMENDED<br>BUDGET | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED |
| REVENUES:                         |                   |                        |                     |                   |                        |                     |
| USE OF (CONTRIB. TO) FUND BALANCE | (36,890)          | -                      | 0%                  | 202,233           | -                      | 0%                  |
| TAXES                             | 2,175,000         | 2,179,518              | 100%                | 2,042,500         | 2,046,705              | 100%                |
| INTERGOVERNMENTAL                 | 3,990             | 4,063                  | 102%                | 4,110             | 3,994                  | 97%                 |
| CHARGES FOR SERVICES              | 17,100            | 8,681                  | 51%                 | 17,000            | 8,768                  | 52%                 |
| INTEREST AND RENT                 | 20,000            | 5,775                  | 29%                 | 30,000            | 6,597                  | 22%                 |
| OTHER REVENUE                     | -                 | 1,500                  | 0%                  | -                 | 45                     | 0%                  |
|                                   |                   |                        |                     |                   |                        |                     |
| TOTAL REVENUES                    | <u>2,179,200</u>  | <u>2,199,537</u>       | <u>101%</u>         | <u>2,295,843</u>  | <u>2,066,109</u>       | <u>90%</u>          |
| EXPENDITURES:                     |                   |                        |                     |                   |                        |                     |
| PERSONNEL COSTS                   | 194,850           | 121,726                | 62%                 | 190,050           | 132,466                | 70%                 |
| SUPPLIES                          | 28,000            | 1,142                  | 4%                  | 28,000            | 6,917                  | 25%                 |
| OTHER CHARGES                     | 1,956,350         | 964,360                | 49%                 | 2,077,793         | 939,502                | 45%                 |
| CAPITAL OUTLAY                    | -                 | 742                    | 0%                  | -                 | -                      | 0%                  |
|                                   |                   |                        |                     |                   |                        |                     |
| TOTAL EXPENDITURES                | <u>2,179,200</u>  | <u>1,087,970</u>       | <u>50%</u>          | <u>2,295,843</u>  | <u>1,078,885</u>       | <u>47%</u>          |



CITY OF BIRMINGHAM  
 QUARTERLY BUDGET REPORT  
 BROWNFIELD REDEVELOPMENT FUND  
 QUARTER ENDED: DECEMBER 31, 2021 AND DECEMBER 31, 2020  
 % OF FISCAL YEAR COMPLETED: 50%

|                                   | 2021-2022         |                        |                     | 2020-2021         |                        |                     |
|-----------------------------------|-------------------|------------------------|---------------------|-------------------|------------------------|---------------------|
|                                   | AMENDED<br>BUDGET | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED | AMENDED<br>BUDGET | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED |
| REVENUES:                         |                   |                        |                     |                   |                        |                     |
| USE OF (CONTRIB. TO) FUND BALANCE | (2,000)           | -                      | 0%                  | (2,000)           | -                      | 0%                  |
| TAXES                             | 369,000           | 369,787                | 100%                | 287,300           | 263,399                | 92%                 |
| CHARGES FOR SERVICES              | -                 | -                      | 0%                  | -                 | -                      | 0%                  |
| INTEREST AND RENT                 | 2,000             | 479                    | 24%                 | 2,000             | 274                    | 14%                 |
| OTHER REVENUE                     | 20,000            | 351                    | 2%                  | 20,000            | 6,270                  | 31%                 |
| TRANSFERS IN                      | -                 | -                      | 0%                  | -                 | -                      | 0%                  |
|                                   | <u>389,000</u>    | <u>370,617</u>         | <u>95%</u>          | <u>307,300</u>    | <u>269,943</u>         | <u>88%</u>          |
| TOTAL REVENUES                    | <u>389,000</u>    | <u>370,617</u>         | <u>95%</u>          | <u>307,300</u>    | <u>269,943</u>         | <u>88%</u>          |
| EXPENDITURES                      | <u>389,000</u>    | <u>297,689</u>         | <u>77%</u>          | <u>307,300</u>    | <u>50,375</u>          | <u>16%</u>          |



CITY OF BIRMINGHAM  
 QUARTERLY BUDGET REPORT  
 PRINCIPAL SHOPPING DISTRICT  
 QUARTER ENDED: DECEMBER 31, 2021 AND DECEMBER 31, 2020  
 % OF FISCAL YEAR COMPLETED: 50%

|                                   | 2021-2022            |                        |                     | 2020-2021            |                        |                     |
|-----------------------------------|----------------------|------------------------|---------------------|----------------------|------------------------|---------------------|
|                                   | AMENDED<br>BUDGET    | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED | AMENDED<br>BUDGET    | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED |
| REVENUES:                         |                      |                        |                     |                      |                        |                     |
| USE OF (CONTRIB. TO) FUND BALANCE | 74,560               | -                      | 0%                  | 247,280              | -                      | 0%                  |
| CHARGES FOR SERVICES              | 25,000               | -                      | 0%                  | 25,000               | 25,000                 | 100%                |
| SPECIAL ASSESSMENTS               | 1,054,970            | 1,798                  | 0%                  | 1,054,970            | 5,611                  | 1%                  |
| INTEREST AND RENT                 | 13,700               | 2,421                  | 18%                 | 13,700               | 5,203                  | 38%                 |
| OTHER REVENUE                     | <u>100,000</u>       | <u>133,833</u>         | 134%                | <u>190,000</u>       | <u>5,540</u>           | 3%                  |
| <br>TOTAL REVENUES                | <br><u>1,268,230</u> | <br><u>138,052</u>     | <br><u>11%</u>      | <br><u>1,530,950</u> | <br><u>41,354</u>      | <br><u>3%</u>       |
| <br>EXPENDITURES                  | <br><u>1,268,230</u> | <br><u>624,453</u>     | <br><u>49%</u>      | <br><u>1,530,950</u> | <br><u>550,263</u>     | <br><u>36%</u>      |



CITY OF BIRMINGHAM  
 QUARTERLY BUDGET REPORT  
 COMMUNITY DEVELOPMENT BLOCK GRANT  
 QUARTER ENDED: DECEMBER 31, 2021 AND DECEMBER 31, 2020  
 % OF FISCAL YEAR COMPLETED: 50%

|                           | 2021-2022            |                        |                     | 2020-2021            |                        |                     |
|---------------------------|----------------------|------------------------|---------------------|----------------------|------------------------|---------------------|
|                           | AMENDED<br>BUDGET    | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED | AMENDED<br>BUDGET    | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED |
| INTERGOVERNMENTAL REVENUE | <u>36,100</u>        | <u>3,901</u>           | <u>11%</u>          | <u>36,387</u>        | <u>-</u>               | <u>0%</u>           |
| EXPENDITURES              | <u><u>36,100</u></u> | <u><u>3,901</u></u>    | <u><u>11%</u></u>   | <u><u>36,387</u></u> | <u><u>-</u></u>        | <u><u>0%</u></u>    |



CITY OF BIRMINGHAM  
 QUARTERLY BUDGET REPORT  
 TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY  
 QUARTER ENDED: DECEMBER 31, 2021 AND DECEMBER 31, 2020  
 % OF FISCAL YEAR COMPLETED: 50%

|                                   | 2021-2022         |                        |                     | 2020-2021         |                        |                     |
|-----------------------------------|-------------------|------------------------|---------------------|-------------------|------------------------|---------------------|
|                                   | AMENDED<br>BUDGET | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED | AMENDED<br>BUDGET | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED |
| REVENUES:                         |                   |                        |                     |                   |                        |                     |
| USE OF (CONTRIB. TO) FUND BALANCE | (470)             | -                      | 0%                  | (470)             | -                      | 0%                  |
| PROPERTY TAXES                    | -                 | -                      | 0%                  | -                 | -                      | 0%                  |
| INTEREST AND RENT                 | <u>470</u>        | <u>61</u>              | 13%                 | <u>470</u>        | <u>113</u>             | 24%                 |
| <br>TOTAL REVENUES                | <br><u>-</u>      | <br><u>61</u>          | <br><u>0%</u>       | <br><u>-</u>      | <br><u>113</u>         | <br><u>0%</u>       |
| <br>EXPENDITURES                  | <br><u>-</u>      | <br><u>-</u>           | <br><u>0%</u>       | <br><u>-</u>      | <br><u>-</u>           | <br><u>0%</u>       |



CITY OF BIRMINGHAM  
 QUARTERLY BUDGET REPORT  
 INDIGENT DEFENSE FUND  
 QUARTER ENDED: DECEMBER 31, 2021 AND DECEMBER 31, 2020  
 % OF FISCAL YEAR COMPLETED: 50%

|                                   | 2021-2022         |                        |                     | 2020-2021         |                        |                     |
|-----------------------------------|-------------------|------------------------|---------------------|-------------------|------------------------|---------------------|
|                                   | AMENDED<br>BUDGET | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED | AMENDED<br>BUDGET | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED |
| REVENUES:                         |                   |                        |                     |                   |                        |                     |
| USE OF (CONTRIB. TO) FUND BALANCE | -                 | -                      | 0%                  | -                 | -                      | 0%                  |
| INTERGOVERNMENTAL                 | 532,550           | 128,814                | 24%                 | -                 | -                      | 0%                  |
| OTHER REVENUE                     | -                 | -                      | 0%                  | -                 | -                      | 0%                  |
| INTEREST AND RENT                 | -                 | 150                    | 0%                  | -                 | -                      | 0%                  |
|                                   | <u>-</u>          | <u>150</u>             |                     | <u>-</u>          | <u>-</u>               |                     |
| TOTAL REVENUES                    | <u>532,550</u>    | <u>128,964</u>         | <u>24%</u>          | <u>-</u>          | <u>-</u>               | <u>0%</u>           |
| EXPENDITURES:                     |                   |                        |                     |                   |                        |                     |
| SUPPLIES                          | 500               | -                      | 0%                  | -                 | -                      | 0%                  |
| OTHER CHARGES                     | 532,050           | -                      | 0%                  | -                 | -                      | 0%                  |
|                                   | <u>532,050</u>    | <u>-</u>               |                     | <u>-</u>          | <u>-</u>               |                     |
| TOTAL EXPENDITURES                | <u>532,550</u>    | <u>-</u>               | <u>0%</u>           | <u>-</u>          | <u>-</u>               | <u>0%</u>           |



CITY OF BIRMINGHAM  
 QUARTERLY BUDGET REPORT  
 LAW & DRUG ENFORCEMENT FUND  
 QUARTER ENDED: DECEMBER 31, 2021 AND DECEMBER 31, 2020  
 % OF FISCAL YEAR COMPLETED: 50%

|                                   | 2021-2022          |                        |                     | 2020-2021         |                        |                     |
|-----------------------------------|--------------------|------------------------|---------------------|-------------------|------------------------|---------------------|
|                                   | AMENDED<br>BUDGET  | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED | AMENDED<br>BUDGET | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED |
| REVENUES:                         |                    |                        |                     |                   |                        |                     |
| USE OF (CONTRIB. TO) FUND BALANCE | 92,590             | -                      | 0%                  | (23,460)          | -                      | 0%                  |
| FINES & FORFEITURES               | 25,000             | 24,184                 | 97%                 | 25,000            | 32,050                 | 128%                |
| OTHER REVENUE                     | -                  | 3,851                  | 0%                  | -                 | -                      | 0%                  |
| INTEREST AND RENT                 | <u>2,000</u>       | <u>403</u>             | 20%                 | <u>1,300</u>      | <u>540</u>             | 42%                 |
| <br>TOTAL REVENUES                | <br><u>119,590</u> | <br><u>28,438</u>      | <br><u>24%</u>      | <br><u>2,840</u>  | <br><u>32,590</u>      | <br><u>1148%</u>    |
| EXPENDITURES:                     |                    |                        |                     |                   |                        |                     |
| OTHER CHARGES                     | 2,840              | -                      | 0%                  | 2,840             | -                      | 0%                  |
| CAPITAL OUTLAY                    | <u>116,750</u>     | <u>-</u>               | 0%                  | <u>-</u>          | <u>-</u>               | 0%                  |
| <br>TOTAL EXPENDITURES            | <br><u>119,590</u> | <br><u>-</u>           | <br><u>0%</u>       | <br><u>2,840</u>  | <br><u>-</u>           | <br><u>0%</u>       |



CITY OF BIRMINGHAM  
 QUARTERLY BUDGET REPORT  
 BALDWIN LIBRARY  
 QUARTER ENDED: DECEMBER 31, 2021 AND DECEMBER 31, 2020  
 % OF FISCAL YEAR COMPLETED: 50%

|                                   | 2021-2022         |                        |                     | 2020-2021         |                        |                     |
|-----------------------------------|-------------------|------------------------|---------------------|-------------------|------------------------|---------------------|
|                                   | AMENDED<br>BUDGET | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED | AMENDED<br>BUDGET | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED |
| REVENUES:                         |                   |                        |                     |                   |                        |                     |
| USE OF (CONTRIB. TO) FUND BALANCE | (571,630)         | -                      | 0%                  | (681,410)         | -                      | 0%                  |
| TAXES                             | 3,663,280         | 3,677,441              | 100%                | 3,541,640         | 3,531,510              | 100%                |
| INTERGOVERNMENTAL                 | 1,065,710         | 407,841                | 38%                 | 1,050,320         | 441,060                | 42%                 |
| CHARGES FOR SERVICES              | 21,400            | 14,506                 | 68%                 | 62,800            | 2,321                  | 4%                  |
| INTEREST AND RENT                 | 30,000            | 10,686                 | 36%                 | 52,000            | 10,086                 | 19%                 |
| OTHER REVENUE                     | -                 | -                      | 0%                  | -                 | -                      | 0%                  |
|                                   | <u>4,208,760</u>  | <u>4,110,474</u>       | <u>98%</u>          | <u>4,025,350</u>  | <u>3,984,977</u>       | <u>99%</u>          |
| TOTAL REVENUES                    |                   |                        |                     |                   |                        |                     |
|                                   | <u>4,208,760</u>  | <u>1,879,171</u>       | <u>45%</u>          | <u>4,025,350</u>  | <u>2,392,797</u>       | <u>59%</u>          |
| EXPENDITURES                      |                   |                        |                     |                   |                        |                     |



CITY OF BIRMINGHAM  
 QUARTERLY BUDGET REPORT  
 DEBT SERVICE FUND  
 QUARTER ENDED: DECEMBER 31, 2021 AND DECEMBER 31, 2020  
 % OF FISCAL YEAR COMPLETED: 50%

|                                   | 2021-2022         |                        |                     | 2020-2021         |                        |                     |
|-----------------------------------|-------------------|------------------------|---------------------|-------------------|------------------------|---------------------|
|                                   | AMENDED<br>BUDGET | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED | AMENDED<br>BUDGET | YEAR-TO-DATE<br>ACTUAL | % OF BUDGET<br>USED |
| REVENUES:                         |                   |                        |                     |                   |                        |                     |
| USE OF (CONTRIB. TO) FUND BALANCE | (5,500)           | -                      | 0%                  | (2,470)           | -                      | 0%                  |
| TAXES                             | 1,566,100         | 1,565,735              | 100%                | 1,548,450         | 1,547,110              | 100%                |
| INTERGOVERNMENTAL                 | 3,300             | 5,249                  | 159%                | 3,300             | 3,292                  | 100%                |
| INTEREST AND RENT                 | <u>3,000</u>      | <u>1,215</u>           | 41%                 | <u>100</u>        | <u>214</u>             | 214%                |
| TOTAL REVENUES                    | <u>1,566,900</u>  | <u>1,572,199</u>       | <u>100%</u>         | <u>1,549,380</u>  | <u>1,550,616</u>       | <u>100%</u>         |
| EXPENDITURES                      | <u>1,566,900</u>  | <u>1,437,975</u>       | <u>92%</u>          | <u>1,549,380</u>  | <u>1,458,930</u>       | <u>94%</u>          |





## CITY MANAGER'S REPORT

February 2022

### **Baldwin Public Library**

#### **Employment Update**

Melissa Behrens has been hired as a part-time Youth Librarian. We are currently interviewing candidates for the position of part-time IT Technician.

#### **Architectural Design Services**

The Library Board met on February 23 for a special meeting after the February 21 meeting was cancelled due to technical difficulties. The Library Board has approved and issued an RFP for architectural design services for the expansion and renovation of the front entry and circulation area. The RFP is due March 24. The Library Board is expected to select the architectural firm to complete the design development and construction drawings at its April 18 Board meeting. The Commission will then vote whether to approve the firm at its April 25 meeting.

#### **Student Board Member**

High school junior Olivia Clark will be the next student representative to the Library Board. Her term will run from February 21, 2022 through January 18, 2023.

#### **Financial Policy & Strategic Plan**

The Board voted to approve updates to the Financial Policy. The policies can be viewed at <https://www.baldwinlib.org/mission/>. The Board also approved a new strategic plan for the library for 2022-2025. The full plan can be read at <https://www.baldwinlib.org/staff-board/>. Highlights of the plan are listed below.

**Mission:** The Baldwin Public Library in Birmingham, Michigan enriches lives by providing opportunities and resources for everyone to learn, connect, and discover.

**Vision:** The Baldwin Public Library will be an essential part of the community and the first choice for access to cultural, recreational, and learning opportunities.

#### **Core Values:**

Intellectual Freedom Equitable  
and Inclusive Access  
Education and Lifelong Learning



Innovation  
Welcoming Environment  
Integrity  
Collaboration  
Commitment to Excellence

**Strategic Goals:**

Programs & Services: Adapt programs and services to meet the needs of the changing population.

Facility: Create a welcoming, safe, and accessible building that meets the needs of our staff and users.

Diversity & Equity: Provide and promote equitable and inclusive resources and opportunities for all populations.

Community Outreach & Partnerships: Develop and strengthen Baldwin Public Library connections within the community.

Personnel & Organization: Train, empower, and equip members of the organization to best support users and each other.

Financial: Maintain and improve financial health.

**The Birmingham Museum**

In response to our recent presentation on Birmingham's Black history at the Baldwin Public Library, Birmingham Schools Superintendent Embekka Roberson is interested in working with the museum to integrate our recent research into the schools' formal curriculum. The museum will also be including local Black history in school tour content this spring and into our annual exhibit later this year.

**Birmingham Shopping District (BSD)**

The BSD is presently working on a business mix analysis to determine the diversity of economic sectors in the downtown. The results of this analysis will affect how the BSD targets business attraction efforts and develops its marketing materials to promote the downtown to the greater region.

The Birmingham Bloomfield Eagle featured the BSD on the front page of its recent issue. The article was about how the BSD is pivoting to support small businesses.

Special Assessments for the BSD have all been sent out to commercial property owners in the district. Special assessments are due on March 31<sup>st</sup>.

The BSD is holding a joint Committee Chair meeting to discuss programs and services that the BSD will provide to the business district during the South Old Woodward construction project.



The BSD will be seeking to fill a part-time position for Farmers Market Manager who will be expected to work at the market every Sunday during the operating season.

## **Building Department**

### **Monthly Report**

The [Building Department's monthly report](#) provides an update on the following construction activity: building permits issued, building inspections conducted, trades permits issued and trades inspections conducted. In January, we processed 296 online permit applications, which is 43 more permits than were processed this same month last year.

### **Asbestos Survey Report and an Abatement Clearance Letter**

The Building Department is now requiring that all single-family demolition projects submissions contain an Asbestos Survey Report and an Abatement Clearance letter (if applicable). This is to ensure that all demolition and asbestos abatement activity complies with the EPA National Emissions Standards for Hazardous Air Pollutants (NESHAP).

A licensed abatement contractor or their agent provides an Asbestos Survey Report to the builder after inspecting the property. If asbestos is found to be present, an asbestos clearance letter will also be required to confirm abatement.

The new demolition requirements will be shared on the Building Department's page of the website and all applications will be revised. Any builders or excavators having obtained a permit within the last year will be notified via email blast.

### **Snow and Ice Violations**

Code Enforcement's commitment to a more proactive, assertive approach in the handling of snow and ice violations at construction sites has proven successful. The first snowfall of this winter resulted in 28 tickets issued to contractors for failure to maintain clear sidewalks and walkways in accordance with the City's Ordinance. Subsequent to this proactive approach, there was only one ticket issued to a contractor after the most recent snow event. However, in the three days that followed, officers cited 180 residential violations and over 200 violations have been issued to property owners since January. Additionally, Code Enforcement observed that in every neighborhood very few sidewalks had been properly cleared of snow and ice.

Due to the amount of properties so far this year that have been cited for noncompliance, it should be noted that it takes approximately 7 minutes to notify and enter each residential violation into our tracking database. Given that there are 7,272 single-family homes in the City of Birmingham, it would take several weeks for two officers to inspect every property and notify every violator. To accomplish this in a single day would require 40 Code Enforcement officers.



## **City Clerk's Office**

### **Special Event Application Update**

The special event application was updated in early February to encourage collaboration with nonprofits. All applicants going forward will be prompted to answer the following question:

3. **\*The city encourages collaboration amongst non-profit organizations to bring the greatest benefit to the community. Please explain your efforts to do so** \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Follow [this link](#) to access the Special Event Application online form.

Follow [this link](#) to view the printable version of the Special Event Application.

### **Election Information on the City's Website**

The City Clerk's Office constantly reviews their content on the city's website. Updates have been made to the elections page to include a timeline of dates and deadlines for the 2022 election cycle.

Information for candidate filing of nominating petitions was updated on September 9, 2021. There are some elected positions throughout the state and county where candidates would be allowed to pay \$100 to file in lieu of obtaining voter signatures on a nominating petition. However, in the City of Birmingham, the Library Board and City Commission are positions that require signatures and a \$100 fee would not be accepted when submitting a candidate filing. The Nominating Petition Forms are available in the Clerk's Office.

### **Election 2022**

The Clerk's Department relies on many election workers to ensure a smooth election. We will be contacting past election workers in May and recruiting for new election workers in May and June for the August 2, 2022 Primary election. Election workers will have training in July, and at that time we will evaluate whether we need to recruit more workers for the November 8, 2022 General election.

Birmingham has two state elections in 2022: the August 2, 2022 State Primary and the November 8, 2022 General Election. Some important dates to remember:

August 2, 2022 Election



- End of May – Applications for absentee ballots mailed to voters on the permanent absent voter list, **\*these applications will be dual apps, meaning voters can apply for both their August and November ballot.**
- Week of June 25 – Absentee ballots will start to be mailed to voters who request them for August 2022.
- July 18 – Last day to register to vote by mail or at [mi.gov/vote](https://mi.gov/vote)
- July 19 – Aug. 2 – Unregistered voters must schedule an appointment to register in person with the clerk's office.
- July 29 by 5:00 p.m. – Last day to request an absentee ballot by mail or at [mi.gov/vote](https://mi.gov/vote)
- Aug 1 at 4:00 p.m. – Deadline for obtaining an absentee ballot in person at the clerk's office
- Aug. 2 – Election day. Polls are open 7:00 a.m. – 8:00 p.m. All absentee ballots due at the clerk's office by 8:00 p.m.

### **Parade & Hometown Celebration**

The tradition continues in 2022 as the Celebrate Birmingham Hometown Parade marches in Downtown Birmingham on May 15.

Sponsorship of the parade is a great opportunity for area businesses to increase their presence in the community and to be an integral part of one of Birmingham's signature events. Sponsorship packages range from the \$3,500 Presenting sponsor, which provides the broadest presence of company name and message, to the \$100 Parade Friend Sponsor, which includes the company name displayed in Shain Park and on the City website. There are opportunities at all levels to sponsor a specific parade act or party activity. Participants are being sought to march in the parade, create a float, entertain and proudly represent their organization. Contact the City Clerk's Office at (248)530-1880 or go to [bhamgov.org/parade](https://bhamgov.org/parade) for information and registration.

### **Cemetery**

Future Agenda Topics for Greenwood Cemetery Advisory Board

January 7, 2022 - Meeting was canceled.

February 4, 2022 - Meeting in-person at City Hall

- Continued discussion on updating the rules and regulations for Greenwood Cemetery
- Continued discussion regarding a policy for installing monuments in recognition of a person of historical significance

March 4, 2022 - Meeting in-person at City Hall

- Topics to be determined

### **Board Appointments**

The City Clerk's Office is working to schedule board appointments for March 26, 2022 for the following boards:

- Parks and Recreation
- Multi-Modal Transportation Board
- Planning Board
- Cablecasting board
- Board of Review



## **City Manager's Office**

### **Setting the Record Straight**

The City Manager's office would like to set the record straight on several comments made at the City Commission meeting on February 14, 2022.

During public comment prior to the City Commission meeting, Mr. Bloom made the following statements:

"At the last Commission meeting, something occurred that I don't believe should have happened and the public was shortchanged as well as some other individuals involved. **Per Robert's Rules, when committee appointments are made, nominees are supposed to be taken from the floor. There are one or two exceptions. One exception is if there is a nominating committee and the other is I think if the city is organized in such a way that the Mayor may make nominations. So, we violated the rules and nobody else caught it and the Mayor proposed a process that everybody else bought into, of accepting nominations based on the order of interviews.** This resulted in nominating and appointing the least qualified person out of the applicant pool while leaving the most qualified person, a man in uniform serving our country.....*video is interrupted*.....and who also worked for Google and Waymo and multi-modal and mapping and other high technology areas from being appointed. The only qualification that I am aware of that the first person nominated has was that I don't know what his qualifications were other than (a) being an attorney and and (b) running for office and I don't know how someone like that could get picked over other more qualified candidates. So we short changed the candidates, **we didn't follow the Robert's Rules process** and one of the commissioners who isn't here tonight and he said something that that I agree with, which is that we've got a huge great talent pool in this community and we ought to use it. So when we do that and we try and engage that talent pool and if we don't accept the most qualified people to be on the committee, what kind of message does that send to everybody and will we be able to get good candidates applying for these positions in the future." **(Emphasis added, Full transcript of comments can be found [here](#))**

A review of the meeting footage from January 24, 2022 was conducted and at no time during the board appointments and nominations did Mayor Longe state that she would accept nominations based on the order of interviews as alleged by Mr. Bloom.

Please see the memo regarding nominations from Ms. Kucharek dated February 21, 2022 in the report section of the agenda for further information.

During the same public comment period at the beginning of the City Commission meeting on February 14, 2022, Mr. Paul Reagan made the following statements:



"770 Adams project. Let's use that as an example. **That is another project in the Triangle District right now, and that is about to come before you, the Commission, in about a month.** Project was designed by Chris Longe, the Mayor Therese Longe's husband. Mr. Longe is also a former treasurer of Clinton Baller's political action committee, now naturally neither Mayor nor Mr. Baller can vote on the approval of the project." **(Emphasis added)**

Mr. Reagan's statement that the 770 Adams project will be coming before the City Commission is incorrect. The Final Site Plan and Design Review for this project will be decided upon by the Planning Board and is not required to come before the City Commission.

During the same public comment period at the beginning of the City Commission meeting on February 14, 2022, Mr. Paul Reagan made the following statements:

"I find it odd though, that the first action that the Mayor took after she was, by your all consensus, made Mayor, **the first action she took was to appoint Mr. Baller to the Triangle Development Board. The very first action. And the major project that is going on within that area is the 770 Adams project.**" **(Emphasis added)**

Mr. Reagan's statement that Mr. Baller was appointed to the Triangle Development Board needs to be clarified. Mr. Baller was appointed to the Triangle District Corridor Improvement Authority ("CIA"). The CIA does not review new development projects that may occur within its boundaries, and thus will not consider the approval of the project at 770 S. Adams.

During the same public comment period at the beginning of the City Commission meeting on February 14, 2022, Mr. Paul Reagan made the following statements:

"Now, in addition, you know there are Planning Board members on the same project that when they were asked to consider it let's see that would have been as recently in January Chairman Clein, members Koseck, Emerine, Ramin, they had to recuse themselves from looking at it because of existing conflicts, the business relationships with the applicant. **Conflicts so numerous they couldn't form a quorum. That's right, they couldn't form a quorum because of the..the extent.**"

Mr. Reagan's statement that there were conflicts so numerous for Planning Board members at the January 2022 meeting that they did not have a quorum to conduct a meeting is incorrect. There was a quorum of the Planning Board at both the January 12, 2022 and January 26, 2022 meetings and regular business was conducted in the normal course.



Finally, during the same public comment period at the beginning of the City Commission meeting on February 14, 2022, Mr. Paul Reagan made the following statements:

“Here’s what I will leave you with. We need to look at the appointment criteria for our boards, clean them up, remove the institutionalized conflicts of interest which they engender. We need to require in the ethical code a declaration, identification and declaration of existing business relationships, so that when these businesses come before the City, that commissioner is on notice that they will recuse. They need to declare and recuse. **We need to minimize the influence peddling. I will just say it, the influence peddling that is going on you know.**” (Emphasis added Full transcript of comments can be found [here](#))

Oxford Dictionary defines the term “influence peddling” as the use of position or political influence on someone’s behalf in exchange for money or favors. Dictionary.com states that an “influence peddler” is a person who arranges to obtain favors, as government contracts, from high officials on behalf of others for a fee. Accordingly, it appears that Mr. Reagan is making an accusation that one or more board or commission members are using their position or influence in exchange for money or favors. This is a serious allegation of potentially criminal behavior. As a result, this matter has been forwarded to the City Attorney for further review.

Please see the letter from Ms. Kucharek to Mr. Paul Reagan dated February 22, 2022 in the report section of the agenda for further information.

## Communications

### **GovPilot Citizen Request Module – GovAlert App and Website Form**

GovPilot representatives were available to train city staff on their backend system in mid-February. We are adjusting system settings and ensuring everyone is comfortable with the functionality prior to launching the service in March.

### **Sign Up for Updates from Birmingham**

We continue to encourage the community to sign up for our Citywide Email System at [www.bhamgov.org/enews](http://www.bhamgov.org/enews). Subscribers receive important news alerts from the city, and residents obtain updates specific to their neighborhood. Additionally, subscribers receive our monthly Around Town e-Newsletter, featuring the latest updates about events, meetings, city projects, developments and more. [Follow this link](#) to view our February edition, and keep an eye out for the March edition coming soon!

## Human Resources

The Human Resources department is gearing up to fill several seasonal summer positions, including workers for our Golf Courses and Parks, as well as Farmers Market Assistants. There’s currently an open posting for clerical support in the Police Department, and a new intern is in the process of being hired at the Museum. Our recent City Engineer candidate fell through, but another round of interviews with new



qualified applicants is already in the works. As a reminder, commissioners who have not yet viewed the recent sensitivity training are encouraged to do so.

### Staff & Vacancy Update

\* No full-time hiring changes to report for the month of February.

| Department                             | FT & PT Staff Estimate | Current Vacancies | Percentage Staffed | Vacancies Filled Since 2020 | Percent Department Has Been Backfilled Since 2020 |
|----------------------------------------|------------------------|-------------------|--------------------|-----------------------------|---------------------------------------------------|
| Birmingham Shopping District           | 5                      | Seasonal Only     | 100%               | 3                           | 60%                                               |
| Clerk's Office                         | 5                      | None              | 100%               | 5                           | 100%                                              |
| Building                               | 17                     | Secretary A       | 94%                | 0                           | 100%                                              |
| Engineering                            | 8                      | City Engineer     | 87.5%              | 4                           | 50%                                               |
| Finance / Treasury                     | 14                     | Clerical Asst     | 93%                | 4                           | 28.5%                                             |
| Fire                                   | 35                     | None              | 100%               | 10                          | 28.5%                                             |
| Information Technology                 | 4                      | None              | 100%               | 2                           | 50%                                               |
| Maintenance                            | 2                      | None              | 100%               | 1                           | 50%                                               |
| Manager's Office / Communications / HR | 6                      | None              | 100%               | 6                           | 100%                                              |
| Museum                                 | 3                      | None              | 100%               | 0                           | 100%                                              |
| Parking System                         | 2                      | Parking Admin     | 50%                | 1                           | 50%                                               |
| Planning                               | 7                      | None              | 100%               | 4                           | 57%                                               |
| Police                                 | 71                     | None              | 100%               | 9                           | 12.50%                                            |
| Public Services                        | 56                     | Pending           | TBD                | 8                           | 14%                                               |

### City Staff Vaccination Update

#### Vaccination Card Tracking

| Department                        | # Received | Total Staff | Percentage |
|-----------------------------------|------------|-------------|------------|
| <b>City Staff</b>                 | 192        | 220         | 87%        |
| IT                                | 4          | 4           | 100%       |
| BSD                               | 4          | 5           | 80%        |
| Community Development             | 29         | 32          | 91%        |
| Fire Dept                         | 33         | 36          | 92%        |
| Clerks                            | 5          | 5           | 100%       |
| Finance/Treasurer                 | 12         | 13          | 92%        |
| Building/Maintenance              | 2          | 2           | 100%       |
| Museum                            | 3          | 3           | 100%       |
| Police Dept (w/o crossing guards) | 50         | 60          | 83%        |
| CM/HR                             | 6          | 6           | 100%       |
| DPS (w/o summer seasonals)        | 44         | 54          | 81%        |



## **Miscellaneous**

### **“But you don’t live here.”**

Engaging Local Government Leaders (ELGL) recently published an article about the unfortunate notion that public servants don’t care or can’t understand things in a community because they don’t sleep there. City of Birmingham staff members have been on the receiving end of the statement. It is intended to hurt us, and it does. Many public servants spend more time thinking about the community they work for than the community they live in. The article points out that, “As public servants, we spend every waking moment thinking of the communities we serve. We ask ourselves; how can we serve our community better, more efficiently, more transparently?” “We spend more time awake with you, than our families. ” And, “When we go on vacation, we take photos of infrastructure and open spaces of the places we visit to bring back new ideas to our ‘awake’ home, the community we love and serve.” Read the full article at <https://elgl.org/but-you-dont-live-here/>.

### **SOCRRA Update**

SOCRRA recently released its Quarterly Report covering the first six months operation of the 2021/22 fiscal year. The report contains a financial statement of SOCRRA's operation and an outline of projects in progress or completed during the quarter. The report also contains statistical information and other information of general interest to the members of the Board of Trustees, and the members of the governing body of each of the member municipalities of this Authority. Follow [this link to download SOCRRA's Quarterly Report](#).

## **Department of Public Services**

### **Commissioner Response from Previous Meetings**

The following information is in response to Commissioner Haig's question during the January 24, 2022 City Commission meeting about whether there was a warranty on the Isuzu Garbage Truck for its repair. The vehicle repair was for \$8,652.60. Our Fleet Services team always pursues any available warranty for all vehicle/equipment repair work. This is the first thing we do in such cases. Our fleet consists of over 200 vehicles/equipment.

This vehicle is a 2018 model and would have been covered under warranty based on its mileage. However, because of the extensive hours of use rather than the actual mileage, this vehicle is outside of its warranty for this particular repair.

These vehicles tend to accumulate many more idling (hours) based on its specialized service, than it gets actual driving (miles) as usage around town.

### **Ice Arena**



The Ribbon-Cutting Celebration is scheduled for Sunday, March 20, 2022 beginning at 11:00 AM. Evite invitations will be forthcoming and various planning items are underway. A program booklet will be available on this day with the schedule of events. We are including some figure skating and hockey exhibitions along with tours of the renovated ice arena facility.

### **Adams Park Construction Project**

The City of Birmingham is out to bid for the development of Adams Park. Plans and specifications are available at [www.mitn.info](http://www.mitn.info). Project details and deadlines are also available at this site. Proposals were due to the Department of Public Services by February 24, 2022 at 1:00 p.m.

## **Fire Department**

### **Restoration Hardware (RH) Donates Buildings for Firefighter Training**

Two current buildings along South Old Woodward (300 and 394) are slated for demolition soon. Thanks to a generous donation by Restoration Hardware, the Birmingham Fire Department was given permission to perform training at these buildings prior to their demolition.

Residents in the area may have recently noticed an increased presence of fire apparatus and signage indicating that training was taking place. Training scenarios included the use of radios, power tools, environmentally safe training smoke, etc.

Donation of buildings and homes that are scheduled for demolition provide invaluable training opportunities for Birmingham firefighters. Without the generosity of the owners, the training scenarios performed and the usage of certain firefighting equipment is very difficult to realistically recreate without causing major damage to the training areas at the fire stations.

## **Planning Department**

### **Master Plan 2040**

The Planning Board is wrapping up its thorough review of the second draft on March 9, 2022 with a summary of the review and a prioritization that will be brought to the City Commission at a joint meeting in the spring. All of the presentation slides used by the consultant for their presentations are available on [www.thebirminghamplan.com](http://www.thebirminghamplan.com), along with all documents relating to the 2040 Master Plan. You can also watch a recording of each meeting on the City of Birmingham website. As a reminder, you can still submit comments directly to the consultant team through the aforementioned 2040 Plan website, and can also submit comments directly to the Planning Division to be placed in the next available agenda of the Planning Board.

### **Planning Board**

The Planning Board is keeping very busy with a comprehensive outdoor dining study that has been the subject of conversation for many months. In addition, there are several



ordinance studies that have been waiting for the Master Plan review to be completed that the Planning Board will take on starting in the spring. In terms of site plan reviews, the Planning Board will be reviewing applications for the following developments in the near future:

- 100 Townsend – The Townsend Hotel has submitted an application for a new outdoor dining platform adjacent to the hotel and Rugby Grille on Townsend St. The Special Land Use Permit, Final Site Plan and Design Review application was reviewed at the Planning Board meeting on January 26, 2022, and will be forwarded to the City Commission for final approval after receiving a recommendation from the Planning Board and the Advisory Parking Committee.
- 770 S. Adams – A new Community Impact Study and Preliminary Site Plan Review application has been submitted for a new 5 and 6 story mixed-use development in the Triangle District. The proposed building will have 158 residential units and a 4,000 sq. ft. retail space along Haynes. The application was reviewed again on February 23, 2022.
- 159 N. Eton – The business center along N. Eton is proposing a rehabilitation of the existing site and buildings, which will include façade changes, landscaping, and screening. The Final Site Plan and Design Review application is scheduled at the Planning Board on March 9, 2022.
- 294 W. Brown – A Community Impact Study and Preliminary Site Plan Review application has been submitted for a new mixed-use building along E. Brown St., which is currently Coldwell Banker. The building will be comprised of retail and office uses on the first and second floors, and will contain 38 residential units on floors 3 and 4. The project was reviewed at the Planning Board on February 23, 2022.
- 185 N. Old Woodward – The existing Mad Hatter Bistro has submitted a Special Land Use Permit, Final Site Plan and Design Review proposal to rebrand and renovate the existing bistro. The changes proposed are a full interior remodel, exterior changes, and a new outdoor dining patio. The project is scheduled at the Planning Board on March 23, 2022 and will be forwarded to the City Commission for final approval after receiving a recommendation from the Planning Board.
- 220 Merrill – The existing 220 Restaurant has submitted a Special Land Use Permit, Final Site Plan and Design Review for a new outdoor dining platform in the Merrill right-of-way. The project is scheduled at the Planning Board on March 23, 2022 and will be forwarded to the City Commission for final approval after receiving a recommendation from the Planning Board and Advisory Parking Committee.
- 2225 E. 14 Mile – Our Shepherd Lutheran Church is proposing a renovation of their existing parking facility, which will include improved screening and landscaping, as well as green storm water infrastructure. The Special Land Use Permit, Final Site Plan and Design Review application is scheduled at the Planning Board on March 23, 2022 and will be forwarded to the City Commission for final approval after receiving a recommendation from the Planning Board.
- 36877 Woodward – Gasow Veterinary Hospital has submitted a Preliminary Site Plan Review application for a new 2-story building and associated site



improvements. The tenant is proposed to remain, and will require a Special Land Use Permit (TZ3 zone), which will be reviewed by the City Commission in time. At present, the applicant is scheduled to go before the Planning Board on March 23, 2022.

- 243 E. Merrill – La Strada, an existing bistro, has submitted a Special Land Use Permit, Final Site Plan and Design Review application for a new outdoor dining platform in the Merrill right-of-way. The project is scheduled at the Planning Board on April 27, 2022 and will be forwarded to the City Commission for final approval after receiving a recommendation from the Planning Board and Advisory Parking Committee.

## **Historic Preservation**

The Historic District Commission is embarking on an intense plan of action for historic preservation. This includes a lot of work towards the adoption of historic design guidelines, a general preservation master plan, and a signage/wayfinding plan for the Bates St. Historic District. Additionally, the Historic District Study Committee has been given the green light by the City Commission to continue its important work of updating the 1992 Wallace Frost report titled "Wallace Frost: His Architecture in Birmingham, MI." as well as developing a proposal to reinvigorate the Heritage Home program. At this time, there is one major project that is being reviewed by the Historic District Commission:

- 320 Martin – The historic Birmingham Post Office site is being considered for a 5-story addition on the rear (north) side of the property along Maple. The Historic District Commission is considering many aspects of the project in relation to the Secretary of the Interiors Standards for Rehabilitation. The project will be reviewed next on March 16, 2022.

## **Public Art**

The Public Arts Board is now beginning its 2022 call for entries. The program affords an opportunity for six artists to receive a small grant to provide public art in the City of Birmingham. Along with the call for entries program, the Public Arts Board continues to field donation requests.

## **Multi-Modal Transportation Board**

The Multi-Modal Transportation Board (MMTB) has taken on the valiant but challenging task that is improving the Woodward corridor. At present, the MMTB will be seeking a resolution from the City Commission to move forward with the Woodward Avenue Road Diet Checklist, and will be studying various other improvements for Woodward.

## **Police Department**

### **Promotions Update**

1. Lieutenant Greg Wald was promoted to the rank of Commander. Cmdr. Wald was assigned to be in charge of the Services Division.
2. Sergeant Michael Simpson was promoted to the rank of lieutenant. Lt. Simpson was assigned to be in charge of night shift platoon "C" in the patrol division.



3. Officer David Buttigieg was promoted to the rank of sergeant. Sgt. Buttigieg was assigned to night shift platoon "D" in the patrol division.
4. Sgt. Alex Linke was assigned to the Investigative Division as a general case detective/school resource officer.

### **Ring Road**

In the last Commission meeting, there was a brief mention of Ring Road or the "bypass" of roads surrounding the central business district. In the late 1960's and 1970, the City created "Ring Road" as a way of diverting traffic around the central business district to reduce traffic congestion that was thought to be a detriment to the business community. Ring Road consisted of several streets (Brown, Peabody, Park, Oakland/Willits and Chester) interlinked to create the bypass. Signage explaining the Ring Road bypass to the motoring public was installed. The Ring Road bypass was even mentioned in the City's 2016 Master Plan for improvements along the road that involved issues with street widths, crosswalks, traffic calming measures, traffic bleed into neighborhoods and more.

However, around 2010, the City changed course and an emphasis on engaging or activating the City's downtown center became a priority. There was a conscious movement by the City Commission and other boards to route traffic and other activities back into the downtown business district in a safe manner consistent with being a walkable community to increase visibility and access to retailers and restaurants. Signage for Ring Road was removed and community development and engineering projects were completed with the more open concept design for the downtown.

## **Parking Systems Update**

### **Construction:**

Construction repairs are continuing at Chester, Park and Peabody Structures. Staff met with Wiss, Janney, Elstner Associates (WJE) to discuss construction design and repair approach for the upcoming construction season.

### **Waitlist:**

The current waitlist is down to 250 people. SP+ is continuing to contact people on the list to determine whether they are still interested in passes and issue passes. By March, the waitlist should be eliminated.

### **Credit Card Reader Upgrade:**

New credit card readers have been installed and are being tested at the Peabody Structure. The old credit card readers had a lot of wear and tear and were not operating properly. If it is determined that new credit card readers resolve issues, then staff will proceed to install new readers at all structures.

### **Occupancy:**

| <b>January</b>    |     |
|-------------------|-----|
| Chester Structure | 31% |
| N.O.W Structure   | 42% |



|                   |     |
|-------------------|-----|
| Park Structure    | 41% |
| Peabody Structure | 65% |
| Pierce Structure  | 64% |
|                   |     |
| Average Occupancy | 49% |

### **Future Agenda Items**

Download a summary of [future agenda items](#).

### **Future Workshop Items**

Download a summary of [future workshop items](#).



## MEMORANDUM

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**DATE:** February 21, 2022

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

**FROM:** Mary M. Kucharek

**SUBJECT:** Nominations

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### INTRODUCTION:

At the February 14, 2022 Commission meeting, during public comment it was alleged by David Bloom that there was an error made in the nomination procedure during the January 24, 2022 Commission meeting wherein the Mayor said “that nominations would be taken in order of the interviews.” I have reviewed all evidence of the allegation and have determined the Mayor did not say this, nor was an error made.

### LEGAL REVIEW:

Robert’s Rules of Order in the 12<sup>th</sup> Edition, Chapter XIV, § 46, offers nomination procedures and notes that there are several methods for making nominations. Specifically, there are six (6) different ways for nominations to occur. In the case of the City of Birmingham, nominations for committees and boards are done “from the floor,” which is also called *open nominations*. Floor nominations are subject to the following rules:

The process of making floor nominations is subject to the following rules:

- Recognition by the chair is not required to make a nomination. However, calling nominations from your seat is often impractical, so you may want to adopt a more formal nomination process.
- Nominations don’t have to be seconded, but it’s not out of order for members to second a nomination to signal their endorsement.
- A person can nominate himself or herself.
- A member shouldn’t offer more than one nomination to a position if there are several seats for the same office – such as for nominees to a board or a committee – until all other members have had the opportunity to make nominations.
- Nominees do not have to leave the room during the nominations, when the vote is taken, or when the vote is counted.



- The presiding officer can continue presiding, even if he or she is one of the nominees for the office.
- A member can rise and decline the nomination during the nominating process.
- After each nomination, the president repeats the name to the assembly.
- Nominations are taken for successive offices in the order they're listed in the bylaws.

The procedures for the City of Birmingham Commission state:

"If the number of persons nominated for appointment to a City board, commission or committee does not exceed the number of positions to be filled, the City Commission may use a voice vote. If the number of nominations exceeds the number of positions to be filled, nominees shall be voted upon in the order in which they were nominated, either by voice or roll call vote."

After careful review of the City of Birmingham meeting as available on Vimeo, three (3) different boards had nominations for multiple positions. During all three (3) nomination procedures, Mayor Longe turned to her fellow Commissioners and asked if there were "any nominations." Then voting occurred in the order in which nominations were made, as properly prescribed by Robert's Rules of Order and by the appointment procedures as articulated in the City Commission's Rules of Procedure. Therefore, the nomination process that was done on January 24, 2022 at the City of Commission was done correctly, legally, and in line with Rules of Procedure of both the City Commission and Robert's Rules of Order. No misstatement was made by Mayor Longe nor was an error made.



February 22, 2022

Mr. Paul Reagan  
997 Purdy  
Birmingham, MI 48009

***Re: February 14, 2022 City Commission Meeting***

Dear Mr. Reagan:

At the Birmingham City Commission meeting of February 14, 2022 you addressed the Commission during public comment to discuss your concerns with the Ethics Ordinance and conflicts of interest. You suggested the City needs to look at its appointment criteria to the various boards that serve the City of Birmingham in order to “deinstitutionalize” conflicts of interest. I would agree that identifying conflicts of interest are extremely important, and I will be writing a report for the next Commission meeting discussing the Ethics Ordinance that requires disclosure of all conflicts of interest.

The purpose of this letter is to address a statement that you made which is extremely serious and important. At approximately 1 minute and 34 seconds into your discussion, you stated:

“We need to minimize the influence peddling - I’ll say it-the influence peddling *that’s going on.*” (Emphasis Added)

The definition of *influence peddling* according to the Oxford dictionary is “the use of position or political influence on someone’s behalf in exchange for money or favors.” Another definition is *influence peddling* is the act of promising or giving a benefit or a payment to a person who has real or potential influence on the decision making of public officials. In fact, *influence peddling* is a type of corruption that, depending upon the facts and circumstances, could rise to the level of a crime. When I, as the City Attorney, hear allegations of a potential crime, it is incumbent upon my office to take those allegations seriously and potentially investigate or direct an investigation to determine any harm to the City. To that end, I am requesting any documentation or evidence that you may have that would substantiate or demonstrate there is influence peddling “going on.” These types of situations or allegations are extremely important and incredibly serious. In order to take the first step, again, I will need you to provide any evidence that you have to aid in our inquiry.



# Beier Howlett

Mr. Paul Reagan  
February 22, 2022  
Page 2

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I thank you for your attention to this matter, and I look forward to the receipt of any documentation you may have in connection therewith.

Very truly yours,

**BEIER HOWLETT, P.C.**



Mary M. Kucharek

MMK/jc

cc: Mr. Thomas M. Markus, City Manager

Ms. Therese Longe, Mayor



## **REPORT**

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**DATE:** February 16, 2022

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

**FROM:** Mary M. Kucharek

**SUBJECT:** February 14, 2022 Commission Meeting

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At the February 14, 2022 Commission meeting, commentary was made during public comment for matters not on the agenda that discussed the Ethics Ordinance and the need for further codification of disclosure requirements. I believe it is necessary to draw the Commission's attention to the Ethics Ordinance that, in fact, already defines financial interests, personal interests and private gain.

The intention of the Ethics Code is to assure that any conflict of interest is disclosed and appropriate actions are taken, and to examine even the slight appearance of any gain, preferential treatment, or financial gain by elected officials, volunteers and employees of the City of Birmingham.

Sec. 2-324 of the Ethics Ordinance discusses in no less than eleven (11) paragraphs all types of conflicts of interest. It was said at public comment that there is no requirement to disclose business relationships. The Ethics Code most certainly identifies the need for the disclosure of any conflict of interest that includes business relationships of not only the elected official, but any of their family members as defined in the Code of Ethics. Sec. 2-324(a)(1)-(11) certainly makes it clear, particularly subsection (11) that states:

"(11) Subsequent conflict of interest. No official or employee of the city shall acquire any financial interest in or accept any employment concerning any project which has been granted approval by the city or any commission, board, department or employee thereof within one year of the official's or employee's participation in any manner in considering or recommending the approval or disapproval of said project."

Certainly, subsections (1)-(11) make it clear that anytime there is a business relationship that involves the City or any of its projects that a potential conflict of interest arises, and as a result under Sec. 2-324(b) the Ethics Code says that:

"(b) Full disclosure.  
(1) Responsibility to disclose. It shall be the responsibility of the official or employee to disclose the full nature and extent of his or her direct or indirect financial or personal interest in a matter before him or her.

No official or employee of the city shall participate, as an agent or representative of the city, in approving, disapproving, voting,



abstaining from voting, recommending or otherwise acting upon any matter in which he or she has directly or indirectly a financial or personal interest. The official or employee shall, in such circumstances, recuse himself or herself from the matter before him or her.

(2) Disclosure of conflict of interest and disqualification.

- a. Any city official or employee who has a conflict of interest, as defined herein, in any matter before the city shall disclose such fact on the appropriate record of the city prior to discussion or action thereon and shall refrain from participating in any discussion, voting or action thereon, as follows, provided that such exceptions shall be observed as are permitted by law:
  1. A city commissioner shall disclose any conflict of interest and the nature and extent of such interest on the record of the city commission;
  2. A member of any city board, commission or committee shall disclose any conflict of interest and the nature and extent of such interest on the records of said board, commission or committee;
  3. A city employee who has a financial or other interest in a matter before the city commission or any city board, commission or committee and who participates in discussion with, or gives an official opinion to the city commission, or to such other city board, commission or committee relating to such matter, shall disclose on the records of the city commission or such other city board, commission or committee, as the case may be, any conflict of interest and the nature and extent of such interest.
  4. Otherwise, any appointed city official or employee shall address such a disclosure to the supervisory head of his or her department, and any elected city official shall address such a disclosure to the general public.
- b. If a city official, commissioner or employee who has a conflict of interest, as defined herein, in any matter before the city, and who discloses that conflict on the appropriate records but who refuses to refrain from discussion, deliberation or voting thereon, the matter under consideration shall be immediately referred to the board of ethics for a final determination as to the conflict in question and whether the official, commissioner or employee must refrain from discussion, deliberation, action or voting thereon.
- c. Within 20 days after election, employment, appointment, or the effective date of this ordinance, or any change in the facts set forth



in the city official's or employee's previously filed disclosure statement, each city official and employee shall file with the city clerk an affidavit and disclosure statement. The city clerk shall provide each city official or employee with the required affidavit and disclosure statement form immediately upon his or her election, employment or appointment. The affidavit and disclosure statement does not apply to part-time and temporary employees of the city. Additionally, the disclosure requirements on this section do not apply to regular full-time employees below the level of assistant department head, except at the discretion of the city manager.

d. The effective date for this ordinance shall be July 21, 2003."

Subsection (2) continues to demand that all disclosures of a conflict of interest and the nature and extent of any interest should be brought to all boards, commission or committees, and if there is a conflict of interest as defined then there should be recusal from "discussion, deliberation or voting thereon."

In fact, Sec. 2-326 demands that there be an Affidavit and Disclosure Statement regarding all of the potential interests in real property located in the City and Sec. 2-326 A.5. states:

"5. To the best of your knowledge, do you or any *members of your immediate family have any direct financial or business relationships* with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit that is not reported in the prior answers." (Emphasis Added)

I highlight these portions of the Ethics Ordinance to demonstrate that the Ethics Ordinance, as written, most certainly does demand that all potential conflicts, or even the appearance of a potential conflict be fully disclosed by any person working for or on behalf of the City including their family's potential relationships. The Ethics Ordinance is already drafted to prevent any sort of personal gain or influence on boards and committees. It is important that on every project or any item before any board, committee or commission that we examine each different potential conflict on a case by case basis, and I encourage anyone that has any question regarding whether a conflict exists to speak to my office at any time, and if my office needs any further assistance or clarification, we would certainly be in expedited communication with the Ethics Board for any further direction or counsel as needed.





## Bloomfield Township Police Department

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Bloomfield Hills Schools is seeking input from the community and community partners about recreation offerings and facilities. This survey will help guide the district in developing programming and assist in the planning for the types of spaces the community will utilize. It is important to the district to better understand the growing recreational needs of our community.

"It is the goal of Bloomfield Hills Schools to provide enrichment opportunities for our community members of all ages and abilities and allow our community to utilize our facilities for gatherings and instruction," said Superintendent Pat Watson. "We are proud to be an integral part of the Bloomfield community and believe that strong communities lead to strong schools."

Here is the link to the survey: <https://www.bloomfield.org/.../seeking-your-input..>



### Recreation Spaces & Offerings



# SEEKING YOUR INPUT

**INFORMATION ONLY**





Alex Bingham &lt;abingham@bhamgov.org&gt;

## Fwd: Michigan WWII Legacy Memorial Groundbreaking - April 7, 2022

1 message

**Tom Markus** <tmarkus@bhamgov.org>  
To: Alex Bingham <abingham@bhamgov.org>

Tue, Feb 22, 2022 at 1:41 PM

Please add to Info only

----- Forwarded message -----

From: **Ethan Baker** <Ethan.Baker@troy.mi.gov>

Date: Tue, Feb 22, 2022 at 1:26 PM

Subject: Michigan WWII Legacy Memorial Groundbreaking - April 7, 2022

To: Adam Owczarzak <AdamOwczarzak@madison-heights.org>, dterbrack@berkleymich.net <dterbrack@berkleymich.net>, jgeorge@villagebeverlyhills.com <jgeorge@villagebeverlyhills.com>, tlonge@bhamgov.org <tlonge@bhamgov.org>, pmillan@cityofclawson.com <pmillan@cityofclawson.com>, sbowman@farmgov.com <sbowman@farmgov.com>, vbarnett@fhgov.com <vbarnett@fhgov.com>, mpiana@ferndalemi.gov <mpiana@ferndalemi.gov>, fixit122966@aol.com <fixit122966@aol.com>, bpaul@hwmi.org <bpaul@hwmi.org>, kgarrett@lathrupvillage.org <kgarrett@lathrupvillage.org>, Roslyn Grafstein <RoslynGrafstein@madison-heights.org>, bturnbull@ci.northville.mi.us <bturnbull@ci.northville.mi.us>, bgatt@cityofnovi.org <bgatt@cityofnovi.org>, mmcclellan@oakparkmi.gov <mmcclellan@oakparkmi.gov>, bscott@cityofpleasantridge.org <bscott@cityofpleasantridge.org>, ccfourmier@romi.gov <ccfourmier@romi.gov>, supervisor@royaloaktwp.com <supervisor@royaloaktwp.com>, ksiver@cityofsouthfield.com <ksiver@cityofsouthfield.com>, dpelchat@southlyonmi.org <dpelchat@southlyonmi.org>, pbeagle@wixomgov.org <pbeagle@wixomgov.org>, mbaumgarten@berkleymich.net <mbaumgarten@berkleymich.net>, krutkowski@villagebeverlyhills.com <krutkowski@villagebeverlyhills.com>, tmarkus@bhamgov.org <tmarkus@bhamgov.org>, ssarvello@cityofclawson.com <ssarvello@cityofclawson.com>, dmurphy@farmgov.com <dmurphy@farmgov.com>, jgacioch@ferndalemi.gov <jgacioch@ferndalemi.gov>, Eklobucher@hazelpark.org <Eklobucher@hazelpark.org>, mwollenweber@hwmi.org <mwollenweber@hwmi.org>, treasurerl@lathrupvillage.org <treasurerl@lathrupvillage.org>, Melissa Marsh <MelissaMarsh@madison-heights.org>, psullivan@ci.northville.mi.us <psullivan@ci.northville.mi.us>, pauger@cityofnovi.org <pauger@cityofnovi.org>, etungate@oakparkmi.gov <etungate@oakparkmi.gov>, citymanager@cityofpleasantridge.org <citymanager@cityofpleasantridge.org>, Paulb@romi.gov <Paulb@romi.gov>, TDebar@royaloaktwp.com <TDebar@royaloaktwp.com>, fzorn@cityofsouthfield.com <fzorn@cityofsouthfield.com>, PZelenak@southlyonmi.org <PZelenak@southlyonmi.org>, Mark F Miller <Mark.Miller@troy.mi.gov>, CityManager@wixomgov.org <CityManager@wixomgov.org>, gmekjian@fhgov.com <gmekjian@fhgov.com>, kmarsh@villagebeverlyhills.com <kmarsh@villagebeverlyhills.com>, nstepnitz@cityofclawson.com <nstepnitz@cityofclawson.com>, mandrade@farmgov.com <mandrade@farmgov.com>, jcisneros@fhgov.com <jcisneros@fhgov.com>, lyono@hazelpark.org <lyono@hazelpark.org>, assistant@lathrupvillage.org <assistant@lathrupvillage.org>, mmassel@ci.northville.mi.us <mmassel@ci.northville.mi.us>, sbell@cityofnovi.org <sbell@cityofnovi.org>, swalsh@cityofnovi.org <swalsh@cityofnovi.org>, cvanvleck@oakparkmi.gov <cvanvleck@oakparkmi.gov>, carols@romi.gov <carols@romi.gov>, bastrop@cityofsouthfield.com <bastrop@cityofsouthfield.com>, vperry@cityofsouthfield.com <vperry@cityofsouthfield.com>, Cindy A Stewart <StewartCA@troy.mi.gov>, akulas@wixomgov.org <akulas@wixomgov.org>

Cc: Ethan Baker <Ethan.Baker@troy.mi.gov>

Hi Mayors, City Managers, and City Staff!

Some of you have probably heard about the Michigan World War II Legacy Memorial site that is being built in Royal Oak (Woodward & 13 Mile). The Memorial will be the state's "official" WWII Memorial. ([www.michiganww2memorial.org](http://www.michiganww2memorial.org))

For the past 7 years, or so, I have been involved with the project and currently am the Campaign Committee Co-Chair. There will be a groundbreaking ceremony for Phase 1 of the Memorial on April 7, 2022 at 2:00PM. I will be there and I'd love to see you join me there as well. Again, while this memorial will be located in Royal Oak, it is for the entire state and all of our communities have residents who played a role in WWII.

If you think you might attend, please let me know so I can forward the information to the appropriate people. Please also feel free to forward to council members, etc.

## INFORMATION ONLY

Hope you all are doing well — looking forward to dinner again soon.



Best,  
Ethan

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**4 attachments**

**Ethan Baker**  
Mayor of Troy

Office of the Mayor  
500 W. Big Beaver Road  
Troy, Michigan 48064  
248.716.4279 | 888.320-0468 fax  
[www.TroyMI.gov](http://www.TroyMI.gov)  
Twitter: @EthanBakerMI  
[www.facebook.com/EthanBakerMI](https://www.facebook.com/EthanBakerMI)  
Instagram: @EthanBakerMI

**Mayor Official Signature.png**  
189K



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3K



**Save the Date fv.pdf**  
1046K



**ATT00002.htm**  
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*Memorial*  
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You are cordially invited to the  
**GROUNDBREAKING  
C E R E M O N Y**  
for Phase 1 of The Michigan WWII Legacy Memorial  
**April 7, 2022 – 2:00pm**

Memorial Park  
31100 Woodward Avenue, Royal Oak, Michigan 48073



# *Honoring our Greatest Generation*

PHASE 1 RENDERING



The Michigan WWII Legacy Memorial  
[www.michiganww2memorial.org](http://www.michiganww2memorial.org)

P.O. Box 237  
Royal Oak, MI 48068

888 229 6126

A 501c3 Non-Profit