

**BIRMINGHAM CITY COMMISSION AGENDA**  
**MONDAY, MARCH 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**

- Per the CDC, COVID-19 Community Level for Oakland County is currently Low. The City continues to recommend the public wear masks while attending city meetings. These precautions are recommended while risks for COVID-19 transmission remain from new variants. All City employees, commissioners and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. The City continues to provide KN-95 respirators for all in-person meeting attendees.
- The community is encouraged to submit non-emergency concerns or questions to the city via the new GovAlert mobile app. The free app is fast and user-friendly. Simply download the app, available for both iOS and Android devices, and follow the prompts. At this time we will play a short video that explains how to use the app. You may also view this video at [www.bhamgov.org/govalert](http://www.bhamgov.org/govalert).
- Proclamation naming April 2022 as National Arab American Heritage Month
- Orderly and Efficient Conduct of Meetings of Public Bodies by City Attorney Kucharek

**APPOINTMENTS**

**A. Parks & Recreation Board**

1. Anne Lipp
2. Kyle Goulding
3. Steve Sweeney
4. Douglas Christensen

To appoint \_\_\_\_\_ to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2025.

To appoint \_\_\_\_\_ to the Parks and Recreation Board as an alternate member to serve a three-year term to expire March 13, 2025.

To appoint \_\_\_\_\_ to the Parks and Recreation Board as an alternate member to serve the remainder of a three-year term to expire March 13, 2023.

B. Multi-Modal Transportation Board

1. Michael Kopmeyer
2. Michael St. Germain
3. Anthony Long
4. Joe Zane
5. Mark Doolittle
6. Tom Peard

To appoint \_\_\_\_\_ to the Multi-Modal Transportation Board as a regular member to serve the remainder of a three-year term to expire March 24, 2025.

To appoint \_\_\_\_\_ to the Multi-Modal Transportation Board as a regular member to serve the remainder of a three-year term to expire March 24, 2025.

To appoint \_\_\_\_\_ to the Multi-Modal Transportation Board as a regular member to serve the remainder of a three-year term to expire March 24, 2025.

To appoint \_\_\_\_\_ to the Multi-Modal Transportation Board as a regular member to serve the remainder of a three-year term to expire March 24, 2025.

To appoint \_\_\_\_\_ to the Multi-Modal Transportation Board as a regular member to serve the remainder of a three-year term to expire March 24, 2023.

To appoint \_\_\_\_\_ to the Multi-Modal Transportation Board as an alternate member to serve the remainder of a three-year term to expire October 27, 2022.

C. Planning Board

1. Robin Boyle
2. Scott Clein
3. Brian Palmeri

To appoint \_\_\_\_\_ to the Planning Board as a regular member to serve a three-year term to expire March 28, 2025.

To appoint \_\_\_\_\_ to the Planning Board as a regular member to serve a three-year term to expire March 28, 2025.

D. Museum Board

1. Kristy Barrett

To appoint \_\_\_\_\_ to the Museum Board as a regular member to serve the remainder of a three-year term to expire July 5, 2023.



- E. Cablecasting Board
  - 1. Jim Cleary

To appoint \_\_\_\_\_ to the Cablecasting Board as a regular member to serve a three-year term expiring March 30, 2025.

- F. Board of Review
  - 1. Maria Chirco
  - 2. Jill Stress

To appoint \_\_\_\_\_ to the Board of Review as a regular member to serve the remainder of a three-year term to expire December 31, 2022.

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

- A. Public Comment – David Bloom

#### **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 March 14, 2022.
- B. Resolution to approve the City Commission meeting minutes of March 14, 2022.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 16, 2022, in the amount of \$501,146.91.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 23, 2022, in the amount of \$882,073.73.
- E. Resolution to approve a Special Event Permit as requested by the Schools Offer Support to hold the Strides for SOS Race on October 9, 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, or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event.
- F. Resolution to approve a Special Event Permit as requested by Eisenhower Dance Detroit to hold its Youth Ensemble Performance on May 26, 2022, in Shain Park contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event.

- G. Resolution to approve the purchase of one (1) Case 721G Zbar T4 (Vehicle #30), as quoted through the State of Michigan MIDEAL extendable purchasing contract #071B7700089, awarded to Southeastern Equipment Company located at 48545 Grand River, Novi, MI 48374, in the amount not to exceed \$208,341.98. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.
- H. Resolution to approve the purchase of one (1) 2022 Freightliner 114SD (Vehicle #160) supplied with a 2100i PD 18" vacuum and 15-yard debris combo, as quoted, from Jack Doheny Company, in the amount not to exceed \$420,030.00. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.
- I. Resolution approving a 3-year contract (through November 7, 2024) with Michigan Automatic Sprinkler, Inc., for irrigation services in an amount not to exceed \$61,575. 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 for using funds from the following other contractual services accounts: \$25,000 in Parks (101-751.000-811.0000), \$25,000 in Property Maintenance (101-441.003-811.0000) and Major Streets (202-449.003-937.0400).
- J. Resolution to set a public hearing date of April 25, 2022 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 100 Townsend – Rugby Grille – to allow the addition of a new outdoor dining platform in the Townsend right-of-way.
- K. Resolution of the City of Birmingham demonstrating support of the project and submittal of the application to MDOT for FY 2025 funding assistance under their Local Bridge Program, as presented.
- L. Resolution to set a special joint meeting of the City Commission and the Planning Board on April 18, 2022 to finalize the review of the second draft of the Birmingham 2040 Plan.
- M. Resolution directing City staff and the Planning Board to consider allowing the operation of food trucks within the City.

**AND**

Resolution directing City staff and the Planning Board to consider the creation of a Social District to allow for the outdoor consumption of alcohol within a defined area adjacent to two or more licensed establishments.

<b>VI. UNFINISHED BUSINESS</b>
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<b>VII. NEW BUSINESS</b>
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- A. Resolution to deny a Special Event Permit as requested by the First Baptist Church to hold the Sanctuary Worship in the Park on Sundays June 12 - September 4, 2022.

**OR**

Resolution to approve a Special Event Permit as requested by the First Baptist Church to hold the Sanctuary Worship in the Park on Sunday(s) \_\_\_\_\_, 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, or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event.

- B. Resolution to approve the award of the Adams Park Improvement project contract to Michigan Recreational Construction, in the amount of \$1,046,576.00 to be funded from account number 408-751.000-979.0000, to have the Mayor sign the contract on behalf of the City, and further to approve the appropriation and amendment to the 2021-2022 budget as follows:

Park System Construction Fund:

Revenues: Draw from Fund Balance 408-000.000-400.0000 \$346,580.00

Expenditures: Land Improvements 408-751.000-979.0000 \$346,580.00

- C. Public Hearings of Liquor License establishments with Resolved and Outstanding Violations

1. Public Hearing to consider the renewal of the liquor licenses for those establishments that are now in compliance:

- |                                |                              |
|--------------------------------|------------------------------|
| • The Daxton                   | • Mare                       |
| • 220 Merrill                  | • Papa Joe's Gourmet Market  |
| • Adachi Restaurant            | Place Birmingham             |
| • All Seasons Of Birmingham    | • Phoenicia                  |
| • Bella Piatti                 | • Salvatore Scallopini       |
| • Birmingham 8 Theater         | • Slice/Shift/Sidecar        |
| • Birmingham Pub               | • Social Kitchen And Bar     |
| • Churchill's Bistro/Cigar Bar | • Tallulah Wine Bar & Bistro |
| • Griffin Claw Brewing Company | • The Townsend               |
| • Hyde Park Prime Steakhouse   | • Toast                      |
| • Luxe Bar And Grill           | • Townhouse                  |

- 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 now in compliance with Chapter 10, Alcoholic Liquors of the City Code:

- |                                |                              |
|--------------------------------|------------------------------|
| • The Daxton                   | • Luxe Bar And Grill         |
| • 220 Merrill                  | • Mare                       |
| • Adachi Restaurant            | • Papa Joe's Gourmet Market  |
| • All Seasons Of Birmingham    | Place Birmingham             |
| • Bella Piatti                 | • Phoenicia                  |
| • Birmingham 8 Theater         | • Salvatore Scallopini       |
| • Birmingham Pub               | • Slice/Shift/Sidecar        |
| • Churchill's Bistro/Cigar Bar | • Social Kitchen And Bar     |
| • Griffin Claw Brewing Company | • Tallulah Wine Bar & Bistro |
| • Hyde Park Prime Steakhouse   | • The Townsend               |

- Toast
- Townhouse

2. Public Hearing to consider the renewal of the liquor license for Dick O'Dow's at 160 W. Maple
  - a. Resolution to approve the renewal of the liquor license for the 2022 licensing period for Dick O'Dow's Irish Pub, holding a Class B, Class C or Microbrewery Liquor License that is now in compliance with Chapter 10, Alcoholic Liquors of the City Code.

**OR**

Resolution to direct the City Manager to file an objection on behalf of the City with the Michigan Liquor Control Commission by March 31, 2022 regarding Dick O'Dow's Irish Pub at 160 W. Maple, Birmingham, due to the City Commission's findings and a determination that Dick O'Dow's Irish Pub has committed the following violations of Chapter 10, Alcoholic Liquors, Sec 10-40 of the Birmingham City Code of Ordinances:

- (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;
- (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.

**AND**

Written resolution that the City Commission finds that Dick O'Dow's Irish Pub has failed to follow the Birmingham City Code of Ordinances at section 10-40(3) and (6) and the certified written resolution of the City Commission's finding shall be sent by first class mail to the licensee.

**AND**

Resolution to set a Public Hearing date of April 25, 2022 to consider termination of the Special Land Use Permit for Dick O'Dow's Irish Pub at 160 W. Maple.

3. Public Hearing to consider the renewal of the liquor license for Maple Road Tap Room in Whole Foods at 2100 E. Maple
  - a. Resolution to approve the renewal of the liquor license for the 2022 licensing period for Maple Road Tap Room in Whole Foods, holding a Class B, Class C or Microbrewery Liquor License that is now in compliance with Chapter 10, Alcoholic Liquors of the City Code.

**OR**

Resolution to direct the City Manager to file an objection on behalf of the City with the Michigan Liquor Control Commission by March 31, 2022 regarding Maple Road Tap Room in Whole Foods at 2100 E. Maple, Birmingham, due to the City Commission's findings and a determination that Maple Road Tap Room in Whole Foods has committed the following violations of Chapter 10, Alcoholic Liquors, Sec 10-40 of the Birmingham City Code of Ordinances:

- (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;
- (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.

**AND**

Written resolution that the City Commission finds that Maple Road Tap Room in Whole Foods has failed to follow the Birmingham City Code of Ordinances at section 10-40(3) and (6) and the certified written resolution of the City Commission's finding shall be sent by first class mail to the licensee.

**AND**

Resolution to set a Public Hearing date of April 25, 2022 to consider termination of the Special Land Use Permit for Maple Road Tap Room in Whole Foods at 2100 E. Maple.

- 4. Public Hearing to consider the renewal of the liquor license for Casa Perno at 310 E. Maple
  - a. Resolution to approve the renewal of the liquor license for the 2022 licensing period for Casa Perno, holding a Class B, Class C or Microbrewery Liquor License that is now in compliance with Chapter 10, Alcoholic Liquors of the City Code.

**OR**

Resolution to direct the City Manager to file an objection on behalf of the City with the Michigan Liquor Control Commission by March 31, 2022 regarding Casa Perno at 310 E. Maple Road, Birmingham, due to the City Commission's findings and a determination that Casa Perno has committed the following violations of Chapter 10, Alcoholic Liquors, Sec 10-40 of the Birmingham City Code of Ordinances:

- (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;  
(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.

**AND**

Written resolution that the City Commission finds that Casa Pernoï has failed to follow the Birmingham City Code of Ordinances at section 10-40(3) and (6) and the certified written resolution of the City Commission's finding shall be sent by first class mail to the licensee.

**AND**

Resolution to set a Public Hearing date of April 25, 2022 to consider termination of the Special Land Use Permit for Casa Pernoï at 310 E. Maple.

- D. Commission discussion on items from prior meeting  
1. (none)
- E. Commission items for future discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.

**VIII. REMOVED FROM CONSENT AGENDA**

**IX. COMMUNICATIONS**

**X. REPORTS**

- A. Commissioner Reports  
B. Commissioner Comments  
C. Advisory Boards, Committees, Commissions' Reports and Agendas  
D. Legislation  
E. City Staff  
1. City Manager's Report  
2. Community Development Department/Planning Division Annual Report & Planning Board, Historic District Commission, and Design Review Board Action Lists for 2022-2023, submitted by Planning Director Dupuis

INFORMATION ONLY

**XI. ADJOURN**

Should you wish to participate in this meeting, you are invited to attend the meeting in person or

virtually through ZOOM: <https://zoom.us/j/655079760> Meeting ID: 655 079 760

You may also present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.

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

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

# Proclamation

## National Arab American Heritage Month April 2022

**WHEREAS,** Michigan has the highest concentration of Arab Americans in the United States; and,

**WHEREAS,** for over a century, Arab Americans have been making valuable contributions to virtually every aspect of American society: in medicine, law, business, education, technology, government, military service, culture; and,

**WHEREAS,** since migrating to America, men and women of Arab descent have shared their rich culture and traditions with neighbors and friends, while also setting fine examples of model citizens and public servants; and,

**WHEREAS,** they brought with them to America their resilient family values, strong work ethic, entrepreneurial spirit, dedication to education, and diversity in faith and creed that have added strength to our great democracy; and,

**WHEREAS,** the history of Arab Americans in the US. remains neglected or defaced by misconceptions, bigotry, and anti-Arab hate in the forms of crimes and speech; and,

**WHEREAS,** Arab American issues, such as civil rights abuses, harmful stereotyping, and bullying must be combated in the forms of education and awareness; and,

**WHEREAS,** they join all Americans in the desire to see a peaceful and diverse society, where every individual is treated equally and feels safe;

**THEREFORE BE IT RESOLVED:**

That the City of Birmingham hereby recognizes April 2022 as National Arab American Heritage Month and encourages our citizens to join us in this special observance.

*On behalf of the City Commission and the residents of  
Birmingham this 28th day of March, 2022.*

*Therese Longe, Mayor*





## MEMORANDUM

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**DATE:** March 28, 2022

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

**FROM:** Mary M. Kucharek

**SUBJECT:** Orderly and Efficient Conduct of Meetings of Public Bodies

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The Supreme Court and other courts have recognized that the government has a significant interest in the orderly and efficient conduct of meetings of public bodies. The government may have rules regarding the orderly administration of the meeting as long as the rules are narrowly tailored and are content neutral, meaning that the regulation can be justified as long it is without regard to the content of the speech. Specifically, rules, like those found in Robert's Rules of Order that prohibit personally abusive attacks are content neutral. The Court has ruled that a rule such as this, on its face, applies to all citizens regardless of the message or viewpoint. For instance, in *Brown v City of Jacksonville*, the U.S. District Court found that a rule prohibiting a "personal, impertinent or slanderous remark" to be content neutral.

Other cases have likewise held that rules involving decorum serve an important governmental interest of preventing disruptions at public meetings.

An important clarification is that rules, such as Robert's Rules of Order, are sufficiently clear that a reasonable person can understand its meaning. Courts have ruled there is nothing unclear about the meaning of personally abusive attacks, and rules that prohibit insults, discourteous comments, or defamatory statements towards others. It is true that the First Amendment guarantees the right to speak about issues pertaining to the operation of government, however, the rules regarding decorum have been held to be proper.

The City of Birmingham's Commission has adopted Rules of Procedure. The Rules of Procedure for the City Commission has a rule under Conduct of Business that states:

"Commission Meetings shall be governed by the rules contained in the most recent edition of Robert's Rules of Order, Newly Revised in all instances in which they are applicable and not inconsistent with the statutes of the United States or the State of Michigan, or with the Charter or adopted of the City of Birmingham or these Rules of Procedure."

Robert's Rules of Order, in its index, has at least forty-five (45) instances of chapters and parts devoted to the effective rules of decorum and, particularly, sections 43:19-43:28 all pertain to decorum and debate. Of note is Section 43:21 which states:

"He must avoid personalities, and under no circumstances can he attack or question the motives of another member."

"The moment the chair hears such words as 'fraud', 'liar', or 'lie' used by a member in debate, he must act immediately and decisively to correct the matter and prevent its repetition."

The purpose of this memorandum is to remind the City Commission that while conducting meetings, it must do so with the proper decorum as defined and articulated in Robert's Rules of Order which has been adopted in the City Commission's Rules of Procedure under Conduct of Business.

The Michigan courts have upheld the use of Robert's Rules of Order, and demands that personal attacks are prohibited.



## **NOTICE OF INTENTION TO APPOINT TO THE PARKS AND RECREATION BOARD**

At the regular meeting of Monday, March 28, 2022, the Birmingham City Commission intends to appoint three members to the Parks and Recreation Board:

- one regular member to serve a three-year term to expire March 13, 2025,
- one alternate member to serve a three-year term to expire March 13, 2025, and
- one alternate member to serve the remainder of a three-year term to expire March 13, 2023.

Interested citizens may submit an application available at the City Clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 28, 2022. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

### Responsibilities

The Parks & Recreation Board consists of seven members and two alternate members who serve for three-year terms without compensation. The goal of the board is to promote a recreation program and a park development program for the City of Birmingham. The Board shall recommend to the City Commission for adoption such rules and regulations pertaining to the conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals, and welfare of the public.

The meetings are held the first Tuesday of the month at 6:30 P.M.

*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.*

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

<b>Applicant Name</b>	<b>Criteria/Qualifications</b>
	Members must be electors (registered voters) of the City of Birmingham.
Anne Lipp	Current alternate member, elector
Kyle Goulding	Elector
Steve Sweeney	Elector
Douglas Christensen	Elector

SUGGESTED COMMISSION ACTION:

To appoint \_\_\_\_\_ to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2025.

To appoint \_\_\_\_\_ to the Parks and Recreation Board as an alternate member to serve a three-year term to expire March 13, 2025.

To appoint \_\_\_\_\_ to the Parks and Recreation Board as an alternate member to serve the remainder of a three-year term to expire March 13, 2023.

# PARKS AND RECREATION BOARD

## Article II, Section 78

Objectives: The Parks and Recreation Board shall promote a recreation program and a park development program for the City. The Board shall recommend to the city commission for adoption such rules and regulations pertaining to the conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals, and welfare of the public.

Seven regular members, Three-year Terms, Appointed by the City Commission

Two alternate members, Three-year Terms, Appointed by the City Commission

Members must be electors of the City of Birmingham

Meetings held the first Tuesday of each month at 6:30 PM.

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Carmona</b> 887 Lakeview Ave.	<b>Heather</b>	(248) 867-1346  <i>htcarmona@sbcglobal.net</i>	3/12/2018 Registered Voter	3/13/2024
<b>Collins</b> 958 Pleasant	<b>Susan</b>	(248) 761-6873  <i>sbdcollins@comcast.net</i>	3/9/2020 Registered Voter	3/13/2024
<b>Graham</b> 884 Knox	<b>Pam</b>	(248) 408-6277  <i>pamcracker@gmail.com</i>	1/13/2020 Registered Voter	3/13/2023
<b>Kaplan</b> 635 Oak	<b>Ross</b>	(248) 645-6526  <i>rkaplan@neumannsmith.com</i>	10/22/2007 Registered Voter in Birmingham	3/13/2023

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Lipp</b> 2682 Buckingham	<b>Anne</b>	(248) 225-0136  <i>aecubera@gmail.com</i>	11/23/2020 Alternate	3/13/2022
<b>Miketa</b> Seaholm High School	<b>Zachary</b>		2/28/2022 Student representative	12/31/2022
<b>Noble</b> 1160 Lake Park Dr.	<b>Eleanor</b>	(248) 417-7777  <i>elliecnoble@hotmail.com</i>	7/10/2017 Registered Voter in Birmingham	3/13/2023
<b>Pulis</b> 824 Wimbledon Dr.	<b>Dominick</b>	(586) 381-5831  <i>dompulis@hotmail.com</i>	3/25/2019 Registered Voter in Birmingham	3/13/2022
<b>Rusche</b> 358 Henley St.	<b>John</b>	(248) 731-7068 (248) 219-8114  <i>jprusche@aol.com</i>	9/6/2018 Registered Voter in Birmingham (was Alt)	3/13/2024
<b>VACANT</b>			Alternate	3/13/2023

Last Name	First Name	Home Business	Appointed	Term Expires
Home Address		E-Mail		
<b>Windsor</b>	<b>Matthew</b>		2/28/2022	12/31/2022
Seaholm High School			Student representative	



Ann Tappan <atappan@bhamgov.org>

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## Birmingham Parks & Recreation Board term expires 3/13/22

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**Dominick .** To: Ann Tappan  
<atappan@bhamgov.org>

Wed, Feb 23, 2022 at 12:56 PM

Hi Ann,

Unfortunately, I will not be applying for another term.

I've also talked to Lauren Wood and let her know.

Thank you,

Dominick Pulis

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## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board:      Parks and Recreation Board  
Members Required for Quorum:      4

Year: 2022

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>																	
Heather Carmona	P	P	P												3	0	100%
Susan Collins	P	P	P												3	0	100%
Dominick Pulis	P	P	P												3	0	100%
Pam Graham	P	P	P												3	0	100%
Ross Kaplan	P	P	A												2	1	67%
Eleanor Noble	A	P	P												2	1	67%
John Rusche	P	P	P												3	0	100%
<b>STUDENTS</b>																	
Matthew Windsor	NA	NA	NA														
Zachary Miketa	NA	NA	NA														
<b>ALTERNATES</b>																	
Anne Lipp			P														
Present or Available	6	7	7	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: Parks and Recreation Board  
Members Required for Quorum: 4

Year: 2021

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>																	
Heather Carmona	P	P	P	P	P	P	P	P	P	P	P	P			12	0	100%
Susan Collins	P	P	P	P	P	P	A	P	P	A	P	P			10	2	83%
Dominick Pulis	P	P	P	P	P	P	P	P	P	P	A	P			11	1	92%
Pam Graham	P	P	P	P	P	P	P	P	P	P	P	P			12	0	100%
Ross Kaplan	A	P	P	P	P	P	P	P	A	A	P	P			9	3	75%
Eleanor Noble	P	P	P	P	P	P	A	P	P	P	P	P			11	1	92%
John Rusche	P	A	P	P	P	P	P	P	P	P	P	P			11	1	92%
<b>STUDENTS</b>																	
R.J. Carrel (Groves)	NA	NA	P	P	P	P	P	P	A	P	A	P			8	2	80%
Alison Chapnick (Groves)	NA	NA	P	P	P	A	P	A	P	P	P	A			7	3	70%
Kyle Sayers (Seaholm)	NA	NA	A	A	P	A	A	A	P	A	A	A			2	8	20%
<b>ALTERNATES</b>																	
Jeffrey LaBelle															0	0	100%
Anne Lipp	P	P					P		P	P	P						
Present or Available	6	6	9	9	10	8	7	8	8	7	7	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

January 2021-Ross Kaplan arrived at 6:31 pm

Will be filled in February, 2022

## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board:      Parks and Recreation Board  
Members Required for Quorum:      4

Year: 2020

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtg. Att.	Total Absent	Percent Attended Available
<b>REGULAR MEMBERS</b>																	
Heather Carmona	P	P	P	NM	NM	P	P	P	P	P	P	P			10	0	100%
Susan Collins				NM	NM	P		P	P	P	P	P			6	0	100%
Dominick Pulis	P	P	P	NM	NM	P	P	P	P	P	P	P			10	0	100%
Pam Graham	P	P	P	NM	NM	P	P	P	P	P	P	P			10	0	100%
Ross Kaplan	A	P	A	NM	NM	P	P	P	P	P	P	P			8	2	80%
John Meehan	P	A	A														
Eleanor Noble		P	P	NM	NM	P	P	P	P	P	P	P			9	0	100%
John Rusche	P	P	P	NM	NM	P	P	P	P	P	P	P			10	0	100%
William Wiebrecht	P	P	A	NM	NM	A									2	2	50%
<b>STUDENTS</b>																	
James Hayden Watkinson (student)			P	NM	NM	P	P		P		A				4	1	80%
Mallory Windsor (student)			P	NM	NM	P	P	P	P		P				6	0	100%
<b>ALTERNATES</b>																	
Jeffrey LaBelle				NM	NM		P		P						2	0	100%
Anne Lipp	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P					
Present or Available	6	7	7	0	0	9	9	8	10	7	8	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:      Parks and Recreation Board

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>																	
Heather Carmona	P	P	P	A	P	P	A	P	P	P	P	P			7	1	88%
Ross Kaplan	A	P	P	P	P	P	P	P	A	P	P	P			10	2	83%
Therese Longe	P	P	A	P	P	P	P	P	A	P					8	2	80%
John Meehan	P	A	A	P	A	P	A	A	P	P	P	P			7	5	58%
Dominick Pulis	NA	NA	P	A	P	P	P	P	P	A	P	P			8	2	80%
John Rusche	P	P	P	P	P	P	P	A	A	P	A	P			9	3	75%
Lilly Stotland	P	P	P												3	0	100%
William Wiebrecht	P	P	P	A	P	P	A	P	P	P	P	P			10	2	83%
CeCe Cousins (student)	P	P	NA												2	0	100%
Jakob Sayers (student)	P	A	NA												1	1	50%
John Butcher (student)			P	P	P	P	P	P	P	P	P	P					
<b>ALTERNATES</b>																	
Eleanor Noble	P	P	P	P	P	A	A	A	A	P	P				7	4	64%
Pam Graham	NA	NA	NA	NA	NA	NA	A	P	P		P	P			4	1	80%
															0	0	
Present or Available	9	8	8	6	8	8	5	7	6	8	8	8	0	0			

**KEY:**

- A** = Member absent
- P** = Member present or available
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- NM** = No meeting scheduled that month
- CM** = Meeting canceled for lack of business items

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



<b>OFFICE USE ONLY</b>	
Meets Requirements?	<u>Yes</u> No
<u>Will Attend</u> / 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 Parks and Recreation Board

Specific Category/Vacancy on Board Regular Member (see back of this form for information)  
Alternate Member if Regular Member position is unavailable

Name Anne Cubera Lipp Phone 248-225-0136

Residential Address 2682 Buckingham Email \* acubera@gmail.com

Residential City, Zip Birmingham, MI 48009 Length of Residence 29 years

Business Address 370 E. Maple Rd, 3rd Floor Occupation attorney

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 am

currently an Alternate Member of the Parks Board, on which I have enjoyed advocating for all our wonderful Parks programs. I grew up here, skating competitively out of our rink. I now have two children who skate as well and take advantage of our parks programs. We are so excited for Adams Park.

List your related employment experience Attorney at Lippitt O'Keefe for past 10 years handling governmental approval matters. Construction inspector for City of Royal Oak, 2006-2008

List your related community activities Daughters are members of Figure Skating Club of Birmingham; frequent use of parks; oldest daughter to start golf lessons at Lincoln Hills this summer.

List your related educational experience Seaholm HS grad (member of figure skating team); BS Civil Engineering (Notre Dame); JD (MSU Law)

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.

Anne C Lipp  
Signature of Applicant

3/1/22  
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 [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



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

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

Name Kyle Goulding

Phone 8102411979

Residential Address 455 Smith Ave.

Email \* kngmba@gmail.com

Residential City, Zip Birmingham, 48009

Length of Residence 9 years

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

Occupation Customer Experience Manager

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

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

I have a strong desire to have a positive impact on the community. I think that leveraging my experience in managing projects, developing deep customer insights and finding the signal in a sea of noise will help the regular board members and city officers make the best decisions possible to keep Birmingham the premier city in SE Michigan.

List your related employment experience Customer Experience Manager, Connected Vehicle Marketing Strategy Manager, Global Business & Process Manager, Product Manager, Warranty Engineer

List your related community activities University of Michigan Ross School of Business Mentor, Canton Community Foundation- Student Consultant, Ford/Techstars Mobility Detroit Incubator Mentor, Plug and Play Detroit Mentor

List your related educational experience MBA, University of Michigan Stephen M. Ross School of Business; BS, Central Michigan University

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

Kyle Goulding  
Signature of Applicant

3/7/2022  
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 [clerk@bhamgov.org](mailto:clerk@bhamgov.org) or fax to 248.530.1080.

Updated 11/18/2020

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

## APPLICATION FOR CITY BOARD OR COMMITTEE

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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 Parks and Recreation Board - Alternate

Specific Category/Vacancy on Board Parks and Recreation (see back of this form for information)

Name Steve Sweeney

Phone 248-875-9973

Residential Address 160 Larchlea Drive

Email \* stevesweeney22@yahoo.com

Residential City, Zip Birmingham MI 48009

Length of Residence ~ 2 years

Business Address 135 Orchard Lake Road

Occupation CEO

Business City, Zip Pontiac, MI 48341

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

As a young resident of Birmingham and my passion for outdoors I believe I can attract our younger generation to the city with new ideas for Parks & recreation  
List your related employment experience Tennis Instructor for Pine Lake,

List your related community activities Pickleball, Tennis, active walker and bike rider

List your related educational experience Business - Finance

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]  
Signature of Applicant

3/12/2022  
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 [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.



MAR 22 2022

RECEIVED

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

### APPLICATION FOR CITY BOARD OR COMMITTEE

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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 PARKS AND RECREATION

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

Name DOUGLAS CHRISTENSEN

Phone (248) 408-8073

Residential Address 505 E. LINCOLN ST #2

Email \* DOUGLAS.A.CHRIStENSEN@GMAIL.COM

Residential City, Zip BIRMINGHAM, 48009

Length of Residence 1 mos

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

Occupation BUSINESS OWNER

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

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

BACKGROUND IN FITNESS AND BUILDING WILL PROVIDE FIRST HAND KNOWLEDGE  
ON BENEFICIAL USES AND IMPROVEMENTS TO CITY OWNED SPACES.

List your related employment experience LIFE TIME FITNESS, CRUM STYLE CONSTRUCTION  
LICENSED RESIDENTIAL BUILDER & LICENSED REAL ESTATE AGENT

List your related community activities AVOID PARK, RECREATION, TRAIL USER

List your related educational experience BUILDERS LICENSE TRAINING INSTITUTE

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: N/A

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]

03/21/2022  
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 [clerk@bhamgov.org](mailto:clerk@bhamgov.org) or fax to 248.530.1080.

Updated 11/18/2020

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## ***ARTICLE II. PARKS AND RECREATION BOARD<sup>1</sup>***

### **Sec. 78-26. Created; composition.**

There is hereby created a parks and recreation board consisting of the city manager and the director of public services or their designated representatives as nonvoting ex-officio members, and seven members, who are electors in the city, appointed by the city commission.

The city commission may appoint two alternate members to serve as needed on the parks and recreation board during their term of appointment. An alternate member may be called on a rotating basis to sit as a regular member of the parks and recreation board 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. An alternate member having been appointed shall serve in the case until a final decision has been made. An alternate member shall have the same voting rights as a regular member of the parks and recreation board.

(Code 1963, § 3.21; Ord. No. 2233, 5-22-17)

### **Sec. 78-27. Terms of members; vacancies.**

The initial members of the parks and recreation board shall be appointed for the following terms: Two for one year, two for two years, and three for three years. Thereafter, all such appointments, except to fill vacancies, shall be for a term of three years. All appointments for the purpose of filling vacancies occurring otherwise than by expiration of term of office, shall be for the unexpired term.

(Code 1963, § 3.21)

### **Sec. 78-28. Organization.**

Within 15 days after the appointment of members to the original parks and recreation board and within 15 days after the making of annual appointments to the board, the members of the board shall meet in regular session and elect from the members a chairman who shall be the presiding officer of the board, and a vice-chairman who shall serve in the absence of the chairman. A secretary who shall keep and maintain the minutes and records of the board shall also be elected. The secretary need not be a member of the board. The terms of office for such officers shall be one year and until their successors have been elected, and there shall be no limitation upon successive elections of the same person to any office. The ex-officio members of the board may not act as chairman or vice-chairman but may act as secretary.

(Code 1963, § 3.22)

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<sup>1</sup>Cross reference(s)—Boards and commissions, § 2-171 et seq.

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### **Sec. 78-29. Compensation.**

All members of the parks and recreation board, except ex-officio members, shall serve without compensation.

(Code 1963, § 3.23)

### **Sec. 78-30. Meetings and quorum.**

The parks and recreation board shall set a time for a regular meeting at least once each month and shall determine the manner in which special meetings may be noticed and held. The chairman may cancel a meeting if there is no matter requiring consideration by the board. A quorum for the transaction of business at the regular and special meetings shall be five members, at least one of whom shall be an ex-officio member or his designated representative.

(Code 1963, § 3.24; Ord. No. 2022, 2-22-10)

### **Sec. 78-31. Objectives and duties.**

The parks and recreation board shall promote a recreation program and a park development program for the city. In carrying out these objectives it shall:

- (1) Serve as a forum for the consideration of policy matters related to the operation of a park and recreation program.
- (2) Advise the public with regard to the policies established by the city commission relating to the park and recreation program.
- (3) Serve in advisory capacity to the city commission in regard to all matters affecting parks and recreation which are referred to it by the city commission.
- (4) Recommend to the city commission a recreation program, fee schedules, and the adoption of a long-range program for the development of park areas and facilities.
- (5) Recommend to the city commission hours of operation and allocation of facility use.

(Code 1963, § 3.25)

### **Sec. 78-32. Regulations.**

The parks and recreation board shall recommend to the city commission for adoption such rules and regulations pertaining to the conduct and use of parks and public grounds as are necessary to administer the same and to protect public property and the safety, health, morals, and welfare of the public. The violation of any such duly adopted rule or regulation by any party shall be deemed to constitute a violation of this section.

(Code 1963, § 3.26)

### **Sec. 78-33. Scope of authority.**

The parks and recreation board is a nonadministrative board serving solely in an advisory capacity. In that capacity, the board may make recommendations to the city commission but may not assume any legislative or

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administrative authority in the operation of any city department, park, or recreation facility except as specifically provided in this article.

(Code 1963, § 3.27)

**Secs. 78-34—78-55. Reserved.**



## **NOTICE OF INTENTION TO APPOINT TO THE MULTI-MODAL TRANSPORTATION BOARD**

At the regular meeting of Monday, March 28, 2022, the Birmingham City Commission intends to appoint to the Multi-Modal Transportation Board six members:

- Four regular members to serve three-year terms that will expire March 24, 2025;
- One regular member to serve the remainder of a three-year term to expire March 24, 2023, and
- One alternate member to serve the remainder of a three-year term expiring October 27, 2022.

Interested citizens may submit an application available at the City Clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 28, 2022. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

In so far as possible, the seven-member committee shall be composed of the following: one pedestrian advocate member; one member with a mobility or vision impairment; one member with traffic-focused education and/or experience; one bicycle advocate member; one member with urban planning, architecture or design education and/or experience; and two members at large living in different geographical areas of the City. Applicants for this position do not have to be a qualified elector or property owner in Birmingham.

### Duties of the Multi-Modal Transportation Board

The purpose of the Multi-Modal Transportation Board shall be to assist in maintaining the safe and efficient movement of motorized and non-motorized vehicles and pedestrians on the streets and walkways of the city and to advise the City Commission on the implementation of the Multi-Modal Transportation Plan, including reviewing project phasing and budgeting.

Applicant(s) Presented For City Commission Consideration:

	<b>Criteria/Qualifications</b> Traffic-focused education/experience, mobility/vision impairment, urban planning, architecture or design education/experience. In addition, 2 members at large living in different geographical areas of the City.
Michael Kopmeyer	Resident
Michael St. Germain	Resident, pedestrian advocate and traffic-focused experience
Mark Doolittle	Resident, traffic-focused experience, urban planning/architecture design experience
Anthony Long	Current MMTB regular member at large
Joseph Zane	Current MMTB regular member, traffic-focused experience
Thomas Peard	Current MMTB regular member, urban planning/architecture design experience
David Hocker	Current MMTB regular member at large, planning experience

**SUGGESTED COMMISSION ACTION:**

To appoint \_\_\_\_\_ as a regular member to the Multi-Modal Transportation Board to serve the remainder of a three-year term to expire March 24, 2025.

To appoint \_\_\_\_\_ as a regular member to the Multi-Modal Transportation Board to serve the remainder of a three-year term to expire March 24, 2025.

To appoint \_\_\_\_\_ as a regular member to the Multi-Modal Transportation Board to serve the remainder of a three-year term to expire March 24, 2025.

To appoint \_\_\_\_\_ as a regular member to the Multi-Modal Transportation Board to serve the remainder of a three-year term to expire March 24, 2025.

To appoint \_\_\_\_\_ as a regular member to the Multi-Modal Transportation Board to serve the remainder of a three-year term to expire March 24, 2023.

To appoint \_\_\_\_\_ as an alternate member to the Multi-Modal Transportation Board to serve the remainder of a three-year term to expire October 27, 2022.



# MULTI-MODAL TRANSPORTATION BOARD

Chapter 110, Sections 110-26 & 110-27

The purpose of the Multi-Modal Transportation Board shall be to assist in maintaining the safe and efficient movement of motorized and non-motorized vehicles and pedestrians on the streets and walkways of the city and to advise the city commission on the implementation of the Multi-Modal Transportation Plan, including reviewing project phasing and budgeting.

In so far as possible, the seven member committee shall be composed of the following: one pedestrian advocate member; one member with a mobility or vision impairment; one member with traffic-focused education and/or experience; one bicycle advocate member; one member with urban planning, architecture or design education and/or experience; and two members at large living in different geographical areas of the city. At least five Board members shall be electors or property owners in the city. The remaining Board members may or may not be electors or property owners in the City.

Term: Three years.

Last Name	First Name	Home Address	Home Business E-Mail	Appointed	Term Expires
Betanzos	Isabela	Seaholm High School		2/28/2022	12/31/2022
				Student representative	
Fishburn	Amanda	245 Catalpa Birmingham	48009	(248) 613-0501	8/9/2021
				Alternate	10/27/2022
				mandyfishburn@outlook.com	
Hocker	David	898 Pilgrim Birmingham	48009	(313) 917-4718	11/23/2020
				Regular member at large/plan experience	3/24/2022
				dhocker@globalfacilitiesinc.com	

Last Name	First Name	Home Business	Appointed	Term Expires
Home Address		E-Mail		
<b>Long</b>	<b>Anthony</b>	(586) 904-6895	1/24/2022	3/24/2022
1323 Bennaville Ave			Regular member at large from	
Birmingham	48009		different geographical area of city	
		<i>ajlong1080@gmail.com</i>		
<b>Peard</b>	<b>Thomas</b>	(248) 770-7761	1/13/2020	3/24/2022
645 Suffield			Urban planning /architecture /design	
Birmingham	48009			
		<i>thomasp Beard@yahoo.com</i>		
<b>Policicchio</b>	<b>Victoria</b>	(248) 376-6266	1/24/2022	3/24/2024
236 Pleasant			Pedestrian advocate	
Birmingham	48009			
		<i>vickipolicicchio@gmail.com</i>		
<b>Rosenfield</b>	<b>Ben</b>		2/28/2022	12/31/2022
Seaholm High School			Student representative	
<b>VACANT</b>				3/24/2023
			Regular member	
<b>VACANT</b>				10/27/2022
			Alternate	

Last Name	First Name	Home Business		
Home Address		E-Mail	Appointed	Term Expires
<b>White</b>	<b>Doug</b>	(248) 825-2223	5/14/2018	3/24/2024
1342 Holland St.			Bicycle/pedestrian advocate	
Birmingham	48009	<i>dwhite10@peoplepc.com</i>		
<b>Zane</b>	<b>Joseph</b>	(248) 563-3381	12/10/2018	3/24/2022
1014 Chestnut St.				
Birmingham	48009	<i>Joseph.Michael.Zane@gmail.com</i>		



## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **MULTI-MODAL TRANSPORTATION BOARD** Year: **2022**

Members Required for Quorum: **4**

MEMBER NAME	2/3											SPEC MTG	SPEC MTG	Total Mtg. Att.	Total Absent	Percent Attended Available
<b>REGULAR MEMBERS</b>																
Anthony Long	P													1	0	100%
Amanda Fishburn	A															0%
Victoria Policicchio	P													1	0	100%
David Hocker	P													1	0	100%
Tom Peard	P													1	0	100%
Doug White	P													1	0	100%
David Lurie	A													0	1	0%
<b>ALTERNATES</b>																
Joe Zane	P													1	0	100%
<b>TOTAL</b>	<b>6</b>	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: **MULTI-MODAL TRANSPORTATION BOARD** Year: **2021**

Members Required for Quorum: **4**

MEMBER NAME	2/4	3/4	4/8	5/6	6/3	7/8	8/5	9/2	10/7	11/4	12/2	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
<b>REGULAR MEMBERS</b>																
Johanna Slanga	P	P	A	A	A	P	A	CA						3	5	38%
Amanda Fishburn								CA	A	A	P			1	4	25%
Andrew Haig	P	P	P	P	P	P	P	CA	P	P	A			9	2	82%
David Hocker	P	P	P	P	P	P	P	CA	P	P	P			10	1	91%
Tom Peard	P	P	P	P	P	P	P	CA	A	P	P			9	2	82%
Katie Schafer	P	P	A	P	P	P	P	CA	P	P	A			8	3	73%
Doug White	A	P	P	P	P	P	A	CA	P	P	A			7	4	64%
David Lurie	P	A	P	P	P	P	P	CA	A	P	P			8	3	73%
<b>ALTERNATES</b>																
Joe Zane	A	P	A	P	P	P	A	CA	P	P	P			7	4	64%
Justin Schoener (Stdnt)	NA	P	A	A	A	A	A	CA	A	A	A			1	9	10%
Alex Walters (Stdnt)	NA	P	P	P	P	P	A	CA	A	P	P			7	3	70%
Lauren Morris (Stdnt)	NA	A	A	A	A	P	A	CA	A	A	A			1	9	10%
<b>TOTAL</b>	<b>6</b>	<b>9</b>	<b>6</b>	<b>8</b>	<b>8</b>	<b>10</b>	<b>5</b>	<b>0</b>	<b>5</b>	<b>8</b>	<b>6</b>	<b>0</b>	<b>0</b>			

**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: Multi Modal Transportation Board

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>																	
Lara Edwards	P	P													2	0	100%
Daniel Rontal	P	NA													1	0	100%
Amy Folberg	P	P													2	0	100%
Johanna Slanga	P	A													1	1	50%
Doug White	P	P													2	0	100%
Katie Schafer	P	P													2	0	100%
Tom Peard	NA	P													1	0	100%
<b>ALTERNATES</b>																	
Joe Zane	P	P													2	0	100%
Bennett Pompei (Stdnt)	A	A													0	2	0%
Chris Capone (Stdnt)	A	A													0	2	0%
Present or Available	7	6	0	0	0	0	0	0	0	0	0	0	0	0			

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 Department Head Signature

## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Multi Modal Transportation Board

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>																	
Lara Edwards	A	P	P	NM	P	P	NM	NM	P	NM	P	A			6	2	75%
Daniel Rontal	A	P	P	NM	P	A	NM	NM	P	NM	P	A			5	3	63%
Amy Folberg	A	P	P	NM	A	P	NM	NM	P	NM	P	A			5	3	63%
Johanna Slanga	P	P	P	NM	P	A	NM	NM	P	NM	P	A			6	2	75%
Doug White	P	A	P	NM	P	P	NM	NM	P	NM	P	A			6	2	75%
Katie Schafer	P	P	P	NM	A	P	NM	NM	P	NM	A	A			5	3	63%
<b>ALTERNATES</b>																	
Daniel Isaksen	P	P	P	NM	P	P	NM	NM	P	NM	NA	NA			6	0	100%
Joe Zane	P	P	P	NM	A	A	NM	NM	P	NM	A	P			5	3	63%
Bennett Pompei (Stdnt)	NA	A	P	NM	P	P	NM	NM	A	NM	P	P			5	2	71%
Chris Capone (Stdnt)	NA	A	P		P	P	NM	NM	A	NM	P	P			5	2	71%
Present or Available	5	7	10	0	7	7	0	0	8	0	7	3	0	0			

**KEY:**

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- 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



<b>OFFICE USE ONLY</b>	
Meets Requirements?	<u>Yes</u> No
<u>Will Attend</u>	Unable to Attend

## APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Multi-Modal Transportation Board

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

Name Michael Kopmeyer

Phone 248.723.5833

Residential Address 1351 Bennaville Avenue

Email \* mkopmeyer@gmail.com

Residential City, Zip Birmingham, MI 48009

Length of Residence 11 years

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

Occupation Video Production Specialist

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

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

I chose Birmingham because of its central location, walkability, and transit connections. There is much to be done to improve the manner by which people can visit various locations in and around Birmingham.

List your related employment experience \_\_\_\_\_

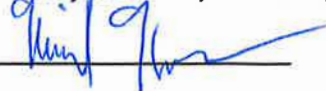
List your related community activities I have attended many meetings and presentations, locally and regionally (RTA) seeking answers to our transit needs.

List your related educational experience BA in History from Oakland University (2002).

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

Michael Kopmeyer 

15 December 2021  
Date

Signature of Applicant

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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Meets Requirements? Yes No  
Will Attend / Unable to Attend

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(Please print clearly)

Board/Committee of Interest Multi Modal Transportation Board

Specific Category/Vacancy on Board 3-year term expiring 3/24/24 (see back of this form for information)

Name Michael St. Germain Phone 810-599-4096

Residential Address 1259 Ruffner Avenue Email \* mstgermain10@gmail.com

Residential City, Zip Birmingham, 48009 Length of Residence 11 months

Business Address 52 Henry Street Occupation Partnerships Development Manager

Business City, Zip Detroit, 48201

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied I've been an active member of the community with respect to multi-modal concerns, specifically as it relates to pedestrians since I moved to Birmingham last year. I work to collect data to inform the city's decision making and efforts to make our city more pedestrian friendly while staying pro-business.

I also work on maps for Google, and am currently working on developing products for autonomous driving which will be coming to our city sooner than we might expect. I'll use my experience gathering data, engaging with the community, and my first hand product knowledge to serve the Birmingham community.

List your related employment experience Android Automotive, Google, Partnerships Development Manager; Grow with Google  
(Google's community engagement team); Product Marketing Manager, Google Maps APIs; Captain, US Army

List your related community activities Johns Hopkins University SAIS Board of Advisers, Birmingham Pedestrian Project founder

List your related educational experience Johns Hopkins University SAIS, MA in Strategic Studies and International Economics  
Johns Hopkins University, BA in International Studies

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

Michael St. Germain  
Signature of Applicant

8 December 2021  
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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## MICHAEL ST. GERMAIN

1259 Ruffner Avenue • Birmingham, MI 48009 • mstgermain10@gmail.com • (810)-599-4096

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### EDUCATION

**Johns Hopkins University School of Advanced International Studies (SAIS)**      **Washington, DC and Bologna, Italy**  
**Master of Arts, Strategic Studies & International Economics**      **May 2015**

- GPA 3.60; Selected for highly competitive joint SAIS-JHU BA/MA program; awarded Hull Family Scholarship
- Teaching Assistant for Theories of International Relations, Assistant Editor and blogger, SAIS Observer

**Johns Hopkins University-Krieger School of Arts and Sciences**      **Baltimore**  
**Bachelor of Arts, International Studies**      **May 2015**

- GPA 3.60; Dean's List; Peking University Study Abroad (July–August 2011), Xi'an Study Abroad (July 2012)

### WORK EXPERIENCE

**Google**      **Detroit, New York City, Mountain View**  
**Product Business Development Manager – Android Automotive**      **September 2021 – Present**

- Brought new product, HD Maps, a new product to enable L2+/L3 autonomous driving, to market with two OEMs
- Led Google's relationship with 3 OEMs and codeveloped product feature roadmap to support vehicle launches

**Product Marketing Manager – Veterans and Military Families**      **May 2019 – September 2021**

- Led a team of 4 Googlers to plan and execute a highly integrated go to market campaign driving success across brand lift, product adoption, and press metrics. Grew product adoption by 21.7%, helping over 85k veteran-led small businesses
- Executed Google's \$Xm sponsorship of the Army Navy Game; delivered the team's most successful social campaign
- Established partnerships with the DOL, DOD, VA and VSOs resulting in distribution of Google resources by partners
- Managed three research workstreams to better understand user needs and converted research into PRDs for implementation

**Product Marketing Manager – Chromebooks**      **July 2017–May 2019**

- Centralized global direct response management under the first-ever multi-quarter \$XXm PO saving Chromebooks \$Xm in media management fees, grew referrals 200%, resulting in the best sales quarter for Chromebooks in history
- Led team of 4 people that tested website optimizations that led to an 87% higher net response rate and launched 20 devices in 12 markets online in support of 2 back to school and holiday shopping seasons

**Product Marketing Manager – Waymo 20%**      **July 2018–April 2019**

- Partnered with product and engineering teams to bring Waymo LaserBear to market; led product photography, website build, branding, packaging, trademark search, and orchestrated internal launch event where CEO spoke

**Associate Product Marketing Manager – Google Maps APIs**      **September 2015–July 2017**

- Led Global Online Acquisitions strategy for Google Maps APIs, managed \$Xm budget and team of 5 Googlers
- Received Exceeds Expectations review for first 6 months of work (top 5%), met 103% of leads generation target

**Associate Product Marketing Manager Intern – Brand Studio**      **June 2014–August 2014**

- Managed 3 Googlers to build internal site; audited 360 Product Prompts in 16 products with analysis presented to CMO

**United States Senate**      **Washington, DC**  
**Senate Page**      **September 2008–January 2009**

- Appointed by U.S. Senator Carl Levin (D-MI) to serve with 30 other Pages in Fall 2008, elected Vice President of class

### LEADERSHIP

**U.S. Army Reserve**      **JFTB McGuire-Dix, JFTB Los Alamitos**  
**Captain, Aviator and Intelligence and Security Manager, 2-228<sup>th</sup> TFWB**      **May 2021–Present**

- Led 3 soldiers in Intelligence and Security office to support 200 soldier organization; C12 Qualified; TS-SCI clearance

**Captain, Aviator and Platoon Leader, G Co 7-158.**      **May 2015–May 2021**

- Managed 25 soldiers, 3 aircraft and equipment; ASIST instructor; H60L Qualified; MEDEVAC Doctrine Complete
- Served as OIC at Global Medic 2019; Platoon Leader at Mountain Medic in 2020 earning high award for service

**Johns Hopkins SAIS Board of Advisors**      **Washington, DC**  
**Board Member**      **July 2019–Present**

- Selected to serve as the Young Alumni Board Member; mentored students and advocated for tech-forward curriculum

**The "Push"**      **Baltimore, MD**  
**Founder and Executive Director**      **January 2012–May 2015**

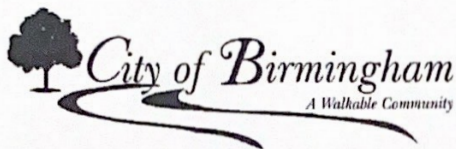
- Created and executed annual fundraiser that has raised \$30,000+ dollars at JHU for the United Services Organization

### Additional Information

**Languages:** Native English, Passed Johns Hopkins Proficiency for intermediate Italian and intermediate Mandarin

**Membership:** Member, Phi Gamma Delta Fraternity (Spring 2011–Present); Member, U.S. Congressional Page Alumni Association (2009–Present); Eagle Scout, National Eagle Scout Association (2007–Present)





<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 Multi-modal Transportation Board

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

Name Mark Doolittle

Phone (248) 535-0632

Residential Address 1305 S Bates St.

Email \* mark.j.doolittle@gmail.com

Residential City, Zip Birmingham 48009

Length of Residence Birmingham ~ 10 years

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

Occupation accountant (CPA)

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

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

Former consultant and automotive thought leader in the transportation and mobility space  
Organized and detail orientated professional with a strong sense of civic duty and interest  
in advancing the goals of Birmingham as the Premier walkable community and suburban destination

List your related employment experience \_\_\_\_\_

Former mentor to Techstars mobility class in 2015; consultant to urban developers  
Involved in thoughtful design and placemaking

List your related community activities church volunteer

List your related educational experience Michigan Ross MBA; focused on real-estate development

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

Mark Doolittle  
Signature of Applicant

1/17/22  
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.

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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 Multi-Modal Transportation Board

Specific Category/Vacancy on Board Member at-large/diff geo. (see back of this form for information)

Name Anthony J Long Phone (586) 904-6895

Residential Address 1323 Bennaville Ave Email \*Ajlong1080@gmail.com

Residential City, Zip 1323 Bennaville Ave., Birmingham, MI 48009 Length of Residence 26 years in Birmingham

Business Address 450 W. Fourth Street Occupation Attorney/General Counsel

Business City, Zip Royal Oak, MI 48067

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

Currently serving member of MMTB, appointed on January 24, 2022. I have 26 years of legal experience. I am General Counsel for a national law firm and have extensive experience working on boards, collaborating with others, and working with others towards a common goal.

List your related employment experience I have an undergraduate degree in Economics and Management and a law degree. I am General Counsel for a national law firm with gross earnings in excess of 80M.

I have represented various community associations and boards in legal disputes regarding Michigan laws/statutes.  
List your related community activities Lead a successful street improvement project for improvement and paving of Cummings Street in the St. James area in 2015. I ran for City Commissioner in the last election.

List your related educational experience Bachelor of Arts - Economics & Management - Albion College - 1989  
Juris Doctorate - Michigan State University College of Law - 1994.

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.

Anthony J. Long  
Signature of Applicant

2/15/2022  
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 [clerk@bhamgov.org](mailto:clerk@bhamgov.org) or fax to 248.530.1080. Updated 11/18/2020

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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 Multi-Modal Transportation Board

Specific Category/Vacancy on Board Regular Member (to 3/24/2024)

Name Joseph Zane

Phone 248-563-3381

Residential Address 1014 Chestnut St

Email Joseph.Michael.Zane@gmail.com

Residential City, Zip Birmingham, MI 48009

Length of Residence 1.5 Years

Business Address P.O. Box 710

Occupation IT Consultant

Business City, Zip Birmingham, MI 48012

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied As someone who is passionate about the future of cities and the impact of new technology on how we move, I would love to contribute a new perspective on the city's transportation infrastructure. 3 years as an alternate MMTB member.

List your related employment experience 2 years with FCA working in automotive IT. A consulting engagement with P3, a startup that aims to build effective public/private partnerships in the space of intelligent traffic systems.

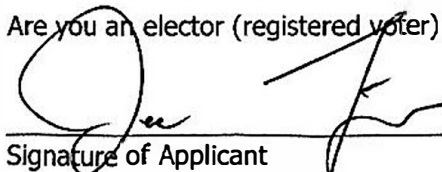
List your related community activities Member of Birmingham Rotary, Birmingham Optimists, Birmingham/Bloomfield Kiwanis and the local chapter of the Marine Corps League. Ran for State Representative (2018) on a platform of innovative transportation solutions for the autonomous vehicle future.

List your related educational experience US Naval Academy, BS, 2007. University of Oklahoma, MA, 2009. Communications Officers Course, 2010 (US Marine Corps training in IT and infrastructure). Certifications in Project Management (PMP) and Cybersecurity, (CASP)

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 (currently an alternate)

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

  
Signature of Applicant

6 December 2022  
Date



## APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest MULTI-Modal Transportation Board

Specific Category/Vacancy on Board Design Education Experience (see back of this form for information)

Name THOMAS PEARD

Phone 248-770-7761

Residential Address 645 SUFFIELD AVE

Email \* thomaspeard@yahoo.com

Residential City, Zip BIRMINGHAM, MI 48009

Length of Residence \_\_\_\_\_

Business Address 24770 DENSO DRIVE

Occupation ENGINEER

Business City, Zip SOUTHFIELD, MI 48086

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

I have work experience involving multi-stakeholder projects that can enhance MMTB. I have 25+ years of design engineering experience.

List your related employment experience DENSO INTERNATIONAL AMERICA, INC.

1993 - current. Engineering management. Design engineering activity and program management. Global project leadership.

List your related community activities Coach in Birmingham Little League (2018-current)  
Coach in Pistons Academy basketball (2022)

List your related educational experience BSME, University of Michigan, 1989; MSE, University of Illinois, 1992; MBA, Wayne State University, 2003

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

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

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

Signature of Applicant

Date

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

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updated 11/17/2021



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

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(Please print clearly)

Board/Committee of Interest Multimodal Transportation Board

Specific Category/Vacancy on Board Resident at large/ plan experience (see back of this form for information)

Name David C. Hocker

Phone 313-917-4718

Residential Address 898 Pilgrim

Email dhocker@globalfacilitiesinc.com

Residential City, Zip Birmingham, 48009

Length of Residence +25yrs

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

Occupation Facilities Development/Mgmt

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

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied Traffic patterns  
volume and speed have become an increasing concern in the neighborhoods, including the confluence of current and future transport modes.

List your related employment experience Planning, development/construction of manufacturing and corporate office  
facilities as well as directing their management / maintenance. Global experience.

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

List your related educational experience Industrial Asset Management Council Fellow (and board member)  
Certified Facility Management (CFM) International Facility Management Association, MIT RE Institute Certificate

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

David C. Hocker  
Signature of Applicant

3/23/22  
Date

## ***ARTICLE I. IN GENERAL***

### **Secs. 110-1—110-25. Reserved.**

### **Sec. 110-26. Composition.**

- (a) The multi-modal transportation board shall consist of nonvoting ex officio members and seven members appointed by the city commission. The nonvoting ex officio members shall be appointed by the city manager. They may include the city engineer, city planner, police chief, or their designated representative, or other representatives as the city manager deems appropriate. Insofar as possible, the city commission shall appoint members as follows:

- (1) One pedestrian advocate member;
- (2) One member with a mobility or vision impairment;
- (3) One member with traffic-focused education and/or experience;
- (4) One bicycle advocate member;
- (5) One member with urban planning, architecture or design education and/or experience; and
- (6) Two members at large living in different geographical areas of the city.

At least five board members shall be electors or property owners in the city. The remaining board members may or may not be electors or property owners in the city.

- (b) The city commission may appoint two alternate members to serve as needed on the multi-modal transportation board during their term of appointment. An alternate member may be called on a rotating basis to sit as a regular member of the multi-modal transportation board 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. An alternate member having been appointed shall serve in the case until a final decision has been made. An alternate member shall have the same voting rights as a regular member of the multi-modal transportation board.

(Ord. No. 2138, 2-10-14; Ord. No. 2200, 9-12-16; Ord. No. 2203, 10-10-16)

### **Sec. 110-27. Terms of members.**

Initial members of the multi-modal transportation board shall serve for the following terms: two members shall be appointed for one-year terms, two members shall be appointed for two-year terms, and three members shall be appointed for three-year terms. Thereafter, all appointments, except to fill vacancies, shall be for a term of three years. All appointments for the purpose of filling vacancies occurring otherwise than by expiration of term of office shall be for the unexpired term.

(Ord. No. 2138, 2-10-14)



## **NOTICE OF INTENTION TO APPOINT TO PLANNING BOARD**

At the regular meeting of Monday, March 28, 2022, the Birmingham City Commission intends to appoint two regular members to serve three-year terms to expire March 28, 2025. Members must consist of an architect duly registered in this state, a building owner in the Central Business or Shain Park Historic District, and the remaining members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions. Members must be residents of the City of Birmingham.

Interested citizens may submit an application available at the City Clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 23, 2022. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

### **PLANNING BOARD DUTIES**

The Planning Board consists of seven regular and two alternate members who serve three-year terms without compensation. The board meets at 7:30 P.M. on the second and fourth Wednesdays of each month to hear design reviews, zoning ordinance text amendments and any other matters which bear relation to the physical development or growth of the city.

Specifically, the duties of the Planning Board are as follows:

1. Long-range planning
2. Zoning ordinance amendments
3. Recommend action to the city commission regarding special land use permits.
4. Site plan/design review for non-historic properties
5. Joint site plan/design review for non-residential historic properties
6. Rezoning requests.
7. Soil filling permit requests
8. Requests for opening, closing or altering a street or alley

*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.*

Applicant(s) Presented For City Commission Consideration:

<b>Applicant Name</b>	<b>Criteria/Qualifications</b> Building owner in the Central Business or Shain Park Historic District.  Other members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions.  Members must be residents of the City of Birmingham.
Robin Boyle	Planning professor, current planning board member
Scott Clein	Civil engineer/urban design, current planning board member
Brian Palmeri	Accountant

SUGGESTED COMMISSION ACTION:

To appoint \_\_\_\_\_, to the Planning Board as a regular member to serve a three-year term to expire March 28, 2025.

To appoint \_\_\_\_\_, to the Planning Board as a regular member to serve a three-year term to expire March 28, 2025.



# PLANNING BOARD

Chapter 82 – Section 82-27 – Seven Members

Job Requirements: An architect duly registered in this state, a building owner in the Central Business or Shain Park Historic District, and remaining members, must represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions.

Terms: Three Years

Appointment by City Commission

Meeting Schedule: Second and Fourth Wednesday of the month at 7:30 PM.

Last Name	First Name	Home Business	Appointed	Term Expires
Home Address	E-Mail			
<b>Boyce</b> 348 George St.	<b>Janelle</b>  <i>jlwboyce@hotmail.com</i>	(248) 321-3207	12/10/2007 Design profession	3/28/2023
<b>Boyle</b> 840 Wimbledon	<b>Robin</b>  <i>r.boyle@wayne.edu</i>	(248) 961-1514	4/19/2004 Planning professor	3/28/2022
<b>Clein</b> Seaholm High School	<b>MacKinzie</b>		2/28/2022 Student representative	12/31/2022
<b>Clein</b> 1556 Yosemite	<b>Scott</b>  <i>s.clein@comcast.net</i>	(248) 203-2068	3/22/2010 Civil engineer/urban design	3/28/2022
<b>Emerine</b> 720 Bennaville Ave.	<b>Jason</b>  <i>je@seiberkeast.com</i>	(312) 371-9398	5/14/2018 Alternate	11/2/2023



Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Jeffares</b> 1381 Birmingham Blvd	<b>Stuart</b>	(248) 321-2120  <i>stuartjeffares@gmail.com</i>	12/14/2015 Real estate profession	3/28/2024
<b>Koseck</b> 2441 Dorchester	<b>Bert</b>	(248) 302-4018  <i>bkoseck@comcast.net</i>	10/12/2009 Architect	3/28/2023
<b>Ramin</b> 1701 Maryland	<b>Nasseem</b>	(248) 765-9446  <i>nramin@dykema.com</i>	11/20/2017 Alternate/attorney	11/2/2023
<b>Share</b> 1040 Gordon Lane	<b>Daniel</b>	(248) 642-7340  <i>dshare@bsdd.com</i>	11/24/2014 Building owner	3/28/2024
<b>Williams</b> 1628 Latham St.	<b>J. Bryan</b>	(248) 420-3522 (248) 433-7289  <i>jwilliams@dickinsonwright.com</i>	4/16/2007 Attorney	3/28/2024

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: PLANNING BOARD Year: 2022

Members Required for Quorum: 4

MEMBER NAME	1/12	1/26	2/9	2/23	3/10	3/23																	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																											
Janelle Boyce	P	P	P	P	P																				5	0	100%
Robin Boyle	P	P	A	P	A																				3	2	60%
Scott Clein	P	A	P	A	P																				3	2	60%
Stuart Jeffares	P	P	P	P	P																				5	0	100%
Bert Koseck	P	A	A	P	P																				3	2	60%
Daniel Share	P	P	P	P	P																				5	0	100%
J. Bryan Williams	P	P	P	P	P																				5	0	100%
ALTERNATES																											
Naseem Ramin	P	P	P	A	P																				4	1	80%
Jason Emerine	P	A	P	P	P																				4	1	80%
MacKinzie Clein (Student)	NA	NA	NA	NA	P																				1	0	100%
Andrew Fuller (Student)	NA	NA	NA	NA	NA																				0	0	#DIV/0!
TOTAL	9	6	7	7	8	0	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

## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **PLANNING BOARD** Year: 2021

Members Required for Quorum: **4**

MEMBER NAME	1/12	1/27	2/10	2/24	3/10	3/24	4/14	4/28	5/12	5/26	6/9	6/23	7/14	7/28	8/11	8/25	9/9	9/23	10/13	10/27	11/10	12/8	12/16	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																												
Janelle Boyce	P	P	P	P	P	P	P	P	NM	P	P	P	A	P	P	P	P	P	P	P	P	P	A			20	2	91%
Robin Boyle	P	P	P	P	P	P	P	P	NM	P	A	P	P	P	P	P	A	P	P	P	A	P	P			19	3	86%
Scott Clein	P	P	P	P	P	P	P	A	NM	P	P	P	P	P	P	P	P	A	P	P	P	P	P			20	2	91%
Stuart Jeffares	P	P	P	P	P	A	P	P	NM	P	P	P	P	P	P	P	P	P	P	P	P	P	P			21	1	95%
Bert Koseck	P	P	P	P	P	P	P	P	NM	P	P	P	P	P	P	P	P	A	P	P	P	P	P			21	1	95%
Daniel Share	P	P	P	P	P	P	P	P	NM	P	P	P	A	A	P	P	P	P	P	P	P	P	P			20	2	91%
J. Bryan Williams	P	P	P	P	P	P	A	P	NM	P	P	P	P	P	P	P	P	P	P	P	P	P	P			21	1	95%
ALTERNATES																												
Naseem Ramin	P	P	P	P	P	P	P	A	NM	P	P	P	P	P	P	P	P	A	P	P	P	A	A			18	4	82%
Jason Emerine	P	P	P	P	P	P	P	P	NM	A	P	A	P	P	P	P	A	P	A	P	P	A	A			16	6	73%
Daniel Murphy (Stdnt)	NA	NA	NA	NA	P	P	P	A	NM	P	P	P	A	A	P	A	A	A	P	A	P	A	P			10	8	56%
Jane Wineman (Stdnt)	NA	NA	NA	NA	P	A	A	A	NM	A	A	A	A	A	A	A	A	A	A	P	A	A	A			2	16	11%
TOTAL	9	9	9	9	9	8	8	7	0	8	8	8	7	8	9	9	7	6	8					0	0			

**KEY:**

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- NA** = Member not appointed at that time
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## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **PLANNING BOARD**

Year: **2020**

Members Required for Quorum:

**4**

MEMBER NAME	1/8	1/22	2/12	2/27	3/11	4/22	5/13	5/27	6/10	6/24	7/8	7/22	8/12	8/26	9/9	9/23	10/28	11/11	12/9	-	-	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
<b>REGULAR MEMBERS</b>																										
Janelle Boyce	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P	P	P					18	1	95%
Robin Boyle	A	A	P	A	P	P	P	P	P	A	P	P	P	P	A	P	P	P	P					14	5	74%
Scott Clein	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					19	0	100%
Stuart Jeffares	P	A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					18	1	95%
Bert Koseck	P	P	P	A	P	P	P	P	P	P	P	P	P	P	A	P	P	P	P					17	2	89%
Daniel Share	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					19	0	100%
J. Bryan Williams	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					19	0	100%
<b>ALTERNATES</b>																										
Naseem Ramin	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					19	0	100%
Jason Emerine	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P	P	P	P					18	1	95%
Rachel Hester (Stdnt)	NA	NA	NA	P	A	A	A	A	P	P	P	P	P	P	P	A	A	P	P					10	6	63%
June Lee (Stdnt)	NA	NA	NA	P	P	A	A	P	A	A	A	A	A	P	P	A	A	A	A					5	11	31%
<b>TOTAL</b>	<b>8</b>	<b>7</b>	<b>9</b>	<b>7</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>8</b>	<b>9</b>	<b>8</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>			

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- NA** = Member not appointed at that time
- NM** = No meeting scheduled that month
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\_\_\_\_\_  
Department Head Signature

# CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: **PLANNING BOARD**

Year: **2019**

Members Required for Quorum:  

MEMBER NAME	1/9	1/23	2/13	2/27	3/13	3/27	4/10	4/24	5/8	5/22	6/12	6/26	7/10	7/24	8/14	8/28	9/11	9/25	10/23	11/13	12/11	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
<b>REGULAR MEMBERS</b>																										
Janelle Boyce	P	P	P	P	P	A	P	P	P	P	A	P	P	P	P	P	P	P	P	P	P			19	2	90%
Robin Boyle	P	P	A	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P	P	P	P			19	2	90%
Scott Clein	P	P	P	P	P	P	P	P	A	P	P	A	P	P	P	P	P	A	P	P	P			18	3	86%
Stuart Jeffares	P	P	P	P	A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			20	1	95%
Bert Koseck	P	P	P	P	P	A	P	A	A	P	P	P	P	P	A	P	P	P	A	P	P			16	5	76%
Daniel Share	P	P	P	P	A	P	P	P	P	P	P	A	A	A	P	P	P	P	P	P	P			17	4	81%
J. Bryan Williams	P	P	A	P	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P	P			19	2	90%
																								0	0	#DIV/0!
																								0	0	#DIV/0!
<b>ALTERNATES</b>																										
Nascem Ramin	A	A	A	A	A	A	A	P	P	P	P	A	P	P	P	P	A	P	A	P	A			10	11	48%
Jason Emerine	P	P	A	P	P	P	A	P	P	P	P	P	P	P	P	P	P	P	P	A	A			17	4	81%
John Utley (Student)	NA	NA	NA	P	P	P	P	A	P	P	A	P	A	A	P	P	P	A	P	A	P			12	6	67%
Sophia Trimble (Student)	NA	NA	NA	A	P	P	A	P	A	P	P	P	P	P	P	P	P	A	A	A	A			12	6	67%
	8	8	5	9	8	8	8	9	8	11	9	7	9	9	10	11	9	9	8	8	8	0	0			

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- 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 PLANNING BOARD

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

Name ROBIN BOYLE Phone 248-961-1514

Residential Address 840 WIMBLEDON DR. Email \* R.BOYLE@WAYNE.EDU

Residential City, Zip BIRMINGHAM, MI. 48009 Length of Residence 30y

Business Address \_\_\_\_\_ Occupation RETIRED PROF.

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

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

CURRENT MEMBER OF PLANNING BOARD; 45 y CAREER AS PROFESSOR OF URBAN PLANNING.

List your related employment experience MANAGED SEVERAL RESEARCH PROJECTS, CONSULTANT, WITNESS, ETC.

List your related community activities MEMBER OF SEVERAL DETROIT N.P. BOARDS.

List your related educational experience UNDERGRADUATE & GRADUATE DEGREES IN URBAN / REGIONAL PLANNING

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: \_\_\_\_\_

NONE

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

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

Signature of Applicant

Date

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to [clerksoffice@bhamgov.org](mailto:clerksoffice@bhamgov.org) or by fax to 248.330.1080.

\*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.

updated 11/17/2021



## APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Planning Board

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

Name Scott Clein Phone 313.330.0217 (m)

Residential Address 1556 Yosemite Blvd Email \* s.clein@comcast.net

Residential City, Zip Birmingham, MI 48009 Length of Residence 19+ years

Business Address 28 W. Adams Street, Suite 1200 Occupation Civil Engineer

Business City, Zip Detroit, MI 48226

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

I have more than 27 years of experience in the analysis and design of urban infrastructure, specializing in urban land development consulting. I have applied this knowledge to help the City of Birmingham improve its ordinances and review development proposals since my initial appointment to the Planning Board in late 2009. This expertise adds to the Board's impressive knowledge of urban planning that better serves residents of our community. My firm's expertise and passion for urban planning and multi-modal transportation is based on our belief that communities should be built for people.

List your related employment experience

I worked for two years at Wayne County, designing roadways. For the past 25+ years I have worked at Giffels Webster, a multi-disciplinary consulting firm (with an office in Birmingham) dedicated to improving quality of life in southeast Michigan through good planning and design.

List your related community activities

I have served on the Planning Board since late 2009, currently acting as Chair. In that time I have volunteered on several ad-hoc committees, including the Multi-modal Steering Committee and Ad-hoc Parking Development Committee.

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

Bachelor of Science in Civil Engineering (Structural) from the University of Michigan  
Master of Science in Civil Engineering (Transportation) from Wayne State University

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? \_\_\_\_\_

My daughter (a junior at Seaholm High School) was recently selected as a non-voting student representative to the Planning Board.

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



Digitally signed by Scott Clein  
Date: 2022.03.16 10:54:20-04'00'

March 16, 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.

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updated 11/17/2021

## APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Planning Board

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

Name Brian Palmeri

Phone (248) 331-7665

Residential Address 1627 Stanley Blvd

Email \* palmerib4@gmail.com

Residential City, Zip Birmingham, 48009

Length of Residence ~2 years

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

Occupation Accountant

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

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

I have always had interest in the health and development of the city, having grown up in Birmingham and attending school here before living in New York City. Returning to Birmingham as a homeowner and as part of a family with a young child, I am even more attentive to the city's long-term vision and believe my perspective would be a positive addition to the Board.

List your related employment experience As a finance professional with nine years of experience, over seven of which came at EY in auditing, I am comfortable serving in an advisory capacity.

List your related community activities In my youth I spent many years volunteering with the Birmingham Little League.

List your related educational experience Certified Public Accountant in the State of Michigan; B.A. Accounting, Michigan State University (2012); M.S. Accounting - Financial Reporting & Assurance Services, Michigan State University (2013)

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 to my knowledge.

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

Brian Palmeri  
Signature of Applicant

3/23/2022

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 [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.*



## ***ARTICLE II. PLANNING BOARD<sup>1</sup>***

### **Sec. 82-26. Created.**

There is hereby created a planning board for the city. The planning board is a locally organized board and is not established under the Municipal Planning Commission Act, Act No. 285 of the Public Acts of Michigan of 1931 (MCL 125.31 et seq.), as amended.

(Code 1963, § 5.401)

### **Sec. 82-27. Composition.**

- (a) The planning board shall consist of seven regular members whose residences are located in the city.
- (b) One member of the planning board shall be an architect duly registered in this state, if such person is available. The other members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions. One of the members of the planning board shall be a building owner in the central business district or Shain Park Historic District.
- (c) The city manager, city engineer and city planner, or the authorized representatives of any of them, and the student representative, shall be members ex officio of the planning board and shall have all rights of membership thereon, except the right to vote.
- (d) The city commission may also appoint not more than two alternate members for the same term as regular members of the planning board. The alternate member may be called on a rotating basis to sit as a regular member of the planning board 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 planning board.

(Code 1963, § 5.401; Ord. No. 1811, 7-28-03; Ord. No. 2147, 10-27-14)

### **Sec. 82-28. Terms.**

Members of the planning board shall be appointed by the city commission for terms of office of three years; except that two members of the first board shall be appointed to serve for a term of one year, two for terms of two years, and three for terms of three years. All members shall hold office until their successors are appointed. A vacancy occurring in the membership of the planning board for any cause shall be filled by a person appointed by the city commission for the duration of the unexpired term.

(Code 1963, § 5.401)

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<sup>1</sup>Cross reference(s)—Boards and commissions, § 2-171 et seq.

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## **Sec. 82-29. Removal of members.**

- (a) Members of the planning board may, after a public hearing, be removed for cause.
  - (1) As used in this section, the term "cause" is defined as a determination by the city commission that a sufficient reason exists, as determined and defined by the city commission in its sole discretion, for the removal of a member of the planning board. The decision by the city commission to remove a member of the planning board shall be final and binding upon such member of the planning board and no appeal shall arise therefrom.
  - (2) As used in this section, the term "public hearing" is designed as an open meeting at which the determination is made by the city commission, in its sole discretion, that cause exists for the removal of a member of the planning board. For purposes of an orderly presentation, the city attorney shall serve as chairperson of the public hearing, and the city manager, or his/her designee, may present information to the city commission with respect to the potential removal of a member of the planning board. The city manager or his/her designee will be afforded the opportunity to address the city commission with respect to such information for a period not to exceed 30 minutes. The affected member of the planning board or his/her designated representative will be afforded the opportunity to address the city commission with respect to such information for a period not to exceed 30 minutes. The presentation of information by the city manager or his/her designee and the presentation of information by the affected member or his/her designated representative may, in accordance with applicable law, be conducted in a closed session. This Section shall not be construed as creating a right to a due process or evidentiary hearing.
- (b) This section shall not be construed as creating or bestowing upon a member of the planning board any employment status, property interest or any vested interest or right to continued membership on the planning board.

(Code 1963, § 5.402; Ord. No. 1817, 1-5-04)

## **Sec. 82-30. Compensation.**

The members of the planning board shall serve as such without compensation.

(Code 1963, § 5.401)

## **Sec. 82-31. Organization and meetings.**

- (a) The planning board shall, from its appointed members, elect a chairman and vice-chairman whose terms of office shall be fixed by the planning board. The chairman shall preside over the planning board and shall have the right to vote. The vice-chairman shall, in the case of absence or disability of the chairman, perform the duties of the chairman. The city planner or his authorized representative shall act as secretary of the planning board and shall keep a record of all of its proceedings.
- (b) At least four members of the planning board shall constitute a quorum for the transaction of its business.
- (c) The planning board shall:
  - (1) Adopt rules for the transaction of its business, which provide for the time and place of holding regular meetings.
  - (2) Provide for the calling of special meetings by the chairman or by at least two members of the planning board.

- 
- (3) Keep a full and complete record of its resolutions, transactions, findings and determinations, which record shall be available to the city commission and to the public upon request.
  - (d) All meetings of the planning board shall be open to the public, and any person or his duly constituted representative shall be entitled to appear and be heard on any matter applicable to the business at hand before the planning board makes its decision.
  - (e) The concurring affirmative vote of four members of the planning board shall be required for approval of plans before it for review or for the adoption of any resolution, motion or other action by the planning board.

(Code 1963, § 5.403)

### **Sec. 82-32. Assistance.**

The planning board may call upon the city manager for such services and data from the various departments as it may require. The planning board may recommend to the city commission the securing of such professional and consulting services as it may require; however, no expenditures of funds shall be made or contracts entered into for providing such professional or consulting services unless the same shall first be approved and authorized by the city commission.

(Code 1963, § 5.404)

### **Sec. 82-33. Duties.**

- (a) It shall be the function and duty of the planning board to advise the city commission in regard to the proper development of the city. The planning board is specifically charged with carrying out the goals, objectives and intent of the city's adopted master plan and urban design plan and other development-oriented plans which may subsequently be adopted. The planning board is authorized to consult and cooperate with the planning, historic district and legislative bodies of other governmental units in any area outside the boundaries of the city. The planning board is authorized to prepare a recommendation for the physical development of the city, either in its entirety, or in part. Such recommendation, together with accompanying maps, plats, charts and descriptive matter, shall illustrate the planning board suggestions for the development of such territory.
- (b) The planning board is authorized to consider and act upon applications for soil filling permits under the provisions of section 50-126 et seq.
- (c) The planning board is authorized to recommend for the guidance of the city commission amendments to this Code relating to the control and development of lands within the city's historic districts. The planning board may, from time to time, amend, extend or add to such recommendations; and the same shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs. The planning board may hold such public meetings and/or hearings from time to time, as it may deem advisable or necessary in connection with the proper performance of its functions under this article.
- (d) Not later than April 1 of each year, the planning board shall prepare and submit to the city manager a tentative outline of its program for the ensuing year. Joint meetings of the city commission and of the planning board shall be held at least semi-annually, at a time designated by the mayor. It shall be the duty of the mayor to call such meeting in accordance with the provisions of this section.

(Code 1963, § 5.405; Ord. No. 1777, 1-28-02; Ord. No. 1838, 6-28-04; Ord. No. 1858, 3-7-05)

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**Sec. 82-34. Review and recommendations.**

- (a) The planning board shall have the responsibility for site plan and design review for nonhistoric properties and joint site plan review of historic properties with the design review board as outlined in chapter 127 of this Code. It shall be the function of the planning board to pass upon all matters referred to it by the city commission and to give to the city commission the benefit of its judgment with relation to such matters so referred. Matters so referred may include but not necessarily be restricted to:
- (1) Requests for changes to the zoning map;
  - (2) Requests for amendments to the zoning ordinance text;
  - (3) Requests for closing, opening or altering a street or an alley;
  - (4) Requests for issuing building permits;
  - (5) Requests for special land use permits; and
  - (6) Any other matters which bear relation to the physical development or growth of the municipality.
- (b) When any recommendation has been made by the planning board, the same shall be referred to the city commission or other appropriate city boards.

(Code 1963, § 5.406; Ord. No. 1882, 7-24-06)

**Secs. 82-35—82-55. Reserved.**



## **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 28, 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.

*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.*

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

<b>Applicant Name</b>	<b>Criteria/Qualifications</b> <ul style="list-style-type: none"><li>• Shall be qualified electors of the City and members of the Birmingham Historical Society</li></ul>
Kristy Hull Barrett	Elector, Friends of the Birmingham Museum member

### **SUGGESTED COMMISSION ACTION:**

To appoint \_\_\_\_\_ to the Museum Board as a regular member to serve the remainder of a three-year term to expire July 5, 2023.



## MUSEUM BOARD

Chapter 62 - Section 62-26

Terms - Three years - expiring first Monday in July

Eight Members:        Six are electors and appointed by city commission  
                                 One member is an Alternate  
                                 One is owner of a business and appointed by the city manager

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.

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Erickson</b>	<b>Bev</b>	(248) 561-4178	7/26/2021	7/5/2024
1841 Maryland		<i>beverickson@comcast.net</i>	Regular Member/BHS/Friends	
<b>Harris</b>	<b>Alexandria</b>	(248) 686-4077	7/26/2021	7/5/2023
2600 Buckingham		<i>akharrisart@gmail.com</i>	Alternate	
<b>Hughes</b>	<b>Patrick J.</b>	(248) 417-0470	9/23/2019	7/5/2022
915 Kennesaw		<i>phughes@brickstory.com</i>	Regular Member/Business owner	

**BIRMINGHAM HISTORICAL MUSEUM & PARK**, 556 West Maple, Birmingham, MI 48009  
phone: 248.530.1928 fax: 248.530.1685 [www.bhamgov.org/museum](http://www.bhamgov.org/museum)  
Leslie Pielack, Museum Director: [lpielack@ci.birmingham.mi.us](mailto:lpielack@ci.birmingham.mi.us)

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Keefer</b> 505 E. Lincoln, #4	<b>Judith</b>	(248) 249-0996  <i>jlwk2014@gmail.com</i>	7/11/2016 Regular Member/BHS/Friends	7/5/2022
<b>Logue</b> 2010 Buckingham	<b>Marty</b>	(248) 649-4921  <i>gtfieros@comcast.net</i>	9/26/2011 Regular Member/BHS/Friends	7/5/2023
<b>Rosso</b> 355 Columbia	<b>Caitlin</b>	(248) 229-4227  <i>caitlinrosso@maxbroock.com</i>	9/21/2015 Regular Member/BHS/Friends	7/5/2023
<b>Shell</b> 1121 Northlawn	<b>Jay R.</b>	(248) 890-6333  <i>jay.shell@gmail.com</i>	8/9/2021 Regular Member/BHS/Friends	7/5/2024
<b>Snyder</b> Seaholm High School	<b>Jordan</b>		2/28/2022 Student representative	12/31/2022
<b>VACANT</b>				7/5/2023 Regular Member/BHS member

**BIRMINGHAM HISTORICAL MUSEUM & PARK**, 556 West Maple, Birmingham, MI 48009  
 phone: 248.530.1928 fax: 248.530.1685 [www.bhamgov.org/museum](http://www.bhamgov.org/museum)  
 Leslie Pielack, Museum Director: [lpielack@ci.birmingham.mi.us](mailto:lpielack@ci.birmingham.mi.us)



**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 MUSEUM BOARD

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

Name Kristy Hull Barrett

Phone (248) 504-1981

Residential Address 915 Harmon St.

Email \* kristybarrett1@yahoo.com

Residential City, Zip Birmingham, MI 48009

Length of Residence 27 years

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

Occupation retired

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

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

Lifelong interest in history and preservation. Preserving connections to our past and telling the story of the community, is essential for future generations. Community engagement of a shared history enhances pride, identity and unity. Organized, efficient, goal oriented.

List your related employment experience \_\_\_\_\_

Retired after 20 years with Abbott Laboratories. RN: cardiac recovery, Level 1 Trauma Center. Have four children who are or did attend Birmingham Public Schools.

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

Mill Pond Neighborhood Association; Booth Park Renovation committee; Birmingham Public Schools Strategic Plan Development 2015 and 2022; BPS Parent Advisory Council, Special Education Advocate local and state level; Friends of Different Learners org exec committee,

List your related educational experience treasurer, membership (501 C3).

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: \_\_\_\_\_

none

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

Kristy Hull Barrett  
Signature of Applicant

2/17/2022  
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 [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.*



## ***ARTICLE II. MUSEUM BOARD<sup>1</sup>***

### **Sec. 62-26. Establishment; composition.**

- (a) There is hereby established the museum board for the city which shall consist of seven members who shall serve without compensation. Six of the members shall be appointed by the city commission and shall be qualified city electors. One member shall be the owner of a business located in the city to be appointed by the city manager with the concurrence of the city commission (need not be a resident). A majority of the members of the museum board shall also be members of the Birmingham Historical Society.
- (b) In addition to the seven members of the museum board, the city commission shall appoint one alternate member to serve a term of three years, who shall be a qualified city elector.

(Ord. No. 2005, 1-25-10; Ord. No. 2349, 7-20-20)

### **Sec. 62-27. Terms of members.**

Each member shall be appointed for a term of three years ending on the first Monday of July of the third year after appointment, or upon the appointment of his successor, whichever is later, except that in the first instance three of the members shall be appointed for a one-year term and two shall be appointed for two-year terms. Members of the museum board shall hold office at the pleasure of the city commission. Vacancies occurring other than through the expiration of term shall be filled for the unexpired term by the city commission.

(Ord. No. 2005, 1-25-10)

### **Sec. 62-28. Organization.**

The museum board shall elect a chairman from its membership annually at its first meeting after the first Monday of July. The city clerk shall be a nonvoting ex officio member of the museum board and shall serve as its secretary; and the city treasurer shall be a nonvoting ex officio member of the museum board and shall serve as its treasurer.

(Ord. No. 2005, 1-25-10)

### **Sec. 62-29. Meetings.**

The museum board shall hold at least one regular public meeting in each quarter on such date and at such time and place as may be established by resolution of the museum board. Special meetings may be called by the secretary on the written request of the chairman or any three members of the museum board on at least two days'

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<sup>1</sup>Editor's note(s)—Ord. No. 2005, adopted January 25, 2010, amended article II in its entirety to read as herein set out. Formerly, article II pertained to the historical board, and derived from the Code of 1963, §§ 1.201—1.210, and Ord. No. 1719, adopted December 20, 1999.

Cross reference(s)—Boards and commissions, § 2-171 et seq.

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notice. The museum board shall adopt such rules for the conduct of its business as it may from time to time adopt by resolution. The museum board shall keep a written or printed record of its proceedings which shall be a public record and property of the city.

(Ord. No. 2005, 1-25-10)

### **Sec. 62-30. Expenditures.**

The museum board shall have the power to expend such funds as may from time to time be appropriated to it by the city commission or otherwise received by it for the purpose of carrying out the powers and duties of the museum board. An account of all its receipts and expenditures shall be maintained which shall be a public record and property of the city.

(Ord. No. 2005, 1-25-10)

### **Sec. 62-31. Powers and duties.**

- (a) Mission statement. The Birmingham Museum will explore meaningful connections with our past, in order to enrich our community and enhance its character and sustainability. Our mission is to promote understanding of Birmingham's historical and cultural legacy through preservation and interpretation of its ongoing story.
- (b) In general, it shall be the duty of the museum board to:
  - (1) Collect, arrange, catalogue and preserve historical material including books, pamphlets, maps, charts, manuscripts, papers, records and archives, paintings, statuary and other objects and materials relating to the history of the city and the surrounding area;
  - (2) Procure and preserve narratives of the residents of such area;
  - (3) Collect material of every description relative to the history, and culture of our Oakland County Native American tribes;
  - (4) Collect, prepare and display objects indicative of the life, customs, dress and resources of the residents of this area; and
  - (5) Make available from time to time source materials and historical studies relative to and illustrative of the history of the area.
- (c) The museum board shall have the power, with the assistance of all city public officials, to collect from the public offices in the city reproductions of any records, files, documents, books and papers which, in the opinion of the museum board are of historical value.
- (d) The museum board shall have the power to develop, operate and maintain the 1928 Allen House, 1822 John West Hunter House and John West Hunter Memorial Park, as part of the Birmingham Museum, as a museum and to serve as an advisory authority exercising control and management over this cultural resource.
- (e) The museum board shall have the power to raise funds for the exercise of its powers and duties.

(Ord. No. 2005, 1-25-10; Ord. No. 2176, 3-14-16)

### **Sec. 62-32. Executive director.**

There shall be an executive director who shall be an employee of the city. The executive director shall, among other duties as established by the museum board, operate and manage the museum. The executive

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director shall report to the museum board and shall be appointed, removed and supervised by the city manager. The executive director shall attend all meetings of the museum board.

(Ord. No. 2005, 1-25-10)

### **Sec. 62-33. Reports.**

The museum board shall make and submit to the city commission annually a report of the general activities, operation, and condition of the Birmingham Museum for the preceding 12 months. The museum board shall, from time to time, as occasion requires, either in the annual report, or at any time deemed necessary by the museum board, advise the city commission in writing on all matters necessary and proper for and pertaining to the proper operation of the Birmingham Museum and any of its activities or properties.

(Ord. No. 2005, 1-25-10; Ord. No. 2176, 3-14-16)

### **Sec. 62-34. Budget.**

The executive director, on behalf of the museum board, will submit a complete itemized budget for the ensuing fiscal year to the city manager based on guidelines established in the city budgetary process.

(Ord. No. 2005, 1-25-10)

### **Sec. 62-35. Protection of property.**

No person shall take, use, or occupy any property under the control of the museum board except in accordance with such rules and regulations governing such as may from time to time be prescribed by the museum board.

(Ord. No. 2005, 1-25-10)

### **Secs. 62-36—62-55. Reserved.**



## NOTICE OF INTENTION TO APPOINT TO THE CABLECASTING BOARD

At the regular meeting of Monday, March 28, 2022, the Birmingham City Commission intends to appoint three members to the Cablecasting Board:

- One regular member to serve a three-year term expiring March 30, 2025;
- One regular member to serve the remainder of a three-year term expiring March 30, 2024, and
- One alternate member to serve a three-year term expiring March 30, 2025.

Applicants must be residents of the City of Birmingham.

Interested citizens may submit an application available at the City Clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 23, 2022. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

### Duties of the Cablecasting Board

- 1) Advise the municipalities on matters relating to cable communications;
- 2) Monitor the franchisee's compliance with the franchise agreement and the cable communications ordinance;
- 3) Conduct performance reviews as outlined in Chapter 30, Article VII of the city code;
- 4) Act as liaison between the franchisee and the public; hear complaints from the public and seek their resolution from the franchisee;
- 5) Advise the various municipalities on rate adjustments and services according to the procedure outlined in Chapter 30; Article VI
- 6) Advise the municipalities on renewal, extension or termination of a franchise;
- 7) Appropriate those moneys deposited in an account in the name of the cablecasting board by the member communities;
- 8) Oversee the operation of the education, governmental and public access channels;
- 9) Apprise the municipalities of new developments in cable communications technology;
- 10) Hear and decide all matters or requests by the operator (Comcast Cablevision);
- 11) Hear and make recommendations to the municipalities of any request of the operator for modification of the franchise requirement as to channel capacity and addressable converters or maintenance of the security fund;
- 12) Hear and decide all matters in the franchise agreement which would require the operator to expend moneys up to fifty thousand dollars;
- 13) Enter into contracts as authorized by resolutions of the member municipalities;
- 14) Administer contracts entered into by the board and terminate such contracts.

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

Applicant Name	Criteria/Qualifications
	Must be a resident of Birmingham
Jim Cleary	Cablecasting Board regular 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 \_\_\_\_\_ to the Cablecasting Board as a regular member to serve a three-year term expiring March 30, 2025.



## CABLECASTING BOARD

Chapter 30 - Section 30-226 - Birmingham City Code  
Meeting Schedule: 3<sup>rd</sup> Wednesday of the month - 7:45 A. M

The Board shall consist of 12 members, which includes 7 members who are residents of the City of Birmingham. Each member community shall also appoint one alternative representative. (30-226)

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Abraham</b> 898 Arlington	<b>George</b>	(248) 642-1257 <i>georgeabrahamjr@outlook.com</i>	5/14/2018 Birmingham resident	3/30/2024
<b>Cleary</b> 2001 Fairway	<b>Jim</b>	(248) 840- 8416 <i>clearyjp@gmail.com</i>	12/21/2020 Birmingham resident	3/30/2022
<b>Eick</b> 559 Greenwood	<b>R. David</b>	(248) 231-8067 <i>eickhouse@comcast.net</i>	12/14/2015 Birmingham resident	3/30/2024
<b>Fenberg</b> 908 Chesterfield	<b>Michael</b>	(248) 310-7373 <i>michael.fenberg@bakertilly.com</i>	3/13/2017 Birmingham resident	3/30/2023
<b>Shand</b> 1645 Buckingham Ave.	<b>Donovan</b>	(248) 330-0747 <i>dgshand@gmail.com</i>	12/4/2017 Birmingham resident	3/30/2023

**For Cable Inquires:**

Cathy White 248-336-9445  
P.O. Box 165, Birmingham, MI 48012

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
<b>VACANT</b>			ALTERNATE	3/20/2022
<b>VACANT</b>				3/30/2024
<b>Whittington</b>	<b>Robert</b>	(248) 593-8641	1/24/2022	3/30/2023
512 E. Southlawn			Birmingham resident	
		<i>rwhittington@directgolfsales.com</i>		

**For Cable Inquires:**

Cathy White 248-336-9445  
P.O. Box 165, Birmingham, MI 48012



Ann Tappan <atappan@bhamgov.org>

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## Jim Cleary attendance records

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**execdir@birminghamareacableboard.org** <execdir@birminghamareacableboard.org>

Fri, Feb 25, 2022 at 2:10 PM

Reply-To: execdir@birminghamareacableboard.org

To: Ann Tappan <atappan@bhamgov.org>

Cc: "clearyjp@gmail.com" <clearyjp@gmail.com>

Hi Ann: Jim was appointed to the Cable Board on 12-21-20. Since that time he has only missed two meetings, one in November 2021 and one in February 2022. Hope this helps. Let me know if you need anything further.

Cathy White  
Executive Director of BACB  
P.O.Box 165  
Birmingham, MI 48012  
248-336-9445

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## APPLICATION FOR CITY BOARD OR COMMITTEE

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(Please print clearly)

Board/Committee of Interest Birmingham Area Cable Board

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

Name Jim Cleary

Phone 248-840-8416

Residential Address 2001 Fairway

Email \* clearyjp@gmail.com

Residential City, Zip Birmingham, MI 48009

Length of Residence 30+ yrs

Business Address -(retired)

Occupation College professor

Business City, Zip -

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

I am applying to be reappointed to the Cable Board.  
I have been on the committee since Dec. 2020

List your related employment experience 20+ years teaching Marketing courses,  
currently retired.

List your related community activities Birmingham Cable Board 12/20 to Present.  
Completed Birmingham Citizens Academy 2017

List your related educational experience University of Notre Dame, BBA 1968  
Central Michigan University, MBA 1986

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

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

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

Jim Cleary  
Signature of Applicant

3/1/2022  
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 [clerk@bhamgov.org](mailto:clerk@bhamgov.org)

**Sec. 30-226. Creation and membership of board.**

- (a) The Birmingham City Commission and the Village Councils of Beverly Hills, Bingham Farms, and Franklin have established a cablecasting board. The board shall continue to consist of 12 members, seven who are residents of the City of Birmingham who shall be appointed by the City of Birmingham, four who shall be residents of Beverly Hills who shall be appointed by that Village, one who shall be a resident of Bingham Farms who shall be appointed by that Village, and one who shall be a resident or appointed official of the Village of Franklin who shall be appointed by the Village. Each member shall also appoint one alternate representative. Members of the board shall serve without compensation and for such terms as their respective authorities shall determine. The City of Birmingham and the villages shall also have sole power to remove and/or replace their respective appointees.
- (b) Each of the board's member communities is encouraged to appoint an elected or appointed official of that community to act as a liaison to the board, to attend board meetings, and to participate in board discussions.
- (c) The Birmingham School District and the Baldwin Library are each also encouraged to appoint a representative to act as a liaison to the board and to participate in board discussions regarding matters relevant to their respective interests and constituencies.
- (d) Seven members of the board shall constitute a quorum and the affirmative vote of a majority of the full board shall be required for board action.

(Ord. No. 1540, § 2.2909, 11-9-92; Ord. No. 1724, 3-20-00; Ord. No. 1757, 6-11-01)



## **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 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.

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

<b>Applicant Name</b>	<b>Criteria/Qualifications</b>
	Applicants must be property owners and electors (registered voters) of the City of Birmingham.
Maria Chirco	Realtor, property owner and elector
Jill Stress	Current Board of Review 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 \_\_\_\_\_ to the Board of Review as a regular member to serve the remainder of a three-year term to expire December 31, 2022.



## BOARD OF REVIEW

City Charter – Chapter III, Section 14

Terms: Three Years

Members: Members must be property owners and electors of the City of Birmingham

Appointed by the City Commission

The Board of Review hear appeals from property owners regarding their assessments. 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.

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Devereaux</b> 1019 Rivenoak	<b>Kathleen</b>	(248) 840-5310  <i>kddevereaux@wowway.com</i>	2/22/2016	12/31/2022
<b>Di Placido</b> 726 Lakeside Dr.	<b>Guy</b>	(248) 644-1708	1/10/1994	12/31/2023
<b>Katrib</b> 1832 East Lincoln	<b>Elicia</b>	(248) 379-3577  <i>e.katrib@gmail.com</i>	2/22/2016	12/31/2023
<b>Loafman</b> 580 Oakland Ave	<b>Thomas</b>	(248)840-6678  <i>thosloafman@gmail.com</i>	11/22/2021	12/31/2024
<b>Rose</b> 1011 Clark	<b>Cynthia</b>	(248) 752-2667  <i>crose@cbwm.com</i>	3/2/2009	12/31/2024

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Rosenberg</b> 1590 E. Maple	<b>Harvey</b>	(313) 510-0190  <i>harvey48301@yahoo.com</i>	2/13/2017 alternate	12/31/2022
<b>Stress</b> 784 Westchester Way	<b>Jill</b>	(586) 246-6700  <i>jill.stress@yahoo.com</i>	2/13/2017 alternate	12/31/2023
<b>VACANT</b>				12/31/2022

## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Board/Committee: **Board of Review**

Year: **2022**

MEMBER NAME	3/8	3/14	3/15	3/17	3/18							Total Mtgs. Att.	Total Absent	Perce nt Attend
<b>REGULAR MEMBERS</b>														
DEVEREAUX, KATHLEEN	P	P	P	P	P							5	0	100%
DIPLACIDO, GUY	P	P	P	P	P							5	0	100%
LOAFMAN, THOMAS	P	P	P	P	P							5	0	100%
KATRIB, ELICIA	P	P	P	P	P							5	0	100%
Open												0	0	0%
ROSE, CYNTHIA	P	P	P	P	P							5	0	100%
Reserved														
Reserved														
<b>ALTERNATES</b>														
ROSENBERG, HARVEY	P	A	A	A	A							1	4	20%
STRESS, JILL	P	P	P	P	P							5	0	100%
Reserved														
Reserved														
Members in attendance	7	6	6	6	6	0	0							

**KEY:** A = Absent  
P = Present  
NM = No Meeting  
na = not appointed at that time

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

## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Board/Committee: **Board of Review**

Year: **2021**

MEMBER NAME	3/2	3/8	3/9	3/11	3/12	3/15	7/20	12/14						Total Mtgs. Att.	Total Absent	Percent Attend
<b>REGULAR MEMBERS</b>																
DEVEREAUX, KATHLEEN	P	P	P	P	P	P	A	A						6	2	75%
DIPLACIDO, GUY	P	P	P	P	P	P	P	A						7	1	88%
FEISTE, LELAND	A	A	A	A	A	A	A	A						0	8	0%
KATRIB, ELICIA	P	P	P	P	P	P	A	A						6	2	75%
RICHEY, LESTER	P	P	P	P	P	P	A	A						6	2	75%
ROSE, CYNTHIA	P	P	P	P	P	P	P	P						8	0	100%
Reserved																
Reserved																
<b>ALTERNATES</b>																
ROSENBERG, HARVEY	A	A	A	A	A	A	A	P						1	7	13%
STRESS, JILL	P	P	A	P	P	P	P	P						7	1	88%
Reserved																
Reserved																
Members in attendance	6	6	5	6	6	6	3	3								

**KEY:** A = Absent  
P = Present  
NM = No Meeting  
na = not appointed at that time

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

## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Board/Committee: **Board of Review**

Year: **2020**

MEMBER NAME	2/11	3/3	3/9	3/10	3/12	3/13	7/21	12/15						Total Mtgs. Att.	Total Absent	Percent Attend
<b>REGULAR MEMBERS</b>																
DEVEREAUX, KATHLEEN	P	P	P	A	P	P	A	P						6	2	75%
DIPLACIDO, GUY	P	P	P	P	P	P	P	A						7	1	88%
FEISTE, LELAND	P	P	P	P	P	P	A	A						6	2	75%
KATRIB, ELICIA	P	P	P	P	P	P	A	A						6	2	75%
RICHEY, LESTER	P	P	P	A	P	P	A	A						5	3	63%
ROSE, CYNTHIA	P	P	P	A	P	P	P	A						6	2	75%
Reserved																
Reserved																
<b>ALTERNATES</b>																
ROSENBERG, HARVEY	P	P	P	A	P	P	P	A						6		
STRESS, JILL	P	P	P	A	P	A	A	P						5	3	63%
Reserved																
Reserved																
Members in attendance	8	8	8	3	8	7	3	2								

**KEY:** A = Absent  
P = Present  
NM = No Meeting  
na = not appointed at that time

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



## CITY BOARD/COMMITTEE ATTENDANCE RECORD

Board/Committee: **Board of Review**

Year: **2019**

MEMBER NAME	2/13	3/5	3/11	3/12	3/14	3/15	7/16	12/10					Total Mtgs. Att.	Total Absent	Percent Attend
<b>REGULAR MEMBERS</b>															
DEVEREAUX, KATHLEEN	P	P	P	P	P	P	NM						6	0	100%
DIPLACIDO, GUY	P	P	P	P	P	P	P						7	0	100%
FEISTE, LELAND	P	P	P	P	P	P	NM						6	0	100%
KATRIB, ELICIA	P	P	A	A	P	P	P						5	2	71%
RICHEY, LESTER	P	P	P	P	P	P	NM						6	0	100%
ROSE, CYNTHIA	P	P	P	P	P	P	NM						6	0	100%
Reserved															
Reserved															
<b>ALTERNATES</b>															
MONAHAN, JASON	NM	NM	NM	NM	NM	NM	NM	NM				*	0		
STRESS, JILL	P	P	P	P	NM	P							5	0	100%
Reserved															
Reserved															
Members in attendance	7	7	6	6	6	7	2	0							

**KEY: A = Absent**  
**P = Present**  
**NM = No Meeting**  
**na = not appointed at that time**

  
**Department Head Signature**

\*Unable to attend training. Unable to participate on Board for 2019



**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 Review

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

Name Maria Chirco

Phone 586.596.1518

Residential Address 711.5 Oak Woodward #929

Email \* Chirco maria@gmail

Residential City, Zip 48009

Length of Residence on & off for years

Business Address —

Occupation Recltor

Business City, Zip —

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

I did property tax appeals w/Harold Hoyt for 12 years.  
I have been a realtor for 10+ years.

List your related employment experience Pre-forming property tax appeals & Real estate

List your related community activities

List your related educational experience Real estate license

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

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

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

2/8/22

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 [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.



**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 Review

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

Name Jill Stress

Phone 586-246-6700

Residential Address 784 Westchester Way

Email \* jill.stress@yahoo.com

Residential City, Zip Birmingham, MI 48009

Length of Residence since 2015

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

Occupation HR Executive

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 the Board of Review as an Alternate since 2017. I am familiar with the role, have attended the required training each year and have a great working relationship with the Assessor and other Board members.

List your related employment experience \_\_\_\_\_ Type to  
company headquartered in Bloomfield Hills MI

List your related community activities Member of Holy Name Catholic Church, Member of Birmingham Country Club, active in activities at Birmingham Covington School where my daughter is a 4th grader.

List your related educational experience Bachelor degree from Michigan State University and MBA from Walsh.

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

Jill Stress  
Signature of Applicant

February 11, 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 [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.*

**Section 14. [Board of review.]**

Three qualified freeholders and electors of the City of Birmingham, other than members of the city commission shall constitute the board of review of the city in relation to assessments made for general taxation purposes, whether under the provisions of this Charter or the general laws of the state. The three electors and freeholders shall be appointed by the city commission for initial terms of one, two and three years, respectively, and thereafter for terms of three years each. The city assessor shall serve as a nonvoting advisory member and as clerk of the board of review. The members of the board of review shall receive such compensation as shall be fixed by the city commission.

(Amend. of 4-6-64)

---

**Fw: Public comment for Monday night**

1 message

---

**David Bloom** <davembloom@yahoo.com>  
To: Ecker Jana <jecker@bhamgov.org>

Wed, Mar 23, 2022 at 10:41 AM

Hello Jana,

As Tom and Alex are out of the office I am forwarding this to you for inclusion in Monday's packet under public comment.

Regards,

David Bloom

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Wednesday, March 23, 2022, 10:33 AM, David Bloom <davembloom@yahoo.com> wrote:

Hello Tom,

Would you please include the remarks below in the packet for public comment?

Brad Coulter is a gentlemen and a class act. He also knows more than a few things about local government because of his emergency financial manager experience in Lincoln Park and his involvement in governance and expenditure issues in Birmingham over the past several years.

When Brad prepared and submitted his written public comment submission for the last commission meeting he went out is his way to keep the issue focused on non resident, developer money from 6 individuals used to

influence the last election by demonizing and defaming 2 candidates, a sitting commissioner and several residents. Unlike Mr. Baller and the Longes, he redacted the developer donor names in order to insulate them from the debate, instead of making it a point to call them out. The contrast cannot be more clear.

For this effort he and Birmingham were rewarded by phone calls made by Chris Longe to the developers falsely claiming that the Chaldean community was being targeted and defamed in an effort to deflect from the Balance for Birmingham collusion and coverup perpetrated by the Longes and to incite ethnic strife in our community. Then, at the conclusion of the meeting Mr. Baller had the audacity to publicly attack and lecture Mr. Coulter for using the word “outsider,” when Mr. Coulter had already privately, and then twice, offered his apologies in writing and in person. Meanwhile, Mr. Baller clearly and hypocritically used anti semitic language during the election, doubling down on it also, intending to defame and destroy me and others by fighting “fire with fire” just as he recently directed our city manager to do in writing.

When residents run for local office or apply for boards they usually say their goals are to serve the community and give back. Voters are hoping and expecting that the actual purpose is not to enrich themselves or their friends, the accumulation of prestige and power, the division of the community, or to intimidate, abuse, harass, or even incinerate residents with proverbial fire. They are also hoping that when things get difficult

our commissioners will step up to the plate and take a stand for the public good instead of remaining silent.

This blatantly outrageous and anti- social conduct being inflicted on Birmingham and our residents by Mr. Baller and the Longes needs the be addressed, especially by our 3 commissioners with medical field training who should have an easier time evaluating the behavior that is occurring.

David Bloom  
Birmingham, MI

[Sent from Yahoo Mail for iPhone](#)

**Birmingham City Commission  
Special Meeting Minutes  
Workshop  
Monday, March 14, 2022  
6:30 p.m.  
Vimeo Link: <https://vimeo.com/683112653>**

**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 food trucks and social districts.**

**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 Baller  
Commissioner Haig  
Commissioner Host  
Commissioner McLain  
Commissioner Schafer

Absent: None

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

**III. Presentation & Discussion**

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

Commissioner Baller said the City needed to determine its vision for social districts and food trucks.

Commissioner Haig concurred.

Commissioner Baller recommended that three scenarios be explored for food trucks:

- Removing City ordinance obstacles to special events having food trucks;
- Reducing the 90-day notice currently required for neighborhoods getting permission to put food trucks in the street next to parks; and,



- Setting up areas where food trucks could be allowed during certain periods.

Commissioner Baller said it would be useful to know whether there is any interest in social districts from the City's liquor license holders. Mayor Longe concurred.

Commissioner Schafer and Mayor Longe both noted that food trucks would likely benefit young families as an easy, inexpensive way to purchase meals. Mayor Longe noted that prior feedback provided to the Parks and Recreation Board about food trucks said that they would be especially useful in parks, since it would mean families did not have to pack up and leave to get food.

Commissioner Schafer ventured that food trucks in general would be more complementary to brick and mortar restaurants than competitive, considering the fact that they would be offering different food and experiences from each other. She stated that in order to test food trucks the City could initially limit them in the way it does ice cream trucks. She noted that since the City is considering social districts later than many other Michigan communities, Birmingham could benefit from the lessons learned elsewhere. She noted that the response to social districts in the State has been generally favorable, and that many social districts expanded after their initial introduction.

Commissioner Haig said food trucks were worth looking at further. Regarding social districts, he said he would like to hear the pros, cons, and cost impacts from other municipalities already allowing them. He said he was concerned about social districts' potential negative impacts and the City's ability to improve on what it already has.

Commissioner Haig and Mayor Pro Tem Boutros both said they wanted to hear more from operators in terms of what would make coming to Birmingham worthwhile.

CA Kucharek noted that a social district permit would be granted to, and paid for by, the liquor license holders interested in having one. The City would be responsible for designating the area. She confirmed that the area would need to be blocked off and signed. She noted that the City would likely have a hold harmless agreement in place with the participating establishments.

It was clarified that any spaces part of a social district would need to be blocked off, including roads, but that the City could choose to just include sidewalks, alleyways, or passageways, or other areas if it so chose.

Mayor Pro Tem Boutros said he was in favor of exploring both social districts and food trucks further. He said the City should try food trucks during a special event, like the Fourth of July weekend, before changing ordinances.

Mayor Longe noted unanimous consensus that food trucks should be explored further, observing that Commissioner Host had previously expressed his support for the idea. She said she supported Commissioner Baller's three scenarios as focal points, adding that there should be clarity regarding how a group qualifies as a 'neighborhood' to request permission to host a food truck. She suggested that the City should allow stands in parks and not just food trucks.

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

Bill Loizon, of Franks Etc., sells hot dogs at the Birmingham Farmers' Market. He said he would be concerned about operating in Shain Park because he would not want to negatively impact Brooklyn Pizza. In response to Commissioner questions, Mr. Loizon briefly summarized some of his operational considerations.

Mayor Longe noted that, in the event these topics are directed to the Planning Board, the Planning Board would have further operational conversations with Mr. Loizon and other operators.

Ms. Whipple-Boyce, a resident and Planning Board member, said she was supportive of both food trucks and social districts being sent to the Planning Board for further study.

In reply to Commission inquiry, ACM Ecker noted that the Commission could give formal direction regarding these two topics during a regular meeting.

<b>V.     Adjourn</b>
-----------------------

Mayor Longe adjourned the meeting at 7:25 p.m.

**Birmingham City Commission Minutes**

**March 14, 2022**

**Municipal Building, 151 Martin**

**7:30 p.m.**

**Vimeo Link: <https://vimeo.com/683112653>**

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

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

**II. ROLL CALL**

Alexandria Bingham, City Clerk, called the roll.

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

Absent: None

Administration: City Manager Markus, City Clerk Bingham, Assistant City Manager Ecker, City Attorney Kucharek, Consulting City Engineer Surhigh, Assistant City Engineer Zielinski

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

**Announcements**

Michigan and Oakland County are at a substantial rate of COVID-19 community transmission. Per Occupational Safety and Health Administration (OSHA) mask guidance for areas of high or substantial community transmission levels, and to continue to protect essential government operations and functions, the city requires masks in City Hall for all employees, and for board and commission members. Masks are recommended for members of the public who attend city meetings. The City continues to provide KN-95 respirators for all in-person meeting attendees.

Happy Birthday Commissioner Baller

Mohmadyunes Patel - City Engineer Coming to Birmingham

Congresswoman Haley Stevens

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

- A. Public Comment – Brad Coulter  
a. Additional communication regarding this submitted public comment has been included.

David Bloom expressed concerns regarding a number of Commissioners' conduct during and since the 2021 Commission election campaign.

Brad Coulter summarized the content of his submitted written comments. He expressed support for the pending code of conduct and asked that it include any persons and businesses that interact with the City government.

Samuel Oh expressed concerns about recommended upzoning in the Triangle in the 2040 Master Plan draft. He asked that the 2040 Plan maintain the zoning currently recommended for the Triangle in the 2007 Triangle Plan.

**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.

**03-069-22 Consent Agenda**

The following items were pulled from the Consent Agenda:

Commissioner Haig: Item H – Advisory Parking Committee Resignation – Sarshar Nasserian

**MOTION:** Motion by Mayor Pro Tem Boutros, seconded by Commissioner Host:  
To approve the Consent Agenda excluding Item H.

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

Nays, None

- A. Resolution to approve the City Commission meeting revised minutes of February 14, 2022.
- B. Resolution to approve the City Commission meeting minutes of February 28, 2022.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 2, 2022, in the amount of \$283,691.17.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 9, 2022, in the amount of \$1,671,096.82.
- E. Resolution to approve a special event permit as requested by the Michigan Parkinson Foundation to hold the 2022 Parkinson Walk on Saturday, June 18, 2022, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff leading up to or at the time of the event.

- F. Resolution to approve a special event permit as requested by the HDSA Michigan Chapter to hold Yoga in the Park on Saturday, June 18, 2022, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff leading up to or at the time of the event.
- G. Resolution to accept the resignation of Erin Rodenhouse from the Board of Zoning appeals, to thank her for her service and to direct the City Clerk to begin the process of filling the vacancy.
- I. Resolution to accept the resignation of Pierre Yaldo from the Brownfield Redevelopment Authority, thank him for his service, and to direct the City Clerk to begin the process of filling the vacancy.
- J. Resolution to accept the resignation of David Lurie from the Mutli-Modal Transportation Board, thank him for his service, and to direct the City Clerk to begin the process of filling the vacancy.
- K. Resolution approving a 2-year contract extension (through November 15, 2023) with Birmingham Lawn for lawn maintenance services in an amount not to exceed \$347,562. 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 for using funds from the following other contractual services accounts: \$193,854 in Parks (101-751.000-811.0000), \$55,490 in City Properties (101-441.003-811.0000), \$13,156 in Well Sites (591-537.002-811.0000), \$15,274 in Local Streets (203-449.003-937.0400), \$59,788 in Major Streets (202-449.003-937.0400), and \$10,000 in Grass/Noxious Weed Enforcement (101-441.007-811.0000).

**03-070-22 (Item H) Advisory Parking Committee Resignation – Sarshar Nasserian**

Commissioner Haig and McLain noted it might be necessary to clarify for board applicants that virtual attendance is no longer an option for counting as present, counting towards a quorum, or voting.

Mayor Longe asked that Staff make it clear to applicants that attendance in person is now required for board participation.

**MOTION:** Motion by Commissioner Haig, seconded by Mayor Pro Tem Boutros:  
To accept the resignation of Sarshar Nasserian from the Advisory Parking Committee, thank him for his service, and to direct the City Clerk to begin the process of filling the vacancy.

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

Nays, None

<b>VI. UNFINISHED BUSINESS</b>
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None.

<b>VII. NEW BUSINESS</b>
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**03-071-22**

**S. Old Woodward Ph. 3 Estimated Project Cost Update**

CCE Surhigh presented the item.

In reply to Commission inquiry, CM Markus noted that the geopolitical context often causes costs to diverge from cost estimates. He said those changes do not give him pause in terms of scheduling a hearing of necessity. He said the Commission's decision regarding the viability of this project would come after bids have been received and reviewed. He noted that the bids would inform Staff and the Commission about how the project might impact the City's budget, what changes budgetary changes might be required, and what changes might need to be re-engineered within the project. He stated that the project needs to be done, that the City always repairs sewer and water when such a project is done, and that it is appropriate to address the streetscape at the same time.

Mayor Pro Tem Boutros noted that delaying the project would likely only increase the costs.

Commissioner McLain noted that the S. Old Woodward area is not Americans with Disabilities Act (ADA) compliant, and so it is necessary to redo the street. She said she was glad to be having a transparent conversation about the increase in costs but remained definite that the project must move forward. She noted that a delay would also negatively impact the business owners in the area, who have to deal with uncertainty until the project is complete.

Public Comment

Mr. Bloom recommended that the City undertake a re-engineering of the project now so the project would not be further delayed if a re-engineering is needed once bids are received. He also asked whether Plante Moran should revise the City's five-year forecasts in light of the project's estimated cost increases.

**03-072-22**

**Public Hearing of Necessity for S. Old Woodward Sidewalk and Streetscape Special Assessment District**

Mayor Longe disclosed that her spouse's landlord has a property in the proposed special assessment district (SAD). She reported being advised by the City Attorney that fact did not represent a conflict of interest.

CA Kucharek confirmed, and said she appreciated the Mayor's transparency.

The Mayor opened the public hearing at 8:27 p.m.

ACE Zielinski presented the item.

The Mayor noted that the Commission received formal protest of this item on behalf of 555 Residential LLC, 555 Commercial LLC, and Manorwood Properties LLC.

The Mayor closed the public hearing at 8:32 p.m.

**MOTION:**

Motion by Mayor Pro Tem Boutros, seconded by Commissioner Haig:

To adopt a resolution declaring the necessity of the improvement and of the Special Assessment District with special assessments levied in accordance with benefits against the properties within such assessment district which has been outlined by parcel number and included in the packet before the Commission on pages three, four, five, six, and seven. To further approve the detailed plans and estimates of the costs

prepared by the City Engineer as presented, to prescribe which portion of the costs of such improvements will be paid by special assessment upon the property especially benefited, determining that the benefits received by affected properties and what portion shall be paid by the City, which is 25% paid by the City and 75% assessed against the properties. Furthermore, the delineating of boundaries of the special assessment as defined by parcel numbers on pages three, four, five, six, and seven of the Commission packet, and to determine the method or formula to be used in making the assessment as provided in the Commission packet, in section 7B of the March 14, 2022 Commission packet, and furthermore by direction the Manager to prepare a special assessment roll and to present the same to the Commission for confirmation, which will be completed at the public hearing on April 11, 2022. Furthermore that the special assessment district will include all properties within the following districts as stated, and that the City Commission will 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 sidewalk and street scape improvements adjacent to all properties within the project area on South Old Woodward Avenue, between Brown Street and Landon Street.

#### Public Comment

Jason Long, attorney, reiterated his letter on behalf of the 555 Commercial LLC and the 555 Residential LLC protesting the proposed SAD.

Jack Reinhardt, managing partner of the 555 and representative for Manorwood Properties LLC, also spoke against the proposed SAD and aspects of the S. Old Woodward project.

Mark Nickita summarized the lengthy review and study process that went into designing the S. Old Woodward project and recommended the Commission move forward with both the proposed SAD and the project as a whole.

Joe Vicari, owner of the Birmingham Pub, said that losing parking will negatively impact businesses in the S. Old Woodward area and suggested that the Commission delay the project, opining that prices for the project would likely decrease in a few years.

Mr. Bloom recommended that the City find a way to address Mr. Reinhardt's concerns given Mr. Reinhardt's level of investment in the City.

Mayor Pro Tem Boutros and Commissioners Baller, McLain, Host, and Haig conceded that the reconstruction of S. Old Woodward would be uncomfortable for area businesses in the short-term but would ultimately be beneficial to them in the long-term.

Commissioner McLain noted that the impact of the construction on businesses and their parking was at least partially mitigated during Phases One and Two of the project, and said those lessons in mitigation could be replicated on S. Old Woodward in Phase Three.

Mayor Pro Tem Boutros echoed Mr. Nickita's comments, and added that the City has already gone through two previous phases in other areas of the City and seen positive results.

Commissioner Baller acknowledged that customers to the S. Old Woodward area may have to walk a bit farther after the project's completion, but concurred with Mr. Nickita and Mayor Pro Tem Boutros that the improved streetscape would benefit both businesses in the area and the community as a whole.

Commissioner Haig said that while he believed the S. Old Woodward project would improve the area for

businesses and the community, he wished fewer parking spaces could be removed from the S. Old Woodward area. He said he was concerned both about the project potentially increasing parking in the neighborhoods and the potential need to balance out the loss of parking with a new parking deck.

Commissioner Schafer summarized the experience of studying this item as a former Multi-Modal Transportation Board member as far back as Summer 2021. She noted that the S. Old Woodward project would improve the infrastructure, make the area aesthetically more pleasing, improve the area for pedestrians, and improve the area in terms of accessibility. She agreed with Mayor Pro Tem Boutros and Commissioners Baller, McLain, and Haig that those improvements would also benefit the businesses in the area.

Commissioner Host offered his support for the S. Old Woodward project, noting the planned improvements in terms of both safety and aesthetics.

Mayor Longe noted that this is not the final decision on this matter. She noted that the improvements in infrastructure, pedestrian safety, and accessibility are important. She noted that while costs for the project are high now, if more federal infrastructure funding becomes available then prices for the project would only increase and may not level off for a decade.

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

Nays,   None

**03-073-22                      Public Hearing of Necessity for S Old Woodward Water and Sewer  
Special Assessment District**

Mayor Longe reiterated her disclosure from the previous item. She opened the public hearing at 9:13 p.m.

ACE Zielinski presented the item.

The Mayor closed the public hearing at 9:15 p.m.

The Mayor noted that the Commission also received formal protest of this item on behalf of 555 Residential LLC, 555 Commercial LLC, and Manorwood Properties LLC.

**MOTION:**                      Motion by Mayor Pro Tem Boutros, seconded by Commissioner Schafer:  
To declare the necessity to replace the water and sewer lateral for the 10 properties that have been listed in the March 14, 2022 City Commission packet on pages two and three. Further, approving the detailed plans and estimates of costs prepared by the City Engineer that can be found in the March 14, 2022 City Commission packet, 7C, on page four. And further describing the scope of the properties that can be found on pages four and five. Therefore, prescribing the portion of the costs to be paid by special assessment will be 100% by the properties listed. Further direction to the Manager to prepare the special assessment roll that will be completed on Monday, April 11, 2022 for the Commission's confirmation on the roll.



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

Nays, None

**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.

In reply to Commissioner Host, CM Markus said he would offer a suggested action on the topics of social districts and food trucks to the Commission at its next meeting.

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

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

## **IX. COMMUNICATIONS**

A. Eric Wolfe Regarding Rezoning Questions - Staff Responses and Related Communications

## **X. REPORTS**

A. Commissioner Reports

1. Notice of intention to appoint Housing Board of Appeals
2. Notice of intention to appoint Brownfield Redevelopment Authority
3. Notice of intention to appoint Board of Zoning Appeals
4. Notice of intention to appoint Advisory Parking Committee
5. Notice of intention to appoint Multi-Modal Transportation Board
6. Notice of intention to appoint Architectural Review Committee

Mayor Longe noted that the number of positions available for appointment should indicate to the Michigan Legislature that the inability for board members to attend board meetings virtually is an issue.

B. Commissioner Comments

Commissioner Haig expressed dismay regarding two fellow Commissioners' conduct during and since the 2021 Commission election campaign. He admonished his fellow Commissioners to commit to adhering to the pending code of conduct and to treating each other with respect.

Commissioner Haig then thanked the Police and Fire Departments for replying to him regarding an inquiry. He noted he also received a clarification from ACM Ecker regarding a question he had asked about tax increment financing, but that correspondence was not included in the agenda package. He concluded by saying that all communications between Commissioners and Staff should be included in the agenda packet, and not just certain communications.

Commissioner McLain recommended that Birmingham residents over 50 years of age, who might have restricted mobility in the case of an emergency, call the Birmingham Fire Department to learn more about Knox Boxes.

Commissioner McLain then recommended the book "Conversations Worth Having: Using Appreciative Inquiry to Fuel Productive and Meaningful Engagement", by Jacqueline M. Stavros, Cheri Torres, David L. Cooperrider, to help inform the Commission's and the public's discourse around developing a code of conduct.

Commissioner Host spoke in favor of developing a code of conduct and of clarifying how conflicts of interest are handled. He noted that the focus of each Commissioner should be addressing the issues affecting the community.

Commissioner Host clarified that while the City funds Birmingham Public Schools, the operations and governance of the school system are completely separate from the Commission.

Commissioner Baller noted that Michigan campaign finance laws make election financing transparent to the community. He continued the Birmingham community includes more than just the City's residents, that those non-resident community members should not be referred to as 'outsiders', and said those non-resident community members deserve the wider community's respect. He noted also that residents have votes in the City, whereas non-residents do not.

Commissioner Host noted that Mr. Coulter apologized for his statement referencing 'outsiders'. Commissioner Host then asked whether it was appropriate to be uncivil to residents, since it is inappropriate to be uncivil to non-residents.

The Mayor expressed appreciation for all the Commissioner comments, and noted that cross-talk was discouraged during Commissioner comments.

Commissioner Haig asked if he could make an additional comment since Commissioner Host was permitted an additional comment.

The Mayor allowed Commissioner Haig to speak again on the basis that the Commissioner said his comment would be brief.

Commissioner Haig agreed with Commissioner Baller that the perspectives of non-resident community members are important. He noted that while he and Commissioner Baller have points of disagreement, he also agrees with Commissioner Baller on many points.

Mayor Longe briefly summarized the meeting she, CM Markus, and ATCM Fairbairn had with General Counsel Shindo from the Japanese Consulate in Detroit.

Commissioner McLain advised her colleagues to try and handle their disagreements quietly and outside of Commission time, so that the focus during Commission meetings can be getting the people's business done.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
- 1. 2021 Annual Golf Report

The Mayor commended DPSD Wood and GOCM Brito on the performance of the City's golf courses.

2. City Manager Annual Performance Update

CM Markus summarized the item and said he would schedule his performance review for the first Commission meeting in April.

In reply to Commission inquiry, CM Markus confirmed that the review would be held in closed session and that his term with the City is scheduled to last through the end of June 2023.

INFORMATION ONLY

<b>XI. ADJOURN</b>
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Mayor Longe adjourned the meeting at 9:37 p.m.

Alexandria Bingham  
City Clerk



Laura Eichenhorn  
City Transcriptionist

# City of Birmingham

## Warrant List Dated 03/16/2022

Meeting of 03/28/2022

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
284579	*	007266	AETNA BEHAVIORAL HEALTH LLC	245.18
284580		009372	ALLIED FIRE SALES & SERVICE	379.29
284581		000167	ANDERSON ECKSTEIN WESTRICK INC	2,874.50
284582		004027	AUTOMATED BENEFIT SVCS INC	17,963.44
284582	*	004027	AUTOMATED BENEFIT SVCS INC	586.25
284583		BDREFUND	B-DRY SYSTEM OF MICHIGAN INC	188.75
284584		BDREFUND	BABI CONSTRUCTION INC	2,500.00
284585	*	008708	DAVID BARTLEY	135.00
284586		003012	BATTERIES PLUS BULBS	107.22
284588		004931	BIDNET	4.25
284590		BDREFUND	BLOOMINGDALE HOMES INC	2,500.00
284591		003526	BOUND TREE MEDICAL, LLC	420.49
284592		003907	CADILLAC ASPHALT, LLC	6,168.45
284593	*	000444	CDW GOVERNMENT INC	585.04
284594		BDREFUND	CHIN CHAN NGUYEN	100.00
284595		BDREFUND	CHINH CHANG NGUYEN	100.00
284597	*	001086	JACK TODD- PETTY CASH	276.96
284598		BDREFUND	CLEARWATER POOL & SPA INC	150.00
284599	*	004026	COFINITY	739.25
284600		009167	COL'S FAMILY RESTAURANT	587.72
284601		008955	COMCAST	263.85
284601	*	008955	COMCAST	167.99
284602	*	000627	CONSUMERS ENERGY	2,244.12
284603		002668	CONTRACTORS CLOTHING CO	1,655.56
284604		001367	CONTRACTORS CONNECTION INC	60.90
284605		006969	DAVEY TREE EXPERT COMPANY	5,501.59
284606	*	006999	CHRISTOPHER DEMAN	317.00
284607	*	006907	DENTEMAX, LLC	73.80
284608		BDREFUND	DROBOT CUSTOM BUILDING INC	200.00
284609	*	000179	DTE ENERGY	143.96
284610	*	000179	DTE ENERGY	2,154.77
284611	*	000179	DTE ENERGY	87.30
284612	*	000179	DTE ENERGY	14.76
284613	*	000179	DTE ENERGY	1,098.15
284614	*	000179	DTE ENERGY	362.06
284615	*	000179	DTE ENERGY	357.67
284616	*	000179	DTE ENERGY	121.97
284617	*	000179	DTE ENERGY	88.14
284618	*	009340	DVM UTILITIES	47,670.26
284619		000196	EJ USA, INC.	2,234.76
284620		003253	ESRI, INC	9,450.00
284621		001495	ETNA SUPPLY	3,470.20

# City of Birmingham

## Warrant List Dated 03/16/2022

Meeting of 03/28/2022

Check Number	Early Release	Vendor #	Vendor	Amount
284622		BDREFUND	EVER-DRY OF SOUTHEASTERN MI	75.00
284623		BDREFUND	FIRECLASS, LLC	80.00
284624	*	008154	GREGORY FOLEY	135.00
284625		009018	GOLF 2 GOLF LIMITED	187.60
284626		009005	GOLF TRAININGAIDS.COM	311.44
284627	*	004604	GORDON FOOD	742.25
284628		BDREFUND	HERNANDEZ, DIEGO A	200.00
284629	*	001956	HOME DEPOT CREDIT SERVICES	1,563.44
284630		BDREFUND	HUNTER ROBERTS HOMES	2,000.00
284631		000344	J.T. EXPRESS, LTD.	4,031.97
284632	*	004088	KGM DISTRIBUTORS INC	135.00
284633	*	000362	KROGER COMPANY	56.28
284634		006127	LANDSCAPE FORMS, INC	7,158.55
284635		BDREFUND	LEVY, KIM DENT	500.00
284636		006817	LEXISNEXIS RISK DATA MANAGEMENT INC	383.95
284637		BDREFUND	LIFESTYLE BUILDING AND RENOVATION	200.00
284638	*	009451	LIFESTYLE PUBLICATIONS LLC	1,555.00
284639		009375	LITHIA MOTORS, INC SUPPORT SERVICES	3,234.35
284640		BDREFUND	MA DESIGNERS INC.	500.00
284641		MISC	MAMATAS,	440.00
284642		MISC	MAMATAS, NIKOLAS	400.00
284643		MISC	MAMATAS, NIKOLAS	500.00
284644		000888	MCKENNA ASSOCIATES INC	32,491.35
284646	*	009143	MICHAEL SHUKWIT	250.00
284647		BDREFUND	MICHIGAN BASEMENTS	200.00
284648	*	001387	MICHIGAN MUNICIPAL LEAGUE	897.00
284649		001497	MICHIGAN STATE POLICE	128.82
284651		000230	MIKE SAVOIE CHEVROLET INC	341.14
284652		007163	MOBILE HEALTH RESOURCES	1,992.05
284654	*	000668	NATIONAL TIME & SIGNAL CORP	1,570.00
284655		004827	NICK'S MAINTENANCE SERVICE	6,780.00
284656		BDREFUND	OAKES ROOFING SIDING & WINDOWS INC	200.00
284657	*	001686	OAKLAND CO CLERKS ASSOC	60.00
284658		002853	OAKLAND COMMUNITY COLLEGE	550.00
284659		008712	OAKLAND COUNTY HEALTH DIVISION	350.00
284660	*	004370	OCCUPATIONAL HEALTH CENTERS	459.00
284661	*	000481	OFFICE DEPOT INC	844.94
284662		BDREFUND	PELLA WINDOWS & DOORS, INC.	1,000.00
284663		BDREFUND	PERFORMANCE RESIDENTIAL REMODELING	100.00
284665		008974	PREMIER PET SUPPLY	34.99
284666	*	009324	PULLMAN SST INC	38,635.65
284667		BDREFUND	RGS WORKSPACES OF MICHIGAN LLC	500.00
284668		BDREFUND	RICH, ANDREW	906.59

**City of Birmingham**  
**Warrant List Dated 03/16/2022**

Meeting of 03/28/2022

Check Number	Early Release	Vendor #	Vendor	Amount
284669	*	009144	RICHARD TRUDO	1,200.00
284670		BDREFUND	ROBERT L BITTNER JR	200.00
284671		BDREFUND	Seal Tight Construction	100.00
284672	*	007882	MICHAEL SIMPSON	142.14
284673	*	002809	STATE OF MICHIGAN	856.76
284674		005863	SUCCESS COMMUNICATIONS, INC.	845.00
284676		BDREFUND	TEMPLETON BUILDING COMPANY	400.00
284677		BDREFUND	THE GREEN PANEL	200.00
284678		BDREFUND	TIMOTHY DALE CROZIER	500.00
284679		008372	TREASURER, CITY OF STERLING HEIGHTS	501.60
284680		BDREFUND	TRI PHASE COMMERCIAL CONST LLC	500.00
284681	*	000808	UNIVERSAL CONTAINER CORP	835.00
284682		008941	UPTOWN MARKET OF BIRMINGHAM	210.52
284684	*	000293	VAN DYKE GAS CO.	152.45
284685	*	000158	VERIZON WIRELESS	151.53
284687		009452	WHYGOLF, LLC	219.88
284688		BDREFUND	WINNICK HOMES LLC	240.00
284689	*	004512	WOLVERINE POWER SYSTEMS	1,289.00
284690	*	008391	XEROX CORPORATION	732.82

SUBTOTAL PAPER CHECK	\$236,308.66
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ACH TRANSACTION

4989	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	23,146.97
4990	*	002909	ACOM SOLUTIONS, INC.	250.00
4991		009126	AMAZON CAPITAL SERVICES INC	1,392.19
4991	*	009126	AMAZON CAPITAL SERVICES INC	92.92
4992		009186	BILL PEASLEY	92.08
4993		009431	CITY OF BIRMINGHAM #248	6,230.03
4994		000261	J.H. HART URBAN FORESTRY	23,176.38
4995	*	002576	JAX KAR WASH	110.00
4996	*	003458	JOE'S AUTO PARTS, INC.	737.46
4997	*	000891	KELLER THOMA	4,416.85
4998	*	004085	KONE INC	2,086.45
4999	*	008158	LOGICALIS INC	9,700.00
5000	*	008723	BRADLEY MCNAB	135.00
5001	*	009370	MICHAEL SIMON	81.00
5002		006359	NYE UNIFORM COMPANY	88.50
5003	*	003554	RKA PETROLEUM	13,881.80
5004	*	001181	ROSE PEST SOLUTIONS	74.00
5005	*	002456	SALES MARKETING GROUP INC	386.86
5006	*	003785	SIGNS-N-DESIGNS INC	1,025.00
5007		004355	SYMETRA LIFE INSURANCE COMPANY	35,281.64
5007	*	004355	SYMETRA LIFE INSURANCE COMPANY	35,499.87
5008		009254	THOMAS M MARKUS	535.00

**City of Birmingham**  
**Warrant List Dated 03/16/2022**

Meeting of 03/28/2022

Check Number	Early Release	Vendor #	Vendor	Amount
5009		000298	VESCO OIL CORPORATION	93.25
5010		002974	VILLAGE OF BEVERLY HILLS	106,325.00
SUBTOTAL ACH TRANSACTION				\$264,838.25
GRAND TOTAL				\$501,146.91

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 03/23/2022**

Meeting of 03/28/2022

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
284691	*	000855	48TH DISTRICT COURT	500.00
284694		003708	AIRGAS USA, LLC	252.32
284697	*	009393	AMANDA MCBRIDE	250.00
284698	*	006759	AT&T	124.44
284699		BDREFUND	AYAR CONSTRUCTION LLC	100.00
284700		BDREFUND	B-DRY SYSTEM OF MICHIGAN INC	100.00
284702	*	008708	DAVID BARTLEY	233.21
284703	*	009383	BATTIE LAW PLLC	300.00
284704		002482	CITY OF BERKLEY	751.40
284705	*	TAXMISC	BLOOMINGDALE HOLDINGS AND PROPS LLC	30.45
284706	*	000546	KAREN D. BOTA	1,730.00
284707		BDREFUND	BRIAN D ADELMAN	100.00
284708		009420	JOSEPH BUNTING	38.92
284709		BDREFUND	C & L WARD BROS CO	100.00
284710	*	009396	CECILIA QUIRINDONGO BAUNSOE	500.00
284711		008243	CHARTER TOWNSHIP OF BLOOMFIELD	489.92
284712		000605	CINTAS CORPORATION	360.72
284713		000605	CINTAS CORPORATION	352.14
284714	*	008006	CLEAR RATE COMMUNICATIONS, INC	1,323.44
284715	*	008955	COMCAST	179.27
284716		BDREFUND	CONCRAFT INC	100.00
284717	*	000627	CONSUMERS ENERGY	9,540.43
284718		002668	CONTRACTORS CLOTHING CO	90.87
284719		001367	CONTRACTORS CONNECTION INC	525.90
284720		008512	COOL THREADS EMBROIDERY	2,684.00
284721		BDREFUND	D.W. WILLIAMS	100.00
284722		BDREFUND	DAVID D CHESS	200.00
284723		000233	DEAN SELLERS	38.61
284724		000177	DELWOOD SUPPLY	404.06
284724	*	000177	DELWOOD SUPPLY	129.72
284725	*	006999	CHRISTOPHER DEMAN	114.00
284726	*	000179	DTE ENERGY	47.12
284727	*	000180	DTE ENERGY	8,510.08
284728		007045	DYNAMIC BRANDS	142.00
284729		000196	EJ USA, INC.	2,486.97
284731	*	007366	FIRST ADVANTAGE OCCUPATIONAL CORP	45.00
284732		006384	GEOGRAPHIC INFORMATION SERVICES, IN	505.42
284734		001447	HALT FIRE INC	390.01
284735	*	009382	HB LAW, PLLC	500.00
284736	*	001956	HOME DEPOT CREDIT SERVICES	901.02
284737	*	001307	JOSHUA HUSTED	127.20
284738	*	009390	IDUMESARO LAW FIRM, PLLC	1,180.00



**City of Birmingham**  
**Warrant List Dated 03/23/2022**

Meeting of 03/28/2022

Check Number	Early Release	Vendor #	Vendor	Amount
284740		009447	INDEPENDENT PUBLISHERS GROUP	19.95
284745	*	009401	IRENE S WASSEL	550.00
284746	*	007244	CHRISTOPHER JUDKINS	349.00
284747	*	009344	SEAN KAMMER	198.19
284748		BDREFUND	KARP HOLDINGS INC	500.00
284749		BDREFUND	KEARNS BROTHERS INC.	100.00
284750	*	009454	JULIA KNEVELS	12,000.00
284751		003620	LANGUAGE LINE SERVICES INC	35.00
284752	*	009386	LAW OFFICE OF BRIAN P. FENECH	900.00
284753	*	009385	LAW OFFICE OF MICHAEL J. DICK	900.00
284754	*	009388	LAW OFFICE OF PATRICK G. GAGNIUK	1,095.00
284755		009375	LITHIA MOTORS, INC SUPPORT SERVICES	1,086.35
284756	*	001171	JIM LOTRIDGE	95.00
284757	*	009398	MARCIA C ROSS PC	600.00
284758		BDREFUND	MARDIGIAN, ROBERT G	100.00
284759		BDREFUND	MARGARET A A SUTER TRUST	100.00
284760		BDREFUND	MARIAN RAZAK	200.00
284761	*	001505	MEADOWBROOK INSURANCE GROUP	1,772.00
284762		BDREFUND	MONKEY 22, LLC	100.00
284763	*	005634	GINA MOODY	62.01
284764	*	MISC	NATIONAL HOSPITALITY INSTITUTE	195.00
284765	*	000668	NATIONAL TIME & SIGNAL CORP	634.00
284767	*	000477	OAKLAND COUNTY	471,885.84
284768	*	003461	OBSERVER & ECCENTRIC	1,371.98
284769	*	004370	OCCUPATIONAL HEALTH CENTERS	293.00
284770	*	000481	OFFICE DEPOT INC	1,959.01
284771	*	009395	ORLANDO LAW PRACTICE PC	300.00
284773		001626	OXFORD OVERHEAD DOOR SALES CO.	525.00
284774	*	000801	POSTMASTER	1,853.54
284775		009301	SECURE-CENTRIC INC	957.60
284776		008815	SHI INTERNATIONAL CORP.	5,500.00
284777	*	003466	ALAN SOAVE	150.00
284778	*	TAXMISC	TERRELL & BARBARA THOMAS FMLY TRST	1,269.01
284779	*	009384	THE EDITH BLAKNEY LAW FIRM, PLLC	600.00
284780	*	009389	THE LAW OFFICE OF KHARI HATCHETT	250.00
284781		008694	TIGERPRESS ADMINISTRATION	1,510.00
284782		000275	TIRE WHOLESALERS CO INC	400.84
284783	*	005481	TRI-COUNTY INTL TRUCKS, INC.	1,467.98
284784		006319	ULI-URBAN LAND INSTITUTE	240.00
284785	*	000158	VERIZON WIRELESS	308.16
284786	*	000158	VERIZON WIRELESS	316.79
284787	*	000158	VERIZON WIRELESS	127.91
284788	*	000158	VERIZON WIRELESS	49.18

**City of Birmingham**  
**Warrant List Dated 03/23/2022**

Meeting of 03/28/2022

Check Number	Early Release	Vendor #	Vendor	Amount
284789	*	002996	GREG WALD	122.87
284790		BDREFUND	WECHSLER CONSTRUCTION LLC	300.00
284792	*	005794	WINDSTREAM HOLDINGS INC	830.67
284793		009128	WITMER PUBLIC SAFETY GROUP INC	1,547.46
SUBTOTAL PAPER CHECK				\$552,306.98
<u>ACH TRANSACTION</u>				
5011	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	32,747.89
5015	*	002284	ABEL ELECTRONICS INC	550.00
5016	*	009323	ALEXANDRIA BINGHAM	2,058.54
5017		009126	AMAZON CAPITAL SERVICES INC	359.76
5018	*	000282	APOLLO FIRE EQUIPMENT	1,187.03
5020	*	007624	BIRMINGHAM OIL CHANGE CENTER, LLC	46.96
5021		009195	CROWN CASTLE FIBER LLC	4,284.25
5022	*	000243	GRAINGER	141.91
5024		000331	HUBBELL ROTH & CLARK INC	206,585.96
5025	*	007870	J.C. EHRLICH CO. INC.	53.00
5026	*	003458	JOE'S AUTO PARTS, INC.	1,032.17
5028		004085	KONE INC	316.85
5032	*	001035	MUNICIPAL EMERGENCY SERVICES INC	1,240.00
5033	*	006359	NYE UNIFORM COMPANY	1,581.90
5034	*	000478	ROAD COMM FOR OAKLAND CO	3,688.83
5035		000254	SOCRRA	69,994.00
5036		000273	TERMINAL SUPPLY CO.	130.50
5037	*	002433	THELMA GOLDEN	17.20
5039	*	009379	YELLOW DOOR LAW	3,750.00
SUBTOTAL ACH TRANSACTION				\$329,766.75
GRAND TOTAL				\$882,073.73

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

Clerk's Office

**DATE:** March 28, 2022  
**TO:** Tom Markus, City Manager  
**FROM:** Alexandria Bingham, City Clerk  
**SUBJECT:** Special Event Application: Strides for SOS

### INTRODUCTION:

Schools Offer Support (SOS) has submitted a Special Event application to hold the Strides for SOS on October 9, 2022. Set up for the event is scheduled for 7:00 am-9:00 am. The event begins at 9:00 am and concludes at 11:00 am. Tear down is scheduled for immediately following the event.

### BACKGROUND:

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

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

Birmingham Farmers Market	Sundays	Parking Lot 6
---------------------------	---------	---------------

### LEGAL REVIEW:

The City Attorney has reviewed and has no concerns or objections

### FISCAL IMPACT:

The Finance Director has reviewed and has no concerns.

### PUBLIC COMMUNICATIONS:

Strides for SOS notified residents and businesses about the details of this event by letter which was mailed at least two weeks prior to the Commission meeting. The addresses that were notified were within 300 feet of the event space.

### SUMMARY

The City Commission is being asked to approve a special event license for Strides for SOS to be held October 9, 2022 from 9:00 am to 11:00 am, with set up October 9, 2022 from 7:00 am – 9:00 am and tear down immediately following the event.

ATTACHMENTS:

1. Special Event application
2. Notification letter with map of event area distributed to residents/businesses within 300 feet of the event area dated February 18, 2022. Notification addresses are on file in the Clerk's Office
3. Hold Harmless Agreement
4. Department Approval page with comments and estimated costs

SUGGESTED COMMISSION ACTION:

To make a motion adopting a resolution to approve a special event permit as requested by the Schools Offer Support to hold the Strides for SOS Race on October 9, 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, or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event.

March 28 meeting.

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

22-00011784

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 1/27/2022

Name of Event Strides for SOS (Schools Offer Support)

Detailed Description of Event (attach additional sheet if necessary) see attached

Location Seaholm High School and surrounding streets

Date(s) of Event Sunday, October 9th Hours of Event 9am - 11am

Date(s) of Set-up Sunday, October 9th Hours of Set-up 7am - 9am

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

Date(s) of Tear-down Sunday, October 9th Hours of Tear-down immediately following

Organization Sponsoring Event Schools Offer Support

Organization Address 2436 West Lincoln, Birmingham, MI 48009

Organization Phone 248.203-3700

Contact Person Amy Murray

Contact Phone 404.550.3450

Contact Email ctmurrays@gmail.com

## II. EVENT INFORMATION

1. Organization Type Non-profit, community group  
(city, non-profit, community group, etc.)
2. Additional sponsors or participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.) Seaholm and Groves High School clubs and booster groups will help by volunteering. Parent board members will supervise.
3. Is the event a fundraiser? YES ☒ NO ☐  
List Schools offer Support \_\_\_\_\_ beneficiary \_\_\_\_\_  
List \_\_\_\_\_ expected \_\_\_\_\_ income \_\_\_\_\_  
Attach information about the beneficiary.
4. First time event in Birmingham? YES ☐ NO ☒  
If no, describe This race was held on September 26, 2021. This was previously the Birmingham Harriers race, which took place from 2013-2019.
5. Total number of people expected to attend per day 400-500
6. The event will be held on the following City property: (Please list)  
☒ Street(s) See attached  
☐ 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? \_\_\_\_\_  
Seaholm High School parking lots.

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 Unknown number of students and parents from BPS will help along course.

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 Officers will be required for traffic control and street closures.

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 unknown

Size of signs/banners ~~24"~~ 18" x 24" at turns along route directing

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

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

- Peddler/vendor permits must be submitted to the Clerk's Office, **at least two weeks prior to the event.**
- You must obtain approval from the Oakland County Health Department for all food/beverage sales/donations. Contact [ehclerk@oakgov.com](mailto:ehclerk@oakgov.com) or 248-535-9612 to obtain Health Department approval.
- There is a \$50.00 application fee for all vendors and peddlers, in addition to the \$10.00 daily fee, per location.

### **LIST OF VENDORS/PEDDLERS**

(attach additional sheet if necessary)

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



### III. EVENT LAYOUT

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

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

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables		6 for \$500.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles		\$10.00 each includes 1 bag For additional bags, the cost is \$32/per case.	Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work.
Dumpsters		\$350.00/per dumpster per day	Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.
Utilities (electric)	# of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant		\$224.75/per hydrant Includes the use of 5,000 gallons of water. Any additional water usage will be billed.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

2. Will the following be constructed or located in the area of the event?

YES **NO**

(show location of each on map) NOTE: Stakes are not allowed.

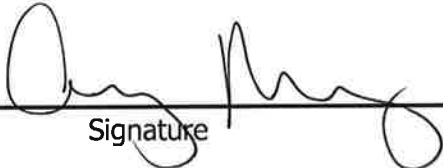
TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 120 square feet)		
Portable Toilets		
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		

## SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Strides for SOS (Schools Offer Support)  
EVENT DATE Sunday, October 9<sup>th</sup>, 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 \_\_\_\_\_ Date 11/27/2022

*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.



### **SPECIAL EVENT REQUEST NOTIFICATION LETTER**

**DATE:** February 18, 2022  
**TO:** Property Owner  
Birmingham, MI 48009

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 NAME:** Strides for SOS (Schools Offer Support)

**DESCRIPTION:** This event includes a 5K road running race and a 1 mile road running race to raise money for Schools Offer Support, a community nonprofit serving families in the local area. This event will take place at Seaholm High School, but includes the use of roads around the school. Please find enclosed the course map. The races begin promptly at 9 AM. Roads will be open as soon as all participants have passed a given barrier.

**LOCATION:** The start for both races will be in the Seaholm student parking lot and the finish will be on the Seaholm track. The 1 mile race will include Midvale Street, Glenhurst Street, Lincoln Street and Woodlea Court. The 5K course will include the following streets: Midvale Street, Berwyn Street, Avon Street, Argyle Street, Midvale Street, Larchlea Street, Lincoln Street, Arlington Street, Shirley Street, and Woodlea Court. Although not part of the race route, Wellesley Street will be affected for the very beginning of the race.

**DATE OF EVENT:** Sunday, October 9, 2022

**HOURS OF EVENT:** Race start 9AM. The last participant done by 10:30 AM.

**TIME OF SET-UP:** Sunday, October 9<sup>th</sup>, 2022 7:00 AM

**TIME OF TEAR DOWN:** 12PM Seaholm Track Infield

**DATE OF CITY COMMISSION MEETING:** March 28<sup>th</sup>, 2022. The City Commission meets in room 205 of the Municipal Building at 151 Martin at 7:30 pm. 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:** Schools Offer Support **ADDRESS:** 2436 West Lincoln, Birmingham, MI 48009  
**EVENT DAY CONTACT:** Amy Murray **PHONE:** 404-550-3450

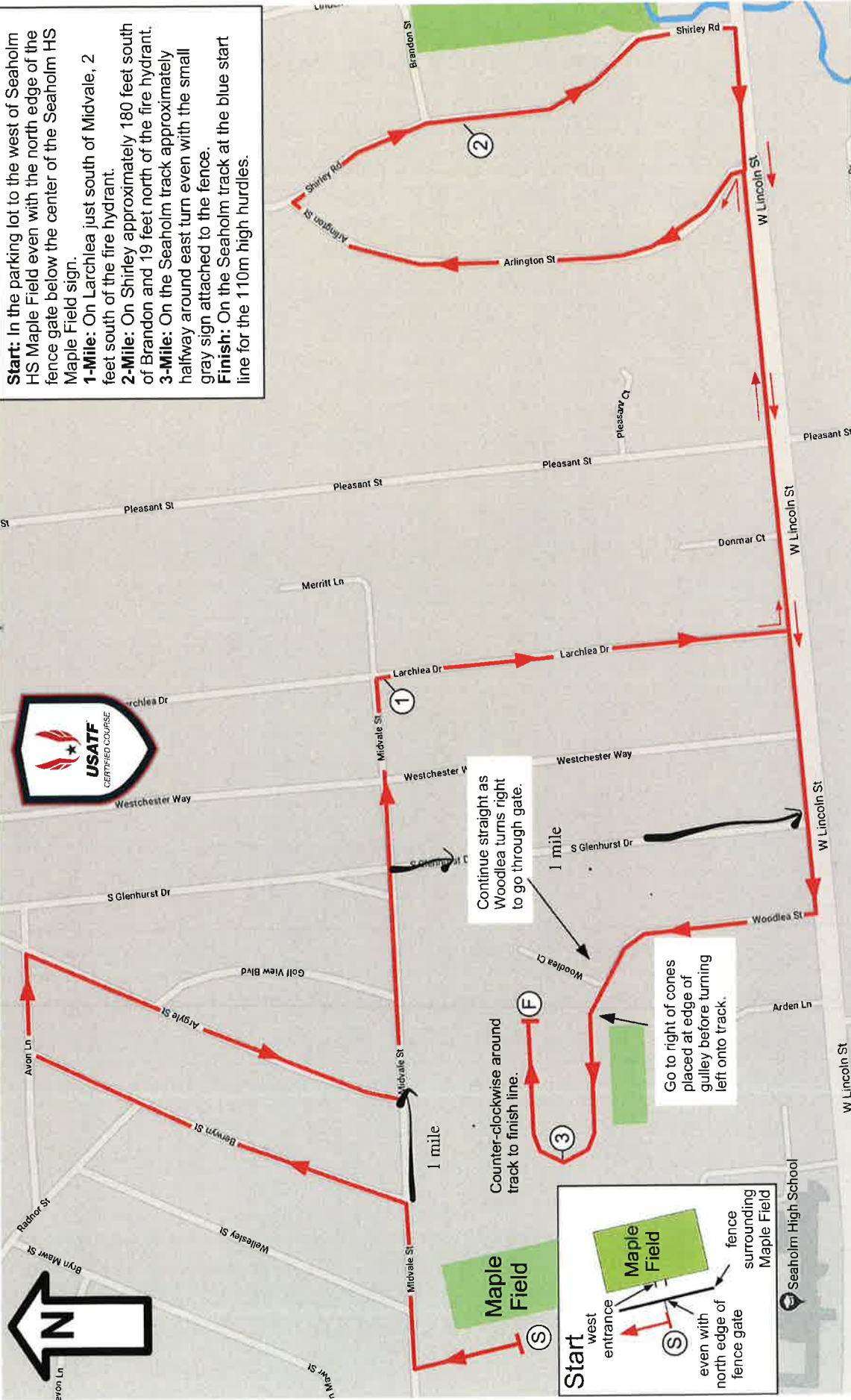
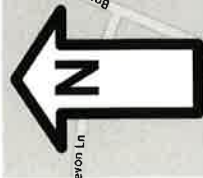
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USATF Certificate  
MI18019MN

## Birmingham Harriers 5k Run/Walk Birmingham, Michigan

Effective Dates  
13-JUL-2018 to 31-DEC-2028



**Start:** In the parking lot to the west of Seaholm HS Maple Field even with the north edge of the fence gate below the center of the Seaholm HS Maple Field sign.  
**1-Mile:** On Larchlea just south of Midvale, 2 feet south of the fire hydrant.  
**2-Mile:** On Shirley approximately 180 feet south of Brandon and 19 feet north of the fire hydrant.  
**3-Mile:** On the Seaholm track approximately halfway around east turn even with the small gray sign attached to the fence.  
**Finish:** On the Seaholm track at the blue start line for the 110m high hurdles.

Measured by  
Mark Neal  
runnermark@gmail.com  
1-JUL-2018

Unless otherwise noted, runners can use the entire width of all roads in order to follow the shortest possible route.



**Road Running Technical Council**  
**USA Track & Field**  
**Measurement Certificate**



Name of course Birmingham Harriers 5k Run/Walk Distance 5 km  
Location (state) Michigan (city) Birmingham  
Type of course: ☒ road race ☐ calibration  
Measuring Methods: ☒ bicycle ☐ steel tape ☐ electronic distance meter  
Measured by (name, address, phone & e-mail) Mark Neal  
323 Griggs Street, Rochester, MI, 48307, 248-894-3846, runnermark@gmail.com  
Race Contact (name, address, phone & email) Teresa McCardell  
675 Yarmouth, Bloomfield Township, MI, 734-358-4110, terrimccardell@gmail.com  
Date(s) when course measured: Jul. 01, 2018  
Course Configuration: Point to point Number of measurements of entire course: 2  
Elevation (meters above sea level) Start 227 m Finish 228 m Highest 229 m Lowest 217 m  
Straight line distance between start & finish 325 m Drop -0.2 m/km Separation 6.5%  
Type of Surface: Paved 93% Dirt 0% Gravel 0% Grass 1% Track 6%  
Effective date of certification: Jul. 13, 2018 Certification code: MI18019MN

Notice to Race Director: Use this Certification Code  
in *all* public announcements relating to your race.

***Be It Officially Noted That***

Based on examination of data provided by the above named measurer, the course described above and in the map attached is hereby certified as reasonably accurate in measurement according to the standards adopted by the Road Running Technical Council. If any changes are made to the course, this certification becomes void, and the course must then be recertified.

**Verification of Course** — In the event a National Open Record is set on this course, or at the discretion of USA Track & Field, a verification remeasurement may be required to be performed by a member of the Road Running Technical Council. If such a remeasurement shows the course to be short, then all pending records will be rejected and the course certification will be cancelled.

***This certification expires on December 31 in the year***

**2028**

***AS NATIONALLY CERTIFIED BY***

  
Mark Neal • USATF/RRTC Certifier

323 Griggs Street, Rochester, MI, 48307 • 248-894-3846 • runnermark@gmail.com

Date: Jul. 13, 2018

# Seaholm High School

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

## EXHIBIT A

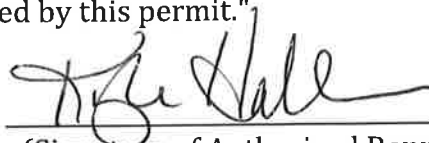
### HOLD HARMLESS AGREEMENT

### FOR

### ACTIVITY: ANNUAL STRIDES FOR SOS 5K & 1 MILE WALK/RUN

**DATE: October 9, 2022**

"To the fullest extent permitted by law, the School District of the City of Birmingham agrees to defend, pay on behalf of **ANNUAL STRIDES FOR SOS 5K & 1 MILE WALK/RUN** 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, loss, including all costs connected therewith, 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 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 the activity authorized by this permit."



(Signature of Authorized Representative)



# Schools Offer Support

## ROOTED IN OUR COMMUNITY

### MISSION STATEMENT

"Schools Offers Support (SOS) serves members of our community through outreach efforts, financial support, and volunteer activities. SOS is committed to helping those in need and teaching students that community matters."

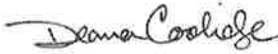
Schools Offer Support (SOS) is a service organization in which parents and students work together to build a stronger community through acts of kindness. SOS has been able to fund and support a vast array of community needs. Some examples are:

- Food boxes, gift cards and childcare support for financially challenged families during the COVID-19 pandemic
- Tutoring programs for middle school and elementary students
- Thanksgiving dinners to dozens of families in need each year
- Holiday gifts purchased and wrapped for families in need
- Leaf raking for seniors in our community
- Financial aid for those faced with sudden emergencies
- Barbara and Sheldon Weisberg Laptop scholarships awarded to select college-bound seniors annually
- and much, much more

*Respecting family privacy is paramount; all needs are filled anonymously.*



# CERTIFICATE OF INSURANCE

Producer <b>SET SEG</b> 1520 Earl Ave East Lansing, MI 48823			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 BY THE POLICIES BELOW.			
Insured <b>Birmingham School District</b> 31301 Evergreen Road Beverly Hills, MI 48025			<b>COMPANIES AFFORDING COVERAGE</b>  <b>A</b> MASB-SEG Property/Casualty Pool, Inc.			
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 TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES.						
CO LTR	TYPE OF INSURANCE	POLICY NUMBER	EFFECTIVE DATE	EXPIRATION DATE	LIMITS	
<b>A</b>	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> Comprehensive Form <input checked="" type="checkbox"/> Premises/Operations <input checked="" type="checkbox"/> Incidental Medical Malpractice Coverage <input checked="" type="checkbox"/> Products/Completed Operations <input checked="" type="checkbox"/> Contractual <input checked="" type="checkbox"/> Independent Contractors <input checked="" type="checkbox"/> Broad Form Property Damage <input checked="" type="checkbox"/> Personal Injury	PC 0000114	7/1/22	7/1/23	BI & PD COMBINED OCCURRENCE  BI & PD COMBINED AGGREGATE  PERSONAL INJURY OCCURRENCE  PERSONAL INJURY AGGREGATE	\$1,000,000  N/A  \$1,000,000  N/A
DESCRIPTION The City of Birmingham is hereby added as an additional insured for liability but only as respects to the activities performed by or on behalf of the named Insured as it represents the Districts Strides for SOS Harriers Run Special Event 2021.						
CERTIFICATE HOLDER City of Birmingham 151 Martin Street Birmingham, MI 48012			SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL <b>30</b> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.			
AUTHORIZED REPRESENTATIVE <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%;">             Deana Coolidge            PROPERTY/CASUALTY DEPARTMENT         </div> <div style="width: 35%; text-align: right;">           Date July 30, 2022         </div> </div>						

# Seaholm High School

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

## **ADDITIONAL INSURED ENDORSEMENT**

### **FOR**

**ACTIVITY: ANNUAL STRIDES FOR SOS 5K & 1 MILE WALK/RUN**

**DATE: October 9, 2022**

"It is understood and agreed that the following shall be Additional Insureds: the City of Birmingham, and including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and their board members, employees, and volunteers.

This coverage shall be primary to the Additional Insureds, and not contributing with any other insurance or similar protection available to the Additional Insureds, whether said other available coverage be primary, contributing or excess."



(Signature of Authorized Representative)



**Birmingham**  
PUBLIC  
SCHOOLS

## DEPARTMENT APPROVALS

EVENT NAME: Strides for SOS

LICENSE NUMBER # 22-00011784

COMMISSION HEARING DATE: March 28 2022

NOTE TO STAFF: Please submit approval by 3/18/22

DATE OF EVENT: October 9, 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	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 MDHHS COVID—19 guidelines Do not block fire hydrants with vehicles or set up equipment If installing tents provide a flame retardant certificate and fire extinguisher mounted. Crowd manager 1 for every 250 persons		\$0	
<b>POLICE</b> 101-000.000.634.0003 248.530.1870	SG	Personnel for road closures.		\$1,100	
<b>PUBLIC SERVICES</b> 101-000.000-634.0002 248.530.1642	CL	DPS staff will handle barricade drop off		\$300	

<b>ENGINEERING</b> <b>101-000.000.634.0002</b> 248.530.1839	SDZ	Road Closure signs and advance warning signs needed	Obstruction permit, showing sign locations on map	\$65	\$65
<b>SP+ PARKING</b>	RW	Parking provided at school lot	NA	NA	NA
<b>INSURANCE</b> 248.530.1807		COI needs review Submitted Hold Harmless.	None	\$0	\$0
<b>CLERK</b> <b>101-000.000-614.0000</b> 248.530.1803		Notification letters to be mailed by applicant no later than 3/14/2022. Notification addresses on file in the Clerk's Office.	Applications for vendors license must be submitted no later than Sept 23, 2022.	\$165 pd	
				<b>TOTAL DEPOSIT REQUIRED \$1,465</b>	<b>ACTUAL COST</b>

**FOR CLERK'S OFFICE USE**

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

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

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



## MEMORANDUM

Clerk's Office

**DATE:** March 28, 2022

**TO:** Tom Markus, City Manager

**FROM:** Alexandria Bingham, City Clerk

**SUBJECT:** Eisenhower Dance Detroit Youth Ensemble Performance

### INTRODUCTION:

Eisenhower Dance Detroit submitted a special event application to hold its 2022 Youth Ensemble Performance in Shain Park on Thursday, May 26, 2022. Setup for the event is scheduled for Thursday, May 26 from 3:30-7:30 p.m. The event begins at 4:30 p.m. and concludes at 7:30 p.m. Teardown is scheduled for 7:30-8:30 p.m.

### BACKGROUND:

Due to the COVID-19 pandemic, Eisenhower Dance is again choosing to hold its annual student dance performance outdoors in Shain Park, as it did in 2020 and 2021. Prior to application submission, the Police Department reviewed the proposed event details for street closures and the need for safety personnel and approved the details. DPS, Planning, Building, Engineering, Police and Fire have indicated their approval. SP+ Parking has been notified of the event for planning purposes.

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

- |                                     |         |                            |
|-------------------------------------|---------|----------------------------|
| • Birmingham Farmers Market         | Sundays | Lot 6                      |
| • Art Birmingham                    | May 7-8 | Shain Park & city streets  |
| • DPS Open House                    | May 14  | DPS facility - 851 S. Eton |
| • Greenwood Cemetery Tour           | May 14  | Greenwood Cemetery         |
| • Celebrate Birmingham Parade/party | May 15  | Shain Park & city streets  |
| • Memorial Day Service              | May 30  | Shain Park                 |

### LEGAL REVIEW:

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

### FISCAL IMPACT:

All costs associated with this event will be paid for by the applicant.

### PUBLIC COMMUNICATIONS:

Eisenhower Dance Detroit notified residents and businesses about the details of this event by letter mailed more than two weeks prior to the commission meeting. Addresses within 300 feet of the event space were notified.

**SUMMARY:**

The City Commission is being asked to approve a special event permit for the Eisenhower Dance Detroit Youth Ensemble Performance to be held Thursday, May 26, 2022, from 4:30 – 7:30 p.m., with setup Thursday, May 26, from 3:30-4:30 p.m. Teardown will occur on May 26, 2022, from 7:30-8:30 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 March 10, 2022. Notification addresses are on file in the Clerk's Office.
3. Hold-harmless Agreement
4. Department approval page with comments and estimated costs

**SUGGESTED COMMISSION ACTION:**

To make a motion adopting a resolution to approve a Special Event Permit as requested by Eisenhower Dance Detroit to hold its Youth Ensemble Performance on May 26, 2022, in Shain Park contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event.

FEB 9 2022

LIC # 22-00011762

RECEIVED

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

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

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

**I. EVENT DETAILS**

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

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

(Please print clearly or type)

Date of Application 1/20/22

Name of Event Eisenhower Dance Detroit Youth Ensemble Performance

Detailed Description of Event (attach additional sheet if necessary) Pre-professional dance company

Eisenhower Dance Detroit Youth Ensemble, performance. The performance will be free and open to the public.  
As a student performance ranging from age 12-18, all music/lyrics and costumes will be appropriate for all ages.

Location Shain Park Stage

Date(s) of Event Thursday, May 26, 2022 Hours of Event 4:30-7:30pm

Date(s) of Set-up Thursday, May 26, 2022 Hours of Set-up 3:30-4:30pm

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

Date(s) of Tear-down Thursday, May 26, 2022 Hours of Tear-down 7:30-8:30pm

Organization Sponsoring Event Eisenhower Dance Detroit

Organization Address 2155 Cole St. Birmingham, MI 48009

Organization Phone 248-594-9400

Contact Molly McMullen - Artistic Director of EDDYE

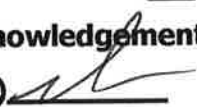
Person \_\_\_\_\_

Contact 937-269-2453

Phone \_\_\_\_\_

Contact Email mcmullen@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 \_\_\_\_\_  
EDD has held approximately 3 performances at Shain park from Oct. 2020-current
5. Total number of people expected to attend per day \_\_\_\_\_  
Approx. 100 audience members - also dependent on Covid restrictions at the time (if any)
6. The event will be held on the following City property: (Please list)  
☐ Street(s) \_\_\_\_\_  
☐ Sidewalk(s) \_\_\_\_\_  
☒ Park(s) Just the Shain Park stage with grassy area for audience seating
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 needed

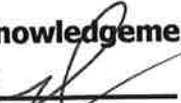


9. Will staff be provided to assist with safety, security and maintenance? YES ☒ NO ☐

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

Describe Approx. 5-7 staff members will be present. Staff will coordinate all aspects of event and can manage social distancing if mandatory at the time.

10. Will the event require safety personnel (police, fire, paramedics)? YES ☐ NO ☒

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

Describe \_\_\_\_\_

11. Will alcoholic beverages be served? YES ☐ NO ☒

If yes, additional approval by the City Commission is required, as well as the Michigan Liquor Control Commission.

12. Will music be provided? YES ☒ NO ☐

       Live        Amplification               X        Loudspeakers

Recorded Time music will begin 4:30pm

Time music will end 7:30pm

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 Two vertical banners on either side of stage

Size of signs/banners About 5 ft tall and 1.5 feet wide

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)	2	10x10
Portable Toilets		
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		

## SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Eisenhower Dance Detroit Performance

EVENT DATE Thursday, May 26, 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.



1/20/22

Signature

Date

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

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

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

# EISENHOWER DANCE DETROIT

INNOVATE | CULTIVATE | INSPIRE

3/10/22

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 Youth Ensemble Performance

LOCATION: Shain Park, Birmingham

DATE(S) OF EVENT: Thursday, May 26

HOURS OF EVENT: 3:30-pm-8:30pm

BRIEF DESCRIPTION OF EVENT/ACTIVITY: EDDYE is a pre-professional dance company.

The students, ranging from 12-18 years, will be performing several dances within the time frame with an informal audience in the grassy area of Shain Park.

DATE(S) OF SET-UP: Thursday, May 26

HOURS OF SET-UP: 3:30-4:30pm

DATE(S) OF TEAR-DOWN: Thursday, May 26

HOURS OF TEAR-DOWN: 7:30-8:30pm

DATE OF CITY COMMISSION MEETING: 3/28/22

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.com/j/655079760> Meeting ID: 655 079 760. A complete copy of the application to hold this special event is available for your review at the City Clerk's Office (248/530-1880). 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: Molly McMullen at 937-269-2453

BATES ST.

FOUNTAIN

Grassy Area  
Audience  
Seating

HENRIETTA

Sound system  
Table

speaker

Stage/Pavilion

speaker

10x10

10x10

Dancer changing  
Tents

# EISENHOWER DANCE DETROIT

INNOVATE | CULTIVATE | INSPIRE

## Hold Harmless Agreement

"To the fullest extent permitted by law, Eisenhower Dance Detroit and any entity or person for whom Eisenhower Dance Detroit 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."

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



Applicant's signature

2/09/2022

Date

## DEPARTMENT APPROVALS

EVENT NAME: EISENHOWER DANCE YOUTH ENSEMBLE

LICENSE NUMBER **#22-00011762**

COMMISSION HEARING DATE: March 28, 2022

NOTE TO STAFF: Please submit approval by Feb. 9, 2022

DATE OF EVENT: May 26, 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	\$0
<b>BUILDING</b> 101-000.000.634.0005 248.530.1850	MJM	No department involvement	Tents over 400 sq ft.	\$0	
<b>FIRE</b> 101-000.000-634.0004 248.530.1900	JDP	Follow all current COVID-19 guidelines Crowd managers required 1per 250 people Do not block streets with traffic		\$0	\$0
<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	Estimated Cost for Trash Pick-Up after event.		\$40	
<b>ENGINEERING</b> 101-000.000.634.0002 248.530.1839	SDZ	No items for Engineering	None	\$0	\$0
<b>SP+ PARKING</b>	RW	Available parking on street and in structures	None	\$0	\$0

<b>INSURANCE</b> 248.530.1807		Need to submit CoI, Hold Harmless Agreement	None	\$0	\$0
<b>CLERK</b> <b>101-000.000-614.0000</b> 248.530.1803		Notification letters were mailed by applicant 3/10/22. 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 5/12/22.	Applications for vendors license must be submitted no later than 5/12/22.	\$165 pd 1/20/22	
				<b>TOTAL DEPOSIT REQUIRED \$40</b>	<b>ACTUAL COST</b>

**FOR CLERK'S OFFICE USE**

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

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

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

Rev. 3/23/22

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## MEMORANDUM

Department of Public Services

**DATE:** March 17, 2022

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

**FROM:** Lauren A. Wood, Director of Public Services  
Michael Bernal, Public Services Manager

**SUBJECT:** Vehicle #30 Replacement

### INTRODUCTION:

Due to age and condition, the Department of Public Services recommends the replacement of the 2008 Case front-end wheel loader. The current hours logged on the loader is 6,694. The loader has a 3-yard bucket for loading salt, cold patch, dirt, and other various materials. It also has a claw attachment for residential leaf removal, and a 14-foot snowplow, which is used to plow the downtown area.

We are requesting a Case 721G Zbar T4 Final, as quoted, from Southeastern Equipment Company located at 48545 Grand River, Novi, MI 48374, under the State of Michigan MIDEAL pricing.

### BACKGROUND:

Vehicle #30 is identified for replacement and listed in the Vehicle/Equipment Replacement Schedule, as published in the FY 2021-2022 budget. It qualifies for replacement as illustrated by the assessment below:

#### #30 – 2008 Case Front-End Wheel Loader

FACTOR	DESCRIPTION	POINTS
Age	1 point each year of age	14
Miles/Hours	1 point each 250 hours of usage	27
Type of Service	Type 4 – Extreme duties in adverse atmosphere	4
Reliability	Level 2 – In shop one time within three month period, one breakdown within same period	2
M & R Costs	Level 4 – Maintenance costs are 61-80% of replacement cost	4
Condition	Level 4 – Severe damage, rust, operating system, component not functional	4
Total points 28+, poor, needs priority replacement		55

This vehicle qualifies under the replacement guidelines for “needs priority replacement.” Once ordered, the lead-time is uncertain due to various parts/chip shortages.

The Department of Public Services recommends replacing this equipment with Case 721G Zbar T4 Final, as quoted through the State of Michigan MIDEAL extendable purchasing

contract #071B7700089, awarded to Southeastern Equipment Company located at 48545 Grand River, Novi, MI 48374.

**LEGAL REVIEW:**

All documentation has been reviewed and approved by the City Attorney's Office.

**FISCAL IMPACT:**

Funds for this purchase, totaling \$208,341.98, are available in the Auto Equipment Fund, account #641-441.006-971.0100.

**PUBLIC COMMUNICATIONS**

This does not apply to this purchase.

**SUMMARY**

Based on age and condition, the Department of Public Services recommends the replacement of the 2008 Case front-end wheel loader. Upon delivery of the replacement loader, the old vehicle will be listed on the Michigan Governmental Trade Network (MITN) for public auction.

**ATTACHMENTS:**

Attached are the quote, terms and agreement, warranty information, and certificate of insurance.

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution to approve the purchase of one (1) Case 721G Zbar T4, as quoted through the State of Michigan MIDEAL extendable purchasing contract #071B7700089, awarded to Southeastern Equipment Company located at 48545 Grand River, Novi, MI 48374, in the amount not to exceed \$208,341.98. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.

**AGREEMENT FOR CASE FRONT END LOADER  
BETWEEN THE CITY OF BIRMINGHAM  
AND SOUTHEASTERN EQUIPMENT COMPANY**

**THIS AGREEMENT** is entered into this 11 day of March, 2022, by and between the **CITY OF BIRMINGHAM**, whose address is 151 Martin Street, Birmingham, MI 48009 (hereinafter referred to as the City) and **SOUTHEASTERN EQUIPMENT COMPANY** a Vendor, whose address is 48545 Grand River, Novi, MI 48374, (hereafter referred to as Vendor) and the foregoing shall collectively be referred to as the parties.

**WHEREAS**, the City desires to purchase a Case Front End Loader through a governmental cooperative purchasing arrangement; and

**WHEREAS**, Vendor has qualifications that meet the project requirements and has provided a response and cost proposal.

**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 Vendor's Sales Order form and Warranty and Limitation of Liability Agreement Heavy Case Construction Equipment shall be incorporated herein by reference, except those stricken by mutual agreement, and shall become a part of this Agreement, and shall be binding upon both parties hereto. (Attached hereto as Attachment "A.") In the event of a conflict in any of the terms of this Agreement and the Vendor's Sales Order form, the terms of this Agreement shall prevail.

2. **TERM:** This Agreement shall have no term as it is an outright sale.

3. **TERMS OF PAYMENT:** The Vendor will invoice the City for the sale. 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. Vendor shall employ personnel of good moral character and fitness in performing all services under this Agreement.

5. **INSURANCE SUBMISSION REQUIREMENTS:** The Vendor 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 Vendor

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 Vendor's acceptance of the terms of this Agreement. (See Attachment B.)

**6. CONFIDENTIAL AND OR PROPRIETARY INFORMATION:** The Vendor acknowledges that in providing the equipment 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 Vendor recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Vendor agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Vendor shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees providing equipment pursuant to this Agreement. The Vendor further agrees to use such confidential or proprietary information only for the purpose of providing equipment pursuant to this Agreement.

**7. INDEPENDENT VENDOR:** The Vendor and the City agree that the Vendor is acting as an independent vendor with respect to the Vendor's role in providing equipment to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Vendor 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 Vendor 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 Vendor 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:** The Vendor agrees to fully and faithfully carry out the duties 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 Vendor is subject, Vendor 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. (See Vendor Certification Attachment "C".)

**9. INDEMNIFICATION:** To the fullest extent permitted by law, the Vendor and any entity or person for whom the Vendor 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 Vendor 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.

#### **10. STANDARD INSURANCE REQUIREMENTS:**

The Vendor 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: The Vendor 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: The Vendor 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:** The Vendor 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 Vendor Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.

**a. Motor Vehicle Liability:** The Vendor 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.

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

City: City of Birmingham  
851 S. Eton St.  
Birmingham, MI 48009  
Attn: Lauren Wood, Director of Public Services

Southeastern Equipment Company  
48545 Grand River  
Novi, MI 48374  
Attn: TS Gleason, Regional Sales Manager

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

**13. 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.

**14. 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.

**15. COMPLETE AGREEMENT:** The parties agree that the conditions set forth in this Agreement sets forth all terms and conditions of Vendor's 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 Vendor 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.

**16. 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 Vendor, the City shall have the right to terminate this Agreement without further liability to the Vendor if the disqualification has not been removed within thirty (30) days after the City has given the Vendor 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.

**17. FAILURE TO PERFORM.** If Vendor 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.

**18. 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.

**19. RESPONSE TO GOVERNMENTAL COOPERATIVE PURCHASING ARRANGEMENT:** The Vendor shall be held to and bound by all terms, conditions, warranties and representations which it made in its written response dated October 1, 2021, to the governmental cooperative purchasing arrangement. In the event of a conflict in any of the terms of this Agreement and the Vendor's response dated October 1, 2021, the terms of this Agreement shall prevail.

**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 Vendor, 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.

SOUTHEASTERN EQUIPMENT  
COMPANY

By:   
Its: Aaron Fadden

STATE OF MICHIGAN     )  
                                      ) ss:  
COUNTY OF OAKLAND    )

On this 15th day of March, 2022, 2022, before me personally appeared Aaron Fadden, who acknowledged that with authority on behalf of SOUTHEASTERN EQUIPMENT COMPANY to do so he/she signed this Agreement.

  
\_\_\_\_\_  
Notary Public  
Oakland County, Michigan  
Acting in Oakland County, Michigan  
My commission expires: 03/08/2027

Chelse Annise Peoples  
NOTARY PUBLIC - STATE OF MICHIGAN  
COUNTY OF Oakland  
My Commission Expires 03/08/2027  
Acting In the County of Oakland

CITY OF BIRMINGHAM:


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


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


*Oakland*




**APPROVED:**

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

  
Lauren Wood, Director of Public Services  
(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**

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## MI DEAL SALES ORDER

SALESPERSON: AARON FADDEN / 029  
ACCOUNT #: 2015487  
COUNTY: OAKLAND

CUSTOMER CONTACT:  
PO # (IF APPLICABLE):  
SHIP TO (IF APPLICABLE):

MI DEAL # DATE: OCTOBER 1, 2021  
01187700089

### PURCHASER:

CITY OF BIRMINGHAM  
851 S EATON ST  
BIRMINGHAM, MI 48009  
P: 248-530-1716

### SELLING BRANCH:

48545 Grand River, Novi, MI 48374  
Branch: (248) 349-9922

### FINANCE INFORMATION:

Financed by:  
Rate:  
Term:

### EQUIPMENT PURCHASED:

Eq #/Serial #/Item #	Product Notes	List Price	Discount %	Total Price
	CASE 721G ZBAR T4 FINAL	\$284,806.00	37%	\$179,427.78
734144	YGR ONLY QUICK PICK	(\$7,000.00)	37%	(\$4,410.00)
424224	4-SPEED TRANSMISSION	\$0.00	37%	\$0.00
782122	LIMITED SLIP DIFFERENTIALS	\$0.00	37%	\$0.00
482585	COOLING SYSTEM W/REVERSING FAN	\$0.00	37%	\$0.00



## MI DEAL SALES ORDER

734152	ENHANCED CAB COMFORT	\$1,444.00	37%	\$909.72
734154	ENHANCED VISIBILITY BUNDLE	\$2,823.00	37%	\$1,778.49
782441	STANDARD HYDRAULIC STEERING	\$0.00	37%	\$0.00
734055	JOYSTICK WITH 2 AUX FUNCTION	\$1,560.00	37%	\$982.80
782510	STANDARD FENDERS w/LH/RH STEPS	\$452.00	37%	\$284.76
482595	NO TIRE BRAND PREFERENCE	\$0.00	37%	\$0.00
9420438	20.5R25 L2 RADIAL (3 PC RIM)	\$5,035.00	37%	\$3,172.05
734009	3.0 CU YD W/CNH COUPLER (ACS)	\$15,206.00	37%	\$9,579.78



# MI DEAL SALES ORDER

482105	ENGLISH LITERATURE	\$0.00	37%	\$0.00
424123	EJECTOR TYPE PRECLEANER	\$441.00	37%	\$277.83
782503	RIDE CONTROL	\$0.00	37%	\$0.00
734038	3 YEAR ADVANCED SITEWATCH	\$0.00	37%	\$0.00
482077	Skid Plate / Transmission Guard	\$1,000.00	37%	\$630.00
	Radio is Included in enhanced cab	\$0.00	%	\$0.00
	LED lights are Included in Enhanced visibility	\$0.00	%	\$0.00
	Filters & Wheel + Tire Spare	\$3,038.15	%	\$3,038.15



## MI DEAL SALES ORDER

	Auto-lube system & Install	\$7,176.00	%	\$7,176.00
48140795	Accessory Line Kit for Hydraulics	\$1,185.00	%	\$1,185.00

### NOTES:

### EQUIPMENT WARRANTY AND DELIVERY INFORMATION:

Warranty Type:  
Warranty Detail:

Delivery Method: Hired Truck  
Delivery Date:  
Delivery Info:

### TRADE-IN EQUIPMENT:

Year	Manufacturer	Model	Serial	Trade-In Allowance
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[TOTALS, TERMS AND CONDITIONS, AND SIGNATURES ON FOLLOWING PAGE]



## MI DEAL SALES ORDER

A. Definitions. Seller is Southeastern Equipment Co. Inc.; Purchaser is the entity denoted above in the box titled purchaser, collectively Seller and Purchaser may be referred to as Parties; Equipment is new or used equipment being purchased by Purchaser; Trade-In Equipment is equipment being sold by Purchaser to Seller in exchange for a credit only applied to this sale; and Agreement is this contract for the sale and Trade-In of equipment between the Parties.

B. Price and Payment. Seller hereby does sell, convey and transfer title to Purchaser for Equipment upon full payment of the Balance Due, as calculated and noted on this Agreement. Purchaser shall remit payment to Seller by cash, check, electronic wire, ACH or other reasonable commercially acceptable method of payment within thirty (30) days of Delivery of Equipment if Purchaser has established line of credit with Seller or immediately upon Delivery of Equipment if no line of credit is established. Any amount past due will be assessed a 1.5% per month service charge until paid in full or the maximum amount permitted by law, whichever is less. The total price owed for the Equipment, charges, and taxes is the Total Amount Due less any down payment, purchaser accepts this to be a fair and accurate price for Equipment and related costs associated with this Agreement. Seller has made every effort to include sales taxes and other applicable taxes in the Total Amount Due, however any additional taxes owed because of the sale are the responsibility of the Purchaser. SOUTHEASTERN EQUIPMENT CO., INC. (SELLER) RETAINS A SECURITY INTEREST IN THE PURCHASED GOODS UNTIL THE FULL PURCHASE PRICE IS RECEIVED BY SELLER.

C. Delivery of Equipment. Seller will make Equipment available according to the delivery instructions contained herein, if no instructions are included, the Seller will make Equipment available at the location where the Equipment is located. Purchaser is responsible for all shipping and trucking costs, including loading and unloading, permits and other expenses. Costs may be included in the Total Amount Due if trucking has been predetermined. Any change in delivery location may result in additional charges to be borne by Purchaser. Special order Equipment will be made available once delivery is received by Seller for Equipment supplier. Unless Seller is using Seller's in-house trucking services, Equipment is delivered FOB Seller's location. Seller reserves the right to subcontract or assign Seller's obligation to deliver Equipment. Seller reserves the right to substitute Equipment that is the same year, condition, make, model, with a ten (10) hours on the hour meter, and of the same or better configuration without breach of this Agreement or notice.

D. Condition of Equipment. ALL EQUIPMENT IS SOLD AS IS, WHERE IS UNLESS WARRANTY IN THIS AGREEMENT. SELLER AND MANUFACTURER MAKE NO EXPRESS OR IMPLIED REPRESENTATIONS OR WARRANTIES, INCLUDING THE IMPLIED WARRANTY OF MERCHANTABILITY AND FITNESS, EXCEPT FOR WARRANTY EXPRESSLY MADE ON THIS AGREEMENT. Manufacturer warranty does not in itself create a warranty by Seller. Any reference to hour meters on used equipment is for informational purposes only, Purchaser should inspect any used equipment prior to purchase. Purchaser acknowledges warning and responsibility for inspecting all equipment and ensuring equipment meets any and all applicable safety and operational guidelines and laws for use, including the standards set forth in the Federal Occupational Safety and Health Act of 1970, as amended and restated.

E. Trade-In Equipment. If Trade-In Equipment is included on this Agreement, Purchaser hereby bargains, sells and conveys unto Seller the Trade-In Equipment and represents and warrants that Purchaser has marketable title free and clear of any encumbrances, liens, and security interests except to the extent included in the trade payoff number and fully disclosed to Seller. If Trade-In Equipment is not delivered to the Seller prior to delivery of the Equipment to Purchaser, the Trade-In Equipment may be reappraised at the sole discretion of Seller and such reappraisal value shall determine the allowance made for such Trade-In Equipment. In the event the Trade-In Equipment appraisal value is less than the original allowance for said equipment, the Purchaser may terminate this order, however, termination will only be valid if received prior to delivery of Equipment.

Accepted for Seller by:

Sign: J. Gleason Date: \_\_\_\_\_  
Print Name: J. Gleason

Customer P.O.:

SALES ORDER TOTALS	
Total Equipment Price	\$204,032.36
Total Trade-In Allowance	\$0.00
Trade-In Difference	\$204,032.36
Applied Rent	
Carrying Charge	
Fuel, DEF & Other	\$3,809.62
Freight/Trucking	\$500.00
Title and License Fees	
Total Trade Payoff	\$0.00
Total Price Before Tax	\$208,341.98
Sales Tax	
FET Tax	
Total Amount Due	\$208,341.98
Down Payment	
Balance Due	\$208,341.98

~~F. Limitation of Liability. IN NO EVENT SHALL SELLER BE LIABLE FOR ANY INDIRECT, INCIDENTAL, PUNITIVE, SPECIAL OR CONSEQUENTIAL DAMAGES, OR DAMAGES FOR LOSS OF PROFITS, REVENUE, OR USE INCURRED BY PURCHASER OR ANY THIRD PARTY, WHETHER IN AN ACTION IN CONTRACT, OR TORT, OR OTHERWISE EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. SELLER'S LIABILITY FOR DAMAGES ARISING OUT OF OR IN CONNECTION WITH THIS AGREEMENT SHALL IN NO EVENT EXCEED THE PURCHASE PRICE OF THE DEFECTIVE EQUIPMENT. Seller shall not be deemed to be in default of any provision of this Agreement, or for failures in performance, resulting from acts or events beyond Seller's reasonable control ("Force Majeure"). Force Majeure shall include, but are not limited to, acts of God, civil or military authority, civil disturbance, war, strikes, fires, and labor disputes. In the event delivery of Equipment is delayed more than thirty (30) days because of Force Majeure, Purchaser may cancel all or part of its purchase of Equipment.~~

G. Miscellaneous. This Agreement constitutes the complete agreement between the Parties with respect to its subject matter and supersedes all prior or contemporaneous agreements, understandings, representations, discussions, proposals, literature, and the like written or oral. This Agreement may not be modified or amended except in a writing signed by an authorized representative of the Seller and Purchaser. Use of headings in this Agreement are for convenience only and are not to be construed in the meaning of the instrument. This Agreement may be executed in counterparts and any scan, copy or facsimile will be deemed valid as an original copy. In the event any provision of this Agreement is determined to be unlawful or against public policy and found invalid or unenforceable, the remaining provisions will remain in full force and effect. The waiver by either party of any default or breach of this Agreement shall not constitute a waiver of any other or subsequent breach. This Agreement, and all matters arising out of or relating to this Agreement, are governed by the laws of the State of Ohio. Any legal action or proceeding relating to this Agreement may only be brought within the jurisdiction of Cuyahoga County, Ohio.

H. Authority and Understanding. In signing this Sales Order, you represent that you have the authority to sign on behalf of the Purchaser for the purchase of Equipment and disposition of Trade-In Equipment, you have read and fully understand all terms of this Agreement, and you acknowledge receipt of a fully complete and accurate copy of this Agreement and waive notice of the acceptance or rejection of the Purchaser's offer by the Seller.

Purchaser (CITY OF BIRMINGHAM):

Sign: \_\_\_\_\_ Date: \_\_\_\_\_

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



CNH Industrial America LLC  
and CNH Industrial Canada, Ltd.

## WARRANTY AND LIMITATION OF LIABILITY AGREEMENT HEAVY - CASE CONSTRUCTION EQUIPMENT

### The Case Warranty

The Case Warranty is a limited warranty that is provided to the initial retail purchaser in return for consideration paid as part of the purchase price of the product. The selling dealer is expected to review the warranty coverage with the initial retail purchaser and obtain his/her signature on this document.

### New Limited Warranty

The warranty described here is from CNH Industrial America LLC and in Canada, CNH Industrial Canada Ltd., both of which are referred to in this agreement as "Case" for the Case Construction Brand. This warranty is for Case products sold and registered in the United States or Canada and normally operated in the United States or Canada. This warranty does NOT apply to any product normally operated outside of the United States and/or Canada, or to any unit purchased outside of the United States or Canada and imported in for any reason other than a customer relocation/personal move.

### Warranty Period

For the products listed below, the Warranty Period for all coverage begins at the time that any person, dealer or agent first places the unit into service. At the latest, a unit is considered to be placed into service when purchased or delivered to an initial retail purchaser. Certain demonstration, rental, lease, and other used units may be eligible for a portion of a new unit warranty. The availability of the remaining portion of a new unit warranty does not mean that a unit is new or unused. The Warranty Period ends when either the month or machine hour limit is reached, whichever limit occurs first.

CASE HEAVY PRODUCT	BASE WARRANTY	EXTENDED WARRANTY	Notes*
COMPACTION EQUIPMENT - SINGLE OR DOUBLE DRUM Cummins / Deutz / Yanmar / Kubota Engines (Warranty through engine manufacturer)	12 Mo. / Unlimited Hrs	24 Mo. / 2000 Hrs	Notes 1
WHEEL LOADERS (Case ProCare Coverage) Case Engine (Warranty through Case)	12 Mo. / Unlimited Hrs	36 Mo. / 3000 Hrs 24 Mo. / 2000 Hrs	Notes 3, 4
MOTOR GRADERS (Case ProCare Coverage) Case Engine (Warranty through Case)	12 Mo. / Unlimited Hrs	36 Mo. / 3000 Hrs 24 Mo. / 2000 Hrs	Notes 3, 4
EXCAVATORS (Case ProCare Coverage) Isuzu Engines (Warranty through Case)	12 Mo. / 1800 Hrs	36 Mo. / 3000 Hrs 24 Mo. / 2000 Hrs	Notes 2, 3, 4
CRAWLER DOZERS (Case ProCare Coverage) Case Engines (Warranty through Case)	12 Mo. / Unlimited Hrs	36 Mo. / 3000 Hrs 24 Mo. / 2000 Hrs	Notes 3, 4

- 1) Engine coverage is provided directly by the engine manufacturer.
- 2) Warranty does not cover any configuration excavator equipped with feller buncher/accumulator attachments
- 3) Units equipped with factory standard telematics are authorized for Case ProCare extended coverage for an additional 24 months / 3000 total machine hours, whichever comes first
- 4) Engine warranty coverage is provided through Case.

### Operator's Manual / Warranty Receipt Verification

- YES ☐ / NO ☐ The selling dealer has reviewed the correct operator's manual with me and will provide the operator's manual upon delivery of the product.
- YES ☐ / NO ☐ The selling dealer has explained safety precautions to me.
- YES ☐ / NO ☐ The selling dealer has explained the warranty terms and coverage to me.
- YES ☐ / NO ☐ The selling dealer has explained Purchased Protection Plan options for additional coverage on select components.
- YES ☐ / NO ☐ Customer acknowledges that CNH Industrial America LLC/CNH Industrial Canada Ltd. may access and use diagnostic and telematics vehicle data for appropriate business purposes.

Model:	Serial Number:	Hours:	Ops man. Number:
Model:	Serial Number:	Hours:	Ops man. Number:
Model:	Serial Number:	Hours:	Ops man. Number:
Retail DATE:		Usage:	
Purchaser Name (please print):		Dealer Name:	
Address:		Address:	
City / State:		City / State:	
Zip code:		Zip code:	
Phone Number:		Phone Number:	

The answers checked above are correct. I acknowledge that I have read and I accept this warranty policy statement.

Purchaser Signature \_\_\_\_\_ Date \_\_\_\_\_

Dealer Signature  \_\_\_\_\_ Date \_\_\_\_\_

See page 2 for important limitations and exclusions



#### What's Covered

If a defect in material or workmanship is found in a unit and reported during the Warranty Period, Case will pay parts and labor costs to repair the defect if the services are performed by an authorized Case dealer at the dealer's location. If parts are needed during the repair, Case will, at its option, use genuine Case new or remanufactured parts. Case replacement parts that are used in a warranty repair are warranted until the end of the machine warranty or to the end of the Case Replacement Parts Warranty, whichever is longer.

CASE PROVIDES NO WARRANTY, EXPRESS OR IMPLIED, FOR A COMPONENT OR OTHER ITEM THAT IS SEPARATELY WARRANTED TO THE PURCHASER BY ITS MANUFACTURER, SUCH AS TIRES, BATTERIES AND FUEL INJECTION COMPONENTS. CHECK WITH YOUR DEALER FOR DETAILS

#### No Modification or Extension of Warranty Period

The Case Warranty is limited to the written terms in this document. Case does not authorize any person, dealer or agent to change or extend the terms of this warranty in any manner. Any assistance to the purchaser in the repair or operation of any Case product outside the terms or limitations or exclusions of this warranty will not constitute a waiver of the terms, limitations or exclusions of this warranty, nor will such assistance extend or re-establish the warranty.

#### EXCLUSIVE REMEDY

THE REMEDY OF REPAIRING A DEFECT IN MATERIALS OR WORKMANSHIP AT A CASE DEALERSHIP UNDER THE TERMS OF THIS WARRANTY IS THE PURCHASER'S EXCLUSIVE REMEDY AND IS IN LIEU OF ANY OTHER REMEDY OTHERWISE AVAILABLE.

#### This Warranty is Void If

The unit's hour meter is changed or altered, unless a Case dealer, at the direction of Case, changed the meter. If any unit component has been modified beyond specification. If the unit is modified or used in an application for which it is not designed, or the unit has been scrapped, salvaged, stolen, junked or totaled.

**Limitation and Exclusions** The Case Warranty gives you specific legal rights and you may also have other rights, which vary, from region to region.

THIS DOCUMENT CONTAINS THE ENTIRE CASE WARRANTY. CASE MAKES NO OTHER REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, AND SPECIFICALLY EXCLUDES THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR PARTICULAR PURPOSE. CASE WILL NOT BE LIABLE FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES RESULTING FROM A BREACH OF THE WRITTEN WARRANTY OR ANY IMPLIED WARRANTY IMPOSED BY LAW.

#### Owner's Responsibility

The Case warranty remains in effect during the Warranty Period if the owner performs the required maintenance at the recommended intervals outlined in the product operator's manual and the unit is operated within its rated capacity. Genuine Case service parts or Case approved service parts that meet Case specifications must be used for maintenance and repair.

#### What's Not Covered

- Cost associated with performing pre-delivery or scheduled inspection service.
- Repairs arising from storage deterioration, failure to maintain the equipment, negligence, alteration, improper use of the equipment, collision or other accident, vandalism, or other casualty, or operation beyond rated capacity or specification.
- Repairs arising from abuse or neglect, including but not limited to: operation without adequate coolant or lubricants, adjustments to the fuel system outside equipment specifications, over-speeding, improper storage, starting, warm-up, or shutdown practices, incorrect fuel or contaminated fuel, oil or other fluids.
- Normal maintenance services, such as engine tune-ups, engine fuel system cleaning, checks, adjustments, shimming, etc.
- Replacement of non-defective wear items expected to be replaced during the warranty period, including but not limited to: light bulbs, spark plugs, ignition points, brake or clutch linings, slip clutches, belts, chains, knives, bucket cutting edges and teeth, crawler track pads and track components, crop processing and cutting components, external drive sprockets and chains, soil engaging tools and accessories.
- Items replaced due to customer demand.
- Labor charges performed by anyone except a dealer authorized by contract to repair the equipment, unless they qualify under special provisions (i.e.: outside labor).
- Any and all travel costs for items such as towing, service calls, or transporting a unit to and from the place where the warranty service is performed, unless specifically covered by a product improvement program or units classified as heavy and/or compaction products.
- Claims involving loss or damage during shipment or handling, including units subsequently sold as a "salvage" unit.
- "Salvage" or other units sold on an "as is" basis, unless otherwise specified in writing at the time of sale.
- Normal maintenance costs, including but not limited to: lubricants, coolants, fluids, fuel, filters, and associated labor. Lubricants, filters, and coolants may qualify for warranty reimbursement if they require replacement as a DIRECT RESULT of a defect in material or workmanship.
- Claims involving the inspection or reconditioning of units after storage or prior use.
- Components or items that are separately warranted directly by the manufacturer including but are not limited to: tires, tracks, engines, transmissions, batteries, fuel injection pumps, fuel injectors, etc.
- Shop comebacks: any duplicate, repeat, or comeback repair resulting from improper diagnosis, testing, or service work. This also includes repairs arising from service performed by agents not approved by Case.
- Repairs arising from any unauthorized modification to the product or the use on non-CNH Industrial parts, implements, or attachments, including but not limited to performance changing (i.e., increasing horsepower or other modifications) and/or emissions defeating modifications.
- Removal, replacement, or installation of non-CNH Industrial optional equipment, attachments or components.
- Premiums charged for overtime labor costs or out of shop expenses.
- Economic loss including lost profits, crop loss, crop damages, equipment rental, contract delay, project expenses or other expenses or damages.
- Unauthorized modification or updating machines without a warrantable failure based on Service Bulletin information or production changes.
- Any and all costs of special tools
- Any and all costs of dealer shop supplies incurred with repairs, including but not limited to: solvents, cleaners, anti-seize lubricants, loctite, sealant, adhesive, oil-dry, shop towels, etc. Sealant or adhesive may qualify for warranty reimbursement in certain applications requiring a large volume of sealant/ adhesive.
- Failure of the machine, its implements or attachments caused by improper field application or loading.
- Any and all costs for coolant, fuel, or lube (oil) analysis including supplies and lab recommendations.
- Cost of initial setup or installation of any optional equipment or attachments to a unit.
- Cost associated with cleaning of machine in preparation for servicing

The signed WLL can be scanned and emailed as an attachment to [NA-WLL-AGREEMENT@CNHIND.COM](mailto:NA-WLL-AGREEMENT@CNHIND.COM) or can be mailed to:

USA mail original to CNH Industrial Capital America LLC, Attn: WLL Agreement, PO Box 1700 New Holland, PA 17557  
USA Overnight courier mail original to CNH Industrial Capital America LLC, Attn: WLL Agreement, 500 Diller Ave., New Holland, PA 17557  
Canada mail original to CNH Industrial Capital America LLC, Attn: WLL Agreement, 4475 North Service Rd, Suite 301, Burlington, ON L7L4X7 Canada

Case is a registered trademark in the United States and many other countries, owned by or licensed to CNH Industrial N.V., its subsidiaries or affiliates.

## **ATTACHMENT B**



SOUTEQU-03

D1SROOK

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
7/30/2021

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

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must 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> License # 954553 AssuredPartners of Ohio, LLC 3900 Kinross Lakes Parkway #300 Richfield, OH 44286		<b>CONTACT</b> Stephanie Rook <b>PHONE</b> (A/C, No, Ext): (419) 747-8056 <b>FAX</b> (A/C, No): (419) 747-8629 <b>E-MAIL</b> Address: stephanie.rook@AssuredPartners.com		
<b>INSURED</b>  Southeastern Equipment Co Inc. PO Box 536 Cambridge, OH 43725-0536		<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
		<b>INSURER A:</b> Westfield National Insurance Company		24120
		<b>INSURER B:</b> American Select Insurance Company		19992
		<b>INSURER C:</b> AGCS Marine Ins. Co.		22837
		<b>INSURER D:</b>		
		<b>INSURER E:</b>		
<b>INSURER F:</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 LTR	TYPE OF INSURANCE	ADOL INSD	SUBR WVO	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> OH Empl Liability <input checked="" type="checkbox"/> \$1M/\$1M/\$1M GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input checked="" type="checkbox"/> OTHER: X.C.U.			CMM4890920	8/1/2021	8/1/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			CMM4890920	8/1/2021	8/1/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			CMM4890920	8/1/2021	8/1/2022	EACH OCCURRENCE \$ 15,000,000 AGGREGATE \$ 15,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	WCP4891157	8/1/2021	8/1/2022	<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
C	Property			MZI93021893	8/1/2021	8/1/2022	Transit 500,000
C	Property			MZI93021893	8/1/2021	8/1/2022	All Premises 25,000,000

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

## CERTIFICATE HOLDER

## CANCELLATION

For Information Only

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

## ATTACHMENT C

**VENDOR CERTIFICATION THAT IT IS NOT AN "IRAN LINKED BUSINESS"**

Pursuant to Michigan law, (*the Iran Economic Sanctions Act, 2013 PA 517, MCL 129.311 et seq.*), before accepting any bid or proposal, or entering into any contract for goods or services with any prospective Vendor, the Vendor must first certify that it is not an "IRAN LINKED BUSINESS," as defined by law.

<b>Vendor</b>	
Legal Name	Southeastern Equipment Co Inc
Street Address	48545 Grand River
City	Novi
State, Zip	Michigan 48374
Corporate I.D. Number / State	34-1503254
Taxpayer I.D. #	89-032991

The undersigned, with 1) full knowledge of all of Vendor's business activities, 2) full knowledge of the requirements and possible penalties under the law (MCL 129.311 et seq.) and 3) the full and complete authority to make this certification on behalf of the Vendor, by his/her signature below, certifies that: the Vendor is NOT an "IRAN LINKED BUSINESS" as required by MCL 129.311 et seq., and as such that Vendor is legally eligible to submit a bid and be considered for a possible contract to supply goods and/or services to the County of Oakland.

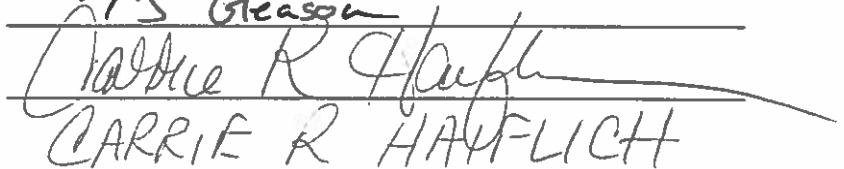
Signature of Vendor's  
Authorized Agent:



Printed Name of Vendor's  
Authorized Agent:

T. S. Gleason

Witness Signature:



Printed Name of Witness:

CARRIE R HAULFLICH

**DATE:** March 14, 2022

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

**FROM:** Lauren A. Wood, Director of Public Services  
Michael Bernal, Public Services Manager

**SUBJECT:** Vehicle #160 Replacement

**INTRODUCTION:**

Due to its age and condition, the Department of Public Services recommends the replacement of the 2012 Sterling Vactor Jetvac vehicle. The current hours logged are 5,727. This vactor truck is critical to the City's infrastructure as it has multiple year-round uses, which include high-pressure water jetting and sewer line cleaning.

We are requesting a 2022 Freightliner 114SD, supplied with a 2100i PD 18" vacuum and 15-yard debris combo, as quoted, from the Jack Doheny Company located at 777 Doheny Dr, Northville, MI 48167, using Sourcewell Contract pricing.

**BACKGROUND:**

Vehicle #160 is identified for replacement and listed in the Vehicle/Equipment Replacement Schedule, as published in the FY 2021-2022 budget. It qualifies for replacement as illustrated by the assessment below:

**#160 – 2012 Sterling Vactor Jetvac**

FACTOR	DESCRIPTION	POINTS
Age	1 point each year of age	10
Miles/Hours	1 point each 250 hours of usage	23
Type of Service	Type 4 – Extreme duties in adverse atmosphere	4
Reliability	Level 2 – In shop one time within three month period, one breakdown within same period	2
M & R Costs	Level 3 – Maintenance costs are 41-60% of replacement cost	3
Condition	Level 3 – Minor body damage, rust, weak operating system	3
<b>Total points 28+, poor, needs priority replacement</b>		<b>45</b>

This vehicle qualifies under the replacement guidelines for "needs priority replacement." Once ordered, the lead-time is uncertain due to parts/chip shortages.

The Department of Public Services recommends replacing this vehicle with a 2022 Freightliner 114SD supplied with a 2100i PD 18" vacuum and 15-yard debris combo, as quoted, through the Sourcewell Contract #122017-FSC, which was awarded to Jack Doheny Company at 777 Doheny Dr, Northville, MI 48167.

**LEGAL REVIEW:**

All documentation has been reviewed and approved by the City Attorney's Office.

**FISCAL IMPACT:**

Funds for this purchase, totaling \$420,330.00, are available in the Auto Equipment Fund, account #641-441.006-971.0100.

**PUBLIC COMMUNICATIONS**

This does not apply to this purchase.

**SUMMARY**

Based on its age and condition, the Department of Public Services recommends replacing vehicle #160 Sterling/Vactor Jetvac with a 2022 Freightliner 114SD supplied with a 2100i PD 18" vacuum and 15-yard debris combo, as quoted, from Jack Doheny Company.

Expected delivery of this custom-built specialty truck is the 3<sup>rd</sup> quarter of calendar year 2022. At the time of delivery, the old vehicle will be sold to the Jack Doheny Company for a trade-in value of \$67,500.

**ATTACHMENTS:**

Attached with this report are the agreement, the quote, warranty information, terms and conditions, and certificate of insurance.

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution to approve the purchase of one (1) 2022 Freightliner 114SD supplied with a 2100i PD 18" vacuum and 15-yard debris combo, as quoted, from Jack Doheny Company, in the amount not to exceed \$420,030.00. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.

**AGREEMENT FOR COMBINATION SINGLE ENGINE  
SEWER CLEANER WITH POSITIVE DISPLACEMENT VACUUM SYSTEM  
MOUNTED ON A HEAVY DUTY TRUCK CHASSIS  
BETWEEN THE CITY OF BIRMINGHAM  
AND JACK DOHENY COMPANY**

**THIS AGREEMENT** is entered into this      day of March, 2022, by and between the **CITY OF BIRMINGHAM**, whose address is 151 Martin Street, Birmingham, MI 48009 (hereinafter referred to as the City) and **JACK DOHENY COMPANY** a Michigan Corporation, whose address is 777 Doheny Dr., Northville, MI 48167 (hereafter referred to as Vendor) and the foregoing shall collectively be referred to as the parties.

**WHEREAS**, the City desires to purchase a combination single engine sewer cleaner with positive displacement vacuum system mounted on a heavy duty truck chassis through a governmental cooperative purchasing arrangement; and

**WHEREAS**, Vendor has qualifications that meet the project requirements and has provided a response and cost proposal.

**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 Vendor's Contract #101221-VTR form shall be incorporated herein by reference, except those stricken by mutual agreement, and shall become a part of this Agreement, and shall be binding upon both parties hereto. (Attached hereto as Attachment "A.") In the event of a conflict in any of the terms of this Agreement and the Vendor's Sale of New Equipment, the terms of this Agreement shall prevail.

**2. TERM:** This Agreement shall have no term as it is an outright sale.

**3. TERMS OF PAYMENT:** The Vendor will invoice the City for the sale. 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.** Vendor shall employ personnel of good moral character and fitness in performing all services under this Agreement.

**5. INSURANCE SUBMISSION REQUIREMENTS:** The Vendor 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 Vendor 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 Vendor's acceptance of the terms of this Agreement. (See Attachment "B".)

**6. CONFIDENTIAL AND OR PROPRIETARY INFORMATION:** The Vendor acknowledges that in providing the equipment 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 Vendor recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Vendor agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Vendor shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees providing equipment pursuant to this Agreement. The Vendor further agrees to use such confidential or proprietary information only for the purpose of providing equipment pursuant to this Agreement.

**7. INDEPENDENT VENDOR:** The Vendor and the City agree that the Vendor is acting as an independent vendor with respect to the Vendor's role in providing equipment to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Vendor 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 Vendor 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 Vendor 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:** The Vendor agrees to fully and faithfully carry out the duties 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 Vendor is subject, Vendor 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. (See Vendor Certification Attachment "C".)

**9. INDEMNIFICATION:** To the fullest extent permitted by law, the Vendor and any entity or person for whom the Vendor 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 Vendor 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.

**10. STANDARD INSURANCE REQUIREMENTS:**

The Vendor 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: The Vendor 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: The Vendor 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:** The Vendor 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 Vendor 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:** The Vendor 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.

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

City: City of Birmingham  
851 S. Eton St.  
Birmingham, MI 48009  
Attn: Lauren Wood, Director of Public Services

Jack Doheny Company:  
777 Doheny Dr.  
Northville, MI 48167  
Attn: David R. Snyder, Sales Representative  
248/939-3223  
DavidSnyder@dohenycompany.com

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

**13. 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.

**14. 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.

**15. COMPLETE AGREEMENT:** The parties agree that the conditions set forth in this Agreement sets forth all terms and conditions of Vendor's 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 Vendor 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.

**16. 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 Vendor, the City shall have the right to terminate this Agreement without further liability to the Vendor if the disqualification has not been removed within thirty (30) days after the City has given the Vendor 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.

**17. FAILURE TO PERFORM.** If Vendor 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.

**18. 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.

**19. RESPONSE TO GOVERNMENTAL COOPERATIVE PURCHASING ARRANGEMENT:** The Vendor shall be held to and bound by all terms, conditions, warranties and representations which it made in its written response dated December 3, 2021, to the governmental cooperative purchasing arrangement. In the event of a conflict in any of the terms of this Agreement and the Vendor's response dated December 3, 2021, the terms of this Agreement shall prevail.

**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 Vendor, 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.

JACK DOHENY COMPANY

By: Roxanne Vermusch  
Its: Inside Sales Manager

STATE OF MICHIGAN     )  
  ) ss:  
COUNTY OF OAKLAND    )

On this 8 day of MARCH, 2022, before me personally appeared Roxanne Vermusch who acknowledged that with authority on behalf of JACK DOHENY COMPANY to do so he/she signed this Agreement.

[Signature]  
Notary Public  
LIVINGSTON County, Michigan  
Acting in WAYNE County, Michigan  
My commission expires: 01/15/2024

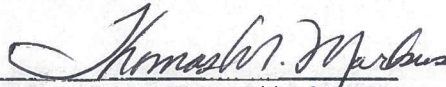
BECKER  
Notary Public, State of Michigan  
County of Livingston  
My Commission Expires 01-15-2024  
Acting in the County of Wayne

CITY OF BIRMINGHAM:

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

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

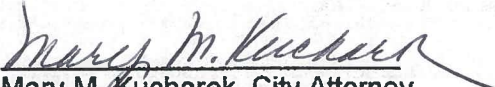
**APPROVED:**



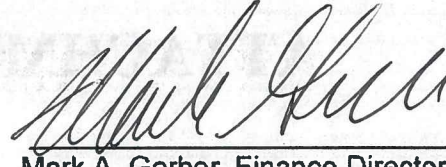
Thomas M. Markus, City Manager  
(Approved as to substance)



Lauren Wood, Director of Public Services  
(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





Sourcewell   
Formerly NJPA

Date: 2/24/2022  
Branch: 1100

Combination Single Engine Sewer Cleaner with Positive Displacement Vacuum  
System Mounted on a Heavy Duty Truck Chassis

**VACTOR<sup>®</sup>**  
Subsidiary of Federal Signal Corporation

Sourcewell Contract #101221-VTR

City of Birmingham  
851 S. Eton Road  
Birmingham, MI 48009

Attn: Mr. Mike Bernal, Public Services Manager / [mbernal@bhamgov.org](mailto:mbernal@bhamgov.org) / 248-530-1701  
CC: Mr. Shon Jones, Foreman, Streets, Water & Sewer / [sjones@bhamgov.org](mailto:sjones@bhamgov.org) / 248-530-1712

BM ID# 2022-45169  
PROPOSAL ID# 17173

**DOHENYCOMPANY.COM**



			List	Selected
1	2115P-18	2100i PD, 18" Vacuum, 15 yrd Debris, Combo	\$280,658.00	\$280,658.00
1	2017P	Additional Water, 1500 Gal Total (15 yrd)	\$4,516.00	\$4,516.00
1	5002PA	80 GPM/2500 PSI	STD	STD
1	011PSTD	Aluminum Fenders	STD	STD
1	012PSTD	Mud Flaps	STD	STD
1	014PSTD	Electric/Hydraulic Four Way Boom	STD	STD
1	016PSTD	Color Coded Sealed Electrical System	STD	STD
1	019PASTD	Intuitouch Electronic Package	STD	STD
1	020PSTD	Double Acting Hoist Cylinder	STD	STD
1	025PSTD	Handgun Assembly w/35' x 1/2" Hose w/Quick Disconnects	STD	STD
1	026PSTD	Ex-Ten Steel Cylindrical Debris Tank	STD	STD
1	030PSTD	Flexible Hose Guide	STD	STD
1	032PSTD	(3) Nozzles with Carbide Inserts w/Rack	STD	STD
1	045PSTD	Suction Tube Storage - 4 Pipe	STD	STD
1	046PSTD	1" Nozzle Pipe	STD	STD
1	1001PSTD	Flat Rear Door w/Hydraulic Locks	STD	STD
1	1005PSTD	Dual Stainless Steel Float Shut Off System	STD	STD
1	1016PSTD	Microstrainer Prior to Blower	STD	STD
1	1024PSTD	Debris Body Vacuum Relief System	STD	STD
1	1031PSTD	Debris Deflector Plate	STD	STD
1	1033PSTD	60" Dump Height	STD	STD
1	1041PSTD	Body Out of Position Indicator/Alarm	STD	STD
1	2001PSTD	Low Water Alarm with Water Pump Flow Indicator	STD	STD
1	2011PSTD	3" Y-Strainer at Passenger Side Fill	STD	STD
1	2022PSTD	Additional Water Tank Sight Gauge	STD	STD
1	2023PSTD	Liquid Float Level Indicator	STD	STD
1	3019PSTD	Digital Water Pressure Gauge	STD	STD
1	4006PSTD	Joystick Boom Control	STD	STD
1	4010PSTD	Boom Hose Storage, Post	STD	STD
1	4017PSTD	Boom Out of Position Indicator/Alarm	STD	STD
1	4022PSTD	Telescopic Boom Elbow, Standard	STD	STD
1	5011PSTD	3" Y-Strainer @ Water Pump	STD	STD
1	5012PSTD	Performance Package	STD	STD
1	5014PSTD	1" Water Relief Valve	STD	STD
1	5015PSTD	Midship High Pressure Coupling	STD	STD
1	5019PSTD	Chassis Engine Cooling Package	STD	STD
1	5022PSTD	Side Mounted Water Pump	STD	STD
1	6005PDSTD	Digital Hose Footage Counter	STD	STD
1	6007PSTD	Hose Reel Manual Hyd Extend/Retract	STD	STD
1	6009PSTD	Hose Reel Chain Cover	STD	STD
1	6020PBSTD	Hydraulic Extending 15", Rotating Hose Reel, 1" x 800' Capacity	STD	STD
1	6017PSTD	Hydraulic Tank Shutoff Valves	STD	STD
1	7001PSTD	Tachometer/Chassis Engine w/Hourmeter	STD	STD
1	7003PSTD	Water Pump Hour Meter	STD	STD

Customer Initials: \_\_\_\_\_

1	7004PSTD	PTO Hour Meter	STD	STD
1	7005PSTD	Hydraulic Oil Temp Alarm	STD	STD
1	7007PSTD	Tachometer & Hourmeter/Blower	STD	STD
1	8000PSTD	Circuit Breakers	STD	STD
1	8025PSTD	LED Lights, Clearance, Back-up, Stop, Tall & Turn	STD	STD
1	9002PSTD	Tow Hooks, Front	STD	STD
1	9002PSTD	Tow Hooks, Rear	STD	STD
1	9003PSTD	Electronic Back-Up Alarm	STD	STD
1	9021PSTD	Camera System, Rear Only	STD	STD
1	S390ASTD	8" Vacuum Pipe Package	STD	STD
1	S560STD	Emergency Flare Kit	STD	STD
1	S590STD	Fire Extinguisher 5 Lbs.	STD	STD
1	010P	48w x 22h x 24d Curbside Toolbox with Lighting	\$277.00	\$277.00
1	1003P	Debris Body Washout	\$1,699.00	\$1,699.00
1	1005PA	S.S Float Ball Cage for Float Shut Off System	\$620.00	\$620.00
1	1008P	6" Rear Door Knife Valve w/Camloc, 3:00 position	\$1,358.00	\$1,358.00
1	1009P	Internally Mounted Trash Pump w/Screen	\$11,829.00	\$11,829.00
1	1014PA	Centrifugal Separators (Cyclones), 304 Stainless Steel	\$7,656.00	\$7,656.00
1	1015P	Folding Pipe Rack, Curbside, 8" Pipe	\$1,179.00	\$1,179.00
1	1015PA	Folding Pipe Rack, Streetside, 8" Pipe	\$1,179.00	\$1,179.00
1	1015PBFSTD	Fixed Rear Door Pipe Rack, 8" Pipe	STD	STD
1	1022P	Rear Door Splash Shield	\$1,730.00	\$1,730.00
1	1023P	Lube Manifold	\$2,568.00	\$2,568.00
1	1023PA	Plastic Lube Chart, included with Lube Manifold	STD	ST
1	2006P	Air Purge	\$1,455.00	\$1,455.00
1	3015PA	Hot Shift Blower Drive (automatic Transmission)	\$1,642.00	\$1,642.00
1	3017P	Blower High Temp Safety Shutdown	\$586.00	\$586.00
1	3020P	Digital Water Level Indicator	\$757.00	\$757.00
1	3021P	Digital Debris Body Level Indicator	\$1,014.00	\$1,014.00
1	4015P	180 deg. 10ft Telescoping Boom	\$17,182.00	\$17,182.00
1	4011PB	Bellypack Wireless Controls with hose reel controls, 2-way communications, and LCD Display	\$3,497.00	\$3,497.00
1	4013P	Rotatable Boom Inlet Hose, Telescoping Boom	\$637.00	\$637.00
1	5008PB	Cold Weather Recirculator, PTO Driven, 25 GPM	\$1,930.00	\$1,930.00
1	5010PA	Rodder System Accumulator - Jack Hammer on/off Control at Front Hose Reel	\$879.00	\$879.00
1	5015P	High Pressure Couplers, Front and Rear	\$679.00	\$679.00
1	5021PC	Hydro Excavation Kit - Includes Lances, Nozzles, Storage Tray, and Vacuum Tube	\$2,925.00	\$2,925.00
1	5029P	Cyclone Washout System	\$545.00	\$545.00
1	6003PC	800' x 1" Piranha Sewer Hose 2500 PSI in lieu of STD	\$1,970.00	\$1,970.00
1	6007PB	Hose Wind Guide (Dual Roller), Auto, Indexing with Pinch Roller	\$5,721.00	\$5,721.00
1	6014P	High Pressured Hose Reel	\$1,641.00	\$1,641.00
1	6019P	Rodder Pump Drain Valves	\$551.00	\$551.00
1	6019PA	Final Filter and Silencer Ball Valve Drains	\$496.00	\$496.00

Customer Initials: \_\_\_\_\_



1	6027PA	25' Leader Hose ( In lieu of standard)	\$386.00	\$386.00
1	6031P	Front Hose Reel Storage	\$330.00	\$330.00
1	8001PM	Rear Directional Control, LED Arrowstick	\$1,977.00	\$1,977.00
1	8002PA	Waterproof, Rechargeable, Wireless, Handheld, LED Spot Light w/12V Charger and Plug	\$399.00	\$399.00
1	8027P	LED Mid-Ship Turn Signals	\$600.00	\$600.00
1	8028P	Worklights (2), LED, Telescoping Boom	\$886.00	\$886.00
1	8029PB	Worklight, LED, Hose Reel Manhole	\$660.00	\$660.00
1	8029PC	Worklight, LED, Curb Side	\$655.00	\$655.00
1	9023PA	Safety Cone Storage Rack - Post Style	\$182.00	\$182.00
1	9070PA	Toolbox, Front Bumper Mounted, 16 x 12 x 18 w/(2) LED Side Markers	\$2,193.00	\$2,193.00
1	9070PB	Long Handle Tool Storage	\$388.00	\$388.00
1	9071PEL	Toolbox, Behind Cab - 16w 30h x 96d - with Lighting	\$3,773.00	\$3,773.00
1	9072PB	Toolbox, Driver Side Chassis Frame, 24w x 24h x 24d	\$1,772.00	\$1,772.00
1	9074PA	Toolbox, Driver Side Subframe, 18w x 24h x 24d	\$1,465.00	\$1,465.00
1	P112STD	Module Paint, DuPont Imron Elite - Sanded Primer Base	STD	STD
1	P124NB	Vactor 2100i Body Decal, Navy Blue	STD	STD
1	LOGO-APPL.	Vactor/Guzzler Logos - Applied	STD	STD
1	500655B-30	Vactor Standard Manual and USB Version - 1 + Dealer	STD	STD
1	500655-30	1 Printed Full Vactor Manual	\$150.00	\$150.00
1	25637F-30	(1) 8" x 7'-6" Aluminum Vacuum Tube	\$362.88	\$362.88
1	89957A-30	(1) 8" x 3'-0" Higbee C/B Nozzle Assembly	\$803.97	\$803.97
1	34955-30	(1) 1" x 12" Finned Pipe Weld - Large	\$100.98	\$100.98
1	Chassis- Mod	Chassis Modifications Charges	\$200.00	\$200.00
1	R15424	Stainless Steel Inner Boom Tube	\$3,490.18	\$3,490.18
1	R41474	Telescopic Boom Tube Cleanout	\$3,180.00	\$3,180.00
1	R41236	14 Light Package, 14 Federal Signal Strobe Lights, LED (Amber/Green/White color)	\$4,420.20	\$4,420.20
	<b>Chassis:</b>			
1	114SD370TAUS	JDC Supplied Chassis: 2023 Freightliner 114SD Tandem Axle Chassis, 370 HP Engine, Automatic Transmission	\$ 105,717.00	\$ 105,717.00
	<b>Non-Sourcewell Options:</b>			<b>Sale Price</b>
1	SL-SAMR-1	Upper Manhole Roller	\$ 196.00	\$ 196.00

Customer Initials: \_\_\_\_\_

Module Paint Color - Orange

Cab Color - White

**Sourcewell Build-Proposal Summary**

<b>Module/Options Total:</b>	<b>\$387,750.21</b>
Options Sourcewell Discount 3%:	\$ 11,632.51
<b>Module/Options Total per Sourcewell Price Schedule:</b>	<b>\$ 376,117.70</b>
Non Sourcewell Options Total:	\$ 196.00
<b>Total with Module and All Options:</b>	<b>\$ 376,313.00</b>
JDC Supplied Chassis:	\$ 105,717.00
<b>Total with Module, Options, and Chassis:</b>	<b>\$ 482,030.00</b>
Freight and PDI:	\$ 3,500.00
Field Training:	\$ 2,000.00
<b>Total:</b>	<b>\$ 487,530.00</b>
<b>Trade-In Allowance:</b>	<b>\$ (67,500.00)</b>
<b>Total with Trade-In:</b>	<b>\$ 420,030.00</b>

**Trade-In Unit:**

2012 Vactor 2115P-J6F-80A mounted on a

S/N: 12-05V-13093

VIN: 2NKBL50X9CM322376

**New Unit Purchase includes the new module/chassis warranties listed below:**

1. New Vactor Module
  - a. (1) year Complete Unit
  - b. (2) years Electronics
  - c. (2) years Rodder Pump (excluding normal wear items)
  - d. (5) years Debris Tank
  - e. (10) years Water Tanks
2. New 2023 Freightliner Chassis
  - a. (1) year Complete Unit
  - b. (2) years Cummins Engine (100,000 miles)
  - c. (2) years Allison Transmission (unlimited miles)

Customer Initials: \_\_\_\_\_

## SALE OF NEW EQUIPMENT TERMS AND CONDITIONS

1. **THE AGREEMENT.** Jack Doherty Companies, Inc., (the "Seller") agrees to sell, transfer and convey its right, title and interest in the new goods, equipment, vehicles and/or other new items (collectively, the "Equipment") described in Seller's written invoice for the Sale of New Equipment (the "Invoice") to the Buyer subject to the terms and conditions contained herein, which are incorporated into the Invoice, agreed to by the parties hereto, and together consists of the entire agreement between the Seller and Buyer (collectively, the "Agreement"). The Agreement shall be for the benefit of the Seller and Buyer and not for the benefit of any other person or entity. Prior courses of dealing, trade usage and verbal agreements not reduced to a writing signed by the Seller and Buyer, to the extent they differ from, modify, add to or change from the Agreement shall not be binding on the Seller.
  2. **TERMS OF PAYMENT.**
    - 2.1 **Payment Date.** All payments for the Equipment are due from Buyer on the date of the Invoice unless other terms are agreed to in writing between Seller and Buyer. Payment shall be made to Seller at the address specified in the Agreement, without any offset or deduction for any reason.
    - 2.2 **Shipping Delays.** If any shipment is delayed at the request of Buyer, payment shall become due based on the date Seller is prepared to make shipment, and Seller may invoice Buyer based on such date. All prices for Equipment are F.O.B. Seller's shipping point.
    - 2.3 **Delinquent Payments.**
      - 2.3.1 Any payment not made by Buyer on or before its due date shall be subject to a late charge on any unpaid balance at a rate of 18% per annum, or the highest interest rate allowed by law, whichever is greater.
      - 2.3.2 If a payment is not made on or before its due date, Buyer agrees that Seller may elect, in addition to any other remedy at law or in equity, to cease performance under the Agreement and any other agreement between Buyer and Seller until such payment is rendered to Seller.
  3. **DELIVERY.** Seller does not guarantee delivery dates.
  4. **RISK OF LOSS.** Buyer assumes all risk of loss of Equipment upon delivery by Seller to carrier if Equipment is shipped. For Equipment that is shipped, Seller agrees to: (a) prepare the Equipment for shipment to Buyer; (b) deliver custody of the Equipment to carrier; (c) make appropriate arrangements for the transportation to carrier; and deliver documents to enable Buyer to obtain possession of the Equipment. Seller shall not be obligated to obtain insurance or to prepay transportation/carrier costs for the Equipment. Buyer agrees to be responsible for and to timely pay all loading, unloading and other charges incidental to transportation of the Equipment. Whether Seller pays transportation charges or not, risk of loss shall pass to Buyer upon delivery of the Equipment to a carrier.
  5. **INSPECTION OF EQUIPMENT.** Buyer has inspected the Equipment and is satisfied with the Equipment's condition.
  6. **INDemnIFICATION.** ~~Buyer shall indemnify, hold harmless and release Seller from any and all liabilities, losses, damages, claims, costs and expenses, including attorney fees, arising out of, in whole or in part, from (a) the design, or manufacture of the Equipment; or (b) the use of the Equipment by Buyer and those acting on Buyer's behalf.~~
  7. **MISCELLANEOUS.**
    - 7.1 **No Assignment.** There shall be no assignment of the Agreement by Buyer without the prior written approval of Seller. Any assignment of the Agreement shall not relieve Buyer of its obligations under the Agreement.
    - 7.2 **Force Majeure.** Neither party will be liable for any delay or failure to perform its obligations hereunder, other than a payment obligation, due to any cause beyond its reasonable control including without limitation, acts of God or of the public enemy, including terrorists, acts of the government in its sovereign capacity, fires, floods, epidemic, strikes, picketing or boycotts, or any other circumstances caused by natural occurrences or third party actions beyond the reasonable control and without the fault or negligence of the party whose performance is affected ("Force Majeure Events"); provided that the affected party provides the other party prompt notice of the applicable circumstance and uses commercially reasonable efforts to re-commence performance as promptly as possible; provided, further, that if the duration of such Force Majeure Event exceeds thirty (30) days, the other party may terminate the Agreement upon delivery of written notice to the affected party.
    - 7.3 ~~Venue.~~ ~~The parties agree that any dispute under the Agreement shall be brought in the applicable state or federal court located in the county in which the Originating Branch is located and the parties waive any right to a jury trial.~~
    - 7.4 **Construction and Captions.** The parties acknowledge that each has reviewed the Agreement and that the normal rules of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of the Agreement or any exhibits or amendments hereto; and that section headings appearing in the Agreement are for convenience of reference only and they are not intended, to any extent or for any purpose, to limit or define the text of any section or any subsection hereof. In the event any part of the Agreement is found to be ambiguous, such ambiguity shall not be construed against any party.
    - 7.5 ~~Entire Agreement.~~ ~~The Agreement constitutes the sole and entire agreement between the parties and supersedes all prior and contemporaneous statements, promises, understandings or agreements whether written or oral.~~
    - 7.6 **Amendments.** The Agreement may be amended, modified or altered at any time upon the approval of the Seller and Buyer; however, any such amendment must be in writing and signed by the Seller and Buyer in order for such amendment to be of any force and effect.
    - 7.7 **Partial Invalidity.** In the event that any provision of the Agreement is declared by any court of competent jurisdiction or any administrative judge to be void or otherwise invalid, all of the other terms, conditions and provisions of the Agreement shall remain in full force and effect to the same extent as if that part declared void or invalid had never been incorporated in the Agreement and in such form, the remainder of the Agreement shall continue to be binding upon the parties.
    - 7.8 **Counterparts.** The Agreement and any amendment thereto may be signed and executed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute one Agreement. Delivery of an executed counterpart of a signature page of the Agreement by facsimile or email shall be effective as delivery of an originally executed counterpart of the Agreement.
    - 7.9 **Authority.** Each person(s) executing the Agreement as an agent or in a representative capacity warrants that he or she is duly authorized to do so.
- NO WARRANTY.** SELLER MAKES NO WARRANTIES OR REPRESENTATIONS EXPRESS OR IMPLIED BY OPERATION OF LAW OR OTHERWISE, INCLUDING WITHOUT LIMITATION, ANY IMPLIED WARRANTY OF MARKETABILITY OR FITNESS FOR PARTICULAR PURPOSE, ALL OF WHICH ARE SPECIFICALLY HEREBY DISCLAIMED. To the extent allowed by law and those agreements, Seller transfers and assigns to Buyer the Equipment manufacturer's warranties, if any such warranty is provided by the Equipment manufacturer. In no event shall Seller be liable to Buyer for any incidental, consequential, special, exemplary, and/or punitive damages, including without limitations, loss of revenue or profit.





## INVOICE INFORMATION

**Sold to:**

**Name**

**Address**

**Contact**

**Phone #**

**Email Address:**

**Ship to:**

**Name**

**Address**

**Contact**

**Phone #**

**Email Address**

### PLEASE SELECT TYPE OF BUSINESS

Environmental ☐  
Industrial Plant ☐

Petro Chemical ☐  
Utility ☐

Gas & Oil ☐  
Municipal ☐

Sewer & Water ☐  
Other ☐

**Customer Signature:**



777 Doheny Drive  
Northville, MI 48167

t 248-349-0904  
p 248-349-2774

#### TITLE INFORMATION FORM

**Must be typed.** Please ensure accurate information provided with submission of this document. Any re-issuance of title resulting from inaccurate data may be subject to a **\$250.00 processing fee.**

**Title Assigned to:**

*(In MI, OH & IN: Must be*

*Physical Address)*

*(Name and information for  
purchaser of the unit)*

**Name** \_\_\_\_\_

**Address** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Contact** \_\_\_\_\_

**Phone #** \_\_\_\_\_

**Email Address** \_\_\_\_\_

**County:** \_\_\_\_\_

**Fed ID#** \_\_\_\_\_

**Title Mailed to:**

*(Must be Physical Address)*

*(Company or business that will  
be registering the unit)*

**Name** \_\_\_\_\_

**Address** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Contact** \_\_\_\_\_

**Phone #** \_\_\_\_\_

**Email Address** \_\_\_\_\_

**Lienholder:**

*(If no lienholder exists,  
'Not Applicable' must be  
notated in Name field)*

**Name** \_\_\_\_\_

**Address** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Contact** \_\_\_\_\_

**Phone #** \_\_\_\_\_

**Email Address** \_\_\_\_\_

**Customer Signature:** \_\_\_\_\_

# ATTACHMENT B





# 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).

PRODUCER Brown & Brown of Detroit 35735 Mound Road  Sterling Heights MI 48310	CONTACT NAME: Heather Doelsch PHONE (A/C, No, Ext): (586) 977-6300 FAX (A/C, No): (586) 977-6780 E-MAIL ADDRESS: hdoelsch@bbdetroit.com
INSURED Jack Doheny Companies, Inc. 777 Doheny Ct.  Northville MI 48167	INSURER(S) AFFORDING COVERAGE INSURER A: The Charter Oak Fire Insurance Company NAIC # 25615 INSURER B: The Travelers Indemnity Company 25658 INSURER C: Travelers Property Casualty Company of America 25674 INSURER D: Gemini Insurance Company 10833 INSURER E: INSURER F:

## COVERAGES

CERTIFICATE NUMBER: CL2162594666

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		630-6N625941	07/01/2021	07/01/2022	EACH OCCURRENCE \$ 1,000,000
		DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000				
		MED EXP (Any one person) \$ 10,000				
		PERSONAL & ADV INJURY \$ 1,000,000				
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:				GENERAL AGGREGATE \$ 2,000,000	
					PRODUCTS - COM/OP AGG \$ 2,000,000	
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY		810-7N815918	07/01/2021	07/01/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
		<input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY				BODILY INJURY (Per person) \$
						BODILY INJURY (Per accident) \$
						PROPERTY DAMAGE (Per accident) \$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB		CUP-6N63190A	07/01/2021	07/01/2022	EACH OCCURRENCE \$ 5,000,000
		<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE				AGGREGATE \$ 5,000,000
		DED <input checked="" type="checkbox"/> RETENTION \$ 0				
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/ MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	UB-6N63027A	07/01/2021	07/01/2022	<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
A	GKLL (Direct/Primary)		810-7N815918	07/01/2021	07/01/2022	Comp Deductible \$5,000
		Collision Deductible \$5,000				
		Limit of Liability \$500,000				

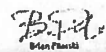
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

\*\*FOR INFORMATIONAL PURPOSES ONLY\*\*

## CERTIFICATE HOLDER

Jack Doheny Companies, Inc. 777 Doheny Ct.  Northville MI 48167
--

## 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  

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AGENCY CUSTOMER ID: \_\_\_\_\_

LOC #: \_\_\_\_\_



## ADDITIONAL REMARKS SCHEDULE

Page \_\_\_\_\_ of \_\_\_\_\_

AGENCY Brown & Brown of Detroit		NAMED INSURED Jack Doheny Companies, Inc.	
POLICY NUMBER			
CARRIER	NAIC CODE	EFFECTIVE DATE:	

### ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: 25 FORM TITLE: Certificate of Liability Insurance: Notes

Federal Insurance Company - Excess Liability  
Policy #9-365-02-43 - 7/1/2021-7/1/2022  
Limit - \$5,000,000 excess of \$5,000,000 Part of \$10,000,000



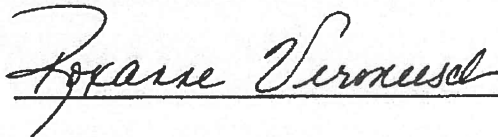
**VENDOR CERTIFICATION  
THAT IT IS NOT AN  
"IRAN LINKED BUSINESS"**

Pursuant to Michigan law, (*the Iran Economic Sanctions Act, 2012 PA 517, MCL 129.311 et seq.*), before accepting any bid or proposal, or entering into any contract for goods or services with any prospective Vendor, the Vendor must first certify that it is not an "IRAN LINKED BUSINESS, as defined by law.

Vendor	
Legal Name	Jack Doheny Companies, Inc. dba Jack Doheny Company
Street Address	777 Doheny Drive
City	Northville
State, Zip	MI, 48167
Corporate I.D. Number / State	800130617
Taxpayer I.D. #	38-2026979

The undersigned, with: 1) full knowledge of all of Vendors business activities, 2) full knowledge of the requirements and possible penalties under the law MCL 129.311 et seq. and 3) the full and complete authority to make this certification on behalf of the Vendor, by his/her signature below, certifies that: the Vendor is NOT an "IRAN LINKED BUSINESS" as required by MCL 129.311 et seq., and as such that Vendor is legally eligible to submit a bid and be considered for a possible contract to supply goods and/or services to the County of Oakland.

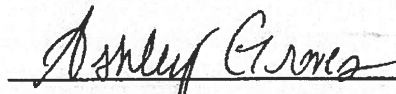
Signature of Vendor's  
Authorized Agent:



Printed Name of Vendor's  
Authorized Agent:

ROXANNE VERMEESCH

Witness Signature:



Printed Name of Witness:

ASHLEY GROVES



## MEMORANDUM

Department of Public Services

**DATE:** March 9, 2022

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

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

**SUBJECT:** Irrigation Services (3-year Contract)

### INTRODUCTION:

The Department of Public Services uses a contractor for irrigation services at 33 locations at city parks, properties, and streetscapes. Irrigation services consist of system startup, winterization and necessary repairs throughout the season. The contract also provides pricing for parts, labor, design, and new installation if the City requires additional services.

### BACKGROUND:

The Department of Public Services uses a contractor for irrigation services for 33 systems throughout its parks, city properties and streetscapes. These systems are essential in keeping our grass, plantings, and approximately 75% of our annuals appropriately watered. System start up and winterization typically account for half of the total contract expenses, with repairs and reconfiguring systems accounting for the other half. Four firms submitted responses, with pricing for parts, labor and base services being fairly volatile. Attached you will find comparative pricing for all of the components of the bid submittals, but the following chart shows total base bid pricing:

Firm Name	2022	2023	2024	3-year Total Base Bid
<b>Michigan Automatic Sprinkler</b>	<b>\$10,185</b>	<b>\$10,525</b>	<b>\$10,865</b>	<b>\$31,575</b>
Progressive Irrigation	\$7,233	\$7,233	\$7,233	\$21,699
Xpert Lawn and Snow	\$28,100	\$28,100	\$28,100	\$84,300
Techseven Company	\$7,400	\$7,400	\$7,400	\$22,200

After extensive review of all costs provided, the Department of Public Services recommends Michigan Automatic Sprinkler be awarded the contract. Although the base bid is about \$3,000/year higher than the two lowest bidders, Michigan Automatic Sprinkler has the best overall pricing for replacement parts – most importantly rotor heads and pop up misters - which is the most common repair. Techseven Company, who just completed a 3-year contract and a 1-year extension with the City, has low startup and winterization costs but by far the highest prices for parts. For example, 1' of sprinkler pipe provided by Michigan Automatic Sprinkler in 2022 would cost \$1.50, compared to Techseven's \$6.25 charge for 1' of sprinkler pipe.

The Department of Public Services is confident the lower costs in repairs will at least make up for the discrepancy in base costs, if not save money during the duration of the contract. Also, Michigan Automatic Sprinkler was very responsive and highly recommended, currently services



other municipalities, and the City would feel more confident using their services and pricing for future installations. The City had a poor experience dealing with Progressive Irrigation in the past and will not proceed with recommending them in the future.

**LEGAL REVIEW:**

This contract has been reviewed by the City attorney.

**FISCAL IMPACT:**

Funds for this expenditure – totaling \$61,575 –base bid along with repairs and other services- are available and budgeted for in the following other contractual services accounts: \$25,000 in Parks (101-751.000-811.0000), \$25,000 in Property Maintenance(101-441.003-811.0000), \$11,575 in Major Streets (202-449.003-937.0400).

**PUBLIC COMMUNICATION:**

This purchase does not require public communication.

**SUMMARY:**

The Department of Public Services recommends approving the 3-year contract for irrigation services with Michigan Automatic Sprinkler through 2024, allowing for \$10,000 a year in repairs and additional services, using funds from the following other contractual services accounts: \$25,000 in Parks (101-751.000-811.0000), \$25,000 in Property Maintenance (101-441.003-811.0000), \$11,575 in Major Streets (202-449.003-937.0400), for a total expenditure of \$61,575.

**ATTACHMENTS:**

1. Irrigation Services RFP including the signed agreement with Michigan Automatic Sprinkler, completed attachments, and required insurances.
2. Bid tabulations showing all costs provided by each firm.

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution approving a 3-year contract (through November 7, 2024) with Michigan Automatic Sprinkler, Inc., for irrigation services in an amount not to exceed \$61,575. 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 for using funds from the following other contractual services accounts: \$25,000 in Parks (101-751.000-811.0000), \$25,000 in Property Maintenance (101-441.003-811.0000) and Major Streets (202-449.003-937.0400).



**REQUEST FOR PROPOSALS**  
**For Irrigation Services – City of Birmingham, MI**

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Sealed proposals endorsed **“Irrigation Services - City of Birmingham, MI”**, will be received at the Department of Public Services, 851 S. Eton Street, Birmingham, Michigan, 48009; until Thursday, February 24, 2022 at 11 a.m., after which time bids will be publicly opened and read. Results will be posted on MITN. At this time bid opening attendance is by appointment only; please contact Brendan McGaughey for a request to attend, listed below.

The City of Birmingham, Michigan is accepting sealed bid proposals from qualified professional firms to perform irrigation services at 33 locations at Birmingham parks and city properties, including start up, maintenance, repairs, and winterization. This work must be performed as specified accordance with the specifications contained in the 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 Department of Public Services, 851 S. Eton, Birmingham, Michigan, or by email request to [bmcgaughey@bhamgov.org](mailto:bmcgaughey@bhamgov.org).

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>	Thursday, February 10, 2022
<b>Deadline for Submissions:</b>	Thursday, February 24, 2022 at 11 a.m.
<b>Contact Person:</b>	Brendan McGaughey 851 S. Eton St. Birmingham, MI 48009 Phone: 248-530-1715 Email: <a href="mailto:bmcgaughey@bhamgov.org">bmcgaughey@bhamgov.org</a>



## REQUEST FOR PROPOSALS For Irrigation Services – City of Birmingham, MI

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## **INTRODUCTION**

For purposes of this request for proposals the City of Birmingham will hereby be referred to as “City” and the private firm will hereby be referred to as “Contractor.”

The City of Birmingham, Michigan is accepting sealed bid proposals from qualified professional contractors/firms to perform irrigation services at 33 locations at Birmingham parks and city properties, including start up, maintenance, repairs, and winterization. This work must be performed as specified accordance with the specifications outlined by the Scope of Work contained in this Request For Proposals (RFP).

During the evaluation process, the City’s best interest will be served and reserves the right to request additional information or clarification from proposers, or to allow corrections of errors or omissions. At the discretion of the City, 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 March 14, 2022. An Agreement for services will be required with the selected Contractor. A copy of the Agreement is contained herein for reference. Contract services will commence upon execution of the service agreement by the City.

## **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 perform irrigation services at 33 locations at Birmingham parks and city properties, including start up, maintenance, repairs, and winterization.

## **INVITATION TO SUBMIT A PROPOSAL**

Proposals shall be submitted no later than Thursday, February 24, 2022 at 11 a.m. to:  
Department of Public Services  
Attn: Brendan McGaughey  
851 S. Eton St.  
Birmingham, Michigan 48009

One (1) original and one (1) copy of the proposal shall be submitted. The proposal should be firmly sealed in an envelope, which shall be clearly marked on the outside, “Irrigation Services, City of Birmingham, MI.” 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 Contractor’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 writing and delivered to:

Brendan McGaughey, 851 S. Eton St., Birmingham, MI 48009

OR bmcgaughey@bhamgov.org

Such request for clarification shall be delivered, in writing, no later than 5 days prior to the deadline for submissions.

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 City of Birmingham 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. Do not include such taxes in the proposal figure. The City will furnish the successful company with tax exemption information when requested.
6. Each respondent shall include in their proposal the following information: Firm name, address, city, state, zip code, telephone number, and fax number. The company shall also provide the name, address, telephone number and e-mail address of an individual in their organization to whom notices and inquiries by the City should be directed as part of their proposal.

## **EVALUATION PROCEDURE AND CRITERIA**

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

1. Ability to provide services as outlined.
2. Related experience with similar projects, Contractor background, and personnel qualifications.
3. Quality of materials proposed.
4. Overall Costs.
5. References.

## **TERMS AND CONDITIONS**

1. The City reserves the right to reject any or all proposals received, waive informalities, or accept any proposal, in whole or in part, it deems best. The City reserves the right to award the contract to the next most qualified Contractor if the successful Contractor does not execute a contract within ten (10) days after the award of the proposal.
2. The City reserves the right to request clarification of information submitted and to request additional information of one or more Contractors.
3. The City reserves the right to terminate the contract at its discretion should it be determined that the services provided do not meet the specifications contained herein. The City may terminate this Agreement at any point in the process upon notice to Contractor sufficient to indicate the City's desire to do so. In the case of such a stoppage, the City agrees to pay Contractor 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 Contractor and shall not be chargeable in any manner to the City.
6. Each proposal must be accompanied by a certified check, bidder's bond or bank draft in an amount not less than 5% of the total bid price, payable to the City of Birmingham, Michigan, which it is agreed will be forfeited to the City of Birmingham if the undersigned fails to enter into a contract in conformity with the form of contract incorporated herein, and furnish bonds and insurance as specified within twenty-one (21) days after the contract is awarded to the undersigned or withdraws this bid within sixty (60) days of the date hereof.

No proposal shall be withdrawn for a period of Six (6) months after the date set for the opening of bids.

A single check, bond or draft may serve to cover 2 or more alternative proposals when such alternative proposals are submitted by the same bidder.

7. The successful bidder will be required to furnish a Performance Bond in an amount not less than 100% of the contract price in favor of the City of Birmingham, conditioned upon the faithful performance of the contract, and completion on or before the date specified.
8. Payment will be made within thirty (30) days after invoice. Acceptance by the City is defined as authorization by the designated City representative to this 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 City.
9. The Contractor will not exceed the timelines established for the completion of this project.
10. The successful bidder shall enter into and will execute the contract as set forth and attached as Attachment A.

## **CONTRACTOR'S RESPONSIBILITIES**

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

1. Complete and sign all forms requested for completion within this RFP.
  - a. Bidder's Agreement (Attachment B – p. 28)
  - b. Cost Proposal (Attachment C – p. 29)
  - c. Iran Sanctions Act Vendor Certification Form (Attachment D – p. 45)
  - d. Agreement (p. 20 – **only if selected by the City**).
2. Provide a description of completed projects that demonstrate the firm's ability to complete projects of similar scope, size, and purpose, and in a timely manner, and within budget.
3. Provide a written plan detailing the anticipated timeline for completion of the tasks set forth in the Scope of Work (p. 11).
4. The Contractor will be responsible for any changes necessary for the plans to be approved by the City of Birmingham.
5. Provide a description of the firm, including resumes and professional qualifications of the principals involved in administering the project.
6. Provide a list of sub-contractors and their qualifications, if applicable.

7. Provide three (3) client references from past projects, include current phone numbers. At least two (2) of the client references should be for projects utilizing the same materials included in the Contractor's proposal.
8. The Contractor will be responsible for the disposal of all material and any damages which occur as a result of any of employees or subcontractors of the Contractor during this project.
9. The contractor will be responsible for obtaining the building and parking permits if applicable at no cost to the contractor.
10. The successful bidder shall provide a Performance Bond in an amount not less than 100% of the contract price in favor of the City of Birmingham, conditioned upon the faithful performance of the contract, and completion on or before the date specified.
11. 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 Contractor will be available according to the proposed timeline.

## **CITY RESPONSIBILITY**

1. The City will provide a designated representative to work with the Contractor to coordinate both the City's and Contractor's efforts and to inspect and verify any work performed by the Contractor.
2. The City will provide access to the City of Birmingham during regular business hours or during nights and weekends as approved by the City's designated representative.

## **SETTLEMENT OF DISPUTES**

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

## **INSURANCE**

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

## **CONTINUATION OF COVERAGE**

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

## **EXECUTION OF CONTRACT**

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

## **INDEMNIFICATION**

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

## **CONFLICT OF INTEREST**

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

## **EXAMINATION OF PROPOSAL MATERIALS**

The submission of a proposal shall be deemed a representation and warranty by the Contractor 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.

## **LIQUIDATED DAMAGES:**

The contractor shall pay to the City of Birmingham as liquidated damages, the sum of \$500/per day for each calendar day after the time period specified under "Time of Completion" that the work to be performed by the Contractor is not completed. Liquidated damages are established to compensate the City and the public for costs caused by the Contractor by the inconvenience of extending the work beyond the time specified.

For the purposes of determining liquidated damages, the contract time for work shall be increased proportionately to increases in contract value (if any) provided both of the following conditions are met:

1. Increase in contract value is greater than 10% of the base bid.
2. The parties have not adjusted the contract time by other mutually agreeable means such as an executed change order.

## **PROJECT TIMELINE**

All system start-ups must be completed no later than April 30<sup>th</sup> each year of the contract. Winterization should be completed no later than October 30<sup>th</sup> each year of the contract. The Department of Public Services will require water at Lot #6 and Greenwood Cemetery slightly longer, and winterization should be completed by November 7<sup>th</sup> of each contract year. A pre-project meeting will be scheduled after award to review project schedule.

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

## SCOPE OF WORK

The Contractor shall perform the following services in accordance with the requirements as defined and noted herein:

1. This section and referenced documents shall constitute the Scope of Work for this project and as such all requirements must be met.
2. The contract term shall be (3) years in length, commencing on April 1, 2022, and ending November 7, 2024. The City, at its sole discretion, can elect a 2-year contract extension (using 2024 pricing) to extend the contract until November 7, 2026.
3. The Contractor shall furnish all labor, materials, and equipment required to perform all required work necessary to perform irrigation services at 33 locations at Birmingham parks and city properties, including start up, maintenance, repairs, and winterization, located in Birmingham, MI, 48009, in accordance with the requirements as defined and noted herein.
4. The Contractor shall be responsible for the disposal of all materials in a safe and legal manner. The Contractor shall keep the work site clean and safe, and not leave any debris once the Contractor has completed work for the day.
5. The Contractor shall not include travel time from the yard to work site as billable hours.
6. The Contractor shall be responsible for repairing any damage caused as a result of working, including grass repairs with seed and topsoil, following any completed repairs. Damage to irrigation systems must be reported immediately to the City representative.
7. The Contractor shall operate in a safe manner and will observe all MIOSHA guidelines. **The Contractor awarded the bid shall provide the City with a copy of its COVID-19 Plan required by MIOSHA.**
8. The Contractor shall comply with all City of Birmingham's local ordinances, mainly the limitations on working hours between 7 a.m. and 7 p.m. Monday through Saturday. Applying for a variance to this ordinance will be the responsibility of the Contractor if longer working hours are required. Permission must be obtained by the city to work on Sundays and holidays.
9. The Contractor must have a demonstrated ability to install and service any and all of the various components of the existing irrigation systems. Contractor must also have a proven track record showing the ability to meet deadlines and provide service and support to fulfill the contract terms.



10. By bidding on this project, the Contractor acknowledges that he/she/they have examined the proposed sites, and specifications, and the submission of a proposal shall be considered evidence that examination has been made.
11. The City of Birmingham, without limitation of the original contract, may order changes that may be desirable and/or request additional work i.e. repairs, additional properties, etc. The Contractor shall complete the entire cost proposal and use the established rates for additional materials and labor.
12. It shall be the Contractor's responsibility to report any deviations from this scope of work or the specifications, i.e. removing an established zone from a controller.
13. The Contractor shall maintain a professional attitude and neat appearance at all times. A shirt and safety vest shall be worn at all times while working in the City of Birmingham.

### **System Locations (33):**

#### **1) City Hall (151 Martin St)**

- a) 2 taps
- b) Rain Bird 24LX Plus Controller
  - i) 11 zones
- c) Hunter NODE Controller
  - i) 2 zones

#### **2) Peabody Structure (222 Peabody St)**

- a) 2 Taps
- b) Hunter Node Controller (South Raised Triangle Bed)
  - i) 1 zone
- c) Hunter Node Controller (NE Raised Planter)
  - i) 1 zone

#### **3) Brown Street/Old Woodward (NE Corner)**

- a) 1 Tap
- b) Hunter Node Controller

- i) 1 zone

**4) Pierce Structure (333 Pierce St)**

- a) 2 Taps
- b) North Rain Bird Professional ESP 16-LX Plus Controller
  - i) 7 zones
- c) South Rain Bird Professional ESP 16-LX Plus Controller
  - i) 12 Zones

**5) Chester Structure (180 Chester St)**

- a) 1 Tap
- b) Hunter Pro C Controller
  - i) 14 zones

**6) Maple/Southfield Triangle Median Island**

- a) Shares Tap at Chester Structure
- b) Hunter Node Controller
  - i) 2 zones

**7) Martha Baldwin Park (637 W Maple)**

- a) Shares Tap at Chester Structure
- b) Hunter Node Controller
  - i) 3 zones

**8) Ice Arena (2300 E. Lincoln)**

- a) 1 Tap
- b) Rain Bird ESP Me Controller
  - i) 2 zones

**9) Kenning Park Ballfields (2300 E. Lincoln)**

- a) 1 Tap

- b) Rainbird ESP-LXME Controller
  - i) 10 zones

**10) Shain Park (270 W Merrill)**

- a) 2 Taps
- b) Weathermaster RME Eagle (South Controller)
  - i) 9 zones
- c) Weathermaster RME Eagle (North Controller)
  - i) 11 zones

**11) Park St. Structure & Oakland Islands (between Ferndale & Woodward Ave)**

- a) 1 Tap
- b) Rain Bird ESP Me Controller
  - i) 11 zones (7 of which are Oakland Islands)

**12) Oakland Islands West Clock (controls the two (2) islands between Ferndale & Old Woodward)**

- a) 1 Tap
- b) Hunter NODE Controller
  - i) 7 zones

**13) DPS (851 S. Eton)**

- a) 1 Tap
- b) Rain Bird ESP Modular Controller
  - i) 9 zones

**14) N Eton/Maple Corner**

- a) 1 Tap
- b) Hunter NODE Controller
  - i) 5 zones

**15) Woodward Structure (333 N Old Woodward)**

- a) 1 Tap
- b) Hunter NODE Controller
  - i) 1 zone

**16) Lot #9 (SW Corner of Hamilton Row and Park St)**

- a) 1 Tap
- b) Hunter NODE Controller
  - i) 3 zones

**17) Lot #6 (660 N Old Woodward)**

- a) 1 Tap
- b) Rainbird ESP 9-Volt Controller
  - i) 4 zones

**18) Birmingham Museum/Allen House (556 W Maple)**

- a) 1 Tap
- b) Hunter PRO HC Controller
  - i) 12 zones

**19) N. Old Woodward Median Islands (between Oakland and Oak)**

- a) 2 Taps
- b) Toro Custom Command Controller (North End)
  - i) 5 zones
- c) Hunter X-Core Controller (South End)
  - i) 5 zones
- d) 10x Hunter NODE Controllers for Hanging Baskets

**20) Booth Park (SW Corner Harmon and N Old Woodward)**

- a) 1 Tap
- b) Rain Bird Professional ESP 16-LX Plus Controller
  - i) 7 zones
- c) Rain Bird Professional ESP 16-LX Plus Controller
  - i) 15 zones

**21) Woodward Avenue Medians (Oakland Ave to Brown St)**

- a) 2 Taps
- b) Hunter XC Hybrid DC Controller (zones north of Maple)
  - i) 12 zones
- c) Hunter XC Hybrid DC Controller (zones south of Maple)
  - i) 10 zones

**22) Barnum Park (746 Purdy)**

- a) 3 Taps
- b) Weathermaster RME Eagle (Pierce Controller)
  - i) 12 zones
- c) Weathermaster RME Eagle (Frank Controller)
  - i) 12 zones
- d) Weathermaster RME Eagle (Purdy Controller)
  - i) 11 zones
- e) Hunter Node Controller (Lawn area along 3<sup>rd</sup> base line)
  - i) 1 zone
- f) Hunter Node Controller (Meditation Area)
  - i) 1 zone

**23) Maple/Chester (NW Corner)**

- a) 1 Tap
- b) Hunter NODE Controller
  - i) 4 zones

**24) N. of Lincoln along Woodward Median Island**

- a) 1 Tap
- b) Hunter NODE Controller
  - i) 4 zones

**25) Bus Stop Median Island (S. of Lincoln along Woodward)**

- a) 1 Tap
- b) Hunter NODE Controller
  - i) 4 zones

**26) Martinizing Corner (SW Corner Lincoln/Woodward)**

- a) 1 Tap
- b) Hunter NODE Controller
  - i) 3 zones

**27) Baldwin Library (330 W Merrill)**

- a) 1 Tap
- b) Rain Bird ESP Me Controller
  - i) 9 zones

**28) Adams Fire Station (572 S Adams)**

- a) 1 Tap
- b) Rainbird ESP 12-LX Plus Controller
  - i) 10 zones

**29) Chesterfield Fire Station (1600 W Maple)**

- a) 1 Tap
- b) Hunter Pro-C Controller
  - i) 9 zones
- c) Hunter NODE Controller
  - i) 3 zones

**30) Greenwood Cemetery (N of Oak at Greenwood St)**

- a) *Winterization Only*
- b) No Controller-
  - i) 14 spigots

**31) Business District – East Maple (Old Woodward to Woodward)**

- a) 1 Tap
- b) Rainmaster Eagle Controller
  - i) 20 zones
  - ii) 2 wire system

**32) Business District – West Maple (Old Woodward to Chester St)**

- a) 1 Tap
- b) Rainmaster Eagle Controller
  - i) 24 zones
  - ii) 2 wire system

**33) Business District – Old Woodward (Brown St to Oakland Ave)**

- a) 1 Tap
- b) Rainmaster Eagle Controller
  - i) 27 zones
  - ii) 2 wire system

## **SYSTEM START-UP**

- A. Turn on and start up each system location (to be completed by April 30)
  - i. Ensure each zone is working properly
  - ii. Adjust heads for proper coverage (if necessary)
  - iii. Make and necessary repairs to heads and valves
  - iv. Install new batteries in all DC controllers
  - v. Beginning in contract year 2023, any damage from frozen pipes and heads shall be contractor responsibility to repair at no charge to the City

## **REPAIRS**

- B. Complete repairs as necessary throughout the season on an as needed basis to heads, valves, pipes, controllers, fittings, and backflow devices
  - i. Response time shall be within 48 hours Monday through Friday
  - ii. Submit invoice with a detailed breakdown of parts and labor following and repairs
  - iii. Repair parts shall be uniform with the product that is being replaced
  - iv. Any substitutions must be approved by the designated city representative

## **WINTERIZATION**

- C. Upon notification, winterize all system locations (typically mid-October)
  - i. Blow out all system locations and components
  - ii. Turn off all controllers
  - iii. Remove batteries from all DC controllers

## **SYSTEM INSTALLATIONS**

- D. Provide system design and install services on an as needed basis
  - i. The Contractor shall supply estimates for City approval
  - ii. New systems installed, including those part of larger construction projects, will be added to the scope of work with the Contractor.



## **AGREEMENT OF Irrigation Services for City of Birmingham, MI**

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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 Michigan Automatic Sprinkler, Inc., a Michigan Corporation, whose address is 4350 Pineview Drive, Suite A, Commerce, MI 48390, (hereafter referred to as Contractor) and the foregoing shall collectively be referred to as the parties.

**WHEREAS**, the City desires irrigation services for 33 parks and city properties within the City, and in connection therewith has requested proposals for irrigation services; and

**WHEREAS**, Contractor has qualifications that meet the project requirements and has provided a response and cost proposal to perform irrigation services at 33 parks and city properties.

**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 irrigation services dated February 24, 2022, which includes irrigation start up, repairs and winterization at 33 parks and city properties, shall be fully incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto.
- 2. TERM:** This Agreement shall have a term of 3-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 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 irrigation services prepared by the Contractor through such date. The city reserves the right to extend this contract for an additional 2-years (using 2024 pricing), extending the contract to November 7, 2026.
- 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 acceptance of the terms of this Agreement.

**6. CONFIDENTIAL AND OR PROPRIETARY INFORMATION:** The Contractor 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 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)

Contractor Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.

C. Motor Vehicle Liability: Contractor shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

D. Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following 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 Contractor 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, Contractor shall deliver renewal certificates and/or policies to the City at least (10) days prior to the expiration date.

G. 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.

H. **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: Lauren Wood

Contractor: Michigan Automatic Sprinkler, Inc.  
4830 Pineview Dr  
Suite A  
Commerce, MI 48390  
Attn: Neil Blazofsky

**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. RESPONSE TO REQUESTS FOR PROPOSALS:** The Contractor shall be held to and bound by all terms, conditions, warranties and representations which it made in its written response dated February 24, 2022, to the City's Request for Proposals dated February 24, 2022 (attached hereto as Attachment "B"). In the event of a conflict in any of the terms of this Agreement and the Contractor's February 24, 2022, 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 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.

Contractor:

By:

Its:

Thom Schaefer  
Sales & Project Manager

STATE OF MICHIGAN     )  
                                      ) ss:  
COUNTY OF OAKLAND    )

On this 7<sup>th</sup> day of March, 2022, before me personally appeared Thom Schaefer, who acknowledged that with authority on behalf of Michigan Automatic Sprinkler do so he/she signed this Agreement.

Kimberly Ann Wilson  
Oakland Notary Public  
County, Michigan  
Acting in Oakland County, Michigan  
My commission expires: June 1, 2027

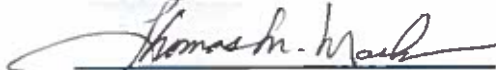
Kimberly Ann Wilson  
Notary Public, Oakland County, MI  
My Commission Expires  
June 1, 2027


**CITY OF BIRMINGHAM:**

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

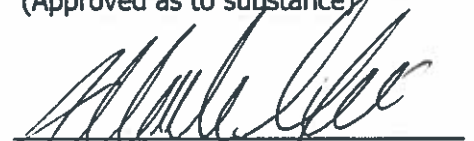
By: \_\_\_\_\_  
Alexandria D. Bingham, City Clerk

**APPROVED:**

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

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

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

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





# CERTIFICATE OF LIABILITY INSURANCE

MICH-5

OP ID: SS

DATE (MM/DD/YYYY)

03/04/2022

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 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> Alpena Agency, Inc. 102 S. Third Avenue Alpena, MI 49707 Peter Wilson	<b>CONTACT NAME:</b> Peter Wilson
	<b>PHONE (A/C, No, Ext):</b> 989-354-2175 <b>FAX (A/C, No):</b> 989-354-8974
	<b>E-MAIL ADDRESS:</b> pwilson@alpenaagency.com
	<b>INSURER(S) AFFORDING COVERAGE</b>
	<b>INSURER A:</b> Michigan Insurance Company
	<b>INSURER B:</b>
	<b>INSURER C:</b>
	<b>INSURER D:</b>
	<b>INSURER E:</b>
	<b>INSURER F:</b>

**INSURED**  
Michigan Automatic Sprinkler Co.  
4350 Pineview Dr Ste A  
Commerce Twp, MI 48390

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

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <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"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER	X		CPJ9068795	12/01/2021	12/01/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	X		CCJ9354234	12/01/2021	12/01/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> <b>UMBRELLA LIAB</b> <input type="checkbox"/> EXCESS LIAB DED \$ RETENTION \$			CXJ9068795	12/01/2021	12/01/2022	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
A	<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	1000010322	12/01/2021	12/01/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER 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)

**CERTIFICATE HOLDER****CANCELLATION**

CITYB-3

City of Birmingham  
151 Martin Street  
Birmingham, MI 48009

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

AUTHORIZED REPRESENTATIVE  
Peter Wilson

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**NOTEPAD:**

HOLDER CODE CITYB-3  
INSURED'S NAME Michigan Automatic Sprinkler

MICHI-5  
OP ID: SS

PAGE 2  
Date 03/04/2022

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.



## Municipal References

### City of Novi

Matt Turco | Parks & Municipal Property Superintendent  
Integrated Solutions Team | Parks & Municipal Grounds Maintenance Division  
45175 W. 10 Mile Rd. Novi, MI 48375 USA  
(248) 821-1080  
[mturco@cityofnovi.org](mailto:mturco@cityofnovi.org)

### Services Performed:

Winterize municipal irrigation systems- locate stop boxes, turn off water supply and evacuate water from irrigation systems with compressed air. Some installation work; when awarded

### Commerce Twp. DDA:

Debbie Watson; DDA Director,  
CTPA President  
Recording Secretary  
Charter Township of Commerce  
Downtown Development Authority  
2009 Township Drive  
Commerce Township, MI 48390  
C: 248-961-6352  
O: 248-960-7025  
[dwatson@commercetwp.com](mailto:dwatson@commercetwp.com)

### Services Performed:

Winterize municipal irrigation systems- locate stop boxes, turn off water supply and evacuate water from irrigation systems with compressed air.

### City of Southfield:

Kost Kapchonick  
26000 Evergreen Rd. Southfield, Mi. 48076  
(248) 821-1080  
[kkapchonick@cityofsouthfield.com](mailto:kkapchonick@cityofsouthfield.com)

### Services Performed:

Winterize municipal irrigation systems- locate stop boxes, turn off water supply and evacuate water from irrigation systems with compressed air.

4350 Pineview Drive | Suite A | Commerce, Michigan | 48390  
+248-669-1100 p | +248-669-4152 f  
[www.michiganautomatic.com](http://www.michiganautomatic.com)



## 2022 Schedule

Michigan Automatic Sprinkler can meet all the schedule requirements put forth by the city for the 33 locations as described in the associated RFP and bid documents.

- Start Ups will be completed by April 30, 2022 as described in the bid documents
- Winterizations will be completed by October 30, 2022 as described in the bid documents

**ATTACHMENT B - BIDDER'S AGREEMENT**  
**For Irrigation Services – City of Birmingham, MI**

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

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

Irwin Schaefer 2/24/2022  
PREPARED BY DATE  
(Print Name)

Saks & Project Manager  
TITLE DATE

Irwin Schaefer ischaefer@miautosprinkler.com  
AUTHORIZED SIGNATURE E-MAIL ADDRESS

Michigan Automatic Sprinkler Co., Inc.  
COMPANY

4350 Pinoview Drive Suite A-  
Commerce Twp, MI 48390 (248)669-1100  
ADDRESS PHONE

NAME OF PARENT COMPANY PHONE

ADDRESS

## **ATTACHMENT C - COST PROPOSAL**

### **For "Irrigation Services - City of Birmingham, MI"**

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

***Attach technical specifications for all proposed materials as outlined in the Contractor's Responsibilities section of the RFP (p. 6)***

**COST PROPOSAL  
CONTRACT YEAR 2022**

	System Location	Controller #	# Of Zones	Start-Up Price	Winterize Price	Total (not including repairs, etc.)
1	City Hall (151 Martin St)	1	11 zones	\$ 170 <sup>00</sup>	\$ 170 <sup>00</sup>	\$ 340 <sup>00</sup>
		2	2 zones	\$ 50 <sup>00</sup>	\$ 50 <sup>00</sup>	\$ 100 <sup>00</sup>
2	Peabody Structure (222 Peabody St)	1	1 zone	\$ 50 <sup>00</sup>	\$ 50 <sup>00</sup>	\$ 100 <sup>00</sup>
		2	1 zone	\$ 50 <sup>00</sup>	\$ 50 <sup>00</sup>	\$ 100 <sup>00</sup>
3	Brown St./Old Woodward (NE Corner)	1	1 zone	\$ 85 <sup>00</sup>	\$ 85 <sup>00</sup>	\$ 170 <sup>00</sup>
4	Pierce Structure (333 Pierce St)	1	7 zones	\$ 100 <sup>00</sup>	\$ 100 <sup>00</sup>	\$ 200 <sup>00</sup>
		2	12 zones	\$ 150 <sup>00</sup>	\$ 150 <sup>00</sup>	\$ 300 <sup>00</sup>
5	Chester Structure (180 Chester St)	1	14 zones	\$ 150 <sup>00</sup>	\$ 150 <sup>00</sup>	\$ 300 <sup>00</sup>
6	Maple/Southfield Triangle Island	1	2 zone	\$ 50 <sup>00</sup>	\$ 50 <sup>00</sup>	\$ 100 <sup>00</sup>
7	Martha Baldwin Park (637 W Maple)	1	3 zones	\$ 75 <sup>00</sup>	\$ 75 <sup>00</sup>	\$ 150 <sup>00</sup>
8	Ice Arena (2300 E Lincoln)	1	2 zones	\$ 100 <sup>00</sup>	\$ 100 <sup>00</sup>	\$ 200 <sup>00</sup>
9	Kenning Ballfields (2300 E Lincoln)	1	10 zones	\$ 175 <sup>00</sup>	\$ 175 <sup>00</sup>	\$ 350 <sup>00</sup>
10	Shain Park (270 W Merrill)	1	9 zones	\$ 105 <sup>00</sup>	\$ 105 <sup>00</sup>	\$ 210 <sup>00</sup>
		2	11 zones	\$ 120 <sup>00</sup>	\$ 120 <sup>00</sup>	\$ 240 <sup>00</sup>

11	Park St. Structure – Oakland Islands (between Ferndale & Woodward Ave)	1	11 Zones	\$ 150 <sup>00</sup>	\$ 150 <sup>00</sup>	\$ 300 <sup>00</sup>
12	Oakland Islands West Clock (between Ferndale & Old Woodward)	1	7 zones	\$ 105 <sup>00</sup>	\$ 105 <sup>00</sup>	\$ 210 <sup>00</sup>
13	DPS (851 S Eton)	1	9 zones	\$ 105 <sup>00</sup>	\$ 105 <sup>00</sup>	\$ 210 <sup>00</sup>
14	N Eton/Maple (NW Corner)	1	5 zones	\$ 105 <sup>00</sup>	\$ 105 <sup>00</sup>	\$ 210 <sup>00</sup>
15	Woodward Structure (333 N Old Woodward)	1	1 zones	\$ 105 <sup>00</sup>	\$ 105 <sup>00</sup>	\$ 210 <sup>00</sup>
16	Lot #9 (SW Corner Park and Hamilton)	1	3 zones	\$ 105 <sup>00</sup>	\$ 105 <sup>00</sup>	\$ 210 <sup>00</sup>
17	Lot #6 (660 N Old Woodward)	1	4 zones	\$ 105 <sup>00</sup>	\$ 105 <sup>00</sup>	\$ 210 <sup>00</sup>
18	Birmingham Museum/Allen House (556 W Maple)	1	12 zones	\$ 125 <sup>00</sup>	\$ 125 <sup>00</sup>	\$ 250 <sup>00</sup>
19	N. Old Woodward Islands  (Between Oak and Oakland)	1	5 zones	\$ 85 <sup>00</sup>	\$ 85 <sup>00</sup>	\$ 170 <sup>00</sup>
		2	5 zones	\$ 85 <sup>00</sup>	\$ 85 <sup>00</sup>	\$ 170 <sup>00</sup>
		10 NODE	Baskets	\$ 100 <sup>00</sup>	\$ 100 <sup>00</sup>	\$ 200 <sup>00</sup>



20	Booth Park (SW Corner Harmon and N Old Woodward)	1	7 zones	\$ 85 <sup>00</sup>	\$ 85 <sup>00</sup>	\$ 170 <sup>00</sup>
		2	15 zones	\$ 145 <sup>00</sup>	\$ 145 <sup>00</sup>	\$ 290 <sup>00</sup>
21	Woodward Medians (Oakland Ave to Brown St)	1	12 zones	\$ 140 <sup>00</sup>	\$ 140 <sup>00</sup>	\$ 280 <sup>00</sup>
		2	10 zones	\$ 140 <sup>00</sup>	\$ 140 <sup>00</sup>	\$ 280 <sup>00</sup>
22	Barnum Park (746 Purdy)	1	12 zones	\$ 150 <sup>00</sup>	\$ 150 <sup>00</sup>	\$ 300 <sup>00</sup>
		2	12 Zones	\$ 150 <sup>00</sup>	\$ 150 <sup>00</sup>	\$ 300 <sup>00</sup>
		3	11 zones	\$ 125 <sup>00</sup>	\$ 125 <sup>00</sup>	\$ 250 <sup>00</sup>
		4	1 zone	\$ 25 <sup>00</sup>	\$ 25 <sup>00</sup>	\$ 50 <sup>00</sup>
		5	1 zone	\$ 25 <sup>00</sup>	\$ 25 <sup>00</sup>	\$ 50 <sup>00</sup>
23	Maple/Chester (NW Corner)	1	4 zones	\$ 85 <sup>00</sup>	\$ 85 <sup>00</sup>	\$ 170 <sup>00</sup>
24	Median Island (N of Lincoln along WW)	1	4 zones	\$ 85 <sup>00</sup>	\$ 85 <sup>00</sup>	\$ 170 <sup>00</sup>
25	Bus Stop Median Island (S. of Lincoln WW)	1	4 zones	\$ 85 <sup>00</sup>	\$ 85 <sup>00</sup>	\$ 170 <sup>00</sup>
26	Martinizing Corner (SW Corner Lincoln/WW)	1	3 zones	\$ 85 <sup>00</sup>	\$ 85 <sup>00</sup>	\$ 170 <sup>00</sup>
27	Baldwin Library (330 W Merrill)	1	9 zones	\$ 115 <sup>00</sup>	\$ 115 <sup>00</sup>	\$ 220 <sup>00</sup>
28	Adams Fire Station (572 S Adams)	1	10 zones	\$ 140 <sup>00</sup>	\$ 140 <sup>00</sup>	\$ 280 <sup>00</sup>

29	Chesterfield Fire Station (1600 W Maple)	1	9 zones	\$ 125 <sup>00</sup>	\$ 125 <sup>00</sup>	\$ 250 <sup>00</sup>
		2	3 zones	\$ 50 <sup>00</sup>	\$ 50 <sup>00</sup>	\$ 100 <sup>00</sup>
30	Greenwood Cemetery (N of Oak at Greenwood St)	0	14 spigots	N/A	\$ 105 <sup>00</sup>	\$ 105 <sup>00</sup>
31	Business District – East Maple (Old Woodward to Woodward Ave)	1	20 zones (2 wire system)	\$ 195 <sup>00</sup>	\$ 195 <sup>00</sup>	\$ 390 <sup>00</sup>
32	Business District – West Maple (Old Woodward to Chester St)	1	24 zones (2 wire system)	\$ 225 <sup>00</sup>	\$ 225 <sup>00</sup>	\$ 450 <sup>00</sup>
33	Business District – Old Woodward (Brown St to Oakland Ave)	1	27 zones (2 wire system)	\$ 250 <sup>00</sup>	\$ 250 <sup>00</sup>	\$ 500 <sup>00</sup>
TOTAL COST				\$ 5040 <sup>00</sup>	\$ 5,145 <sup>00</sup>	2022 Total: \$ 10,185 <sup>00</sup>

Firm Name Michigan Automatic Sprinkler Co., Inc.

Authorized signature [Signature] Date 2/24/2022

	2022 Labor Services	Hourly Rate
	Repairs <i>Technician</i>	<i>84<sup>00</sup></i>
	Routine Maintenance	<i>84<sup>00</sup></i>
	Design	<i>84<sup>00</sup></i>
	Installation <i>(5 men)</i>	<i>325<sup>00</sup></i>
	Other <i>Technician</i> <i>1 plus Assistant</i>	<i>132<sup>00</sup></i>
	Other 2	
	Other 3	

*Foreman plus (4)*

	2022 Replacement Parts	Cost
	Rotor Heads	<i>28<sup>00</sup></i>
	4" Pop-Up Mist Head w/nozzle	<i>12<sup>00</sup></i>
	6" Pop-Up Mist Head w/ nozzle	<i>18<sup>00</sup></i>
	12" Pop-Up Mist Head w/nozzle	<i>24<sup>00</sup></i>
	VAN Nozzle	<i>4<sup>00</sup></i>
	Oetiker Clamp	<i>1<sup>00</sup></i>
	1" Electric Valve	<i>35<sup>00</sup></i>
	1 1/2" Electric Valve	<i>105<sup>00</sup></i>
	2" Electric Valve	<i>150<sup>00</sup></i>
	1" Sprinkler Pipe (per linear foot)	<i>1<sup>50</sup></i>
	1/2" Swing Pipe (per linear foot)	<i>.60</i>

Firm Name *Michigan Automatic Sprinkler Co. Inc.*

Authorized signature *[Signature]* Date *2/24/2022*

**COST PROPOSAL  
CONTRACT YEAR 2023**

	<b>System Location</b>	<b>Controller #</b>	<b># Of Zones</b>	<b>Start-Up Price</b>	<b>Winterize Price</b>	<b>Total (not including repairs, etc.)</b>
<b>1</b>	City Hall (151 Martin St)	1	11 zones	\$ <u>175<sup>00</sup></u>	\$ <u>175<sup>00</sup></u>	\$ <u>350<sup>00</sup></u>
		2	2 zones	\$ <u>55<sup>00</sup></u>	\$ <u>55<sup>00</sup></u>	\$ <u>110<sup>00</sup></u>
<b>2</b>	Peabody Structure (222 Peabody St)	1	1 zone	\$ <u>55<sup>00</sup></u>	\$ <u>55<sup>00</sup></u>	\$ <u>110<sup>00</sup></u>
		2	1 zone	\$ <u>55<sup>00</sup></u>	\$ <u>55<sup>00</sup></u>	\$ <u>110<sup>00</sup></u>
<b>3</b>	Brown St./Old Woodward (NE Corner)	1	1 zone	\$ <u>90<sup>00</sup></u>	\$ <u>90<sup>00</sup></u>	\$ <u>180<sup>00</sup></u>
<b>4</b>	Pierce Structure (333 Pierce St)	1	7 zones	\$ <u>105<sup>00</sup></u>	\$ <u>105<sup>00</sup></u>	\$ <u>210<sup>00</sup></u>
		2	12 zones	\$ <u>155<sup>00</sup></u>	\$ <u>155<sup>00</sup></u>	\$ <u>310<sup>00</sup></u>
<b>5</b>	Chester Structure (180 Chester St)	1	14 zones	\$ <u>160<sup>00</sup></u>	\$ <u>160<sup>00</sup></u>	\$ <u>320<sup>00</sup></u>
<b>6</b>	Maple/Southfield Triangle Island	1	2 zone	\$ <u>55<sup>00</sup></u>	\$ <u>55<sup>00</sup></u>	\$ <u>110<sup>00</sup></u>
<b>7</b>	Martha Baldwin Park (637 W Maple)	1	3 zones	\$ <u>80<sup>00</sup></u>	\$ <u>80<sup>00</sup></u>	\$ <u>160<sup>00</sup></u>
<b>8</b>	Ice Arena (2300 E Lincoln)	1	2 zones	\$ <u>100<sup>00</sup></u>	\$ <u>100<sup>00</sup></u>	\$ <u>200<sup>00</sup></u>
<b>9</b>	Kenning Ballfields (2300 E Lincoln)	1	10 zones	\$ <u>180<sup>00</sup></u>	\$ <u>180<sup>00</sup></u>	\$ <u>360<sup>00</sup></u>

10	Shain Park (270 W Merrill)	1	9 zones	\$ 105 <sup>00</sup>	\$ 105 <sup>00</sup>	\$ 210 <sup>00</sup>
		2	11 zones	\$ 125 <sup>00</sup>	\$ 125 <sup>00</sup>	\$ 250 <sup>00</sup>
11	Park St. Structure – Oakland Islands (between Ferndale & Woodward Ave)	1	11 Zones	\$ 155 <sup>00</sup>	\$ 155 <sup>00</sup>	\$ 310 <sup>00</sup>
12	Oakland Islands West Clock (between Ferndale & Old Woodward)	1	7 zones	\$ 105 <sup>00</sup>	\$ 105 <sup>00</sup>	\$ 210 <sup>00</sup>
13	DPS (851 S Eton)	1	9 zones	\$ 110 <sup>00</sup>	\$ 110 <sup>00</sup>	\$ 220 <sup>00</sup>
14	N Eton/Maple (NW Corner)	1	5 zones	\$ 105 <sup>00</sup>	\$ 105 <sup>00</sup>	\$ 210 <sup>00</sup>
15	Woodward Structure (333 N Old Woodward)	1	1 zones	\$ 105 <sup>00</sup>	\$ 105 <sup>00</sup>	\$ 210 <sup>00</sup>
16	Lot #9 (SW Corner Park and Hamilton)	1	3 zones	\$ 105 <sup>00</sup>	\$ 105 <sup>00</sup>	\$ 210 <sup>00</sup>
17	Lot #6 (660 N Old Woodward)	1	4 zones	\$ 105 <sup>00</sup>	\$ 105 <sup>00</sup>	\$ 210 <sup>00</sup>
18	Birmingham Museum/Allen House (556 W Maple)	1	12 zones	\$ 130 <sup>00</sup>	\$ 130 <sup>00</sup>	\$ 260 <sup>00</sup>

19	N. Old Woodward Islands (Between Oak and Oakland)	1	5 zones	\$ 90 <sup>00</sup>	\$ 90 <sup>00</sup>	\$ 180 <sup>00</sup>
		2	5 zones	\$ 90 <sup>00</sup>	\$ 90 <sup>00</sup>	\$ 180 <sup>00</sup>
		10 NODE	Baskets	\$ 100 <sup>00</sup>	\$ 100 <sup>00</sup>	\$ 200 <sup>00</sup>
20	Booth Park (SW Corner Harmon and N Old Woodward)	1	7 zones	\$ 90 <sup>00</sup>	\$ 90 <sup>00</sup>	\$ 180 <sup>00</sup>
		2	15 zones	\$ 150 <sup>00</sup>	\$ 150 <sup>00</sup>	\$ 300 <sup>00</sup>
21	Woodward Medians (Oakland Ave to Brown St)	1	12 zones	\$ 145 <sup>00</sup>	\$ 145 <sup>00</sup>	\$ 290 <sup>00</sup>
		2	10 zones	\$ 145 <sup>00</sup>	\$ 145 <sup>00</sup>	\$ 290 <sup>00</sup>
22	Barnum Park (746 Purdy)	1	12 zones	\$ 155 <sup>00</sup>	\$ 155 <sup>00</sup>	\$ 310 <sup>00</sup>
		2	12 Zones	\$ 155 <sup>00</sup>	\$ 155 <sup>00</sup>	\$ 310 <sup>00</sup>
		3	11 zones	\$ 130 <sup>00</sup>	\$ 130 <sup>00</sup>	\$ 260 <sup>00</sup>
		4	1 zone	\$ 25 <sup>00</sup>	\$ 25 <sup>00</sup>	\$ 50 <sup>00</sup>
		5	1 zone	\$ 25 <sup>00</sup>	\$ 25 <sup>00</sup>	\$ 50 <sup>00</sup>
23	Maple/Chester (NW Corner)	1	4 zones	\$ 90 <sup>00</sup>	\$ 90 <sup>00</sup>	\$ 180 <sup>00</sup>
24	Median Island (N of Lincoln along WW)	1	4 zones	\$ 90 <sup>00</sup>	\$ 90 <sup>00</sup>	\$ 180 <sup>00</sup>
25	Bus Stop Median Island (S. of Lincoln WW)	1	4 zones	\$ 90 <sup>00</sup>	\$ 90 <sup>00</sup>	\$ 180 <sup>00</sup>
26	Martinizing Corner (SW Corner Lincoln/WW)	1	3 zones	\$ 90 <sup>00</sup>	\$ 90 <sup>00</sup>	\$ 180 <sup>00</sup>
27	Baldwin Library (330 W Merrill)	1	9 zones	\$ 125 <sup>00</sup>	\$ 125 <sup>00</sup>	\$ 250 <sup>00</sup>

28	Adams Fire Station (572 S Adams)	1	10 zones	\$ 140 <sup>00</sup>	\$ 140 <sup>00</sup>	\$ 280 <sup>00</sup>
29	Chesterfield Fire Station (1600 W Maple)	1	9 zones	\$ 125 <sup>00</sup>	\$ 125 <sup>00</sup>	\$ 250 <sup>00</sup>
		2	3 zones	\$ 50 <sup>00</sup>	\$ 50 <sup>00</sup>	\$ 100 <sup>00</sup>
30	Greenwood Cemetery  (N of Oak at Greenwood St)	0	14 spigots	N/A	\$ 105 <sup>00</sup>	\$ 105 <sup>00</sup>
31	Business District – East Maple (Old Woodward to Woodward Ave)	1	20 zones (2 wire system)	\$ 200 <sup>00</sup>	\$ 200 <sup>00</sup>	\$ 400 <sup>00</sup>
32	Business District – West Maple (Old Woodward to Chester St)	1	24 zones (2 wire system)	\$ 235 <sup>00</sup>	\$ 235 <sup>00</sup>	\$ 470 <sup>00</sup>
33	Business District – Old Woodward (Brown St to Oakland Ave)	1	27 zones (2 wire system)	\$ 260 <sup>00</sup>	\$ 260 <sup>00</sup>	\$ 520 <sup>00</sup>
TOTAL COST				\$ 5,310 <sup>00</sup>	\$ 5,315 <sup>00</sup>	2023 Total: \$ 10,525 <sup>00</sup>

Firm Name Michigan Automatic Sprinkler Co., Inc.

Authorized signature [Signature] Date 2/24/2022

	2023 Labor Services	Hourly Rate
	Repairs - Technician	88 <sup>00</sup>
	Routine Maintenance	88 <sup>00</sup>
	Design	88 <sup>00</sup>
	Installation (5 Men)	340 <sup>00</sup>
	Other Technician 1 plus Assistant	140 <sup>00</sup>
	Other 2	
	Other 3	

Foreman plus (4)

	2023 Replacement Parts	Cost
	Rotor Heads	30 <sup>00</sup>
	4" Pop-Up Mist Head w/nozzle	13 <sup>00</sup>
	6" Pop-Up Mist Head w/nozzle	19 <sup>00</sup>
	12" Pop-Up Mist Head w/nozzle	25 <sup>00</sup>
	VAN Nozzle	4 <sup>00</sup>
	Oetiker Clamp	1 <sup>00</sup>
	1" Electric Valve	36 <sup>00</sup>
	1 ½" Electric Valve	110 <sup>00</sup>
	2" Electric Valve	160 <sup>00</sup>
	1" Sprinkler Pipe (per linear foot)	2 <sup>00</sup>
	½" Swing Pipe (per linear foot)	.75

Firm Name Michigan Automatic Sprinkler Co., Inc

Authorized signature [Signature] Date 2/24/2022



**COST PROPOSAL  
CONTRACT YEAR 2024**

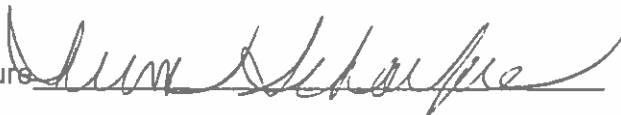
	System Location	Controller #	# Of Zones	Start-Up Price	Winterize Price	Total (not including repairs, etc.)
1	City Hall (151 Martin St)	1	11 zones	\$ 180 <sup>00</sup>	\$ 180 <sup>00</sup>	\$ 360 <sup>00</sup>
		2	2 zones	\$ 60 <sup>00</sup>	\$ 60 <sup>00</sup>	\$ 120 <sup>00</sup>
2	Peabody Structure (222 Peabody St)	1	1 zone	\$ 60 <sup>00</sup>	\$ 60 <sup>00</sup>	\$ 120 <sup>00</sup>
		2	1 zone	\$ 60 <sup>00</sup>	\$ 60 <sup>00</sup>	\$ 120 <sup>00</sup>
3	Brown St./Old Woodward (NE Corner)	1	1 zone	\$ 90 <sup>00</sup>	\$ 90 <sup>00</sup>	\$ 180 <sup>00</sup>
4	Pierce Structure (333 Pierce St)	1	7 zones	\$ 105 <sup>00</sup>	\$ 105 <sup>00</sup>	\$ 210 <sup>00</sup>
		2	12 zones	\$ 155 <sup>00</sup>	\$ 155 <sup>00</sup>	\$ 310 <sup>00</sup>
5	Chester Structure (180 Chester St)	1	14 zones	\$ 165 <sup>00</sup>	\$ 165 <sup>00</sup>	\$ 330 <sup>00</sup>
6	Maple/Southfield Triangle Island	1	2 zone	\$ 60 <sup>00</sup>	\$ 60 <sup>00</sup>	\$ 120 <sup>00</sup>
7	Martha Baldwin Park (637 W Maple)	1	3 zones	\$ 85 <sup>00</sup>	\$ 85 <sup>00</sup>	\$ 170 <sup>00</sup>
8	Ice Arena (2300 E Lincoln)	1	2 zones	\$ 100 <sup>00</sup>	\$ 100 <sup>00</sup>	\$ 200 <sup>00</sup>
9	Kenning Ballfields (2300 E Lincoln)	1	10 zones	\$ 180 <sup>00</sup>	\$ 180 <sup>00</sup>	\$ 360 <sup>00</sup>
10	Shain Park (270 W Merrill)	1	9 zones	\$ 110 <sup>00</sup>	\$ 110 <sup>00</sup>	\$ 220 <sup>00</sup>
		2	11 zones	\$ 130 <sup>00</sup>	\$ 130 <sup>00</sup>	\$ 260 <sup>00</sup>

11	Park St. Structure – Oakland Islands (between Ferndale & Woodward Ave)	1	11 Zones	\$ 160 <sup>00</sup>	\$ 160 <sup>00</sup>	\$ 320 <sup>00</sup>
12	Oakland Islands West Clock (between Ferndale & Old Woodward)	1	7 zones	\$ 110 <sup>00</sup>	\$ 110 <sup>00</sup>	\$ 220 <sup>00</sup>
13	DPS (851 S Eton)	1	9 zones	\$ 110 <sup>00</sup>	\$ 110 <sup>00</sup>	\$ 220 <sup>00</sup>
14	N Eton/Maple (NW Corner)	1	5 zones	\$ 110 <sup>00</sup>	\$ 110 <sup>00</sup>	\$ 220 <sup>00</sup>
15	Woodward Structure (333 N Old Woodward)	1	1 zones	\$ 110 <sup>00</sup>	\$ 110 <sup>00</sup>	\$ 220 <sup>00</sup>
16	Lot #9 (SW Corner Park and Hamilton)	1	3 zones	\$ 110 <sup>00</sup>	\$ 110 <sup>00</sup>	\$ 220 <sup>00</sup>
17	Lot #6 (660 N Old Woodward)	1	4 zones	\$ 110 <sup>00</sup>	\$ 110 <sup>00</sup>	\$ 220 <sup>00</sup>
18	Birmingham Museum/Allen House (556 W Maple)	1	12 zones	\$ 135 <sup>00</sup>	\$ 135 <sup>00</sup>	\$ 270 <sup>00</sup>
19	N. Old Woodward Islands  (Between Oak and Oakland)	1	5 zones	\$ 90 <sup>00</sup>	\$ 90 <sup>00</sup>	\$ 180 <sup>00</sup>
		2	5 zones	\$ 90 <sup>00</sup>	\$ 90 <sup>00</sup>	\$ 180 <sup>00</sup>
		10 NODE	Baskets	\$ 100 <sup>00</sup>	\$ 100 <sup>00</sup>	\$ 200 <sup>00</sup>

20	Booth Park (SW Corner Harmon and N Old Woodward)	1	7 zones	\$ 95 <sup>00</sup>	\$ 95 <sup>00</sup>	\$ 190 <sup>00</sup>
		2	15 zones	\$ 160 <sup>00</sup>	\$ 160 <sup>00</sup>	\$ 320 <sup>00</sup>
21	Woodward Medians (Oakland Ave to Brown St)	1	12 zones	\$ 150 <sup>00</sup>	\$ 150 <sup>00</sup>	\$ 300 <sup>00</sup>
		2	10 zones	\$ 150 <sup>00</sup>	\$ 150 <sup>00</sup>	\$ 300 <sup>00</sup>
22	Barnum Park (746 Purdy)	1	12 zones	\$ 160 <sup>00</sup>	\$ 160 <sup>00</sup>	\$ 320 <sup>00</sup>
		2	12 Zones	\$ 160 <sup>00</sup>	\$ 160 <sup>00</sup>	\$ 320 <sup>00</sup>
		3	11 zones	\$ 130 <sup>00</sup>	\$ 130 <sup>00</sup>	\$ 260 <sup>00</sup>
		4	1 zone	\$ 25 <sup>00</sup>	\$ 25 <sup>00</sup>	\$ 50 <sup>00</sup>
		5	1 zone	\$ 25 <sup>00</sup>	\$ 25 <sup>00</sup>	\$ 50 <sup>00</sup>
23	Maple/Chester (NW Corner)	1	4 zones	\$ 90 <sup>00</sup>	\$ 90 <sup>00</sup>	\$ 180 <sup>00</sup>
24	Median Island (N of Lincoln along WW)	1	4 zones	\$ 90 <sup>00</sup>	\$ 90 <sup>00</sup>	\$ 180 <sup>00</sup>
25	Bus Stop Median Island (S. of Lincoln WW)	1	4 zones	\$ 90 <sup>00</sup>	\$ 90 <sup>00</sup>	\$ 180 <sup>00</sup>
26	Martinizing Corner (SW Corner Lincoln/WW)	1	3 zones	\$ 90 <sup>00</sup>	\$ 90 <sup>00</sup>	\$ 180 <sup>00</sup>
27	Baldwin Library (330 W Merrill)	1	9 zones	\$ 130 <sup>00</sup>	\$ 130 <sup>00</sup>	\$ 260 <sup>00</sup>
28	Adams Fire Station (572 S Adams)	1	10 zones	\$ 150 <sup>00</sup>	\$ 150 <sup>00</sup>	\$ 300 <sup>00</sup>

29	Chesterfield Fire Station (1600 W Maple)	1	9 zones	\$ 130 <sup>00</sup>	\$ 130 <sup>00</sup>	\$ 260 <sup>00</sup>
		2	3 zones	\$ 50 <sup>00</sup>	\$ 50 <sup>00</sup>	\$ 100 <sup>00</sup>
30	Greenwood Cemetery (N of Oak at Greenwood St)	0	14 spigots	N/A	\$ 105 <sup>00</sup>	\$ 105 <sup>00</sup>
31	Business District – East Maple (Old Woodward to Woodward Ave)	1	20 zones (2 wire system)	\$ 210 <sup>00</sup>	\$ 210 <sup>00</sup>	\$ 420 <sup>00</sup>
32	Business District – West Maple (Old Woodward to Chester St)	1	24 zones (2 wire system)	\$ 245 <sup>00</sup>	\$ 245 <sup>00</sup>	\$ 490 <sup>00</sup>
33	Business District – Old Woodward (Brown St to Oakland Ave)	1	27 zones (2 wire system)	\$ 275 <sup>00</sup>	\$ 275 <sup>00</sup>	\$ 550 <sup>00</sup>
TOTAL COST				\$ 5,380 <sup>00</sup>	\$ 5,485 <sup>00</sup>	2024 Total: \$ 10,865 <sup>00</sup>

Firm Name Michigan Automatic Sprinkler Co., Inc.

Authorized signature  Date 2/24/2022

	2024 Labor Services	Hourly Rate
	Repairs <i>Technician</i>	<i>96<sup>00</sup></i>
	Routine Maintenance	<i>96<sup>00</sup></i>
	Design	<i>96<sup>00</sup></i>
	Installation ( <i>5 Men</i> )	<i>360<sup>00</sup></i>
	Other <i>Technician</i> <i>1 plus Assistant</i>	<i>152<sup>00</sup></i>
	Other 2	
	Other 3	

*Foreman plus (4)*

	2024 Replacement Parts	Cost
	Rotor Heads	<i>32<sup>00</sup></i>
	4" Pop-Up Mist Head w/nozzle	<i>14<sup>00</sup></i>
	6" Pop-Up Mist Head w/nozzle	<i>20<sup>00</sup></i>
	12" Pop-Up Mist Head w/nozzle	<i>26<sup>00</sup></i>
	VAN Nozzle	<i>4<sup>00</sup></i>
	Oetiker Clamp	<i>1<sup>00</sup></i>
	1" Electric Valve	<i>38<sup>00</sup></i>
	1 ½" Electric Valve	<i>120<sup>00</sup></i>
	2" Electric Valve	<i>175<sup>00</sup></i>
	1" Sprinkler Pipe (per linear foot)	<i>2<sup>50</sup></i>
	½" Swing Pipe (per linear foot)	<i>1<sup>00</sup></i>

Firm Name *Michigan Automatic Sprinkler Co., Inc.*

Authorized signature *Dawn Sklar* Date *2/24/2022*

**ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM**  
**For Irrigation Services – City of Birmingham, MI**

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

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

Trwin Schaefer February 24, 2022  
PREPARED BY DATE

(Print Name)

Sales & Project Manager  
TITLE DATE

Trwin Schaefer ischaefer@miautosprinkler.com  
AUTHORIZED SIGNATURE E-MAIL ADDRESS

Michigan Automatic Sprinkler Co. Inc.  
COMPANY

4350 Pineview Drive Suite A.  
Commerce Twp, MI 48390 (248) 669-1100  
ADDRESS PHONE

N/A  
NAME OF PARENT COMPANY PHONE

ADDRESS

38-2808496  
TAXPAYER I.D.#

Name: Progressive Irrigation

	2022	2023	2024
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<b>Start Up:</b>	\$3,498.50	\$3,498.50	\$3,498.50
<b>Winterization:</b>	\$3,735.00	\$3,735.00	\$3,735.00

**Repair Services/  
Hourly Rate**

Repairs	\$75.00	\$75.00	\$75.00
Routine Maintenance	\$75.00	\$75.00	\$75.00
Design	\$75.00	\$75.00	\$75.00
Installation	\$75.00	\$75.00	\$75.00

**Replacement Parts**

Rotor Heads	\$37.50	\$37.50	\$37.50
4" Pop-up Mist Head w/ Nozzle	\$17.50	\$17.50	\$17.50
6" Pop-up Mist Head w/Nozzle	\$19.50	\$19.50	\$19.50
12" Pop-up Mist Head w/ Nozzle	\$21.50	\$21.50	\$21.50
VAN Nozzle	\$3.50	\$3.50	\$3.50
Oetiker Clamp	\$1.75	\$1.75	\$1.75
1" Electric Valve	\$42.50	\$42.50	\$42.50
1 1/2" Electric Valve	\$67.50	\$67.50	\$67.50
2" Electric Valve	\$89.25	\$89.25	\$89.25
1" Sprinkler Pipe (lf)	\$1.25	\$1.25	\$1.25
.5" Swing Pipe (lf)	\$0.75	\$0.75	\$0.75

Name: Techseven Company

	2022	2023	2024
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<b>Start Up:</b>	\$3,700.00	\$3,700.00	\$3,700.00
<b>Winterization:</b>	\$3,700.00	\$3,700.00	\$3,700.00

**Repair Services/  
Hourly Rate**

Repairs	\$50.00	\$50.00	\$50.00
Routine Maintenance	\$50.00	\$50.00	\$50.00
Design	\$50.00	\$50.00	\$50.00
Installation	\$50.00	\$50.00	\$50.00

**Replacement Parts**

Rotor Heads	\$40.00	\$40.00	\$40.00
4" Pop-up Mist Head w/ Nozzle	\$25.00	\$25.00	\$25.00
6" Pop-up Mist Head w/Nozzle	\$25.00	\$25.00	\$25.00
12" Pop-up Mist Head w/ Nozzle	\$25.00	\$25.00	\$25.00
VAN Nozzle	\$15.00	\$15.00	\$15.00
Oetiker Clamp	\$2.25	\$2.25	\$2.25
1" Electric Valve	\$58.95	\$58.95	\$58.95
1 1/2" Electric Valve	\$172.50	\$172.50	\$172.50
2" Electric Valve	\$262.50	\$262.50	\$262.50
1" Sprinkler Pipe (lf)	\$6.25	\$6.25	\$6.25
.5" Swing Pipe (lf)	\$6.25	\$6.25	\$6.25

Name: Michigan Automatic Sprinkler

**2022                      2023                      2024**

<b>Start Up:</b>	\$5,040.00	\$5,210.00	\$5,380.00
<b>Winterization:</b>	\$5,145.00	\$5,315.00	\$5,485.00

**Repair Services/  
Hourly Rate**

Repairs	\$84.00	\$88.00	\$96.00
Routine Maintenance	\$84.00	\$88.00	\$96.00
Design	\$84.00	\$88.00	\$96.00
Installation (5 mh)	\$325.00	\$340.00	\$360.00
Tech + Asst	\$132.00	\$140.00	\$152.00

**Replacement Parts**

Rotor Heads	\$28.00	\$30.00	\$32.00
4" Pop-up Mist Head w/ Nozzle	\$12.00	\$13.00	\$14.00
6" Pop-up Mist Head w/Nozzle	\$18.00	\$19.00	\$20.00
12" Pop-up Mist Head w/ Nozzle	\$24.00	\$25.00	\$26.00
VAN Nozzle	\$4.00	\$4.00	\$4.00
Oetiker Clamp	\$1.00	\$1.00	\$1.00
1" Electric Valve	\$35.00	\$36.00	\$38.00
1 1/2" Electric Valve	\$105.00	\$110.00	\$120.00
2" Electric Valve	\$150.00	\$160.00	\$175.00
1" Sprinkler Pipe (lf)	\$1.50	\$2.00	\$2.50
.5" Swing Pipe (lf)	\$0.60	\$0.75	\$1.00

Name: Xpert Lawn and Snow

**2022                      2023                      2024**

<b>Start Up:</b>	\$10,550.00	\$10,550.00	\$10,550.00
<b>Winterization:</b>	\$17,550.00	\$17,550.00	\$17,550.00

**Repair Services/  
Hourly Rate**

Repairs	\$45.00	\$45.00	\$45.00
Routine Maintenance	\$45.00	\$45.00	\$45.00
Design	\$45.00	\$45.00	\$45.00
Installation	\$45.00	\$45.00	\$45.00

**Replacement Parts**

Rotor Heads	\$25.00	\$25.00	\$25.00
4" Pop-up Mist Head w/ Nozzle	\$6.00	\$6.00	\$6.00
6" Pop-up Mist Head w/Nozzle	\$7.00	\$7.00	\$7.00
12" Pop-up Mist Head w/ Nozzle	\$12.00	\$12.00	\$12.00
VAN Nozzle	\$2.00	\$2.00	\$2.00
Oetiker Clamp	\$0.50	\$0.50	\$0.50
1" Electric Valve	\$35.00	\$35.00	\$35.00
1 1/2" Electric Valve	\$45.00	\$45.00	\$45.00
2" Electric Valve	\$80.00	\$80.00	\$80.00
1" Sprinkler Pipe (lf)	\$1.00	\$1.00	\$1.00
.5" Swing Pipe (lf)	\$0.75	\$0.75	\$0.75





## MEMORANDUM

Planning Division

**DATE:** March 28, 2022

**TO:** Thomas Markus, City Manager

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** Set Public Hearing for 100 Townsend – Rugby Grille – Special Land Use Permit, Final Site Plan & Design Review

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### INTRODUCTION:

The applicant has submitted an application for a Special Land Use Permit, Final Site Plan and Design Review for a new outdoor dining platform at an existing food and drink establishment in Downtown Birmingham. The applicant is not proposing to make any changes to the existing platform dining on public/private property, and is not requesting any interior or building façade changes at this time.

### BACKGROUND:

On March 9, 2022, the Planning Board moved to recommend approval to the City Commission the Special Land Use Permit, Final Site Plan and Design Review application for 100 Townsend with the following conditions:

1. The applicant must submit revised plans that clarify that the width of the metal awning frame will not be greater than the width of the deck (6'-6"); and
2. The applicant must comply with the requests of all City Departments.

In addition the a review at the Planning Board, the applicant was also required to submit a Design Review application to the Historic District Commission, as the proposed platform is located within the Shain Park Historic District. On February 2, 2022, the Historic District Commission approved the Design Review application with one condition:

1. The applicant obtain full approval from the City Commission prior to installation.

Finally, due to the proposed outdoor dining platforms location within public parking spaces, the proposal was reviewed by the Advisory Parking Committee (APC). On February 2, 2022, the APC moved to recommend approval to the City Commission the proposed outdoor dining platform in the Townsend right-of-way.

The Planning Division will provide the amended site and design plans addressing the Planning Board comments at the Public Hearing on April 25, 2022.

**LEGAL REVIEW:**

The City Attorney has reviewed this request and resolution and has no objections as to form and content.

**FISCAL IMPACT:**

There are no fiscal impacts for this agenda item.

**PUBLIC COMMUNICATIONS:**

As required for Special Land Use Permit and Final Site Plan Reviews, a legal ad was placed in a newspaper of local circulation to advertise the nature of the request in advance of the March 9, 2022 Planning Board meeting, and notices were sent out to all property owners and tenants within 300 ft. of the property. In addition, a second round of notices will be sent out to advertise the public hearing at the City Commission on April 25, 2022.

**SUMMARY:**

The Planning Division requests that the City Commission consider the Special Land Use Permit, Final Site Plan and Design Review application for 100 Townsend – Rugby Grille.

**ATTACHMENTS:**

Please find attached the following documents for your review:

- Special Land Use Permit Resolution
- Current Site/Design Plans
- Planning Division Reports
- Planning Board Review Site/Design Plans
- Application & Supporting Documents
- Meeting Minutes

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution to set a public hearing date of April 25, 2022 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 100 Townsend – Rugby Grille – to allow the addition of a new outdoor dining platform in the Townsend right-of-way.

**Rugby Grille/Townsend Hotel**

100 Townsend  
Special Land Use Permit 2022

WHEREAS, A Special Land Use Permit application was filed in January 2022 for approval of a new outdoor dining platform in the Townsend right-of-way at 100 Townsend;

WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the north side of Townsend, east of Henrietta and West of Pierce;

WHEREAS, The land is zoned B4, which permits the operation of food and drink establishments serving alcoholic beverages for on premise consumption with a Special Land Use Permit;

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

WHEREAS, The Advisory Parking Committee on February 2, 2022 reviewed the application for a Special Land Use Permit, Final Site Plan and Design Review and recommended approval to the City Commission to allow a new outdoor dining platform in the Townsend right-of-way and to utilize two public parking spaces;

WHEREAS, The Historic District Commission on February 2, 2022 approved a Design Review application to allow a new outdoor dining platform in the Townsend right-of-way and the Shain Park Historic District with the following condition:

1. The applicant obtain full approval from the City Commission prior to installation.

WHEREAS, The Planning Board on March 9, 2022 reviewed the application for a Special Land Use Permit, Final Site Plan and Design Review and recommended approval to the City Commission to allow a new outdoor dining platform in the Townsend right-of-way with the following conditions:

1. The applicant must submit revised plans that clarify that the width of the metal awning frame will not be greater than the width of the deck (6'-6"); and
2. The applicant must comply with the requests of all City Departments.

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

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

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that RUGBY GRILLE'S application for a Special Land Use Permit, Final Site Plan and Design Review at

100 Townsend is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to ensure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted subject to the following conditions:

1. RUGBY GRILLE shall abide by all provisions of the Birmingham City Code;
2. RUGBY GRILLE must maintain a valid Outdoor Dining Permit and enter into a Lease Agreement for the use of public property; and
3. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, RUGBY GRILLE and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of RUGBY GRILLE to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

BE FURTHER RESOLVED that RUGBY GRILLE is recommended for the operation of a new outdoor dining platform in the Townsend right-of-way, above all others, subject to final inspection.

I, Alexandria Bingham, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on April 25, 2022.

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**Alexandria Bingham**  
**City Clerk**

# **Planning Board Docs.**



## MEMORANDUM

Planning Division

**DATE:** March 4<sup>th</sup>, 2021

**TO:** Planning Board Members

**FROM:** Leah Blizinski, City Planner

**APPROVED:** Nicholas Dupuis, Planning Director

**SUBJECT:** 100 Townsend – Rugby Grille – Special Land Use Permit (SLUP),  
Final Site Plan & Design Review

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The subject site is located at 100 Townsend, on the north side of Townsend St., west of Pierce St., it is a restaurant space located within the Townsend Hotel. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant, Rugby Grille, is an existing SLUP with an existing outdoor café on public/private property and is proposing to expand the outdoor café by adding an additional outdoor dining platform in the Townsend right of way. An outdoor café is permitted in the B-4 Zoning District per Article 2.37 (C) (d). The proposed café meets the overall goals of the 2016 Plan, which is to create a more pedestrian-friendly environment.

The applicant has submitted a Special Land Use Permit and Final Site Plan/Design Review application for the expanded outdoor dining. The applicant is proposing to continue their existing 16-seat outdoor dining deck which is partially on private and partially on public property. The existing deck is located on approximately 27.8' x 4.5' (125.1 sq. ft.) of public property and 27.8' X 5.5' (152.9 sq. ft.) of private property. The applicant is proposing to add a second 16-seat, 6.5' X 41' (266.5 sq. ft.) outdoor dining platform in the street right of way (which encompasses two 6.5' X 20' parallel parking spaces). The applicant has demonstrated a minimum 5' clear sidewalk path between the existing outdoor dining section from the proposed new in-street outdoor dining section.

As the site is also in the Shain Park Historic District, the applicant was required to obtain approval from the Historic District Commission. The site plan received approval at the Historic District Commission on February 2, 2022.

In addition, the applicant was also required to obtain a recommendation from the Advisory Parking Committee regarding the use of public parking spaces. This site plan received approval from the Advisory Parking Committee on February 2, 2022.

## 1.0 Land Use and Zoning

- 1.1 Existing Land Use – The existing site is used as a hotel with an associated restaurant use with indoor and outdoor dining. No changes are proposed to the existing use. Land uses surrounding the site are retail, commercial and public property.
- 1.2 Zoning – The property is zoned B4, Business-Residential and D-4 in the Downtown Overlay District. The existing use and surrounding uses appear to conform to the permitted uses of each Zoning District.
- 1.3 Summary of Adjacent Land Use and Zoning – The following chart summarizes the existing land use and zoning adjacent to and/or in the vicinity of the subject site.

	North	South	East	West
Existing Land Use	Government Office (City Hall)	Commercial/ Retail	Parking Structure (Pierce Street Parking Garage)	Public Park (Shain Park)
Existing Zoning District	PP (Public Property)	B4 (Business-Residential)	PP (Public Property)	PP (Public Property)
Overlay Zoning District	C, Community Use	D-4, Downtown Four or Five Stories	Parking/D-3, Downtown Three or Four Stories	C, Community Use

## 2.0 Downtown Overlay District

The subject site is located on Townsend St. between Pierce and Merrill streets, in the D-4 Downtown Overlay District. The purpose of the Downtown Overlay District is in part to “encourage a form of development that will achieve the physical qualities necessary to maintain and enhance the economic vitality of Downtown Birmingham and to maintain the desired character of the City of Birmingham”. Adding temporary on-street decks can enhance street life and slow traffic by expanding and activating the sidewalk while maintaining the flow of pedestrian traffic. However, the 2016 Downtown Plan also states that when this is done “all café tables must be kept away from the restaurant’s storefront. If tables are lined up against the window, the flow of pedestrian traffic distorts.” **The Planning Board should discuss and determine which is true in the context of Townsend St. where the applicant proposes to have both**

**storefront outdoor dining and on-street deck dining with a 5' clear pedestrian path in between the two.**

A food and drink establishment is a permitted use in the B-4 zoning district and an outdoor café is a permitted accessory use. In addition, alcoholic beverage sales for on premise consumption is a permitted use requiring a Special Land Use Permit.

### **3.0 Setback and Height Requirements**

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

### **4.0 Screening and Landscaping**

- 4.1 Dumpster Screening – No changes are proposed to the dumpster screening. Trash is currently housed in an enclosure off of Pierce St.
- 4.2 Parking Lot Screening – The subject site is located within the Parking Assessment District. Therefore, no additional off-street parking facility and accompanying screening is required or proposed.
- 4.3 Mechanical Equipment Screening – The applicant is not proposing any changes to the existing rooftop mechanical units on the building.
- 4.4 Landscaping –The applicant is not proposing any new landscaping beds on site. Rather, there will be planters in the new outdoor dining area in between each of the tables and on the east and west ends of the deck outside of the railing/canopy. The planters will contain seasonal ornamental plantings such as assorted Mandevilla Climbing Vine, Verbenum and Zanzibar (ZZ Plant). None of the proposed plant species are included on the prohibited species list per Article 4, Section 4. of the Zoning Ordinance. The Mandevilla Climbing Vine is proposed to utilize a 36" high arbor lattice at the middle of the planter that will act as a divider and provide privacy between dining parties.
- 4.5 Streetscape – There are no new streetscape items proposed as a part of this Special Land Use Permit Amendment and Final Site Plan/Design Review application.

### **5.0 Parking, Loading and Circulation**



- 5.1 Parking – The subject site is located within the Parking Assessment District. Therefore, no additional off-street parking facility is required or proposed. Two on-street parallel parking spaces are proposed to be removed for the on-street outdoor dining area. The applicant received approval from the Advisory Parking Committee on February 2<sup>nd</sup>, 2022.
- 5.2 Loading – The tenant space for this use measures 4,236 sq. ft. No off-street loading spaces are required for the less than 5,000 sq. ft. commercial use.
- 5.3 Vehicular Circulation and Access – The vehicular circulation and access is proposed to remain the same as is existing. The subject site is currently accessed by vehicles on Henrietta and Pierce streets.
- 5.4 Pedestrian Circulation and Access – Pedestrians are able to access the restaurant space through a front door on Townsend St.

## 6.0 Lighting

Existing pedestrian scale street light fixtures illuminate Townsend. The applicant is not proposing additional lighting on the building façade or the existing approved outdoor dining area. The applicant is proposing battery-powered LED 2-watt table lamps as there will not be electric power supplied to the platform.

Based on a review of the specifications provided and the minimal impact of the light fixtures proposed, the Planning Division did not seek a photometric plan pursuant to Article 4, Section 4.21 (C) of the Zoning Ordinance.

Fixture	Type	Location	Lumens
Battery-powered Table Lamp	LED 2W , 8"h x 4" x 4"	Under awning on-street	100

## 7.0 Departmental Reports

- 7.1 Engineering Division – Please see attached Engineering Division comments.
- 7.2 Department of Public Services – The Department of Public Services (DPS) has no comments at this time.
- 7.3 Fire Department – Please see the attached Fire Department comments.
- 7.4 Police Department – Please see attached comment from the Police Department.

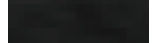





7.5 Parking Manager –The Parking Manager has no concerns at this time.

7.6 Building Division – Please see the attached Building Division comments.

## 8.0 Design Review

The applicant is not proposing any changes to the building, façade, streetscape, or existing approved outdoor dining area. For the purposes of this Special Land Use Permit, Final Site Plan and Design Review application for expanded outdoor dining at the Rugby Grille, the Planning Division will consider only the design of the proposed outdoor dining sections.

The changes specific to the proposed new outdoor dining are simple and involve a new deck platform, awning, planters, service station, and tables and chairs. A complete list of all of the new proposed materials is as follows:

Material	Location	Color
Fiberglass Resin Chairs	On-street outdoor dining chairs	
Aluminum, Resin and Polypropylene	On-street outdoor dining tables	
Steel and Aluminum	Planter boxes	
Trex Composite	On-street deck	
Power Coated Steel	Platform railings	
Sunbrella Canvas, Aluminum Frame	Awning on-street	

### Outdoor Dining

Outdoor cafes must comply with the site plan criteria as required by Article 4.44 OD-01 Outdoor Dining Standards. Outdoor cafes are permitted immediately adjacent to the principal use, subject to site plan review and the following conditions:

1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.
2. All outdoor activity must cease at the close of business or as noted in subsection 3 below.
3. When an outdoor dining area is immediately adjacent to any single-family or multiple-family residential district, all outdoor activity must cease at the close of business or 10:00 p.m., whichever is earlier.
4. Outdoor dining may be permitted on the sidewalk throughout the year with a valid Outdoor Dining License, provided that all outdoor dining fixtures and furnishings must be stored indoors each night between November 16 and March 31 to allow for snow removal.

5. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.
6. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.
7. For outdoor dining located in the public right-of-way:
  - (a) All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.
  - (b) In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.
  - (c) Outdoor dining is permitted to extend in the right-of-way in front of neighboring properties, with the written permission of the property owner(s) and with Planning Board approval, if such property is vacant or the first floor storefront(s) is/are vacant. Outdoor dining areas may extend up to 50% of the width of the neighboring lot(s) storefront(s), or up to 50% of the lot(s) frontage, if such lot is vacant.
  - (d) City Commission approval is also required for outdoor dining extensions onto neighboring property if the establishment making such a request holds a bistro license.
  - (e) An elevated, ADA compliant, enclosed platform may be erected on the street in front of an eating establishment to create an outdoor dining area from April 1 through November 15 only if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
  - (f) No such facility shall erect or install permanent fixtures in the public right-of-way.

The applicant has provided specification sheets on all products/materials to be installed. Based on the specification sheets provided for the tables and chairs, their construction appears to be comprised of polypropylene (plastic) resin. **The Planning Board should discuss the proposed tables and chairs, and determine whether or not the proposed polypropylene material may be considered a material of comparable quality to wood or metal.**

The applicant intends to serve patrons in the outdoor dining area during the same hours as the interior of the restaurant, which are 7AM-10PM 7 days a week. The proposed outdoor café is not immediately adjacent to any single-family zoned property.

The applicant proposes to install a 41' X 9' Trex composite platform on-street that will take the place of two on-street parking spaces and will be adjacent to three remaining on-street parking spaces on the east side of Townsend St. The deck will be enclosed by 3' tall primed and powder coat paint finished steel railings with brass steel tube rails on top to match the existing on the frontage outdoor dining area. An 8'6"-10'6" tall aluminum frame with Sunbrella Canvas fabric in a "Charcoal Gray" color will partially cover the deck. Aluminum "box" planters are proposed at each end of the deck and in between dining tables **The submitted plans still indicate a width of 8 ft. for the aluminum frame for the canvas shade that will be installed above the proposed deck. The applicant should submit revised plans to clarify that the width of the aluminum frame will not be greater than that of the deck at a maximum of 6'6" wide.**

## 9.0 Required Attachments

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

## 10.0 Approval Criteria

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property nor diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.

- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

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

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

## **11.0 Recommendation**

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend **APPROVAL** of the Special Land Use and Final Site Plan/Design Review application for 100 Townsend St. – Rugby Grille – subject to the following conditions:

1. The applicant must submit new specification sheets for tables/chair constructed of metal or wood, or receive approval for a material of comparable quality by the Planning Board;
2. The applicant should submit revised plans that clarify the width of the metal awning frame will not be greater than the width of the deck (6'6"); and
3. The applicant must comply with the requests of all City Departments.

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

Motion to recommend **APPROVAL** to the City Commission the Final Site Plan & Design Review application for 100 Townsend St. – Rugby Grille – subject to the following conditions:

1. The applicant must submit new specification sheets for tables/chair constructed of metal or wood, or receive approval for a material of comparable quality by the Planning Board;

2. The applicant should submit revised plans that clarify the width of the metal awning frame will not be greater than the width of the deck (6'6"); and
3. The applicant must comply with the requests of all City Departments.

**OR**

Motion to recommend **POSTPONEMENT** of the Final Site Plan & Design Review application for 100 Townsend St. – Ruby Grille – pending receipt of the following:

1. The applicant must submit new specification sheets for tables/chair constructed of metal or wood, or receive approval for a material of comparable quality by the Planning Board;
2. The applicant should submit revised plans that clarify the width of the metal awning frame will not be greater than the width of the deck (6'6"); and
3. The applicant must comply with the requests of all City Departments.

**OR**

Motion to recommend **DENIAL** to the City Commission the Final Site Plan & Design Review application for 100 Townsend St. – Rugby Grille – for the following reasons:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

### **13.0 Sample Motion Language (*Special Land Use Permit*)**

Motion to recommend **APPROVAL** to the City Commission the Special Land Use Permit application for 100 Townsend St. – Rugby Grille – subject to the following conditions:

1. The applicant must submit new specification sheets for tables/chair constructed of metal or wood, or receive approval for a material of comparable quality by the Planning Board;
2. The applicant should submit revised plans that clarify the width of the metal awning frame will not be greater than the width of the deck (6'6"); and
3. The applicant must comply with the requests of all City Departments.

**OR**

Motion to recommend **POSTPONEMENT** of the Special Land Use Permit application for 100 Townsend St. – Rugby Grille – pending receipt of the following:

1. The applicant must submit new specification sheets for tables/chair constructed of metal or wood, or receive approval for a material of comparable quality by the Planning Board;
2. The applicant should submit revised plans that clarify the width of the metal awning frame will not be greater than the width of the deck (6'6"); and
3. The applicant must comply with the requests of all City Departments.

**OR**

Motion to recommend **DENIAL** to the City Commission the Special Land Use Permit application for 100 Townsend St. – Rugby Grille – for the following reasons:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**Zoning Compliance Summary Sheet**  
**SLUP, FSP & DR**  
**100 Townsend St – Townsend Hotel – Rugby Grille**

**Existing Site:**       **4,236 s.f. (Rugby Grille space)**

**Zoning:**       B-4, Business-Residential, D-4 Overlay  
**Land Use:**   Food and drink establishment

**Existing Land Use and Zoning of Adjacent Properties:**

	North	South	East	West
<b>Existing Land Use</b>	Government Office (City Hall)	Commercial/ Retail	Parking Structure (Pierce Street Parking Garage)	Public Park (Shain Park)
<b>Existing Zoning District</b>	PP, Public Property	B-4, Business-Residential	PP, Public Property	PP, Public Property
<b>Existing Overlay Zoning</b>	C, Community Use	D-4, Downtown Four or Five Stories	D-3, Downtown Three or Four Stories / Parking	C, Community Use

**Land Area:**               existing:       1.02 acres  
                                       proposed:   1.02 acres

**Minimum Lot Area:**    required:    N/A  
                                       proposed:   N/A

**Minimum Floor Area:**   required:    600 sq ft (efficiency or one bedroom)  
   800 sq ft (two bedroom)  
   1,000 sq ft (three or more bedroom)  
                                       proposed:    N/A

**Maximum Total Floor Area:**   required:    100% for commercial/offices uses  
   proposed:   Existing

**Minimum Open Space:**   required:    N/A  
   proposed:   N/A

**Maximum Lot Coverage:**   required:    N/A  
   proposed:   N/A

**Front Setback:**         required:    0 ft



	proposed:	0 ft
<b>Side Setbacks:</b>	required:	0 ft
	proposed:	0 ft
<b>Rear Setback:</b>	required:	N/A
	proposed:	N/A
<b>Max. Bldg. Height:</b>	required:	80 ft
	proposed:	Existing
<b>Minimum Eave Height:</b>	required:	20 ft
	proposed:	Existing
<b>First Floor Ceiling:</b>	required:	N/A
	proposed:	N/A
<b>Front Entry:</b>	required:	Principal pedestrian entrances must be on frontage line.
	proposed:	Existing
<b>Parking:</b>	required:	Not required for commercial properties in Parking Assessment District
	proposed:	N/A
<b>Loading Area:</b>	required:	N/A
	proposed:	N/A
<b>Screening:</b>		
<u>Parking:</u>	required:	N/A
	proposed:	N/A
<u>AC/Mech. units:</u>	required:	N/A
	proposed:	N/A
<u>Dumpster:</u>	required:	N/A
	proposed:	N/A



Leah Blizinski &lt;lblizinski@bhamgov.org&gt;

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**Re: Voice message from Blizinski,Leah [nupointmsgid 43992]**

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**Mark Clemence** <Mclemence@bhamgov.org>

Fri, Mar 4, 2022 at 11:57 AM

To: "Blizinski,Leah" &lt;LBlizinski@bhamgov.org&gt;

Hello Leah,

I honestly do not think that it is a big deal, but my objections to the Townsend Hotel street deck being partially in the yellow curb zone are as follows:

1. It is a yellow curb zone for a reason. In this case, to allow for the safe and efficient dropping off of patrons at the front doors of the hotel.

2. It looks bad. A person may look at it and say, "Geez, the City allowed them to build the deck so large that it encroached into the yellow curb."

To fix the problem, we could simply paint over the section that the deck encroaches on the yellow curb to grey to eliminate #2 above. As to #1 above, it is a very small encroachment, so I do not think it should create an unsafe environment, but it does decrease what was previously there.

Mark H. Clemence  
Chief of Police  
Birmingham Police Department  
151 Martin St.  
Birmingham, MI. 48009  
248-530-1875



On Wed, Mar 2, 2022 at 8:45 AM Blizinski,Leah <LBlizinski@bhamgov.org> wrote:

Caller ID: ext. 1841

NuPoint Message Attachment <nupointmessage43992.mp3>



# CITY OF BIRMINGHAM FIRE DEPARTMENT

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572 SOUTH ADAMS • BIRMINGHAM, MICHIGAN 48009 • 248.530.1900 FAX 248.530.1950

## **100 Townsend Outdoor Dining Platform**

### **Updated Comments**

The following are updated preliminary comments from the Birmingham Fire Department

1. Do not block fire hydrants or fire department connections with structure.
2. Provide ABC fire extinguisher mounted to structure. Size determined by the Fire Marshal.
3. Do not impinge on traffic flow or passing on Townsend Street.
4. Provide detailed specification sheet for heating devices to Fire Marshal for review. Heating devices shall meet proper clearances for combustible materials.
5. Provide flame retardant certificate for fabric awning covering.
6. Provide maintenance plan for fabric covering.
7. This structure shall be a minimum of 3 feet away from any portion of the existing building. If this structure is within 3 feet of the existing building fire suppression shall be installed to protect this structure.

Please contact the Fire Marshal's office if there are any questions. All comments are subject to change with project plan submittals, alterations and system submittals.

Jack D. Pesha

Fire Marshal

Birmingham Fire Department

**DATE:** 3/2/2022

**TO:** Leah Blinzinski, City Planner

**FROM:** Scott D. Zielinski, Assistant City Engineer

**SUBJECT:** 100 Townsend – SLUP, FSP & DR – Review Comments

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The Engineering Department has completed a review of the drawings issued for SLUP & HDC Review dated Dec. 21, 2021.

Townsend Street is a varying width street on the south side of the Townsend Hotel. Townsend St at the proposed location is approximately 32 feet wide with 6'-6" wide parking spaces on the north side of the road. Assuming the same size parking spaces along the south side of the road provides on 9.5 foot wide lanes in each direction.

The revised drawings indicate the platform space will be limited to 6'6". The west edge of the patio has been adjusted to be outside the Valet Zone. This removes the previous overlap of the patio with a no parking area for at least 8 feet. The Proposed awning for the patio is still shown to be 8' wide at 8'-6" above the sidewalk elevation.

Given the existing road limits and conditions, and the known traffic, including but not limited to tour busses and large private busing. The Engineering Department provides the following comments;

- ~~— The Platform should not be placed in the existing no parking zone as it can cause safety risks related to turning radius of vehicles as they enter the Valet Zone, overlapping the no parking area may lead to potential risk the platform could be struck by a vehicle entering the Valet Zone. Has been addressed.~~
- ✓ The platform width should be limited to the inside dimension of the existing parking spaces (approximately 6'-6"), Has been addressed.
- ✓ Due to width of the road the awning shall not extend further into the road then the edge of the platform, as the awning would present a safety risk for a bus to come in contact with the edge of the awning if it hangs into the road. Has not been directly addressed, drawings indicate an 8' wide awning still.
- ✓ Consideration for protection to the trees in regards to awning placement (Tree's shall not be harmed to place awning). Has not been clearly addressed.
- ✓ Platform would need to be designed to allow water to travel under the structure along the curb line. Has not been clearly addressed.
- ✓ Power for lighting elements would require ADA compliant covering for cords that cross the sidewalk. Has not been clearly addressed.



Leah Blizinski &lt;lblizinski@bhamgov.org&gt;

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## 100 Townsend - SLUP, FSP & DR - Review and Comment

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**Carrie Laird** <Claird@bhamgov.org>  
To: Leah Blizinski <lblizinski@bhamgov.org>  
Cc: "Wood, Lauren" <Lwood@bhamgov.org>

Tue, Jan 18, 2022 at 12:13 PM

DPS has the following comments:

- DPS will not remove any snow that accumulates up against the deck from either plowing the street or from adjacent parking areas (unable to maneuver equipment right up close to the deck) . Owner/applicant is responsible for snow removal and salting if necessary.
- Likewise, any trash accumulation up against or surrounding the deck area is the responsibility of others as well.

Thank you!

On Tue, Jan 11, 2022 at 8:56 AM Leah Blizinski <lblizinski@bhamgov.org> wrote:

[Quoted text hidden]

--

Carrie A. Laird  
Parks & Recreation Manager  
851 S. Eton  
Birmingham, MI 48009  
248-530-1714

[Quoted text hidden]



Leah Blizinski <lblizinski@bhamgov.org>

---

## 100 Townsend - SLUP, FSP & DR - Review Requested

---

**Mark Clemence** <Mclemence@bhamgov.org>

Mon, Feb 21, 2022 at 1:43 PM

To: Leah Blizinski <lblizinski@bhamgov.org>

I am good with it except that the west end of the dining deck still appears to be inside the yellow curb zone. Not as much as before, but still inside it.

Mark H. Clemence  
Chief of Police  
Birmingham Police Department  
151 Martin St.  
Birmingham, MI. 48009  
248-530-1875



On Mon, Feb 21, 2022 at 12:08 PM Leah Blizinski <lblizinski@bhamgov.org> wrote:

[Quoted text hidden]

**CITY OF BIRMINGHAM**  
**Community Development – Building Department**  
**151 Martin Street, Birmingham, MI 48009**

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February 28, 2022

RE: SLUP Plan Review Comments  
100 Townsend, Rugby Grille Dining Deck

As requested, the Building Department has examined the plans for the proposed project referenced above. The plans were provided to the Planning Department for site plan review purposes only and present conceptual elevations and floor plans. Although the plans lack sufficient detail to perform a code review, the following comments are offered for Planning Design Review purposes and applicant consideration:

**Applicable Building Codes:**

- **2015 Michigan Building Code.** Applies to all buildings other than those regulated by the *Michigan Residential Code*.
- **2015 Michigan Mechanical Code.** (Residential requirements for mechanical construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code)
- **2018 Michigan Plumbing Code.** (Residential requirements for plumbing construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code)
- **2017 National Electrical Code along with the Michigan Part 8 Rules.** (Residential requirements for electrical construction in all detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures are contained in the Michigan Residential Code)

**Review Comments:**

1. The applicant needs to verify that the minimum number of toilet room facilities will be provided when combining both the indoor and outdoor dining occupants.



Townsend Hotel - Rugby Grill  
HDC & SLUP Review  
100 Townsend St., Birmingham, Michigan

Architect's Project Number -018-2021

## Zoning Information

### Building Area / Building Criteria

Zoning

- Zoning = B4
- Downtown Overlay District = D4
- Part of Downtown Birmingham Parking Assessment District
- Shain Park Historic District

Legal Description:  
See Site Plan - Sheet S-1



### Exterior Perspective

# Sheet Schedule

A R C H I T E C T U R A L				
●				SD 1.00 TITLE, SHEET SCHEDULE, AND ZONING INFORMATION
●				S.1 SURVEY
●				SD 1.01 SITE PLAN, LOCATION, AND SITE INFORMATION
●				SD 1.02 GROUND FLOOR PLAN + TECHNICAL DETAILS
●				SD 1.03 ELEVATIONS
●				SD 1.04 FURNITURE FIXTURES / PLANTS AND PLANTER DETAILS

# HISTORIC DISTRICT COMMISSION & SPECIAL LAND USE PLANNING REVIEW

L|Z|G  
Architects

Luckenbach|Ziegelman|Gardner  
A r c h i t e c t s

555 S. Old Woodward Ave. Suite 27L  
Birmingham, Michigan 48009

email:  
gardner-arch1@sbcglobal.net

tele:  
248.642.3990

[illegible]

sheet title:

# Title Sheet, Sheet Schedule

project:

THE TOWNSEND HOTEL  
Rugby Grill  
Exterior Dining

project address:

100 Townsend Street  
Birmingham, Michigan

designed

drawn

coordination checked

checked                      approved                     

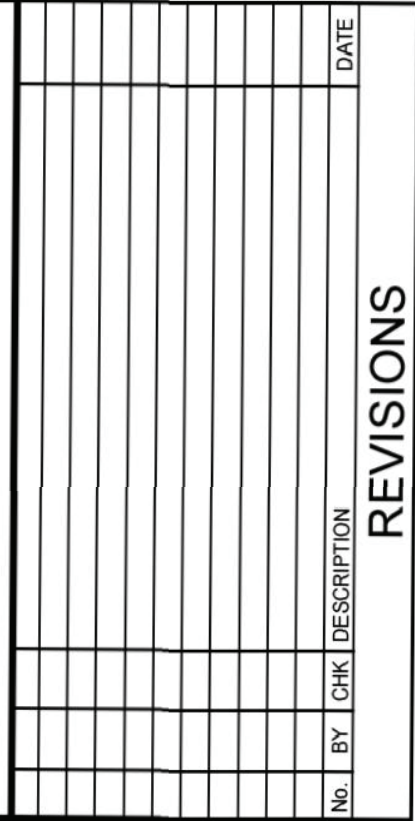
project number:

018-2021

sheet number:

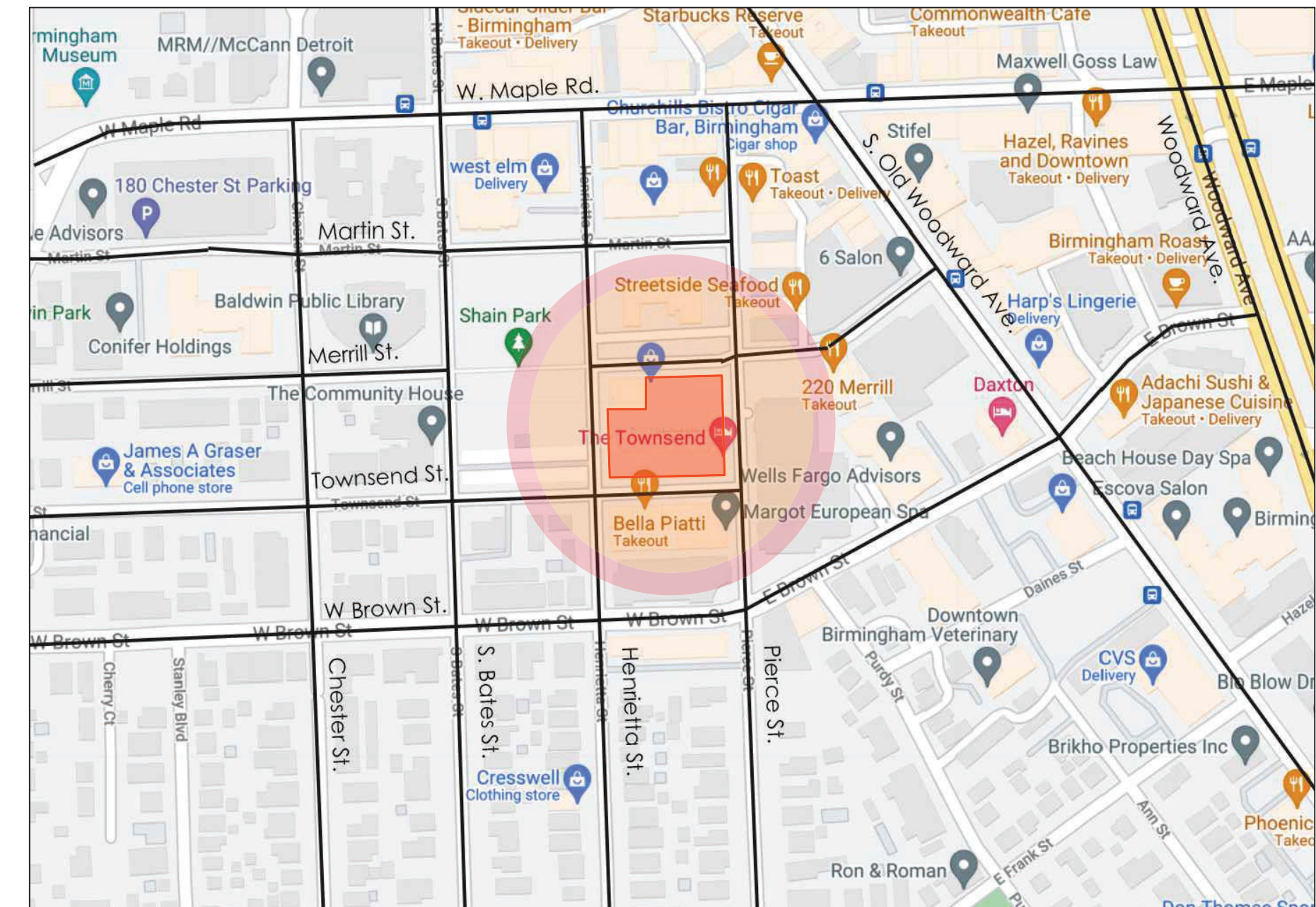
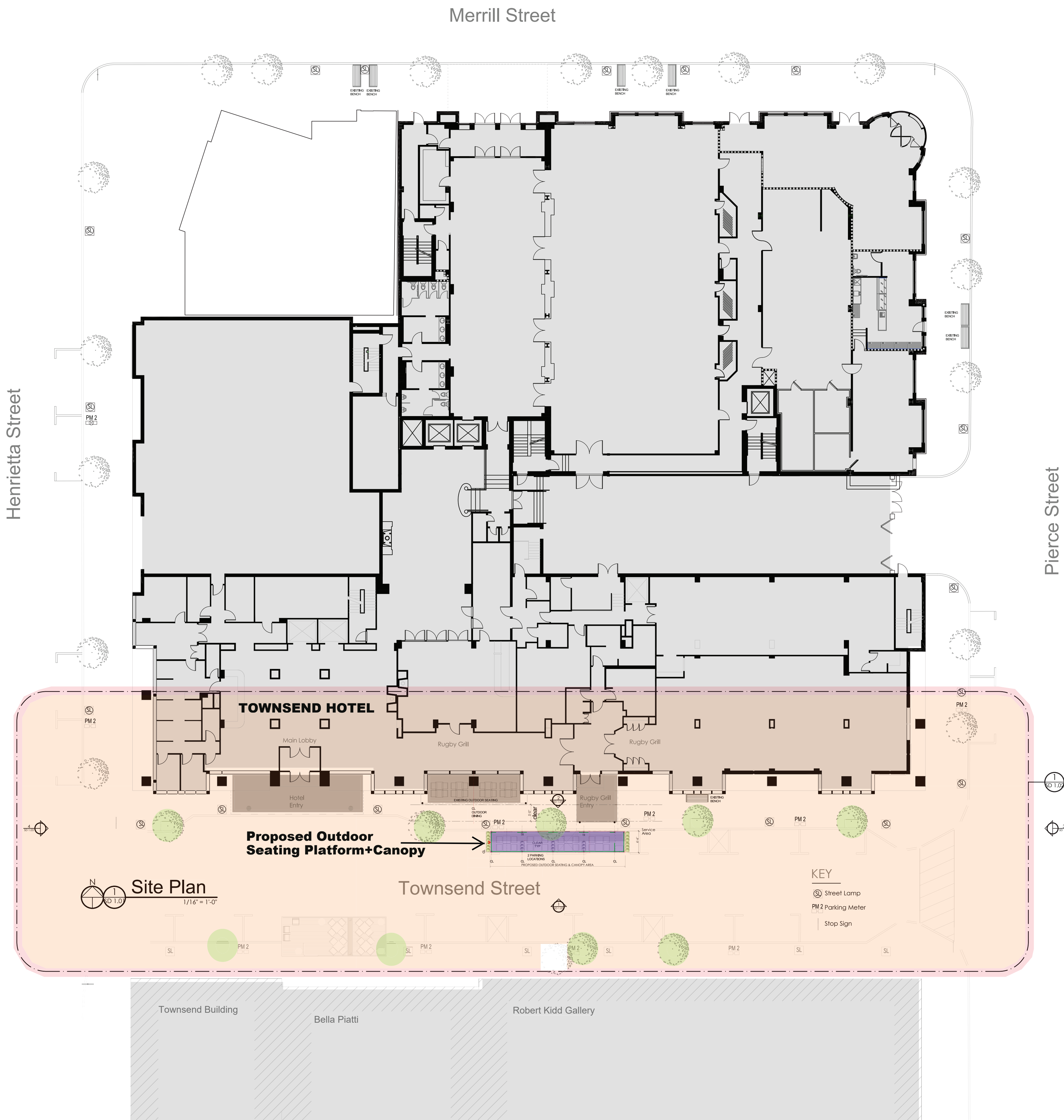
SD-1.00



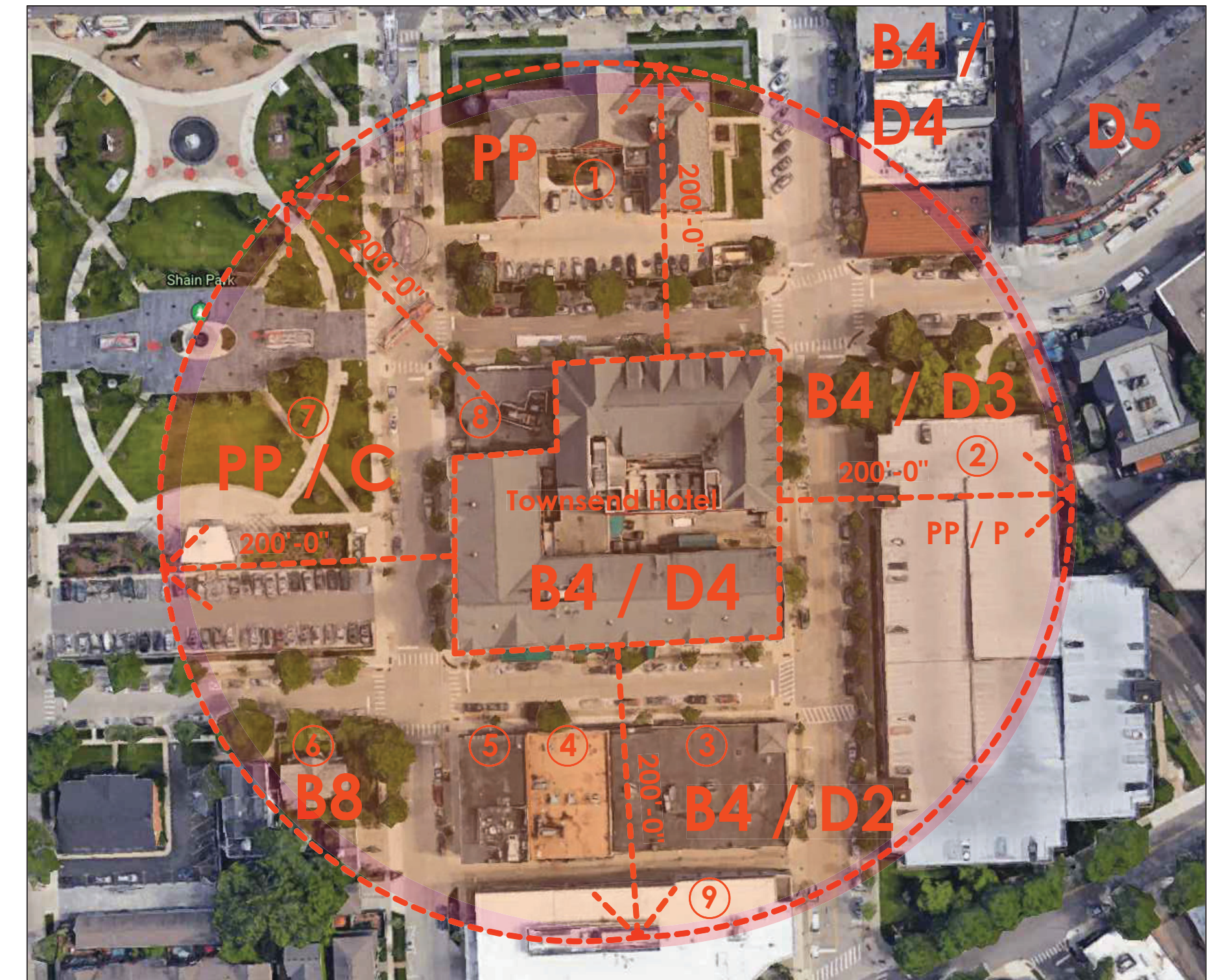


A circular professional seal for Todd D. Shelly, a Professional Surveyor in the State of Michigan. The seal features a double-lined circular border. Between the lines, the words "STATE OF MICHIGAN" are written along the top arc, and "LICENSED PROFESSIONAL SURVEYOR" is written along the bottom arc, separated by two small stars. In the center of the seal, the text reads: "TODD D. SHELLY", "PROFESSIONAL SURVEYOR", "NO.", and "41111".





 **Location Map** NTS



## Adjacent Properties

- KEY**
- ① Municipal Building / City Hall
  - ② Birmingham Parking
  - ③ Margot European Spa
  - ④ Bella Piatti Restaurant
  - ⑤ Antonino Salon & Spa
  - ⑥ Residence
  - ⑦ Shain Park
  - ⑧ Chief Financial Credit Union
  - ⑨ JP Morgan Private Bank

**L|Z|G**  
Architects

uckenbach|Ziegelman|Gardner  
r c h i t e c t s

5 S. Old Woodward Ave. Suite 27L  
Birmingham, Michigan 48009

er-arch1@sbcglobal.net

2.3990

[illegible]

Sheet title:

## Site Plan, Location Map, & Site Info

Project:

THE TOWNSEND HOTEL

# Rugby Grill

## Exterior Dining

Project address:

00 Townsend Street  
Birmingham, Michigan

designed

rawn

Coordination checked

checked \_\_\_\_\_ approved \_\_\_\_\_

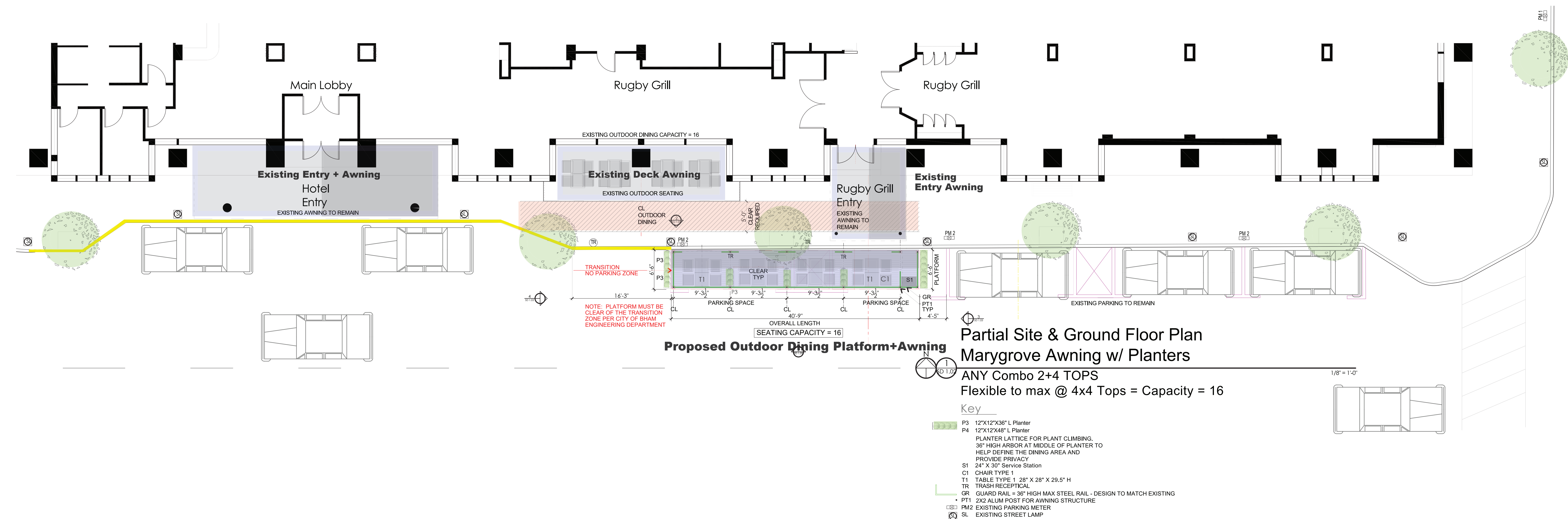
project number:

018-2021

Sheet number:

# SD-1.01





MAKE SHADE  
EXCEPTIONAL

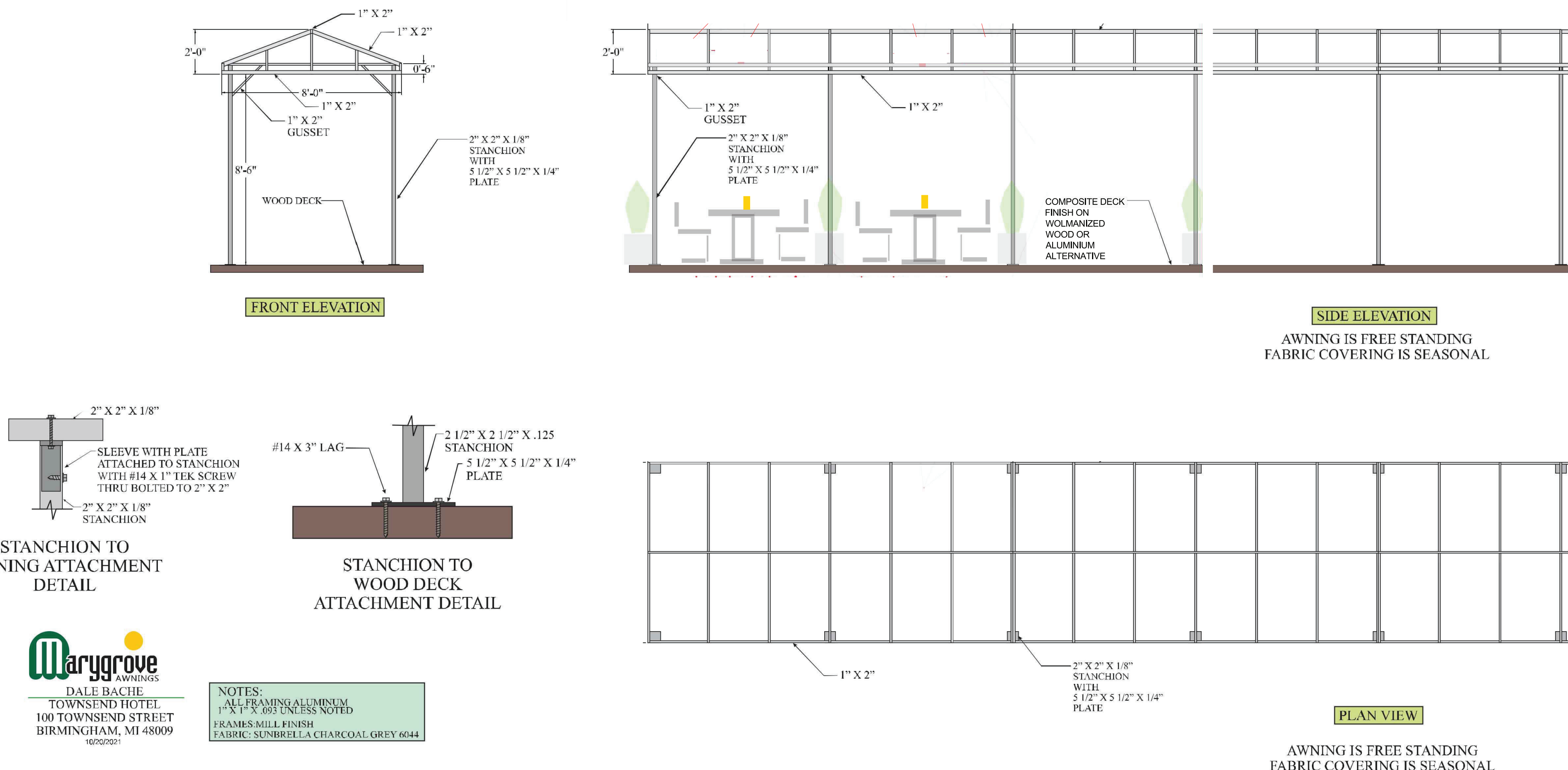
10  
YEAR

## Solids



## Rugby Grill Selection

sunbrella



L|Z|G  
Architects

Luckenbach|Ziegelman|Gardner  
 Architects  
 555 S. Old Woodward Ave. Suite 27L  
 Birmingham, Michigan 48009

email:  
gardner-arch1@sbcglobal.net

tele:  
248.642.3990

[illegible]

sheet title

# Partial Site Plan

---

## Technical Details

project:

THE TOWNSEND HOTEL  
Rugby Grill  
Exterior Dining

project address

100 Townsend Street  
Birmingham, Michigan

designed	
drawn	
coordination checked	
checked	approved

project number:  
018-2021

sheet number:

SD-1.02



issue	date
HDC/SLUP REVIEW	JANUARY 28, 2021

sheet title:

Elevations

project:

THE TOWNSEND HOTEL  
Rugby Grill

Exterior Dining

project address:

100 Townsend Street  
Birmingham, Michigan

designed

drawn

coordination checked

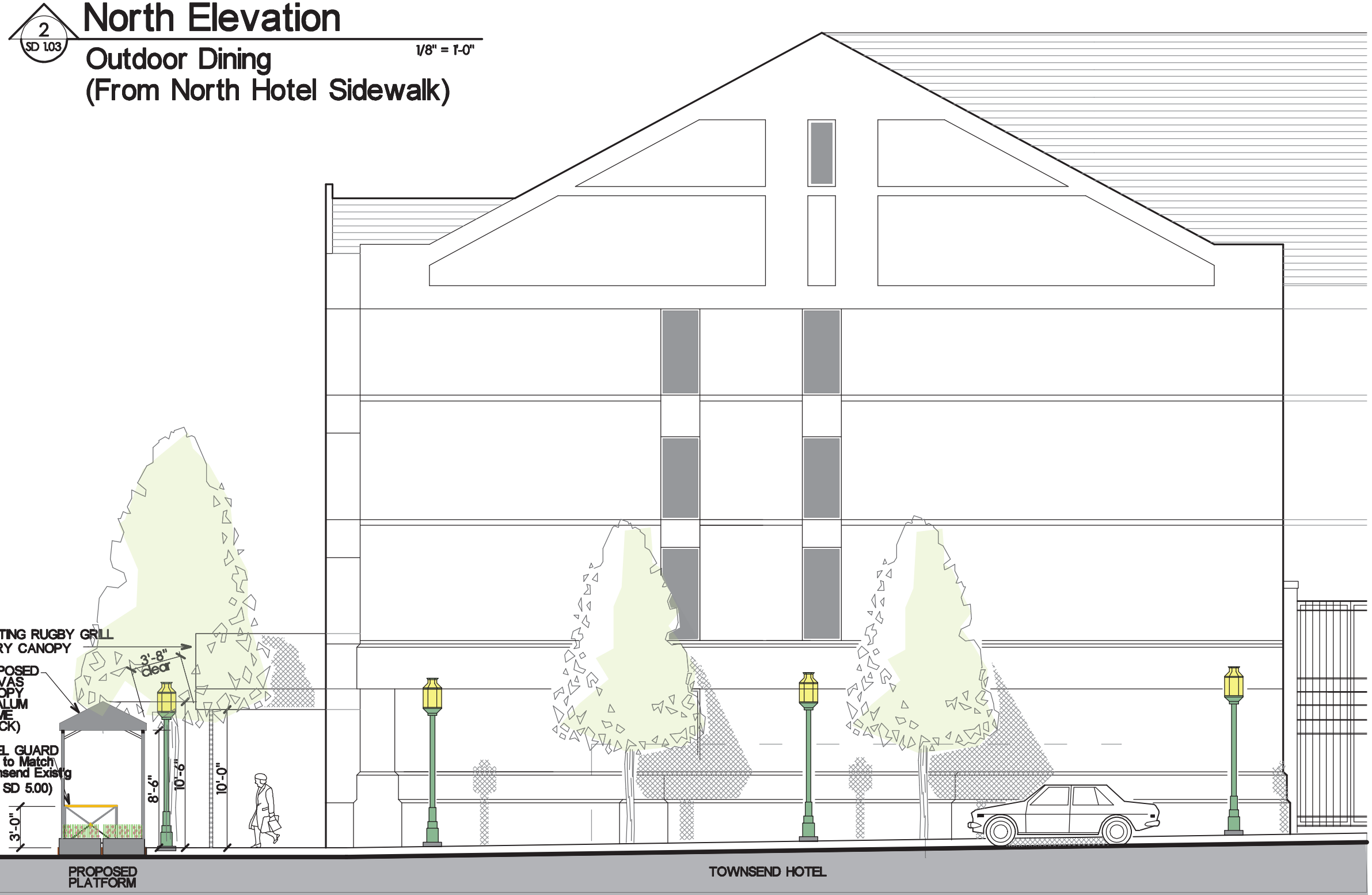
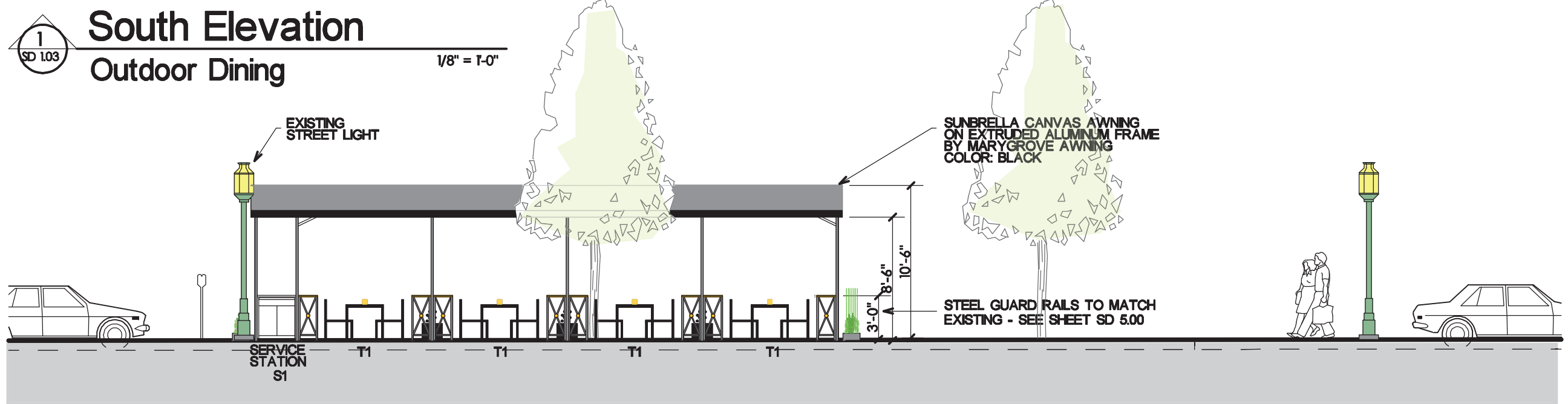
checked approved

project number:

018-2021

sheet number:

SD-1.03











## Design Review Application

### Planning Division

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

#### 1. Applicant

Name: THC INVESTORS LIMITED PARTNERSHIP  
 Address: 100 TOWNSEND STREET  
BIRMINGHAM, MICHIGAN  
 Phone Number: 248 642 7900  
 Email address: sroth@townsendhotel.com

#### 2. Property Owner

Name: Same  
 Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_  
 Email address: \_\_\_\_\_

#### 3. Project Contact Person

Name: Steve Roth  
 Address: Same as above  
 Phone Number: 248 642 7900  
 Email address: \_\_\_\_\_

#### 4. Project Designer/Developer

Name: John H. Gardner, AIA / Luckenbach|Ziegelman|G  
 Address: 555 S. Old Woodward  
Birmingham, MI 48009  
 Phone Number: 248 642 3990  
 Email address: gardner-arch1@sbcglobal.net

#### 5. Required Attachments

- I. Two (2) paper copies and one (1) digital copy of all project plans including:
  - i. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
  - ii. Colored elevation drawings for each building elevation;
  - iii. A Landscape Plan (if applicable);
  - iv. A Photometric Plan (if applicable);
- II. Specification sheets for all proposed materials, light fixtures and mechanical equipment;

- III. Samples of all proposed materials;
- IV. Photographs of existing conditions on the site including all structures, parking areas, landscaping and adjacent structures;
- V. Current aerial photographs of the site and surrounding properties;
- VI. Warranty Deed, or Consent of Property Owner if applicant is not the owner;
- VII. Any other data requested by the Planning Board, Planning Department, or other City Departments.

#### 6. Project Information

Address/Location of the property: 100 Townsend  
 Name of development: Townsend Hotel  
 Sidwell #: 19-38-134-008  
 Current Use: Hotel  
 Proposed Use: \_\_\_\_\_  
 Area of Site in Acres: 1.02  
 Current zoning: B-4

	Yes	No
Is the property located in a floodplain? -----	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the property within a Historic District? -----	<input checked="" type="checkbox"/>	<input type="checkbox"/>
→ If so, which? _____		
Will the project require a variance? -----	<input type="checkbox"/>	<input checked="" type="checkbox"/>
→ If so, how many? _____		
Has the project been reviewed by another board? -----	<input type="checkbox"/>	<input checked="" type="checkbox"/>
→ If so, which? _____		

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

Proposed Exterior Dining Platform w/ Canvas Awning on aluminum frame.  
 See attached Plans

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## 8. Required and Proposed Parking

Required number of parking spaces: NA  
Proposed number of parking spaces: NA  
Location of parking on site: NA  
Location of parking off site: Street and Parking Structure  
Shared parking agreement? \_\_\_\_\_  
Size of surface parking lot: NA

Number of underground parking levels: NA  
Typical size of parking spaces: \_\_\_\_\_  
Typical width of maneuvering lanes: \_\_\_\_\_  
Number of handicap spaces: \_\_\_\_\_  
Screenwall material: \_\_\_\_\_  
Height of screenwall: \_\_\_\_\_

## 9. Landscaping

Location of landscape areas: NA  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed landscape material: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 10. Streetscape

Sidewalk width: No changes  
Number of benches: \_\_\_\_\_  
Number of planters: \_\_\_\_\_

Number of existing street trees: No Changes  
Number of proposed street trees: \_\_\_\_\_  
Number of waste receptacles: \_\_\_\_\_

## 11. Loading

Required number of loading spaces: NA  
Proposed number of loading spaces: \_\_\_\_\_  
Location of loading spaces on site: \_\_\_\_\_

Typical size of loading spaces: NA  
Screenwall material: NA  
Height of screenwall: NA

## 12. Exterior Waste Receptacles

Required number of waste receptacles: \_\_\_\_\_  
Proposed number of waste receptacles: 2  
Location of waste receptacles: on dining platform

Size of waste receptacles: 15" dia  
Screenwall material: NA  
Height of screenwall: NA

## 13. Mechanical Equipment

### Utilities and Transformers:

Number of ground mounted transformers: NA  
Location of all utilities & easements: \_\_\_\_\_  
\_\_\_\_\_

Size of transformers (L•W•H): \_\_\_\_\_  
Screenwall material: \_\_\_\_\_  
Height of screenwall: \_\_\_\_\_

### Ground Mounted Mechanical Equipment:

Number of ground mounted units: NA  
Location of all ground mounted units: \_\_\_\_\_  
\_\_\_\_\_

Size of ground mounted units (L•W•H): \_\_\_\_\_  
Screenwall material: \_\_\_\_\_  
Height of screenwall: \_\_\_\_\_

### Rooftop Mechanical Equipment:

Number of rooftop units: NA  
Type of rooftop units: \_\_\_\_\_  
Location of all rooftop units: \_\_\_\_\_  
Size of rooftop units (L•W•H): \_\_\_\_\_

Location of screenwall: \_\_\_\_\_  
Screenwall material: \_\_\_\_\_  
Height of screenwall: \_\_\_\_\_  
Distance from rooftop units to all screenwalls: \_\_\_\_\_

## 14. Building & Site Lighting

Number of light fixtures on building: No Changes  
Light level at each property line: \_\_\_\_\_  
Type of light fixtures on building: \_\_\_\_\_  
Location of light fixtures on building: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Number of light fixtures on site: \_\_\_\_\_  
Type of light fixtures on site: \_\_\_\_\_  
Height from grade: \_\_\_\_\_  
Location of light fixtures on site: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

Signature of Owner: [Signature] Date: 1/26/22

Print name: Steve Roth

Signature of Applicant: [Signature] Date: 1/26/22

Print Name: Steve Roth

Signature of Architect: [Signature] Date: 1.26.2022

Print Name: John H. Gardner

*Office Use Only*

Application #: \_\_\_\_\_ Date Received: \_\_\_\_\_ Fee: \_\_\_\_\_

Date of Approval: \_\_\_\_\_ Date of Denial: \_\_\_\_\_ Accepted By: \_\_\_\_\_



# RUGBY GRILLE

## First Course

**Townsend Prime Steak Tips \$18**

pommes puffs, roasted garlic, sweet peppers, au poivre

**Rugby Grille Shrimp Cocktail \$25**

cocktail sauce, hot mustard

**Charcuterie Board \$35**

chef's cheeses, select cured meats, marcona almonds, seasonal jams, fruit, crostini

**Caprese \$22**

buffalo mozzarella cheese, heirloom tomatoes, pan roasted pine nuts, petite basil, extra virgin olive oil, prosciutto crisps

**Crab Cake \$28**

spicy pepper coulis, béarnaise, petite dressed greens

**Arancini \$22**

roasted tomato sauce, goat cheese, fresh herbs, shaved seasonal truffle

**Beef Tartare \$40**

hand-chopped prime tenderloin, egg, shallots, caper, toast points

## Soup & Salad

**Townsend French Onion Soup \$12**

crostini, gruyere, parmesan

**Chicken Noodle \$10**

roasted chicken brodo, carrots, onion, celery, confit chicken, ditalini pasta

**Chopped Salad \$23**

romaine, heirloom tomatoes, calabrese salami, calabrian chili, chickpeas, dunbarton cheese, green onion, whole grain mustard vinaigrette

**Townsend House Salad \$14**

great lakes greens, carrots, cucumbers, tomatoes, roasted shallot vinaigrette

**Fall Salad \$19**

shredded kale, baby arugula, pomegranate seeds, roasted apples, pepitas, dried cherries, ricotta salata, white balsamic honey vinaigrette

**Rugby Caesar Salad \$16**

artisan romaine, garlic crouton, parmigiano-reggiano, house made caesar dressing

## Sides \$10

Char-Roasted Red Peppers with Feta

Sautéed Spinach

Chef's Potato

Grilled Asparagus with Béarnaise

Fried Brussels Sprouts with Vinegar Salt

Sautéed Mushrooms

Truffle Fries \$18

## Steaks

**USDA Prime**

all steaks are served with roasted marble potatoes and fall vegetable

**8 oz. Prime Filet \$68**

**18 oz. Prime Bone-In Ribeye \$75**

**16 oz. Wagyu NY Strip \$120**

**Add Signature Sauce**

Bordelaise    Béarnaise    Au Poivre

## Mains

**Rugby Burger \$34**

charred onion jam, lettuce, duck confit, gruyere cheese served with french fries

**Add Foie Gras \$25**

**Add Seasonal Shaved Truffle \$18**

**Lamb Wellington - MKT**

puff pastry, mushroom lamb duxelles, bresaola, cherry lamb jus, pan roasted carrots and green beans

**Brick Chicken \$38**

crispy skin amish chicken breast, marbled mash, pan roasted baby root vegetable, natural thyme jus

**Casarecce Pasta \$35**

fennel chutney, pangrattato, fire roasted tomato sauce, shaved parmesan

**Loch Duart Salmon \$44**

maple and pistachio glazed salmon, parsnip purée, petite fall vegetable

**Duck Cannelloni \$35**

confit duck, caramelized onion, mustard lemon cream sauce, duck jus, aged parmesan, petite greens

**Halibut \$48**

chanterelle risotto, mushroom balsamic reduction, pan seared halibut, dressed tatsoi

**Dover Sole \$74**

green bean amandine, lemon beurre blanc, capers, herb butter

**Berkshire Pork Loin \$54**

cherry bacon gremolata crust, fig and port reduction, potato croquette, fire roasted squash

Ask about menu items that are cooked to order or served raw.

Notice: consuming raw or under cooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness.

# RUGBY GRILLE

## Breakfast Favorites

### Avocado Toast \$18

sourdough, smashed avocado, confit tomato, crispy chickpeas, pickled onion  
your choice of egg served with dressed greens

### Acai Bowl \$12

organic granola, local honey, acai greek yogurt, mixed berries

### Brûléed French Toast \$20

brioche, strawberry rhubarb, crème anglaise

### Oatmeal \$8

steel cut oats, brown sugar, rum raisins, fresh blueberries

### Lox \$22

scottish salmon, tomato, red onion, capers, sliced egg, cream cheese, choice of bagel

### Leek Quiche \$22

butter crust, swiss cheese, sauteed leeks, spring pencil asparagus, topped with a poached egg, lardon and hollandaise with petite mixed greens

### Two Eggs \$18

two eggs any style, choice of bacon, pork or chicken sausage, toast, rugby potatoes or fresh fruit

### Hash \$17

corned beef, peppers, onion, crispy potatoes and 2 eggs any style

### French Omelet \$18

choice of three - spinach, mushroom, tomato, onion, peppers, ham, bacon, swiss, cheddar, mozzarella, choice of toast  
additional items/egg whites add \$1.50

### Belgian Waffle or Pancakes \$14

buttermilk batter, michigan maple syrup, seasonal berries

### Townsend Benedict \$20

poached eggs, canadian bacon, english muffin, hollandaise, grilled asparagus, dressed greens  
Substitute Smoked Salmon \$26

### Latke Benedict \$28

poached eggs, cured salmon, latkes, hollandaise, grilled asparagus, dressed greens

## Sides

Toast \$6

Rugby Potatoes \$6

Breakfast Meat \$6

Fruit \$6

Pastry \$7

House or Steak Fries \$10

Truffle Fries \$18

## Starters

### Rugby Grille Classic Shrimp Cocktail \$25

cocktail sauce, hot mustard

### Townsend French Onion Soup \$12

crostini, gruyere, parmesan

### Chicken Noodle Soup \$10

roasted chicken brodo, carrots, onion, celery, ditalini pasta

### Rugby Caesar Salad \$16

artisan romaine, garlic crouton, parmigiano-reggiano, house made caesar dressing

### Townsend House Salad \$14

great lakes greens, carrots, cucumber, tomatoes, roasted shallot vinaigrette

### Rainbow Salad \$19

butter lettuce, watermelon radish, roasted beets, fresh dill, strawberries, toasted pistachios, black diamond white cheddar, white balsamic poppy seed dressing

### Rugby Chopped Salad \$23

romaine lettuce, heirloom tomatoes, calabrese salami, calabrian chili, chickpeas, dunbarton cheese, green onion, whole grain mustard vinaigrette

### Add To Any Salad

Chicken \$7 Salmon \$16 Shrimp \$24

## House Specialties

### Rugby Burger \$28

cheddar cheese, bibb lettuce, heirloom tomato and herb aioli on a toasted brioche bun

### Turkey Club \$18

roasted michigan turkey breast, bacon, lettuce, heirloom tomato, herb mayonnaise, toasted multi-grain

### Townsend Grilled Cheese \$17

sourdough bread, heirloom tomato, port salut & gruyere

### Add Bacon \$6

### Rugby Vegetable Bowl \$24

steamed basmati rice topped with stir-fried onion, mixed peppers, carrot, broccolini and baby zucchini in a chinese brown garlic sauce

### Add Grilled Chicken Breast \$7

### Brick Chicken \$38

crispy skin amish chicken breast, chef's potato, green beans, butter & brown sugar braised carrots, natural jus

### Fish & Chips \$26

beer batter, steak fries with vinegar powder, fresh english peas, tartar sauce

### Filet \$68

8 oz. prime tenderloin served bordelaise sauce, chef's potatoes and fresh vegetable

*Ask about menu items that are cooked to order or served raw.*

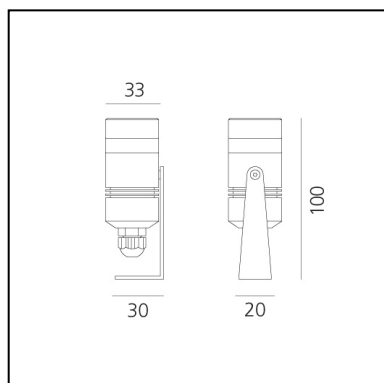
*Notice: consuming raw or under cooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness.*

# Minispot 17° 3000K

Studio Artemide



IP65  



## LUMINAIRE

- Watt: **2W**
- Delivered lumens output: **100lm**
- CCT: **3000K**
- Efficiency: **71%**
- Efficacy: **49.77lm/W**
- CRI: **80**

## Notes

Fixed optic. PMMA lenses. Beams (10°).  
White monochromatic LEDs available  
Colour temperatures:  
Warm = 3000K

## DESCRIPTION

Light fixture with high-performance LED light sources.  
Ground, floor, wall installation.  
Composed by body, metal ring, diffuser in transparent polycarbonate.  
Body and metal ring in computer numerical control machined billet anticorodal aluminium.  
Painted spot with 2-stage outdoor treatment: primer, outdoor paint.  
Silicone gaskets.  
100cm-long two-pole connection cable H05RN-F.  
Picket for ground installation in galvanized sheet iron.  
Technical features of light fixtures in compliance with EN60598-1 and part 2-13.

**PRODUCT CODE: NL702910K0**

## FEATURES

- Article Code: **NL702910K0**
- Colour: **Silver**
- Installation: **Projector**
- Series: **Architectural Outdoor**
- Area contract: **null, Outdoor**
- design by: **Studio Artemide**

## DIMENSIONS

- Width: **cm 2**
- Height: **cm 10**
- Diameter: **cm 3**

## SOURCES INCLUDED

- Category: **Led**
- Number: **1**
- Watt: **3 W**
- Color temperature (K): **3000K**
- LED current: **700 mA**

Accessories

NO  
IMAGE  
AVAILABLE

EGO PICCHETTO NL97150

NO  
IMAGE  
AVAILABLE

Driver 14W - 700mA 220-240 - 79x38x25 (LxWxH) -  
IP67 - Undimable DV3003

NO  
IMAGE  
AVAILABLE

Driver 30W - 700mA 220-240 - 120x38x25  
(LxWxH) - IP67 - Non Dimmerabile DV3004

NO  
IMAGE  
AVAILABLE

Driver 38W - 220-240 - 185x35x33 (LxWxH) - IP67 -  
Dimmable DALI DV1042

**City Of Birmingham**  
**Regular Meeting Of The Planning Board**  
**Wednesday, March 9, 2022**  
City Commission Room  
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 9, 2022.  
Chair Scott Clein convened the meeting at 7:30 p.m.

**A. Roll Call**

**Present:** Chair Scott Clein; Board Members Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Jason Emerine, Nasseem Ramin; Student Representative MacKinzie Clein

**Absent:** Board Member Robin Boyle; Student Representative Andrew Fuller

**Administration:**

Nick Dupuis, Planning Director  
Leah Blizinski, City Planner  
Brooks Cowan, Senior Planner  
Laura Eichenhorn, City Transcriptionist

**Master Planning Team:**

Matt Lambert, DPZ

**03-49-22**

**B. Approval Of The Minutes Of The Regular Planning Board Meeting of February 23, 2022**

Mr. Share stated that on page six the "real estate consultant who regularly does business in Birmingham" is Sam Munaco.

**Motion by Mr. Williams**

**Seconded by Ms. Whipple-Boyce to approve the minutes of the Regular Planning Board Meeting of February 23, 2022 as amended.**

**Motion carried, 7-0.**

VOICE VOTE

Yeas: Share, Jeffares, Williams, Whipple-Boyce, Koseck, Ramin, Clein

Nays: None

**03-50-22**

**C. Chair's Comments**

Chair Clein welcomed MacKinzie Clein, one of the Board's two new student representatives, and reviewed the meeting's procedures.

**D. Review Of The Agenda** **03-51-22**

**E. Unfinished Business** **03-52-22**

None.

**F. Rezoning Applications** **03-53-22**

None.

**G. Community Impact Studies** **03-54-22**

None.

**H. Special Land Use Permits** **03-55-22**

**1. 100 Townsend – Townsend Hotel/Rugby Grille – Request for new outdoor dining platform (Postponed from January 26, 2022)**

CP Blizinski presented the item.

In reply to Mr. Share, CP Blizinski explained the Fire Marshal shared no concerns with the plans as presented. The Fire Marshal had expressed that he had written his comments to pre-empt potential issues in the future.

PD Dupuis noted that all City Departments review outdoor dining requests every year, and that the City would be entitled to take remedial action if an establishment were to run afoul of its agreement with the City.

John Gardner, architect, and Steven Kalczynski, Managing Director of the Townsend Hotel (the Townsend), were present on behalf of the item.

In reply to Mr. Share, Mr. Kalczynski stated he did not anticipate that the proposed outdoor dining would impede traffic outside the Townsend. He noted that the Townsend had a structure outside during Covid-19 and that no traffic issues arose during that period.

Chair Clein noted that since the outdoor dining would be located within public parking spaces it should not impact the queuing area in front of the Townsend.

Mr. Share said he was concerned that the outdoor dining deck would be off-set relative to the outdoor dining that is adjacent to the building, and that a five foot clear path may not be wide

enough in a case when there is outdoor dining on both sides of the path. He also expressed some concern about the covering being proposed for the deck.

Chair Clein noted that in addition to the five foot clear path, the Townsend would not be occupying two to three feet of a 'furniture zone' which adds to the available width in this case. He said that fact and the fact that the two outdoor dining areas are staggered made him less concerned about feeling infringed upon as a pedestrian passing through the area.

Mr. Gardner confirmed that the deck would be strictly within the width of the two parking spaces.

Mr. Jeffares noted that presently the two parking spaces in question can already be occupied by vehicles, and that the proposed condition would be no different from the present condition in its effect on the clear path.

Ms. Whipple-Boyce offered praise for the proposal.

Mr. Share and Ms. Whipple-Boyce members noted some ongoing concern about approving outdoor dining requests when the Board has not yet completed its recommended outdoor dining ordinance revisions.

Chair Clein reminded the Board that this outdoor dining proposal was submitted within the context of the current ordinance, and that the Board must make its recommendations within the current ordinance until the outdoor dining ordinance revisions are approved and implemented by the Commission.

Messrs. Williams and Koseck affirmed Chair Clein's statement.

Chair Clein also noted that outdoor dining proposals do not represent an approval in perpetuity should issues arise.

Chair Clein informed the applicants that the City was reminded in a letter from the Department of Justice of its obligations to adhere to the Americans with Disabilities Act (ADA). He said that the applicant should speak with the Building Department to ensure that all aspects of the outdoor dining proposal comply with ADA regulations.

Chair Clein expressed concern regarding the use of non-recycled, non-recyclable plastic for outdoor dining furniture within the broader context of climate change. He said he would not hold up the application on that basis but did question why more sustainable materials could not be used for outdoor dining in 2022.

Mr. Gardner stated the literature indicates that the outdoor dining furniture would be fully recyclable.

**Motion by Mr. Jeffares**

**Seconded by Ms. Whipple-Boyce to recommend approval to the City Commission the Special Land Use Permit application for 100 Townsend St. – Rugby Grille – subject to the following conditions:**

- 1. The applicant should submit revised plans that clarify the width of the metal awning frame will not be greater than the width of the deck (6'6"); and,**
- 2. The applicant must comply with the requests of all City Departments.**

**Mr. Share said he would support this motion but not a motion for approval of the final site plan and design review motion for 100 Townsend. He clarified that he felt the cover for the deck would not be consistent with the adjacent uses of land and would be damaging to the surrounding neighborhood. He said he would vote to approve the SLUP because even with his reservations about the cover the proposal is still an appropriate land use.**

**Motion carried, 7-0.**

ROLL CALL VOTE

Yeas: Share, Jeffares, Williams, Whipple-Boyce, Koseck, Ramin, Clein

Nays: None

**03-56-22**

### **I. Site Plan & Design Reviews**

- 1. 100 Townsend – Townsend Hotel/Rugby Grille – Request for new outdoor dining platform (Postponed from January 26, 2022)**

Discussion occurred during Item H1.

**Motion by Mr. Jeffares**

**Seconded by Ms. Whipple-Boyce to recommend approval to the City Commission the Special Land Use Permit application for 100 Townsend St. – Rugby Grille – subject to the following conditions:**

- 1. The applicant should submit revised plans that clarify the width of the metal awning frame will not be greater than the width of the deck (6'6"); and,**
- 2. The applicant must comply with the requests of all City Departments.**

**Motion carried, 6-1.**

ROLL CALL VOTE

Yeas: Jeffares, Williams, Whipple-Boyce, Koseck, Ramin, Clein

Nays: Share

- 2. 159 N. Eton – Request for building and site improvements (POSTPONE)**

PD Dupuis stated that a final site plan would not likely be required for this item so no motion was made to postpone.



**3. 525 E. Brown – Birmingham Roast – Request for changes to outdoor dining patio (Postponed from September 9, 2021)**

PD Dupuis summarized the item.

Jesse Dhillon, Managing Partner of Birmingham Roast, was present on behalf of the item.

Mr. Jeffares said that of all the outdoor dining examples that arose during Covid-19 this was the best. He said he would be pleased if more outdoor dining looked like the proposal in this case. He said the fire suppression requirements should not be an issue, noting that other establishments do the same.

Chair Clein said that while he usually does not like proposals with awnings he likes this one and thinks the overall proposal is appropriate for its location.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Williams to approve the Design Review application for 525 E. Brown – Birmingham Roast – with the following conditions:**

- 1. The applicant must either maintain or enter into a new rental agreement with the City for the use of the public property; and,**
- 2. The applicant must comply with the requests of all City Departments.**

**Mr. Share said he remained concerned about the type of proposed cover and would be voting no on this motion.**

**Motion carried, 6-1.**

**ROLL CALL VOTE**

Yeas: Jeffares, Williams, Whipple-Boyce, Koseck, Ramin, Clein

Nays: Share

**03-57-22**

**J. Study Session**

PD Dupuis proposed that the Board review Item J2 prior to Item J1.

**Motion by Mr. Williams**

**Seconded by Mr. Share to reverse the order of review for Items J1 and J2.**

**Motion carried, 7-0.**

**VOICE VOTE**

Yeas: Jeffares, Williams, Whipple-Boyce, Koseck, Ramin, Clein, Share

Nays: None

**1. 2040 Master Plan (previously Item J2)**

PD Dupuis introduced the item.

Board comment regarding the 'General Direction' section of Mr. Lambert's memorandum were as follows:

- Number five should address the broader thematic goal of uniting the east and west side of the City, with common elements of crossings being a tool for doing so;
- Number 15 should say the Master Plan (the Plan) recommends the City look at each neighborhood to see if the allowable height, bulk, and setbacks should be modified to better reflect the conditions of each neighborhood;
- Number 16 could be more generally about micro-mobility options instead of specifically mentioning golf carts;
- The Plan should recommend the City explore how to make public property available for private use; and,
- While there was some skepticism from one Board member about a 20 m.p.h. speed limit as mentioned in Number 17, both in terms of legality and efficacy, there was a more general consensus that the recommendation should be explored and the discussion could go from there.

Board comment regarding the 'Prioritization' section of Mr. Lambert's memorandum were as follows:

- There was Board consensus that Number seven should more specifically be 'updating the zoning code to foster neighborhood preservation'. It arose often as a core resident concern and should be considered a significant priority;
- The revision of the Multi-Modal Plan, as it relates to Woodward, should be listed as a high priority;
- Implementing unimproved streets recommendations should be moved higher on the list;
- Establishing a Sustainability Board should remain high on the list, as it needs to be done imminently and would not be difficult to achieve;
- Bates Street and moving the Farmer's Market should be considered as part of Number Two;
- A Senior Facility should be included somewhere on the priority list;
- Number Four should be described a bit more in layperson's terms;
- The Plan should make clear why the priorities are important, why ordinance changes should be considered to reflect the priorities, and why time is of the essence; and,
- Worth Park and a parking structure for the Triangle should be added to the priority list.

Board comment regarding the 'Further Direction Needed' section of Mr. Lambert's memorandum were as follows:

- Number three is not particularly important in the context of a Plan that focuses on the neighborhoods;
- Attention should be maintained on creating attainable housing and diversifying housing stock in the Triangle, the Rail, and the 14 Mile-to-Lincoln stretch of Woodward in order to bring in and retain young families;
- The City should work with Birmingham Public Schools to find further use for the facilities for both senior and/or community uses;
- There was consensus that traffic calming and enhancement of the Woodward and Maple intersection should occur; and,

- Number Two merits inclusion in terms of its effects neighborhood cohesion.

#### Public Comment

Samuel Oh, resident and member of the Corridor Improvement Authority, spoke on behalf of his neighborhood group in the Triangle. He expressed concerns about the speed and density of traffic, about the process of appointments for the Corridor Improvement Authority, and about potentially increasing density in the Triangle. He requested that a park or open space be considered for the Triangle.

Chair Clein clarified that:

- The Plan itself makes recommendations but does not rezone properties; and,
- The recommendations made for the Triangle in the Plan align with the Triangle Plan which was adopted by the City in 2007.

Mr. Oh reiterated his belief that the Plan rezoned properties in the Triangle to a higher density.

David Bloom said the Plan should provide more clarity on how a Master Plan influences zoning, noting that the process may confuse some residents. He advocated for clarity in the Plan as to whether there is insufficient parking in the City, recommended public engagement on the Plan's recommendations, raised concerns about having cafes in the parks, and said there should be clarity regarding whether a mezzanine is considered a 'floor' in describing building heights.

Jack Reinhardt, Managing Partner of the 555 Building, expressed concern about the S. Old Woodward project. He said he had not received notice of discussions of the S. Old Woodward project.

Chair Clein clarified that the present topic before the Board was the Master Plan.

Mr. Williams said Mr. Reinhardt's comments regarding the S. Old Woodward project would be more appropriately directed to the Commission.

Mr. Reinhardt then expressed concern about the loss of parking in the S. Old Woodward area.

## **2. Outdoor Dining Standards (previously Item J1)**

PD Dupuis introduced the item.

Mr. Share recommended in Article 4, Section 4.44(B), "or by the Planning Division at the discretion of the Planning Director" would be changed to "or by the Planning Division at the discretion of the Planning Board", and that "throughout the year with a valid Outdoor Dining License" be removed from Article 4, Section 4.44(B)(5).

Mr. Jeffares and Chair Clein said the 'written permission' referenced in Article 4, Section 4.44(B)(4) should require renewal yearly and should be submitted to the City as part of the Outdoor dining patio renewal process. Chair Clein recommended Staff determine where best to include that as part of the policy.

Mr. Jeffares said dining establishments should be permitted to store their planters against the building during January, February, and March. He noted that the City and establishments without outdoor dining leave their planters out year-round.

Chair Clein stated that the Board is trying to maintain the public space for pedestrians by requiring the removal of planters during January, February, and March. He contended that planters that would normally demarcate outdoor dining would unnecessarily clutter the sidewalk during those months.

Mr. Share concurred with Chair Clein.

Ms. Whipple-Boyce said there were likely some planters that could be allowed to be placed against the building during January, February, and March, and some planters where it would not be appropriate to allow that. She said she was not immediately sure of how to differentiate between the two types.

The Board then addressed the three discussion points posed in the Staff report under Study Session #9.

After discussion, the Board concurred that for Number One establishments should be permitted outdoor dining on both a sidewalk and a deck if requested as long as the clear path meets the five foot minimum and the deck does not encroach past the curb.

PD Dupuis noted that the majority of outdoor dining is regulated by SLUPs, meaning the City can make modifications if necessary.

For Number Two, there were a range of opinions about what sort of coverings should be permitted for outdoor dining adjacent to a building and for outdoor dining on a deck.

Mr. Koseck proposed that awnings or umbrellas be allowed along the buildings, and that only umbrellas be allowed on the decks. He noted that it would make the pedestrian clear path feel less closed in, and would also keep the streetscape view more open.

Messrs. Share and Williams and Chair Clein agreed with Mr. Koseck.

Mr. Jeffares and Ms. Whipple-Boyce spoke in favor of awnings being allowed in both conditions. Ms. Whipple-Boyce noted prior Departmental comments had raised the issue of umbrellas potentially being moved and encroaching into the road or pedestrian clear path.

Mr. Jeffares agreed that umbrellas' ability to be moved was possibly a drawback, and noted that awnings more effectively protect against inclement weather.

For Number Three, there was Board consensus that there would be no appropriate way to limit the number of decks per block.

Chair Clein said he would sooner discuss limiting the number of dining establishments in an area than he would limiting the number of outdoor dining decks permitted per block, though he clarified he was not particularly interested in doing either.

Mr. Williams agreed it would be better to limit the number of dining establishments in an area than it would be to limit the number of outdoor dining decks permitted per block.

Ms. Whipple-Boyce asked if using recycled materials for outdoor dining furniture could be discussed as part of the topic.

Chair Clein said he wanted to avoid delaying this topic so that restaurateurs know what to expect for outdoor dining, but said he would be open to discussing appropriate outdoor dining furniture materials as a future, separate topic.

**Motion by Mr. Williams**

**Seconded by Mr. Share to set a public hearing on April 13, 2022 to amend Article 4, Section 4.44 Outdoor Dining Standards, Article 3, Section 3.04 – Specific Standards (Downtown Overlay District), Article 3, Section 3.16 – Specific Standards (Via Activation Overlay District), and Article 9, Section 9.02 – Definitions.**

**Motion carried, 7-0.**

**VOICE VOTE**

Yeas: Jeffares, Williams, Whipple-Boyce, Koseck, Ramin, Clein, Share

Nays: None

Public Comment

Richard Astrein, owner of Astrein's Jeweler, member of the Advisory Parking Committee, and member of the Birmingham Shopping District Board, expressed a concern that too many outdoor dining decks could negatively impact other retailers.

**03-58-22**

**K. Miscellaneous Business and Communications**

**Motion by Mr. Share**

**Seconded by Mr. Williams to have whatever needs to be amended be amended so that on March 31, 2022 the special meeting will include consideration of the application for 220 Merrill Street for outdoor dining.**

**Mr. Williams noted that this item would be reviewed in addition to 770 S. Adams on the same date.**

**Motion carried, 7-0.**

**VOICE VOTE**

Yeas: Jeffares, Williams, Whipple-Boyce, Koseck, Ramin, Clein, Share

Nays: None

**1. Pre-Application Discussions**  
**i. 100 N. Old Woodward**

PD Dupuis summarized the item and asked the Board to refer the item to the Historic District Commission (HDC).

The Board referred the item to the HDC.

**2. Communications**  
**3. Administrative Approval Correspondence**  
**4. Draft Agenda**  
**5. Other Business**  
**i. Action List – 2022**

**03-59-22**

**L. Planning Division Action Items**  
**a. Staff Report on Previous Requests**  
**b. Additional Items from tonight's meeting**

**03-60-22**

**M. Adjournment**

No further business being evident, the Chair adjourned the meeting at 10:08 p.m.



Nick Dupuis  
Planning Director



Laura Eichenhorn  
City Transcriptionist

# **Historic District Commission Docs.**



# MEMORANDUM

Planning Division

**DATE:** February 2, 2022

**TO:** Historic District Commission

**FROM:** Leah Blizinski, City Planner

**APPROVED:** Nicholas Dupuis, Planning Director

**SUBJECT:** 100 Townsend – Rugby Grille Outdoor Dining – Design Review

---

**Zoning:** B-4 (Business-Residential) & D-4 (Downtown Overlay)

**Existing Use:** Restaurant

## Introductions

The applicant operates a restaurant inside the Townsend Hotel under an existing Special Land Use Permit (SLUP). In February 2012, a Final Site plan was approved for Outdoor Dining along the Townsend Street frontage in the restaurants façade, partially on public and partially on private property.

The subject site is located, on the North side of Townsend St., West of Pierce St., it is a restaurant space located within the Townsend Hotel. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant, Rugby Grille, is an existing SLUP with an existing outdoor café on public/private property and is proposing to expand the outdoor café by adding an additional outdoor dining platform in the Townsend right of way. An outdoor café is permitted in the B-4 Zoning District per Article 2.37 (C) (d). The proposed café meets the overall goals of the 2016 Plan, which is to create a more pedestrian-friendly environment.

## Proposal

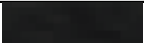

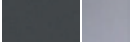
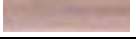




The applicant has submitted a Special Land Use Permit and Final Site Plan/Design Review application for the expanded outdoor dining. The applicant is proposing to continue their existing 16-seat outdoor dining deck which is partially on private and partially on public property. The existing deck is located on approximately 27.8' x 4.5' (125.1 s.f.) of public property and 27.8' X 5.5' (152.9 s.f.) of private property. The applicant is proposing to add a second 16-seat, 6.5' X 50' (325 s.f.) outdoor dining platform in the street right of way (which encompasses one 9' X 20' parallel parking space). A 5' clear sidewalk path will separate the existing outdoor dining section from the proposed new in-street outdoor dining section.



The applicant proposes to install a 50' X 6.5' Trex composite platform on-street that will take the place of one on-street parking space and will be adjacent to 4 remaining on-street parking spaces on the North side of Townsend St. The deck will be enclosed by 3' tall primed and powder coat paint finished steel railings with brass steel tube rails on top to match the existing on the frontage outdoor dining area. An 8'6" aluminum framework with Sunbrella Canvas fabric in a "Charcoal Gray" color will partially cover the deck with infrared heaters and mini spot lights mounted on the underside of the awning. Aluminum "box" planters are proposed at each end of the deck and in between dining tables.

The applicant is not proposing any changes to the building, façade, streetscape, or existing approved outdoor dining area. For the purposes of this Special Land Use Permit, Final Site Plan and Design Review application for expanded outdoor dining at the Rugby Grille, the Planning Division will consider only the design of the proposed outdoor dining sections.

The changes specific to the proposed new outdoor dining are simple and involve a new deck platform, awning, planters, service station and tables and chairs. A complete list of all of the new proposed materials is as follows:

Material	Location	Color
Fiberglass Resin Chairs	On-street outdoor dining chairs	
Aluminum, Resin and Polypropylene	On-street outdoor dining tables	
Steel and Aluminum	Planter boxes	
Trex Composite	On-street deck	
Power Coated Steel	Platform railings	
Artemide Mini Spot Lights	Under awning on-street	
DGS Series Electric Infrared Heater	Under awning on-street	
Sunbrella Canvas, Aluminum Frame	Awning on-street	

## Planning & Zoning

The proposed project will be required to go before the Planning Board for a Final Site Plan and Design Review in which the planning and zoning issues will be discussed in detail. For this reason, the Planning Division will not be including a review of planning and zoning issues in this report, and will instead focus on a review of the Secretary of the Interior Standards for Rehabilitation and Chapter 10 of the Birmingham Code of Ordinances.

## Signage

There are no new signs proposed as a part of the Design Review application submitted.

## Design Review Standards and Guidelines

Article 7, Section 7.09 of the Zoning Ordinance states that the Historic District Commission shall review all documents submitted pursuant to this section and shall determine the following:

1. All of the materials required by this section have been submitted for review.
2. All provisions of this Zoning Ordinance have been complied with.
3. The appearance, color, texture and materials being used will preserve property values in the immediate neighborhood and will not adversely affect any property values.
4. The appearance of the building exterior will not detract from the general harmony of and is compatible with other buildings already existing in the immediate neighborhood.
5. The appearance of the building exterior will not be garish or otherwise offensive to the sense of sight.
6. The appearance of the building exterior will tend to minimize or prevent discordant and unsightly properties in the City.
7. The total design, including but not limited to colors and materials of all walls, screens, towers, openings, windows, lighting and signs, as well as treatment to be utilized in concealing any exposed mechanical and electrical equipment, is compatible with the intent of the urban design plan or such future modifications of that plan as may be approved by the City Commission.

#### **Recommendation**

Based on the review above, the Planning Division recommends that the Historic District Commission **APPROVE** the Design Review application for 100 Townsend St. – Rugby Grille – subject to the following condition:

1. The applicant obtain full approval from the City Commission prior to installation.

#### **Wording for Motions**

I move that the Commission **APPROVE** the Design Review application for 100 Townsend St. – Rugby Grille – with the following condition:

1. The applicant obtain full approval from the City Commission prior to installation.

**OR**

I move that the Commission **POSTPONE** the Design Review application for 100 Townsend St. – Rugby Grille – pending receipt of the following:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**OR**

I move that the Commission **DENY** the Design Review application 100 Townsend St. – Ruby Grille  
– for the following reasons:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_



Townsend Hotel - Rugby Grill  
HDC & SLUP Review  
100 Townsend St., Birmingham, Michigan

Architect's Project Number -018-2021

## Zoning Information

### Building Area / Building Criteria

Zoning

- Zoning = B4
- Downtown Overlay District = D4
- Part of Downtown Birmingham Parking Assessment District
- Shain Park Historic District

Legal Description:  
See Site Plan - Sheet S-1



### Exterior Perspective

# Sheet Schedule

A R C H I T E C T U R A L				
●				SD 1.00 TITLE, SHEET SCHEDULE, AND ZONING INFORMATION
●				S.1 SURVEY
●				SD 1.01 SITE PLAN, LOCATION, AND SITE INFORMATION
●				SD 1.02 GROUND FLOOR PLAN + TECHNICAL DETAILS
●				SD 1.03 ELEVATIONS
●				SD 1.04 FURNITURE FIXTURES / PLANTS AND PLANTER DETAILS

# HISTORIC DISTRICT COMMISSION & SPECIAL LAND USE PLANNING REVIEW

L|Z|G  
Architects

Luckenbach|Ziegelman|Gardner  
A r c h i t e c t s

555 S. Old Woodward Ave. Suite 27L  
Birmingham, Michigan 48009

email:  
gardner-arch1@sbcglobal.net

tele:  
248.642.3990

[illegible]

sheet title:

# Title Sheet, Sheet Schedule

project:

THE TOWNSEND HOTEL  
Rugby Grill  
Exterior Dining

project address:

100 Townsend Street  
Birmingham, Michigan

designed

drawn

coordination checked

checked                      approved                     

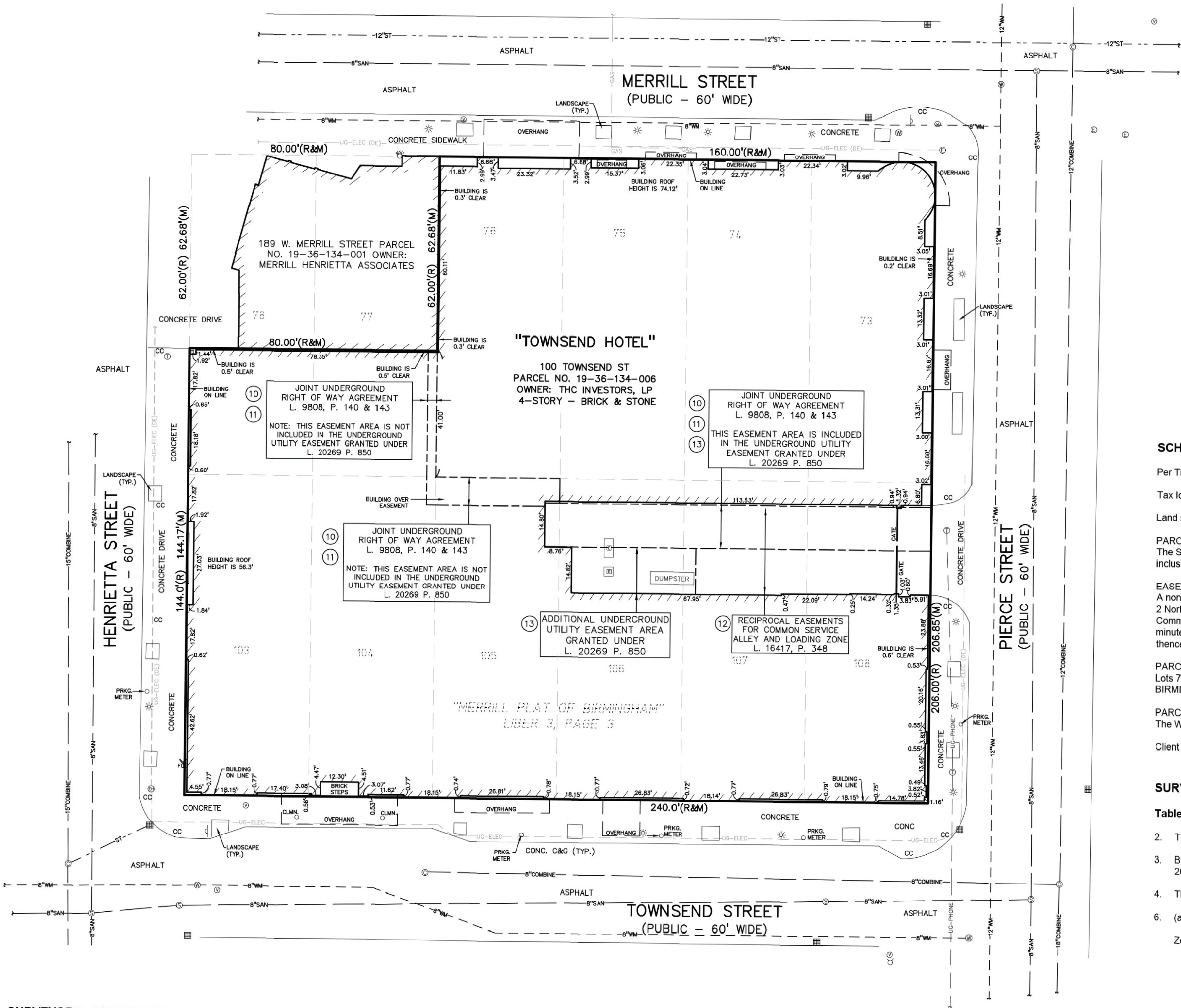
project number:

018-2021

sheet number:

SD-1.00





#### SURVEYOR'S CERTIFICATE

To THC Investors Limited Partnership, a Michigan limited partnership, Morgan Stanley Bank, N.A., a national banking association, and its successors and assigns, Title Source, Inc., First American Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 10(a), 11, 13, 16, 17, 18, 19 and 20 of Table A thereof. The fieldwork was completed on August 1, 2017.

Date of Plat or Map: \_\_\_\_\_

Todd D. Shelly, P.S.  
Michigan Professional Surveyor No. 41111  
Agent for Professional Engineering Associates, Inc.



#### SCHEDULE B - SECTION 2 - EXCEPTIONS

Per Title Source, Inc. File Number: 63483809; Effective Date: July 5, 2017

Items 1, 2, 3, 4, 5, 6, 7, 8, and 16 are not plottable survey items

Item 14 was removed from the survey at the request of legal counsel

9. Terms and conditions contained in Resolution recorded July 2, 1984 in Liber 8715, Page 137.  
[SURVEYOR'S COMMENTS: IS NOT A PLOTTABLE SURVEY ITEM; HOWEVER, THE SUBJECT PROPERTY IS INCLUDED IN THE LANDS DESCRIBED THEREIN.]

(10) Joint Underground Right of Way Agreement granted to Consumers Power Company and The Detroit Edison Company recorded March 13, 1997 in Liber 9808, Page 140.  
[SURVEYOR'S COMMENTS: AFFECTS THE SUBJECT PARCEL AS PLOTTED AND SHOWN ON THE SURVEY MAP.]

(11) Joint Underground Right of Way Agreement granted to Consumers Power Company and The Detroit Edison Company recorded March 13, 1997 in Liber 9808, Page 143.  
[SURVEYOR'S COMMENTS: AFFECTS THE SUBJECT PARCEL AS PLOTTED AND SHOWN ON THE SURVEY MAP.]

(12) Declaration of Reciprocal Easements For Common Service Alley and Loading Zone recorded July 9, 1996 in Liber 16417, Page 348.  
[SURVEYOR'S COMMENTS: AFFECTS THE SUBJECT PARCEL AS PLOTTED AND SHOWN ON THE SURVEY MAP; HOWEVER, IT SHOULD BE NOTED THAT THIS AREA IS NO LONGER UNDER SEPARATE OWNERSHIP.]

(13) Detroit Edison Underground Easement (Right of Way), recorded July 15, 1999 in Liber 20269, Page 850.  
[SURVEYOR'S COMMENTS: AFFECTS THE SUBJECT PARCEL AS PLOTTED AND SHOWN ON THE SURVEY MAP.]

15. Notice of Commencement recorded August 25, 2016 in Liber 49740, Page 298.  
[SURVEYOR'S COMMENTS: IS NOT A PLOTTABLE SURVEY ITEM; HOWEVER, THE SUBJECT PROPERTY IS INCLUDED IN THE LANDS DESCRIBED THEREIN.]

#### SCHEDULE A - PROPERTY DESCRIPTION

Per Title Source, Inc. File Number: 63483809; Effective Date: July 5, 2017

Tax Id Number(s): 19-36-134-006

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

**PARCEL 1:**  
The Southerly 41 feet of Lots 77 and 78, all of Lots 103 and 104, all of Lot 105, except the Easterly 5 feet of the Northerly 21.5 feet of Lot 105 and all of Lots 106 through 108, inclusive except the Northerly 21.5 feet of MERRILL'S PLAT OF BIRMINGHAM, according to the plat thereof recorded in Liber 3 of Plats, Page 3, Oakland County Records.

**EASEMENT PARCEL FOR THE BENEFIT OF PARCEL 1:**  
A non-exclusive easement for off-street loading and maintenance described as: Part of Lots 105 through 108, inclusive of MERRILL'S PLAT OF BIRMINGHAM, Section 36, Town 2 North, Range 10 East, City of Birmingham, Oakland County, Michigan, according to the plat thereof recorded in Liber 3 of Plats, Page 3, Oakland County Records, described as Commencing at the Southeast corner of Lot 108; thence along the West right of way line of Pierce Street North, 81.50 feet to the point of beginning; thence South 89 degrees 38 minutes 35 seconds West 124.79 feet; thence North 00 degrees 21 minutes 25 seconds West, 12.90 feet; thence North 89 degrees 38 minutes 35 seconds East, 124.87 feet; thence South 12.90 feet to the point of beginning.

**PARCEL 2:**  
Lots 73 through 75 inclusive, East 5 feet of Lot 76, East 5 feet of the North 21.50 feet of Lot 105 and North 21.50 feet of Lots 106 through 108 inclusive, MERRILL'S PLAT OF BIRMINGHAM, according to the plat thereof recorded in Liber 3 of Plats, Page 3, Oakland County Records.

**PARCEL 3:**  
The West 35 feet of Lot 76 of MERRILL'S PLAT OF BIRMINGHAM, according to the plat thereof recorded in Liber 3 of Plats, Page 3, Oakland County Records.

Client Reference: 100 Townsend St, Birmingham, MI 48009-6068

#### SURVEYOR'S NOTES

##### Table A Items

- The subject property is identified as 100 Townsend St., Birmingham, MI 48009-6068, Tax Identification No.: 19-36-134-006
- By graphical plotting, site is within "ZONE X" (Areas determined to be outside of the 0.2% annual chance of floodplain) per Flood Insurance Rate Map Number 26125C0537F, Effective Date September 29, 2006. The referenced map is the current map for the community in which the property is located.
- The subject property covers approximate 44,629.6 sq. ft. or 1.02 acres
- (a) Zoning information was provided to the surveyor by the client's representative on August 16, 2017.

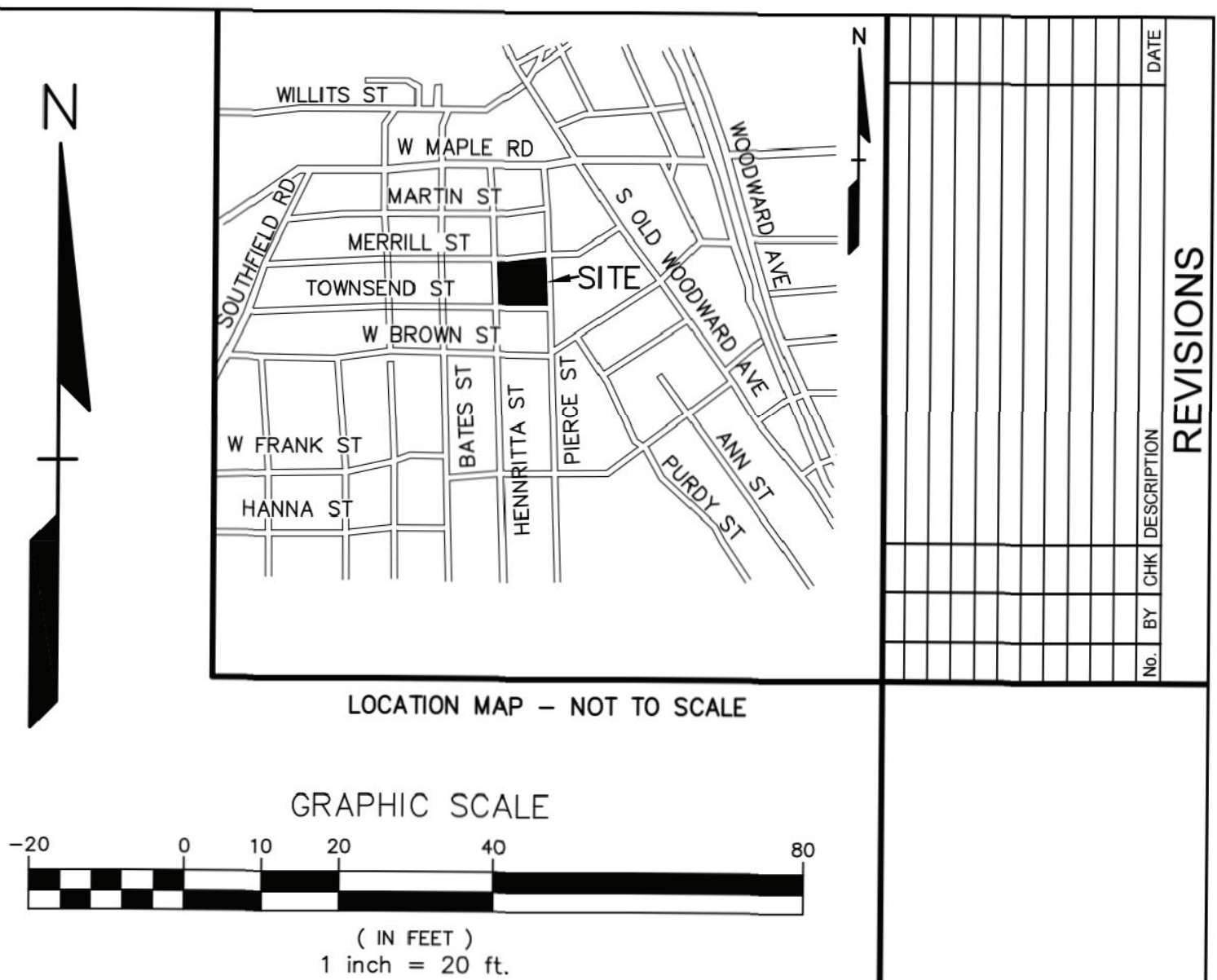
Zoning Classification: "B-4" Business-Residential District  
Minimum Lot Size: None Required  
Maximum Height: 60-feet and 5-stories for Residential and Multiple Family; 4-stories and 48-feet for all other buildings  
Minimum Setbacks:  
Front Setback: 0-feet  
Side Setback: 0-feet for Commercial, Office or Parking stories; 10-feet for Residential stories if containing windows and abutting a street  
Rear Setback: 10-feet if abutting P, B1, B2, B2B, B2C, B3, B4, O1 or O2; 20-feet if abutting Residential  
Parking:  
Hotel: 1 Parking Space per Rental Unit plus 1 Parking Space per 25 Units plus Space required for Restaurants, Bars, Assembly Room and Affiliated Facilities  
Restaurant: 1 Parking Space per 75 Square Feet of Floor Area (Table A)  
Assembly Area: 1 Parking Space per 6 Seats (Table A)

(b) Applicable zoning information is shown on the survey map

- (a) Exterior building dimensions are shown on the survey map  
(b)(1) The area of the existing building is 40226.4 sq. ft., as determined from exterior building dimensions  
(c) The build height is shown on the survey map where measured
- Substantial features observed in the process of conducting the fieldwork are shown on the survey map and are depicted as observed
- Pavement striping for parking is shown on the survey map and depicted as observed.

Regular parking spaces 50  
Barrier Free parking spaces 0  
Total parking spaces 50

- (a) There are no division or party walls associated with the subject property.
- The location of utilities existing on and serving the subject property are shown on the survey map and depicted as observed and as noted in plans obtained from utility companies
- Names of adjoining land owners are shown and noted on the survey map
- No visible evidence of recent earth moving work, building construction, or building additions were observed in the process of conducting the survey
- No recent street or sidewalk construction or repairs were observed in the process of conducting the survey
- No field delineation of wetlands was observed in the process of conducting the fieldwork. No wetland delineation information was provided by the client
- Offsite easements or servitudes disclosed in documents provided or obtained are shown on the survey map



**CAUTION!!**  
THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS GIVEN THAT THE UTILITIES ARE EXACTLY AS SHOWN. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT LOCATION, DEPTH AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

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www.peainc.com

THC INVESTORS LIMITED PARTNERSHIP									
ALTA/NSPS LAND TITLE SURVEY									
TOWNSEND HOTEL									
PART OF THE TOWNSEND HOTEL, 100 TOWNSEND STREET, BIRMINGHAM, MI 48009-6068									
DES	XXX	DN	LP	SUR	JW	P.M.	TDS		
1	2	3	4	5	6	7	8		

ORIGINAL ISSUE DATE:  
AUGUST 17, 2017

PEA JOB NO. 2017-252

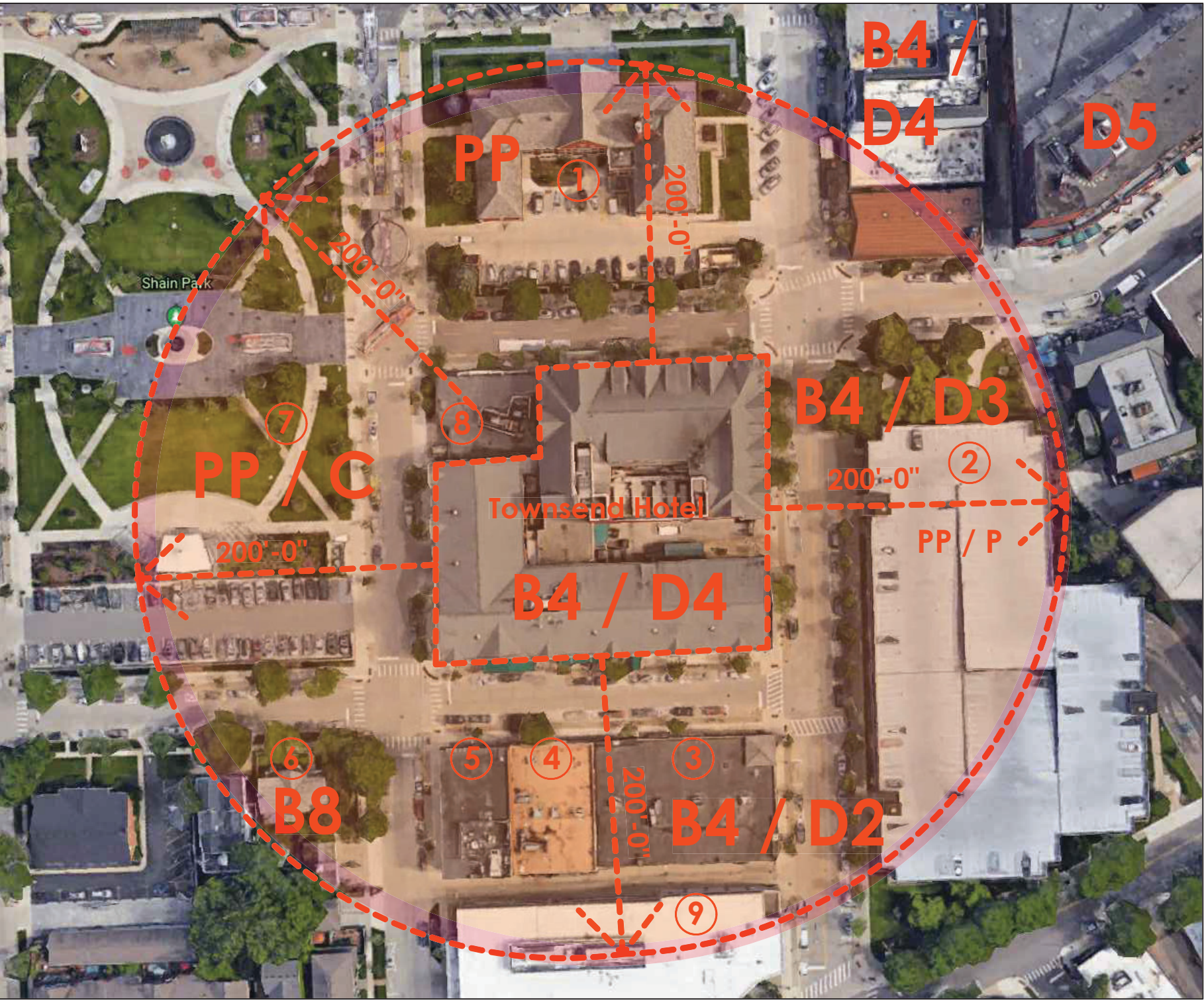
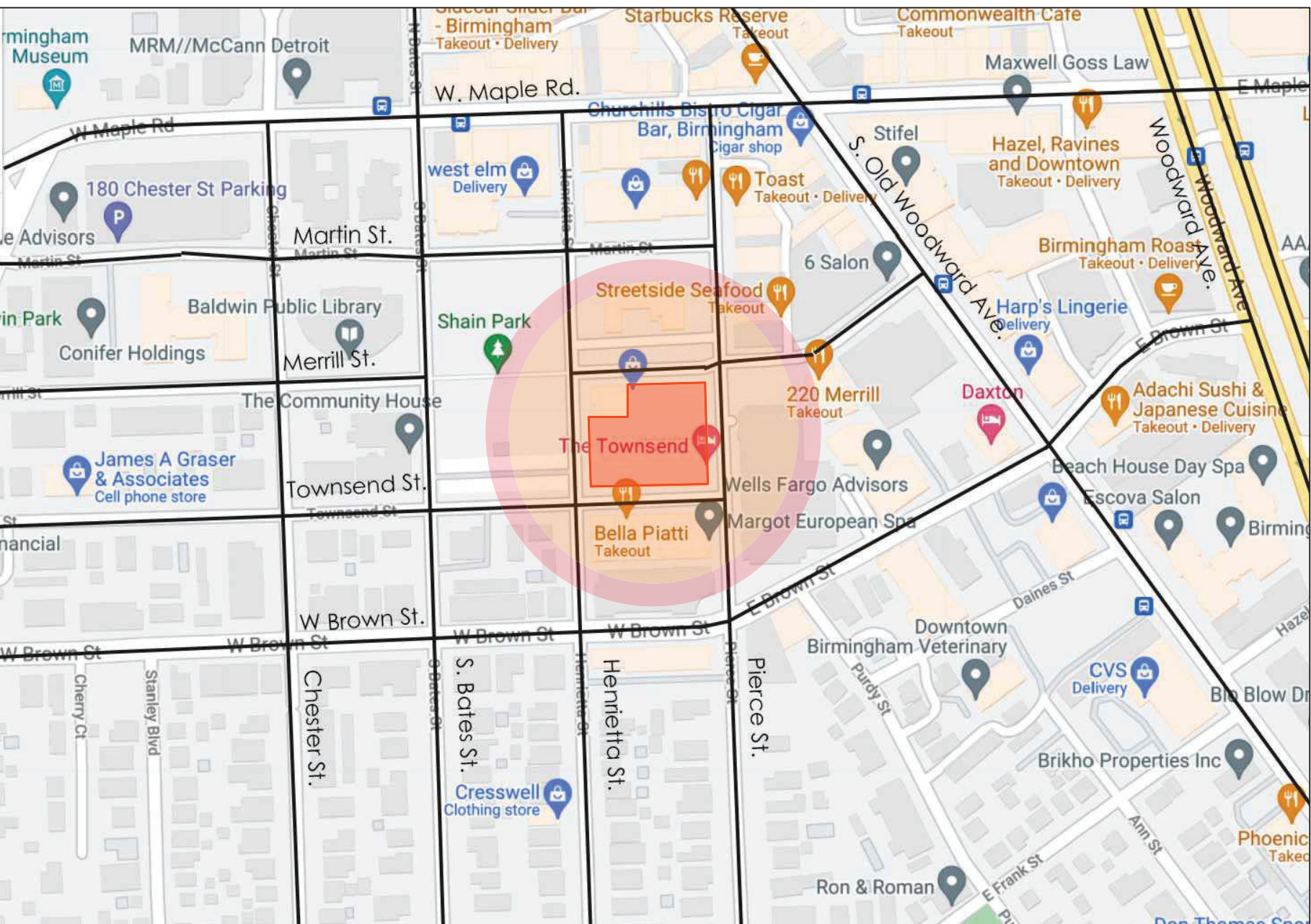
SCALE: 1" = 20'

DRAWING NUMBER:

1 of 1

S.1





L|Z|G  
Architects

Luckenbach|Ziegelman|Gardner  
Architects

555 S. Old Woodward Ave. Suite 27L  
Birmingham, Michigan 48009

email:  
gardner-arch1@sbcglobal.net

tele:  
248.642.3990

issue OWNER REVIEW date December 21, 2021

HDC /SLUP REVIEW January 28, 2022

sheet title:

Site Plan,  
Location Map,  
& Site Info

project:

THE TOWNSEND HOTEL  
Rugby Grill  
Exterior Dining

project address:

100 Townsend Street  
Birmingham, Michigan

designed  
drawn  
coordination checked  
checked approved

project number:  
018-2021

sheet number:

SD-1.01



issue	date
OWNER REVIEW	December 21, 2021
HDC / SLUP	Jan 28, 2022

sheet title:

## Partial Site Plan Technical Details

project:

## THE TOWNSEND HOTEL Rugby Grill Exterior Dining

project address:

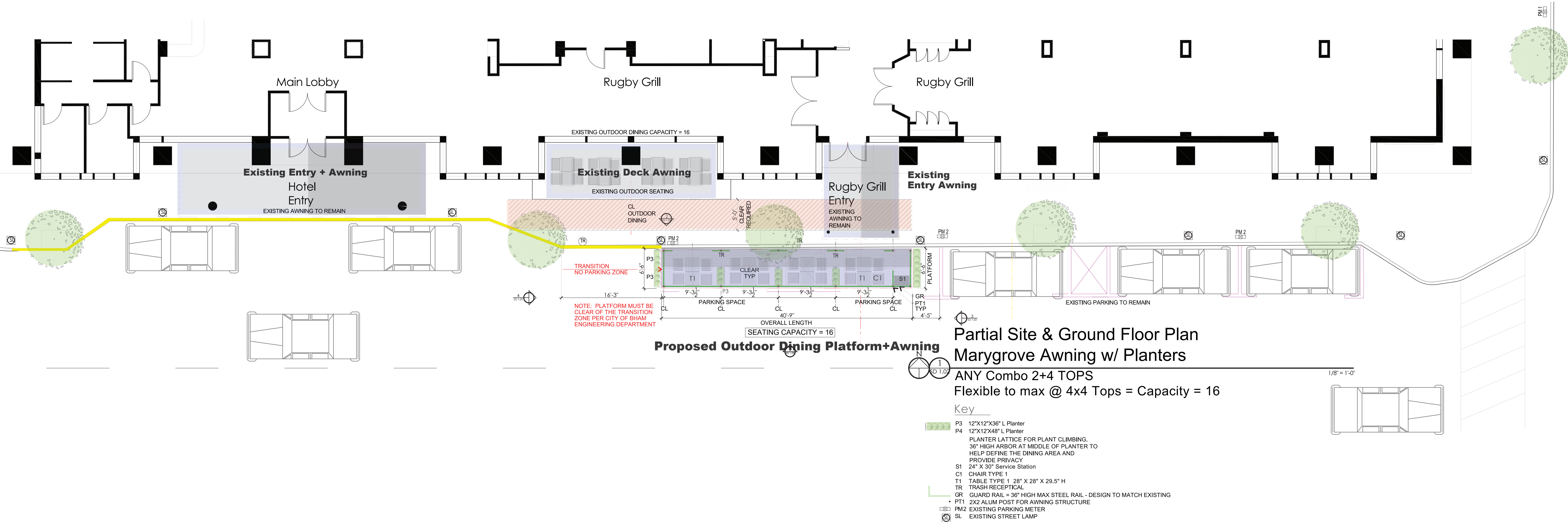
100 Townsend Street  
Birmingham, Michigan

designed  
drawn  
coordination checked  
checked approved

project number:  
018-2021

sheet number:

SD-1.02



## MAKE SHADE EXCEPTIONAL

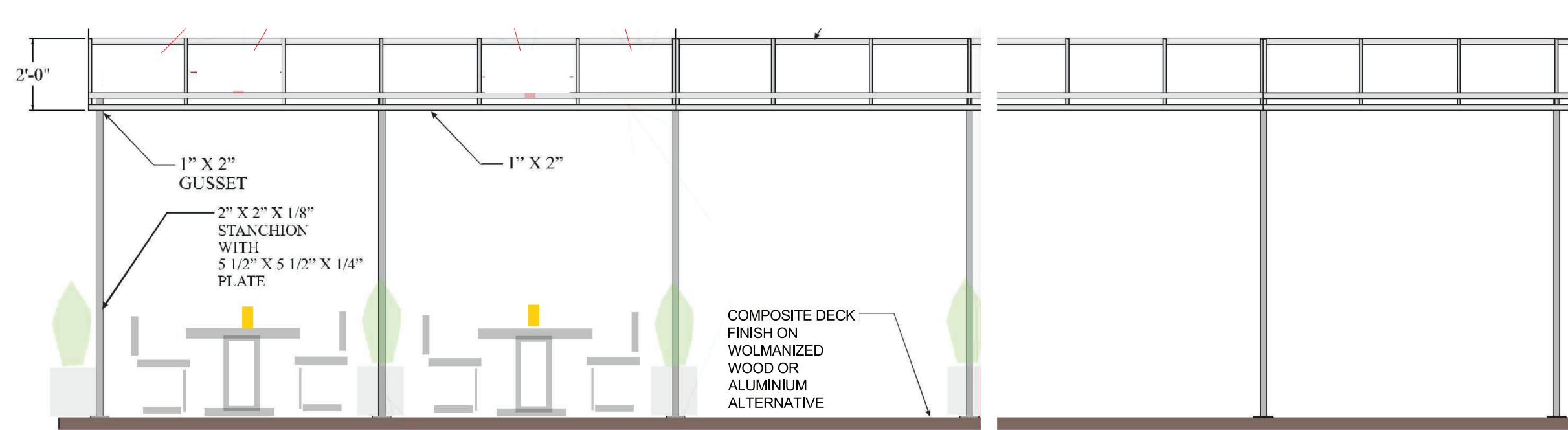
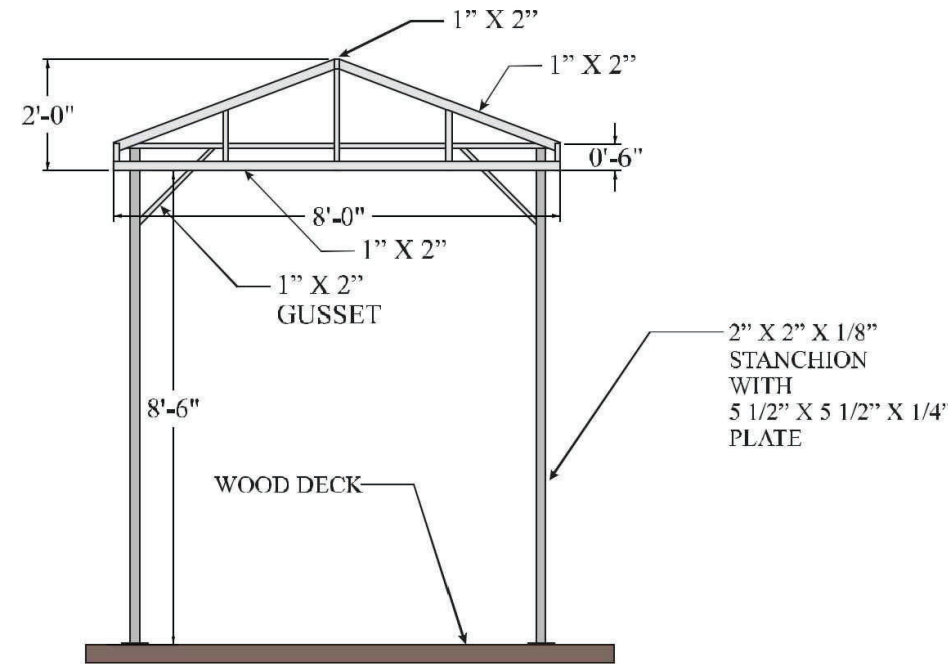
10  
YEAR  
LIMITED WARRANTY

### Solids

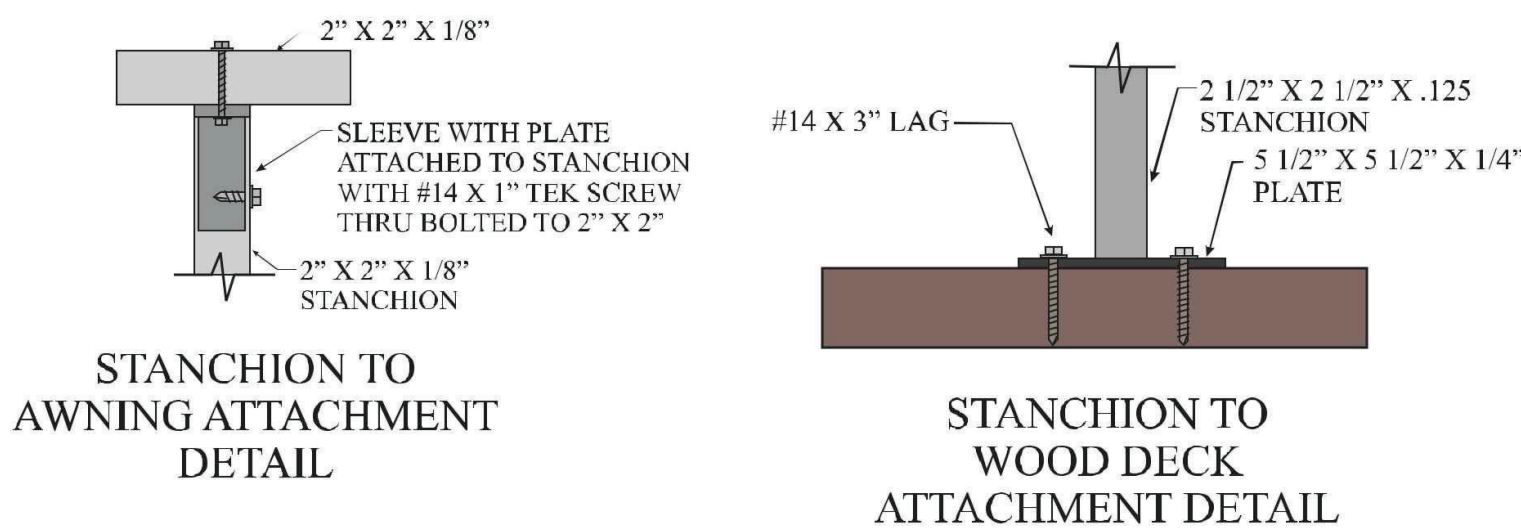
 Midnight 6036-0000 / 46" (117cm)	 Captain Navy 4646-0000 / 46" (117cm) 6046-0000 / 60" (152cm) 80046-0000 / 80" (203cm)	 Navy 4626-0000 / 46" (117cm) 6026-0000 / 60" (152cm)	 Royal Navy 2079-0060 / 60" (152cm) Mayfield Collection®	 Marine Blue 4678-0000 / 46" (117cm) 6078-0000 / 60" (152cm)
 Ocean Blue 4679-0000 / 46" (117cm) 6079-0000 / 60" (152cm)	 Mediterranean Blue 4652-0000 / 46" (117cm) 6052-0000 / 60" (152cm)	 Pacific Blue 4601-0000 / 46" (117cm) 6001-0000 / 60" (152cm) 80001-0000 / 80" (203cm)	 Capri 4675-0000 / 46" (117cm) 6075-0000 / 60" (152cm)	 Sky Blue 4624-0000 / 46" (117cm) 6024-0000 / 60" (152cm)
 Turquoise 4610-0000 / 46" (117cm) 6010-0000 / 60" (152cm)	 Persian Green 6043-0000 / 60" (152cm)	 Aquamarine 6023-0000 / 60" (152cm)	 Aruba 4612-0000 / 46" (117cm) 6012-0000 / 60" (152cm)	 Sapphire Blue 4641-0000 / 46" (117cm) 6041-0000 / 60" (152cm)
 Ivy 4632-0000 / 46" (117cm) 6032-0000 / 60" (152cm)	 Forest Green 4637-0000 / 46" (117cm) 6037-0000 / 60" (152cm)	 Erin Green 4600-0000 / 46" (117cm) 6000-0000 / 60" (152cm)	 Storm 4636-0000 / 46" (117cm)	 Black 4608-0000 / 46" (117cm) 6008-0000 / 60" (152cm) 80008-0000 / 80" (203cm)
 Fern 4671-0000 / 46" (117cm) 6071-0000 / 60" (152cm)	 Basil 4688-0000 / 46" (117cm)	 Sea 4664-0000 / 46" (117cm)		

Rugby Grill Selection

sunbrella

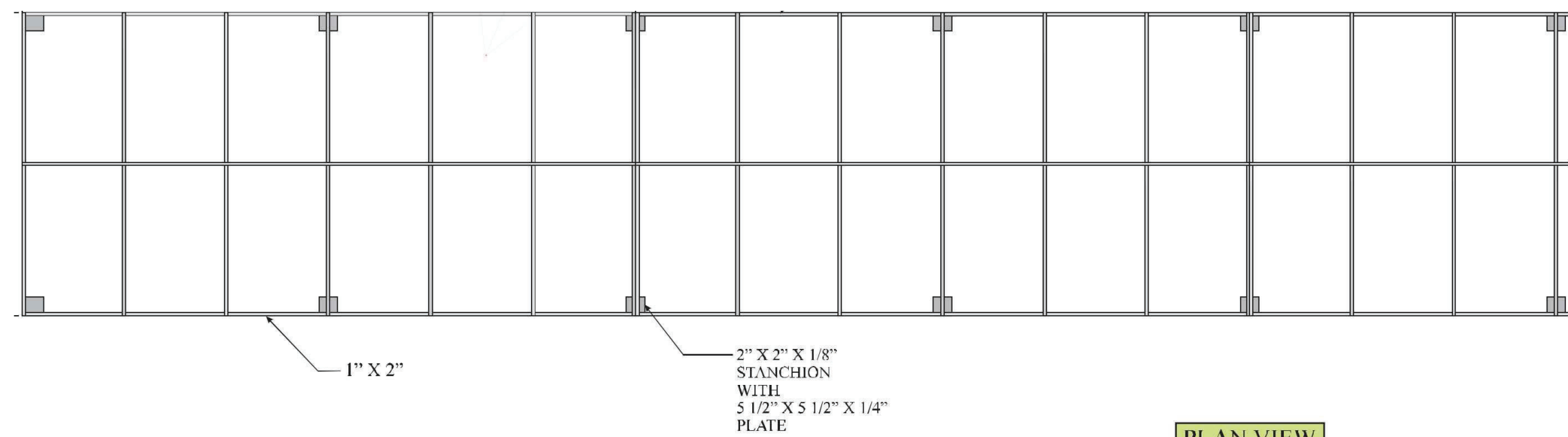


AWNING IS FREE STANDING  
FABRIC COVERING IS SEASONAL



**Marygrove**  
AWNINGS  
DALE BACHE  
TOWNSEND HOTEL  
100 TOWNSEND STREET  
BIRMINGHAM, MI 48009  
10/20/2021

NOTES:  
ALL FRAMING ALUMINUM  
1" X 1" X .053 UNLESS NOTED  
FRAMES MILL FINISH  
FABRIC: SUNBRELLA CHARCOAL GREY 6044



AWNING IS FREE STANDING  
FABRIC COVERING IS SEASONAL



issue	date
HDC/SLUP REVIEW	JANUARY 28, 2021

sheet title:

Elevations

project:

THE TOWNSEND HOTEL  
Rugby Grill

Exterior Dining

project address:

100 Townsend Street  
Birmingham, Michigan

designed

drawn

coordination checked

checked approved

project number:

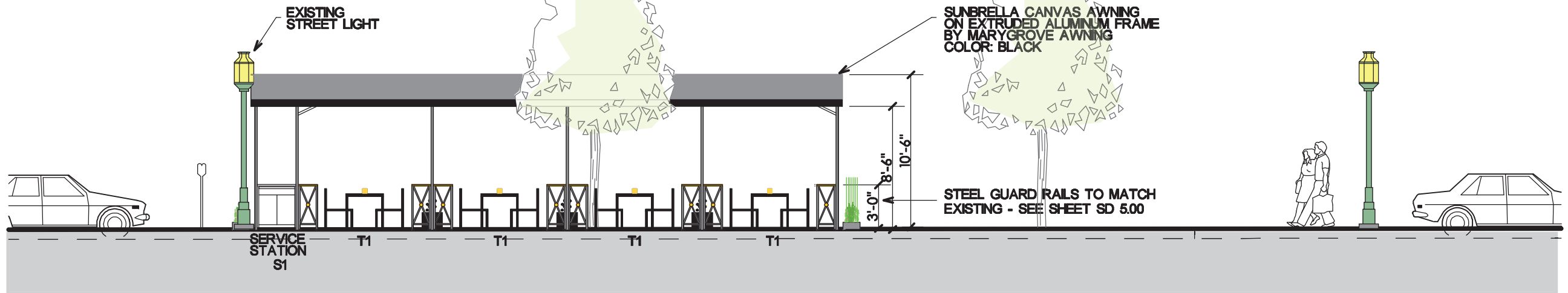
018-2021

sheet number:

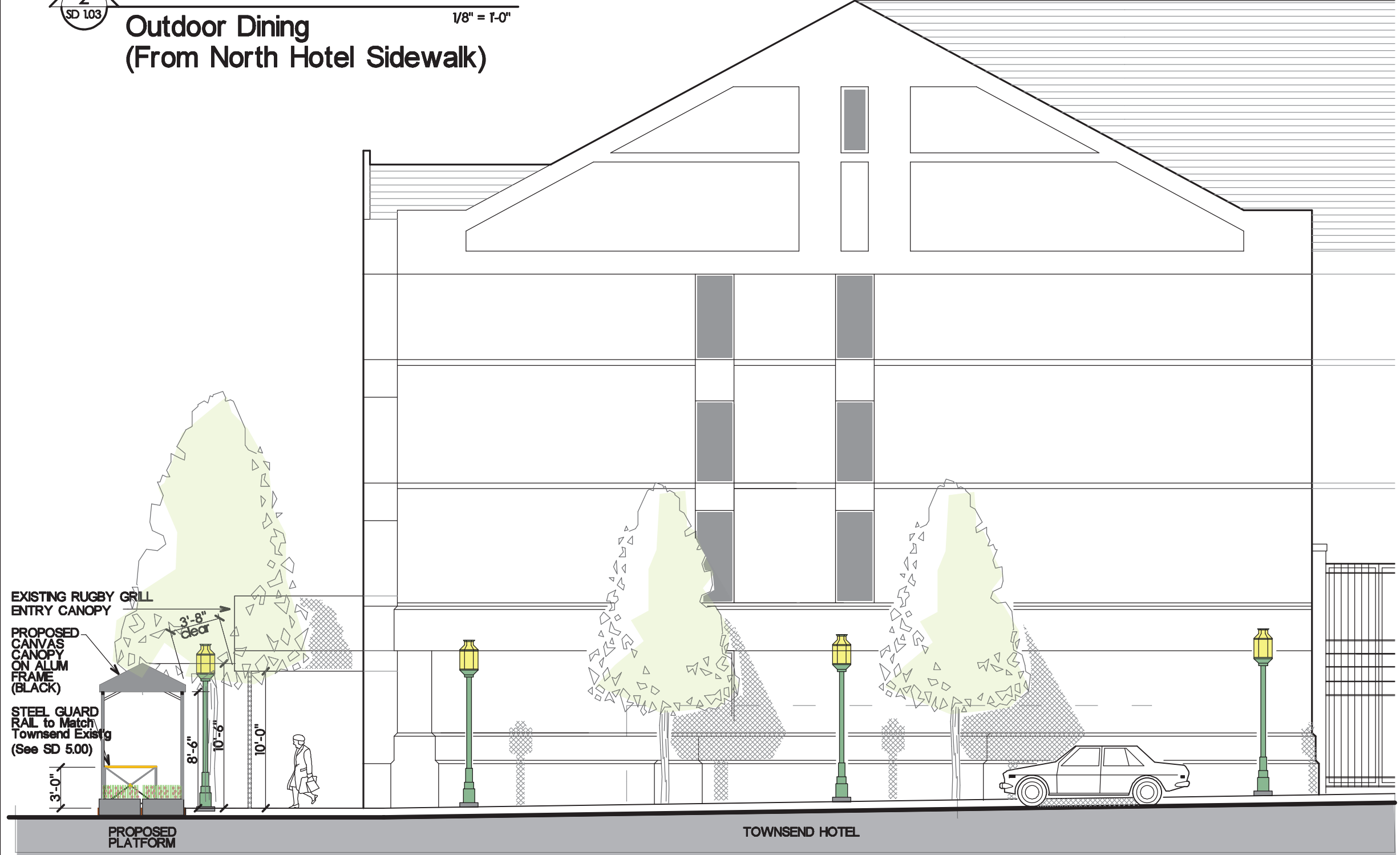
SD-1.03



1  
SD 103  
South Elevation  
Outdoor Dining  
1/8" = 1'-0"



2  
SD 104  
North Elevation  
Outdoor Dining  
(From North Hotel Sidewalk)  
1/8" = 1'-0"



3  
SD 104  
Partial East Elevation  
Outdoor Dining  
1/8" = 1'-0"



4  
SD 105  
Partial West Elevation  
Outdoor Dining in Context / Looking East  
1/8" = 1'-0"









## Design Review Application

### Planning Division

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

#### 1. Applicant

Name: THC INVESTORS LIMITED PARTNERSHIP  
 Address: 100 TOWNSEND STREET  
BIRMINGHAM, MICHIGAN  
 Phone Number: 248 642 7900  
 Email address: sroth@townsendhotel.com

#### 2. Property Owner

Name: Same  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Phone Number: \_\_\_\_\_  
 Email address: \_\_\_\_\_

#### 3. Project Contact Person

Name: Steve Roth  
 Address: Same as above  
 \_\_\_\_\_  
 Phone Number: 248 642 7900  
 Email address: \_\_\_\_\_

#### 4. Project Designer/Developer

Name: John H. Gardner, AIA / Luckenbach|Ziegelman|G  
 Address: 555 S. Old Woodward  
Birmingham, MI 48009  
 Phone Number: 248 642 3990  
 Email address: gardner-arch1@sbcglobal.net

#### 5. Required Attachments

- I. Two (2) paper copies and one (1) digital copy of all project plans including:
  - i. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
  - ii. Colored elevation drawings for each building elevation;
  - iii. A Landscape Plan (if applicable);
  - iv. A Photometric Plan (if applicable);
- II. Specification sheets for all proposed materials, light fixtures and mechanical equipment;

- III. Samples of all proposed materials;
- IV. Photographs of existing conditions on the site including all structures, parking areas, landscaping and adjacent structures;
- V. Current aerial photographs of the site and surrounding properties;
- VI. Warranty Deed, or Consent of Property Owner if applicant is not the owner;
- VII. Any other data requested by the Planning Board, Planning Department, or other City Departments.

#### 6. Project Information

Address/Location of the property: 100 Townsend  
 \_\_\_\_\_  
 Name of development: Townsend Hotel  
 Sidwell #: 19-38-134-008  
 Current Use: Hotel  
 Proposed Use: \_\_\_\_\_  
 Area of Site in Acres: 1.02  
 Current zoning: B-4

	Yes	No
Is the property located in a floodplain? -----	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the property within a Historic District? -----	<input checked="" type="checkbox"/>	<input type="checkbox"/>
→ If so, which? _____		
Will the project require a variance? -----	<input type="checkbox"/>	<input checked="" type="checkbox"/>
→ If so, how many? _____		
Has the project been reviewed by another board? -----	<input type="checkbox"/>	<input checked="" type="checkbox"/>
→ If so, which? _____		

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

Proposed Exterior Dining Platform w/ Canvas Awning on aluminum frame.  
 See attached Plans

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## 8. Required and Proposed Parking

Required number of parking spaces: NA  
Proposed number of parking spaces: NA  
Location of parking on site: NA  
Location of parking off site: Street and Parking Structure  
Shared parking agreement? \_\_\_\_\_  
Size of surface parking lot: NA

Number of underground parking levels: NA  
Typical size of parking spaces: \_\_\_\_\_  
Typical width of maneuvering lanes: \_\_\_\_\_  
Number of handicap spaces: \_\_\_\_\_  
Screenwall material: \_\_\_\_\_  
Height of screenwall: \_\_\_\_\_

## 9. Landscaping

Location of landscape areas: NA  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed landscape material: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 10. Streetscape

Sidewalk width: No changes  
Number of benches: \_\_\_\_\_  
Number of planters: \_\_\_\_\_

Number of existing street trees: No Changes  
Number of proposed street trees: \_\_\_\_\_  
Number of waste receptacles: \_\_\_\_\_

## 11. Loading

Required number of loading spaces: NA  
Proposed number of loading spaces: \_\_\_\_\_  
Location of loading spaces on site: \_\_\_\_\_

Typical size of loading spaces: NA  
Screenwall material: NA  
Height of screenwall: NA

## 12. Exterior Waste Receptacles

Required number of waste receptacles: \_\_\_\_\_  
Proposed number of waste receptacles: 2  
Location of waste receptacles: on dining platform

Size of waste receptacles: 15" dia  
Screenwall material: NA  
Height of screenwall: NA

## 13. Mechanical Equipment

### Utilities and Transformers:

Number of ground mounted transformers: NA  
Location of all utilities & easements: \_\_\_\_\_  
\_\_\_\_\_

Size of transformers (L•W•H): \_\_\_\_\_  
Screenwall material: \_\_\_\_\_  
Height of screenwall: \_\_\_\_\_

### Ground Mounted Mechanical Equipment:

Number of ground mounted units: NA  
Location of all ground mounted units: \_\_\_\_\_  
\_\_\_\_\_

Size of ground mounted units (L•W•H): \_\_\_\_\_  
Screenwall material: \_\_\_\_\_  
Height of screenwall: \_\_\_\_\_

### Rooftop Mechanical Equipment:

Number of rooftop units: NA  
Type of rooftop units: \_\_\_\_\_  
Location of all rooftop units: \_\_\_\_\_  
Size of rooftop units (L•W•H): \_\_\_\_\_

Location of screenwall: \_\_\_\_\_  
Screenwall material: \_\_\_\_\_  
Height of screenwall: \_\_\_\_\_  
Distance from rooftop units to all screenwalls: \_\_\_\_\_

## 14. Building & Site Lighting

Number of light fixtures on building: No Changes  
Light level at each property line: \_\_\_\_\_  
Type of light fixtures on building: \_\_\_\_\_  
Location of light fixtures on building: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Number of light fixtures on site: \_\_\_\_\_  
Type of light fixtures on site: \_\_\_\_\_  
Height from grade: \_\_\_\_\_  
Location of light fixtures on site: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

Signature of Owner: [Signature] Date: 1/26/22

Print name: Steve Roth

Signature of Applicant: [Signature] Date: 1/26/22

Print Name: Steve Roth

Signature of Architect: [Signature] Date: 1.26.2022

Print Name: John H. Gardner

*Office Use Only*

Application #: \_\_\_\_\_ Date Received: \_\_\_\_\_ Fee: \_\_\_\_\_

Date of Approval: \_\_\_\_\_ Date of Denial: \_\_\_\_\_ Accepted By: \_\_\_\_\_



**Historic District Commission  
Minutes Of February 2, 2022**

151 Martin Street, City Commission Room 205, Birmingham, MI

Minutes of the regular meeting of the Historic District Commission ("HDC") held Wednesday, February 2, 2022. Vice-Chair Keith Deyer called the meeting to order at 7:00 p.m.

**1) Rollcall**

**Present:** Vice-Chair Keith Deyer; Board Members Gigi Debbrecht, Natalia Dukas, Patricia Lang, Michael Willoughby; Alternate Board Member Steven Lemberg

**Absent:** Chair John Henke; Board Member Dustin Kolo; Alternate Board Member Cassandra McCarthy

**Administration:** Nicholas Dupuis, Planning Director  
Laura Eichenhorn, City Transcriptionist

**02-08-22**

**2) Approval of the HDC Minutes of January 19, 2022**

**Motion by Ms. Dukas**

**Seconded by Ms. Lang to approve the HDC Minutes of January 19, 2022 as submitted.**

**Motion carried, 6-0.**

VOICE VOTE

Yeas: Debbrecht, Lang, Deyer, Lemberg, Dukas, Willoughby

Nays: None

**02-09-22**

**3) Courtesy Review**

None.

**02-10-22**

**4) Historic Design Review**

**A. 100 Townsend – Townsend Hotel**

PD Dupuis summarized the item.

John Gardner, architect, was present on behalf of the request.

**Motion by Mr. Willoughby**

**Seconded by Ms. Lang to approve the Design Review application for 100 Townsend St. – Rugby Grille – with the following condition:**

- 1. The applicant obtain full approval from the City Commission prior to installation.**

**Motion carried, 6-0.**

VOICE VOTE

Yeas: Debbrecht, Lang, Deyer, Lemberg, Dukas, Willoughby

Nays: None

### **B. 320 Martin St. – Birmingham Post Office**

PD Dupuis presented the item.

Kevin Biddison, architect, and Sam Surnow, owner, spoke regarding the project.

A number of HDC members raised concerns about the addition's large massing, overhang, and the 'glass hyphen'. There were comments that the mass of the new building seemed to overwhelm the historic building.

Mr. Willoughby disagreed with those comments, saying that the design complemented the historic building in terms of lines and materials. He also noted that the new building would seem much less prominent from the ground than it does from three or four stories up. He recommended the applicants create renderings from the east side of Bates to better illustrate the design.

Ms. Dukas said she would not be opposed to the overhang if it were further stepped back.

In reply to Mr. Biddison, Mr. Lemberg and Vice-Chair Deyer asked the applicant to explore the options of going to the west lot line instead of keeping the overhang.

Messrs. Biddison and Surnow contended that the addition proposal maintains the most historically significant aspects of the Post Office building while only de-emphasizing less historically significant aspects of the building.

Vice-Chair Deyer recommended that the applicant explore integrating the HDC's feedback. He acknowledged that the applicant might ultimately return with the same proposal even after consideration of the HDC's recommendations. He said the proposal seemed close to something the HDC could approve.

Mr. Surnow said he was willing to review the HDC's comments and to meet again with the HDC, stating that his goal is to have the HDC be comfortable with the proposal.

**Motion by Ms. Dukas**

**Seconded by Mr. Willoughby to postpone the Historic Design Review application and the issuance of a Certificate of Appropriateness for 320 Martin St. – Birmingham Post Office – to March 2, 2022.**

**Ms. Dukas** said the treatment of the west elevation and the community thread park was an excellent addition and more important than whether changes are made to the overhang. She said she would like to see the overhang stepped back if possible.

**Mr. Lemberg** said the overhang detracted from the project. He said he would be more supportive of the project if it could go further west to the lot line and have a clean break.

**Motion carried, 5-1.**

VOICE VOTE

Yeas: Debbrecht, Deyer, Lemberg, Dukas, Willoughby

Nays: Lang

**02-11-22**

## **5) Sign Review**

None.

**02-12-22**

## **6) Study Session**

### **A. CLG Grant – Historic Design Guidelines (Update)**

PD Dupuis stated replies to the Request for Proposals would be due March 4, 2022.

### **B. Bates St. Historic District Signage (Update)**

PD Dupuis stated that he raised the Bates Street Historic Signage proposals with the Wayfinding and Gateway Signage Committee and said the Committee was enthusiastic about the proposals.

Vice-Chair Deyer cautioned against clutter in the wayfinding signage.

**02-13-22**

## **7) Miscellaneous Business and Communication**

### **A. Pre-Application Discussions**

### **B. Draft Agenda**

### **C. Staff Reports**

#### **1. Administrative Sign Approvals**

#### **2. Administrative Approvals**

#### **3. Demolitions**

#### **4. Action List 2022**

The HDC endorsed PD Dupuis' proposal for the 2022 Action List.

**02-14-22**



**8) Adjournment**

**Motion by Ms. Lang**

**Seconded by Ms. Lang to adjourn the HDC meeting of February 2, 2022 at 8:58 p.m.**

**Motion carried, 6-0.**

VOICE VOTE

Yeas: Debbrecht, Lang, Deyer, Lemberg, Dukas, Willoughby

Nays: None



Nicholas Dupuis  
Planning Director



Laura Eichenhorn  
City Transcriptionist

# **Advisory Parking Committee Docs.**

# DRAFT

City of Birmingham  
Advisory Parking Committee  
Regular Meeting

Birmingham City Hall Commission Room  
151 Martin, Birmingham, Michigan  
Wednesday, February 2, 2022

## Minutes

These are the minutes of the Advisory Parking Committee ("APC") regular meeting held on Wednesday, February 2, 2022. The meeting was called to order at 7:30 a.m. by Chair Vaitas.

### 1. Rollcall

**Present:** Chair Al Vaitas  
Steven Kalczynski  
Lisa Krueger  
Judith Paskiewicz  
Mary-Claire Petcoff  
Lisa Silverman  
Jennifer Yert

**Absent:** Vice-Chair Richard Astrein (in attendance via Zoom and therefore not voting)  
Aaron Black  
Sarshar Nasserian

**Administration:** Ryan Weingartz, Parking Manager  
Nick Dupuis, City Planner  
Laura Eichenhorn, City Transcriptionist  
Scott Grewe, Operations Commander  
Greg Wald, Services Commander

**SP+:** Catherine Burch

### 2. Introductions

OC Grewe introduced SC Wald.

### 3. Review of the Agenda

### 4. Approval Of Minutes: Meetings Of December 1, 2021

Dr. Silverman asked that it be emphasized that she was concerned about Mr. Nasserian's attendance because she wanted to make sure that the resident perspective on the APC was adequately represented.

A number of APC members noted that they are also residents of Birmingham and assist in representing the resident perspective in addition to the perspectives they are appointed to represent.

**Motion by Ms. Yert**

**Seconded by Dr. Paskiewicz to accept the minutes of December 1, 2021 as amended.**

**Motion carried, 7-0.**

**VOICE VOTE**

**Yeas: Yert, Paskiewicz, Silverman, Krueger, Petcoff, Vaitas, Kalczynski**

**Nays: None**

5. Outdoor Dining - Townsend

At the outset of the item, PM Weingartz addressed Mr. Kalczynski and said he could stay and not comment since Mr. Kalczynski has an affiliation with the Townsend.

CT Eichenhorn clarified as to whether Mr. Kalczynski was recusing himself.

OC Grewe and Mr. Kalczynski answered affirmatively.

CT Eichenhorn stated that a recusing board member customarily states that they are recusing, states why, and steps out of the meeting for the discussion of the item.

Mr. Kalczynski stated he was recusing himself at 7:41 a.m., noting that he is the Manager/Director of the Townsend Hotel. He said that based on PM Weingartz's guidance he could sit and not speak, or could leave as well.

OC Grewe told Mr. Kalczynski that he could certainly stay as the representative for the Townsend. He said it would be no different than if he were the petitioner here for the Townsend supporting it. OC Grewe said any comments Mr. Kalczynski would make would not be as a board member but as a representative of the Townsend petitioning to get the outdoor dining deck. He said it might be better if Mr. Kalczynski sat in the audience so he did not appear to be part of the APC during discussion of the item.

Chair Vaitas said he also suggested that Mr. Kalczynski not sit with the APC during the discussion of the item.

PD Dupuis presented the item. He said he always forgets to include recommended motion language for the APC, but that he was looking for the APC to either recommend the deck proposal to the City Commission or not.

PD Dupuis and OC Grewe answered questions from the APC.

John Gardner, architect, and Mr. Kalczynski, Manager/Director of the Townsend, spoke on behalf of the request.

**Motion by Dr. Silverman**

**Seconded by Ms. Krueger to recommend approval to the City Commission of the 100 Townsend – Townsend Hotel – Outdoor Dining Platform.**

**Motion carried, 7-0.**

**VOICE VOTE**

**Yeas: Silverman, Krueger, Petcoff, Vaitas, Kalczynski, Yert, Paskiewicz**

**Nays: None**

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

Mr. Kalczynski rejoined the APC at 8:00 a.m.

There was some discussion about whether the Planning Board or the APC should review a dining deck request first. No consensus was reached.

Staff noted that both boards are advisory only, so both send their advice onto the City Commission and a negative finding by one board would not affect the findings of the other. Staff also noted that the public is notified of Planning Board hearings on dining deck requests.

Public Comment

Mr. Astrein spoke as a member of the public. He said one of the reasons for dining deck requests to come to the APC first was because in the past a non-bistro establishment was granted a dining deck in a parking spot, while his understanding was that platforms in parking spaces could only be granted to bistros.

Chair Vaitas concurred with Mr. Astrein.

Mr. Astrein said he was concerned that any dining establishment would be able to install a dining deck in a parking space. Regarding the Planning Board's current study of outdoor dining, Mr. Astrein recommended that a dining deck only be permitted to occupy a maximum of two parking spots.

Dr. Paskiewicz said the meters at Lot #6 had difficulty reading her credit card on three different days.

Staff stated that the City acts to remedy meter errors, reported by both the meters' technology and by users, on a daily basis.

In reply to Dr. Paskiewicz, PM Weingartz said he would review how often error messages regarding card insertion were being delivered to users to see if any meters are displaying that error repeatedly.

In reply to Mr. Kalczynski and Drs. Paskiewicz and Silverman, Staff said they would explore opening up a parking structure at no-cost during snow emergencies to provide off-street parking for residents.

Dr. Paskiewicz recommended it be posted to the City's website in the next few days due to the predicted inclement weather.

PM Weingartz said that if the City moved forward with the recommendation it could be shared on the City's website and social media.

7. Miscellaneous Communications  
a. Parking System Update

PM Weingartz and Ms. Burch reviewed the item.

In reply to Dr. Silverman, Ms. Burch explained that the expenses went up after July 1, 2021 due to increased staffing, increased equipment costs, and increased credit card fees compared to when there was free parking in the decks due to Covid-19. She also confirmed that the line items would remain consistent moving forward.

8. Adjournment

No further business being evident, the meeting adjourned at 8:34 a.m.

---

Parking Manager Ryan Weingartz



Laura Eichenhorn  
City Transcriptionist

**DATE:** March 21, 2022

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

**FROM:** James J. Surhigh, Consulting City Engineer

**SUBJECT:** Resolution to Submit Application for Funding of Derby Road Bridge Replacement to MDOT under the Local Bridge Program

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**INTRODUCTION:**

The City of Birmingham manages twelve inventoried bridges and culverts that would be eligible to apply to the Michigan Department of Transportation (MDOT) Local Bridge Program for funding assistance for necessary preventative maintenance, rehabilitation, or replacement. Bridge inspections are completed every two years on these bridges, and recommendations are made for repairs. From the latest inspection cycle conducted in October 2020, the Derby Road bridge (over CN railroad) is recommended to be scheduled for replacement. An application will be made to the MDOT Local Bridge Program, requesting funding assistance for FY 2025. As part of the application, a resolution from the local governing body is required to demonstrate support of the project.

**BACKGROUND:**

The Derby Rd bridge was constructed in 1930, and is a multi-span bridge over the CN railroad. The superstructure consists of cast-in-place, reinforced concrete beams and monolithic deck. The superstructure is supported by cast-in-place, reinforced concrete abutments and piers. The abutments and piers are supported on cast-in-place, reinforced concrete spread footings that bear on the underlying soil.

Extensive repairs to the deck, beams, railings, and piers were completed in 1981, and again in 2007. Based on the extent of the ongoing deterioration, including cracking and spalling in the concrete with reinforcing steel exposed in some locations, and previous repairs exhibiting signs of failure, a complete replacement of the bridge is recommended in the near future. The estimated project cost for replacement of the bridge is approximately \$5,309,000, and includes estimated construction cost in 2025 dollars of \$3,931,000, 15% contingency, and engineering for both design and construction. The report from the City's Bridge Consultant is attached for reference.

MDOT manages a Local Bridge Program to provide funding assistance to local road agencies, including counties, cities and villages. MDOT is currently accepting applications for eligible projects for potential future funding in FY 2025. Applications are competitively evaluated by MDOT and prioritized, and offers are made to the local agencies for funding according to the project prioritization. Under this program, costs for right-of-way, design engineering and construction engineering are not eligible, and must be paid by the local agency. A minimum 5% local match is required, however, due to the competitive nature of this potential source of funding, most recent projects that have been awarded funding have proposed 20 to 25% local match. The Engineering Department recommends



submitting an application for replacement of the Derby Rd bridge for consideration under the Local Bridge Program funding for FY 2025, with a 20% local match. The application submittal deadline is April 4, 2022 for consideration for potential FY 2025 funding. Attached is the Local Bridge Program application package, including the resolution for support of the project that must accompany the application.

**LEGAL REVIEW:**

The attached resolution was reviewed by the City Attorney, who did not object to the language of the resolution as presented.

**FISCAL IMPACT:**

There is no cost to the City for adopting this resolution. The bridge replacement project will be programmed in the future Capital Improvement Plan for FY 2025 considering the proposed City contribution of \$1,802,000, which includes the 20% match of construction costs plus design and construction engineering costs (estimated at approximately 20% of the construction cost), and would be funded by the Major Streets Fund. The potential funding award being requested from MDOT is approximately \$3,507,000. If the project is not prioritized for funding, then the proposed year of replacement may need to be extended, and intermediate repairs conducted, so that the full amount of funds can accumulate. The proposed funding conditions and capital improvement planning were reviewed with the Finance Department.

**PUBLIC COMMUNICATIONS:**

None required at this time.

**SUMMARY:**

The recent bridge inspections conducted in October 2020 have concluded that the Derby Rd bridge be scheduled for replacement in the near future. An application will be made to MDOT for potential funding assistance under the Local Bridge Program for FY 2025. The application must be submitted by April 4, 2022, and requires a resolution from the City Commission demonstrating support of the project.

**ATTACHMENTS:**

- City Commission Resolution for Support of the Project
- Local Bridge Program Application for Replacement of Derby Rd Bridge over CN Railroad, prepared by Anderson, Eckstein & Westrick (AEW), the City's Bridge Consultant.
- MDOT's Announcement of the Solicitation of Applications for Candidate Projects for the Local Bridge Program (FY 2025 Funding).

**SUGGESTED RESOLUTION:**

Make a motion adopting the Resolution of the City of Birmingham demonstrating support of the project and submittal of the application to MDOT for FY 2025 funding assistance under their Local Bridge Program, as presented.

**CITY OF BIRMINGHAM  
NOTICE OF RESOLUTION**

At the meeting of the City Commission for the city of Birmingham, Michigan, held at 151 Martin Street, Birmingham, Michigan 48012, of the 28th day of March, 2022, at which time a quorum of the City Commission was present, the following resolution was adopted by vote taken by yeas and nays and entered at large upon the record of said Board.

**RESOLUTION**

WHEREAS; the City Commission for the City of Birmingham is required under the provisions of the Local Bridge Program to review, approve, and state that they are actively seeking funding participation in certain bridge replacements; and,

WHEREAS; the staff of the City of Birmingham has reviewed the bridge system in Birmingham, Michigan and has found that there is a need for the replacement of the Derby Road bridge to improve their traffic safety and structural capacity; and,

WHEREAS; the available City funds are insufficient to fund the bridge project submitted while still maintaining the remainder of the road system.

NOW, **THEREFORE, BE IT RESOLVED** that the City Commission for the City of Birmingham seeks participation in the Local Bridge Program for the following project and affirm that the City Commission of Birmingham, Michigan is committed and will provide local funds estimated to be \$1,802,000, for payment of all design engineering, construction engineering, and 20% of the total cost of construction, in the event the project received Federal and State Funding.

**Bridge and Location**

**Estimated Total Cost of Construction**

Derby Road Bridge over CN Railroad

\$4,396,000

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to execute the necessary documents and that a certified copy of this resolution be submitted with the application for the local bridge program funding.

I hereby certify that the above is a true copy of part of the 2022 minutes of a meeting held on the 28th day of March, 2022, by the city commission of Birmingham, Michigan.

The City of Birmingham

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Therese Longe, Mayor

---

Alexandria Bingham, City Clerk

## LOCAL BRIDGE PROGRAM CALL FOR APPLICATIONS FUNDING YEAR 2025

**NOTE TO USERS:** Please be sure that all structure information is correct on your SI&A form in MiBridge before submitting your application. Applications received after April 4th, 2022 will not be accepted. For assistance, please call Keith Cooper at (517) 331-1395 or Rita Levine at (517) 335-4528.

**Instructions:** (This form requires Adobe Acrobat Standard or Professional and is not enabled for use in the free Adobe Reader. If you only have access to Adobe Reader, please submit paper documents.)

1. Complete the required application information below.
2. Click on ADD APPLICATION DOCS button to add your signed resolution, cost estimate, map showing structure location and detour route, narrative description of project, bridge inspection documents and photos of the structure.
3. When you have finished, click on SAVE AS to keep a copy for each structure you are submitting.
4. Click on SUBMIT to email your application to [MDOT-DesignLAP@michigan.gov](mailto:MDOT-DesignLAP@michigan.gov).

**\* Multiple structure applications need to be applied for as individual structures and choose "Multiple PM" for "Type of Work".**

### APPLICATION INFORMATION (REQUIRED)

Agency Name: Birmingham

Structure Number: 6414 County: Oakland ☐ Region: Metro Region ☐

Facility Carried: Derby St.

Feature Intersected: CN Railroad

Cost Estimate (Bridge and Approach construction cost): \$4,396,000

Type of Work: Replace ☐ Local Match(If Greater than 5%): 20

(This form requires Adobe Acrobat Standard or Professional and is not enabled for use in the free Adobe Reader. If you only have access to Adobe Reader, please submit paper documents.)

# 2022 LOCAL BRIDGE PROGRAM APPLICATION

## REPLACEMENT OF DERBY STREET OVER CN RAILROAD

### CITY OF BIRMINGHAM



### SUBMITTED BY:

James J. Surhigh, P.E.  
Consulting City Engineer  
151 Martin Street  
Birmingham, MI 48009  
cityengineer@bhamgov.org  
(248) 530-1839

**March 2022**

PREPARED BY:



**ANDERSON, ECKSTEIN & WESTRICK, INC.**  
CIVIL ENGINEERS SURVEYORS ARCHITECTS

51301 SCHOENHERR RD. SHELBY TOWNSHIP, MI 48315  
www.aewinc.com p(586)726-1234



Derby Street over CN Railroad  
2022 Local Bridge Program Application


City of Birmingham

## **MDOT BSIR AND SI&A FORMS**

**MICHIGAN DEPARTMENT OF TRANSPORTATION**

**STR 8230**

**BRIDGE SAFETY INSPECTION REPORT**

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DERBY ST	42.5543 / -83.203	634074600043R01	Fair Condition(5)	
<b>Feature</b>	<b>Length / Width / Spans</b>	<b>Owner</b>		
GRAND TRUNK WESTERN RR	165 / 43 / 5	City: BIRMINGHAM(0746)		
<b>Location</b>	<b>Built / Recon. / Paint / Ovly.</b>	<b>TSC</b>	<b>Operational Status</b>	
0.9 MI W OF COOLIDGE HWY	1930 / 2007 / /	Oakland(23)	P Posted for load(364452)	
<b>Region / County</b>	<b>Material / Design</b>	<b>Last NBI Inspection</b>	<b>Scour Evaluation</b>	
Metro(7) / Oakland(63)	1 Concrete / 04 Tee Beam	10/28/2020 / 39V0	N Not Over Waterway	

**NBI INSPECTION**

**39V0**

<b>Inspector Name</b>	<b>Agency / Company Name</b>	<b>Insp. Freq.</b>	<b>Insp. Date</b>
Kevin Zauel	Anderson, Eckstein & Westrick, Inc.	24	10/28/2020

**GENERAL NOTES**

Bridge Spans East-West for purposes of Inspection.

<b>Weight limit signs in place on both ends of bridge</b>	YES
<b>Weight limit shown on signs at bridge</b>	364452
<b>Required advance warning weight limit signs in place</b>	YES
<b>Weight limit shown on advance warning signs</b>	_____

**Frequency Justification Comments (required when Poor Condition and frequency is equal to 24 months)**

Underside of deck should be monitored for additional spalling

**DECK**

	10/16	10/18	10/20	
<b>1. Surface (SIA-58A)</b>	6	6	6	Longitudinal and transverse cracking in all spans, worst on eastern spans; 5 ft spacing in center span, wider cracks in west span with several spalls and patching. Map cracking at expansion joint repairs. (10/20) Longitudinal and transverse cracking at regular intervals, 5 ft spacing in center span. Wider cracks in west span with several spalls and patching. Wide longitudinal and transverse cracks in east span. Map cracking at expansion joint repairs. (10/18) Longitudinal and transverse cracking at regular intervals, 5 ft spacing in center span. Wider cracks in east & west span with several spalls. Wide longitudinal and transverse cracks in east span. Map cracking at expansion joint repairs. (10/16)
<b>2. Expansion Joints</b>	8	8	8	Debris build-up in joints over piers, leakage noted below. Separation of sealant at sidewalks. (10/20) Debris build-up in joints over piers, leakage noted below. Separation of sealant at sidewalks. (10/18) Debris build-up in joints over piers, leakage noted below. Separation of sealant at sidewalks. (10/16)
<b>3. Other Joints</b>	8	8	8	Patched spall at east abutment joint on north end. (10/20) Spall at east abutment joint on north end. (10/18) Spall @ east abutment joint on north end. (10/16)
<b>4. Railings</b>	7	7	7	Spalling of approach railing at end anchorage in all quadrants. Minor cracking & spalling at end walls in SW quad. Steel railing post s. fascia over western most pier out of plumb (leaning west). Missing nut at 4th post from west end of south railing. Minor rusting at steel piers at few locations. (10/20) Spalling of approach railing at end anchorage in all quadrants. Minor cracking & spalling at end walls in SW quad. Steel railing post s. fascia over western most pier out of plumb. Missing nut at 4th post from west end of south railing. Minor rusting at steel piers at few locations. (10/18) Spalling of approach railing at end anchorage in SE & SW quadrant. Minor cracking & spalling at end walls in SW quad. Steel railing post s. fascia over western most pier out of plum. (10/16)

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<b>5. Sidewalks or Curbs</b>	7	7	7	<p>Additional spalling at bottom of recent repairs to outer edge of north sidewalk, extensive in west quadrant. Hairline map cracking in recent top surface repairs under railing throughout, worse in southwest quadrant. Minor spalling at north sidewalk curb line and south sidewalk top surface. Minor spalling at south sidewalk joints. Transverse cracks on north sidewalk in northeast quadrant. Large spall SW and SE quad near curb line. All sidewalks quadrants except SE were ground to match approaches settlements. (10/20)</p> <p>Additional spalling at bottom of recent repairs to outer edge of north sidewalk. Hairline map cracking in recent top surface repairs under railing in southwest quadrant. Minor spalling at north sidewalk curb line and south sidewalk top surface. Minor spalling at south sidewalk joints. Transverse cracks on north sidewalk in northeast quadrant. Large spall SW quad near curb line. All sidewalks quadrants except SE were ground to match approaches settlements. (10/18)</p> <p>Additional spalling at bottom of recent repairs to outer edge of north sidewalk. Hairline map cracking in recent top surface repairs under railing in southwest quadrant. Minor spalling at north sidewalk curb line and south sidewalk top surface. Minor spalling at south sidewalk joints. Transverse cracks on north sidewalk in northeast quadrant. Large spall SW quad near curb line. (10/16)</p>
<b>6. Deck Bottom Surface (SIA-58B)</b>	5	5	4	<p>Minor cracking in previous deck repairs. Delaminations and spalling in easternmost and westernmost spans, minor cracking in center spans, 2nd beam space from the north at east span. Two major spalls 12 SF area each in west span, 3rd beam space from south spalled with exposed reinforcement, near W abutment and pier. Large delamination with two spalls were observed in the 2nd beam from north in east abutment at midspan. 16 SF spall with exposed bar east of west pier, 3rd beam space from the north. Delamination east of west-center and west of east pier, 2nd beam space from the north (10/20)</p> <p>Minor cracking in previous deck repairs. Delaminations and spalling in easternmost and westernmost spans, minor cracking in center spans. Two major spalls 12 SF area each in west span, 3rd beam space from south spalled with exposed reinforcement, near W abutment and pier. Large delamination with two spalls were observed in the 2nd beam from north in east abutment at midspan. (10/18)</p> <p>Minor cracking in previous deck repairs. Delaminations and spalling in easternmost and westernmost spans, minor cracking in center spans. Major spall 12 SF area in west span, 3rd beam space from south spalled with exposed reinforcement. (10/16)</p>
<b>7. Deck (SIA-58)</b>	6	6	5	<p>Spalls on north and south fascias not into rebar (10/20)</p> <p>Spalls on north and south fascias not into rebar (10/18)</p> <p>Spalls on north and south fascias not into rebar (10/16)</p>
<b>8. Drainage</b>				<p>(10/20)</p> <p>(10/18)</p> <p>(10/16)</p>

**SUPERSTRUCTURE**


	10/16	10/18	10/20	
<b>9. Stringer (SIA-59)</b>	6	6	5	<p>Rust staining on some diaphragms under the expansion joints. Efflorescence and cracks in some previous beam and deck repairs. North and south fascia beams continue to crack and spall at bevels.</p> <p>Minor cracking at other beams, with larger horizontal cracks in end and center spans. Cracking and delamination underside of 3rd beam from north in west span. North fascia beam, west span has interior spall at bottom of beam near midspan. East ends of center and 3rd beam from the south, in east center span has delamination and spalling with exposed bar. (10/20)</p> <p>Rust staining on some diaphragms under the expansion joints. Efflorescence and cracks in some previous beam and deck repairs. North and south fascia beams continue to crack and spall at bevels.</p> <p>Minor cracking at other beams, with larger horizontal cracks in end and center spans. Cracking and delamination underside of 3rd beam from north in west span. (10/18)</p> <p>Rust staining on some diaphragms under the expansion joints. Efflorescence and cracks in some previous beam and deck repairs. North and south fascia beams continue to crack and spall at bevels.</p> <p>Minor cracking at other beams, with larger horizontal cracks in end and center spans. Cracking underside of 3rd beam from north in west span. (10/16)</p>



**MICHIGAN DEPARTMENT OF TRANSPORTATION**

**STR 8230**

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Metro(7) / Oakland(63)	1 Concrete / 04 Tee Beam	10/28/2020 / 39V0	N Not Over Waterway	

**10. Paint (SIA-59A)**      N      N      N      (10/20)  
(10/18)  
(10/16)

**11. Section Loss**      N      N      N      (10/20)  
(10/18)  
(10/16)

**12. Bearings**      7      9      8      (10/20)  
(10/18)  
(10/16)

**SUBSTRUCTURE**

**10/16 10/18 10/20**

**13. Abutments (SIA-60)**      7      6      6      Cracking and spalling of concrete continues at each abutment corner. Full height vertical crack in west and east abutment near center. Ponding water, east side of rail road ballast near east pier. (10/20)  
Cracking and spalling of concrete continues at each abutment corner. Full height vertical crack in west abutment near center. (10/18)  
Cracking and spalling of concrete continues at each abutment corner. Full height vertical crack in west abutment. (10/16)

**14. Piers (SIA-60)**      6      6      6      Cracking with efflorescence observed at each pier. Delamination on south face of west pier. Delamination south end 2nd pier from east near previous crack repair. Heavy efflorescence underside of west pier & on east face. (10/20)  
Cracking with efflorescence observed at each pier. Delamination on south face of second pier from west. Delamination south end 2nd pier from east near previous crack repair. Heavy efflorescence underside of west pier & on face of east pier. (10/18)  
Cracking with efflorescence observed at each pier. Delamination on south face of second pier from west. Delamination south end 2nd pier from east near previous crack repair. Heavy efflorescence underside of west pier & on face of east pier. (10/16)

**15. Slope Protection**      4      4      5      None present (10/20)  
None present (10/18)  
None present (10/16)

**16. Channel (SIA-61)**      N      N      N      (10/20)  
(10/18)  
(10/16)

**17. Scour Inspection**      N      N      N      (10/20)  
(10/18)  
(10/16)

**APPROACH**

**10/16 10/18 10/20**


**18. Approach Pavement**      8      8      8      (10/20)  
(10/18)  
(10/16)

**19. Approach Shoulders Sidewalks**      7      7      7      Recently replaced sidewalk at SE and NE quadrant. Settlement at southwest approach sidewalk joints. Pitting and scaling in northwest approach sidewalk. Bituminous patching and settlement at southeast and southwest approach sidewalk joints. Pitting and scaling in northwest approach sidewalk, cracks in southeast quadrant. (10/20)  
Recently replaced sidewalk at SE and NE quadrant. Settlement at southwest approach sidewalk joints. Pitting and scaling in northwest approach sidewalk. (10/18)  
Settlement at southeast and southwest approach sidewalk joints. Pitting and scaling in northwest approach sidewalk, cracks in southeast quadrant. Transverse cracks in recently replaced sidewalk SE quad. (10/16)

**MICHIGAN DEPARTMENT OF TRANSPORTATION**

**STR 8230**

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**20. Approach Slopes** (10/20)  
(10/18)  
(10/16)

**21. Utilities** (10/20)  
(10/18)  
(10/16)

**22. Drainage Culverts** (10/20)  
(10/18)  
(10/16)

**MISCELLANEOUS**

**Guard Rail**

<u>Item</u>	<u>Rating</u>
<b>36A. Bridge Railings</b>	1
<b>36B. Transitions</b>	0
<b>36C. Approach Guardrail</b>	0
<b>36D. Approach Guardrail Ends</b>	0

**Other Items**

<u>Item</u>	<u>Rating</u>
<b>71. Water Adequacy</b>	N
<b>72. Approach Alignment</b>	8
<b>Temporary Support</b>	0 No Temporary Supports
<b>High Load Hit (M)</b>	No
<b>Special Insp. Equipment</b>	
<b>Underwater Insp. Method</b>	0

**False Decking (Timber) Removed to Complete Inspection**

N/A - No False Decking

**Critical Feature Inspections (SIA-92)**

	<u>Freq</u>	<u>Date</u>
<b>92A. Fracture Critical</b>		
<b>92B. Underwater</b>		
<b>92C. Other Special</b>		
<b>92D. Fatigue Sensitive</b>		

**MICHIGAN DEPARTMENT OF TRANSPORTATION**

**STR 8230**

**STRUCTURE INVENTORY AND APPRAISAL**

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Metro(7) / Oakland(63)	1 Concrete / 04 Tee Beam	10/28/2020 / 39V0	N Not Over Waterway	

Bridge History, Type, Materials		Route Carried By Structure(ON Record)		Route Under Structure (UNDER Record)	
27 - Year Built	1930	5A - Record Type	1	5A - Record Type	
106 - Year Reconstructed	2007	5B - Route Signing	5	5B - Route Signing	
202 - Year Painted		5C - Level of Service	0	5C - Level of Service	
203 - Year Overlay		5D - Route Number	00000	5D - Route Number	
43 - Main Span Bridge Type	1 04	5E - Direction Suffix	0	5E - Direction Suffix	
44 - Appr Span Bridge Type		10L - Best 3m Unclr-Lt	0 0	10L - Best 3m Unclr-Lt	
77 - Steel Type	0	10R - Best 3m Unclr-Rt	99 99	10R - Best 3m Unclr-Rt	
78 - Paint Type	0	PR Number		PR Number	
79 - Rail Type	4	Control Section		Control Section	
80 - Post Type	3	11 - Mile Point	0	11 - Mile Point	
107 - Deck Type	1	12 - Base Highway Network	0	12 - Base Highway Network	
108A - Wearing Surface	3	13 - LRS Route-Subroute	0000006144 06	13 - LRS Route-Subroute	
108B - Membrane	0	19 - Detour Length	2	19 - Detour Length	
108C - Deck Protection	1	20 - Toll Facility	3	20 - Toll Facility	
Structure Dimensions		26 - Functional Class	16	26 - Functional Class	
34 - Skew	0	28A - Lanes On	2	28B - Lanes Under	
35 - Struct Flared	N	29 - ADT	1952	29 - ADT	
45 - Num Main Spans	5	30 - Year of ADT	1988	30 - Year of ADT	
46 - Num Apprs Spans	0	32 - Appr Roadway Width	27.9	42B - Service Type Under	2
48 - Max Span Length	31.8	32A/B - Ap Pvt Type/Width	5 27.99	47L - Left Horizontal Clear	
49 - Structure Length	165	42A - Service Type On	5	47R - Right Horizontal Clear	
50A - Width Left Curb/SW	5.2	47L - Left Horizontal Clear	0.0	54A - Left Feature	
50B - Width Right Curb/SW	5.2	47R - Right Horizontal Clear	40.4	54B - Left Underclearance	99 99
33 - Median	0	53 - Min Vert Clr Ov Deck	99 99	54C - Right Feature	
51 - Width Curb to Curb	29.9	100 - STRAHNET	0	54D - Right Clearance	99 99
52 - Width Out to Out	43	102 - Traffic Direct	2	Under Clearance Year	
112 - NBIS Length	Y	109 - Truck %	5	55A - Reference Feature	R
Inspection Data		110 - Truck Network	0	55B - Right Horiz Clearance	8.9
90 - Inspection Date	10/28/2020	114 - Future ADT	3002	56 - Left Horiz Clearance	8.9
91 - Inspection Freq	24	115 - Year Future ADT	2020	100 - STRAHNET	
92A - Frac Crit Req/Freq	N	Freeway	0	102 - Traffic Direct	
93A - Frac Crit Insp Date		Structure Appraisal		109 - Truck %	
92B - Und Water Req/Freq	N	36A - Bridge Railing	1	110 - Truck Network	
93B - Und Water Insp Date		36B - Rail Transition	0	114 - Future ADT	
92C - Oth Spec Insp Req/Freq	N	36C - Approach Rail	0	115 - Year Future ADT	
93C - Oth Spec Insp Date		36D - Rail Termination	0	Freeway	
92D - Fatigue Req/Freq	N	67 - Structure Evaluation	4	Proposed Improvements	
93D - Fatigue Insp Date		68 - Deck Geometry	5	75 - Type of Work	
176A - Und Water Insp Method	0	69 - Underclearance	4	76 - Length of Improvement	
58 - Deck Rating	5	71 - Waterway Adequacy	N	94 - Bridge Cost	
58A/B - Deck Surface/Bottom	6 4	72 - Approach Alignment	8	95 - Roadway Cost	
59 - Superstructure Rating	5	103 - Temporary Structure		96 - Total Cost	
59A - Paint Rating	N	113 - Scour Criticality	N	97 - Year of Cost Estimate	1998
60 - Substructure Rating	6	Miscellaneous		Load Rating and Posting	
61 - Channel Rating	N	37 - Historical Significance	1	31 - Design Load	0
62 - Culvert Rating	N	98A - Border Bridge State		41 - Open, Posted, Closed	P
		98B - Border Bridge %		63 - Fed Oper Rtg Method	6
		101 - Parallel Structure	N	64F - Fed Oper Rtg Load	1.11
		EPA ID		64MA - Mich Oper Rtg Method	6
		Stay in Place Forms		64MB - Mich Oper Rtg	.74
		143 - Pin & Hanger Code		64MC - Mich Oper Truck	18
		148 - No. of Pin & Hangers		65 - Inv Rtg Method	6
				66 - Inventory Load	.67
				70 - Posting	0
				141 - Posted Loading	364452
				193 - Overload Class	

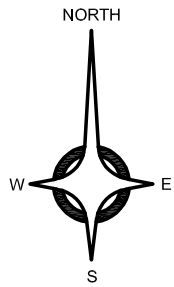


Derby Street over CN Railroad  
2022 Local Bridge Program Application

City of Birmingham

## LOCATION MAP





BRIDGE LOCATION



ANDERSON, ECKSTEIN AND  
WESTRICK, INC.

CIVIL ENGINEERS SURVEYORS ARCHITECTS  
51301 Schoenherr Rd Phone 586 726 1234  
Shelby Township Fax 586 726 8780  
Michigan 48315  
www.aewinc.com



SCHOOL  
HOSPITAL  
FIRE STATION  
POLICE STATION  
MALL

# DERBY STREET BRIDGE OVER CN RAILROAD CITY OF BIRMINGHAM, MICHIGAN

DATE 3/16/22	PROJECT No. 0221-0048
DRAWN BY VLH	SCALE NONE
CHECKED BY KEZ	SHEET No. 1



Derby Street over CN Railroad  
2022 Local Bridge Program Application

City of Birmingham

## PHOTOGRAPHS





Derby Street over CN Railroad  
2022 Local Bridge Program Application

City of Birmingham



**Approach looking northeast w/ posting sign**



**Approach looking southwest w/ posting sign**





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2022 Local Bridge Program Application

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**South elevation - west portion**



**South elevation - east portion**

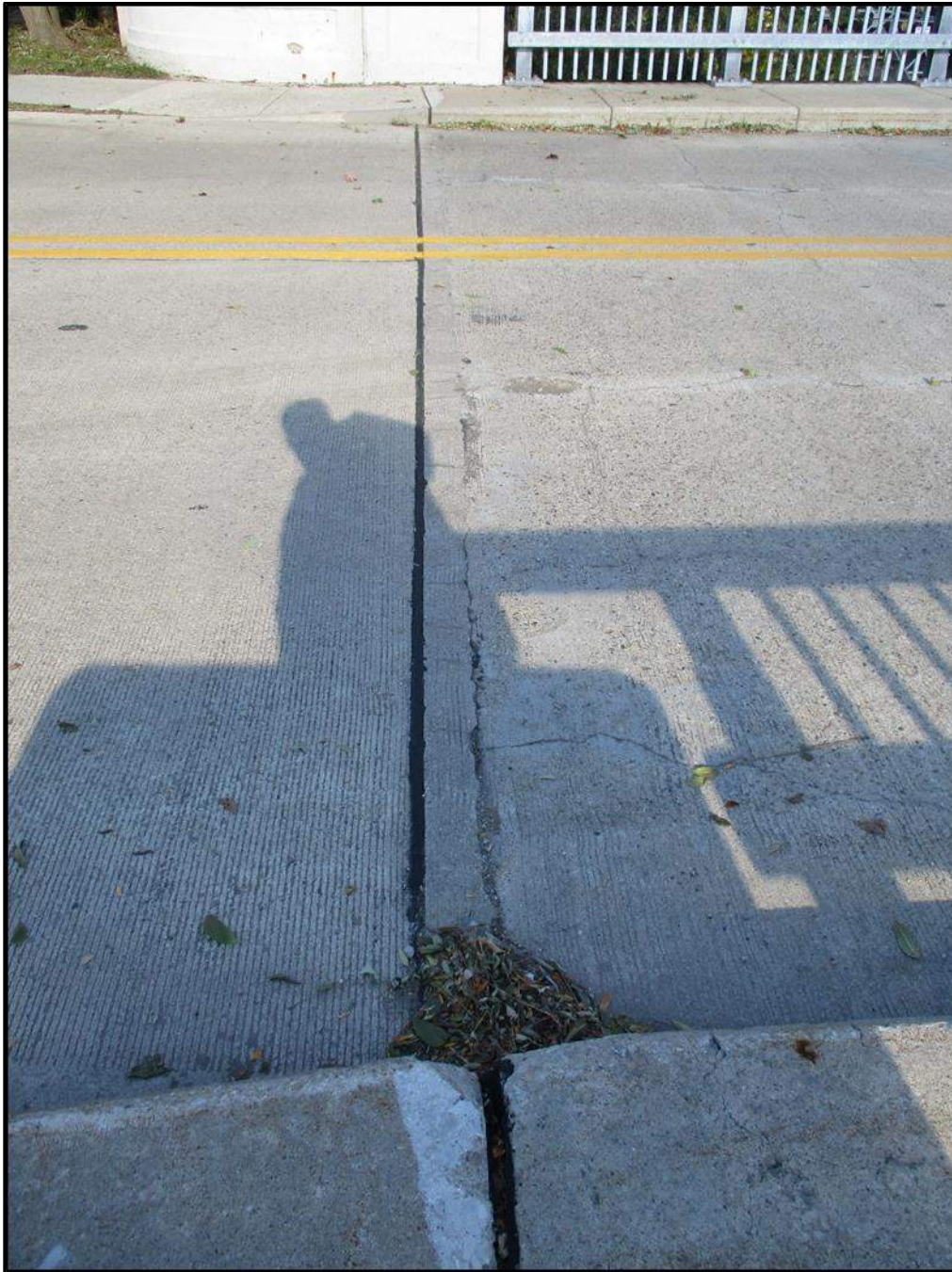


**Sidewalk and spalls in concrete railing in southwest quadrant**



**Sidewalk deterioration at abutment**





**Cracking at headwall along west abutment joint**





**Longitudinal and transverse cracking in west span of bridge deck**



**Hairline cracking in top surface repair of  
sidewalk under railing in southwest quadrant**





**Separation of sealant at south sidewalk expansion joint**



**Spalling of south sidewalk**





Derby Street over CN Railroad  
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**Longitudinal cracks and spalls in east span of bridge deck**



**Deterioration on south fascia with out of plumb steel railing post at west pier**



**Spalls in fascia beam and abutment in southwest quadrant**



**Spalls in sidewalk fascia and beam in northwest quadrant**

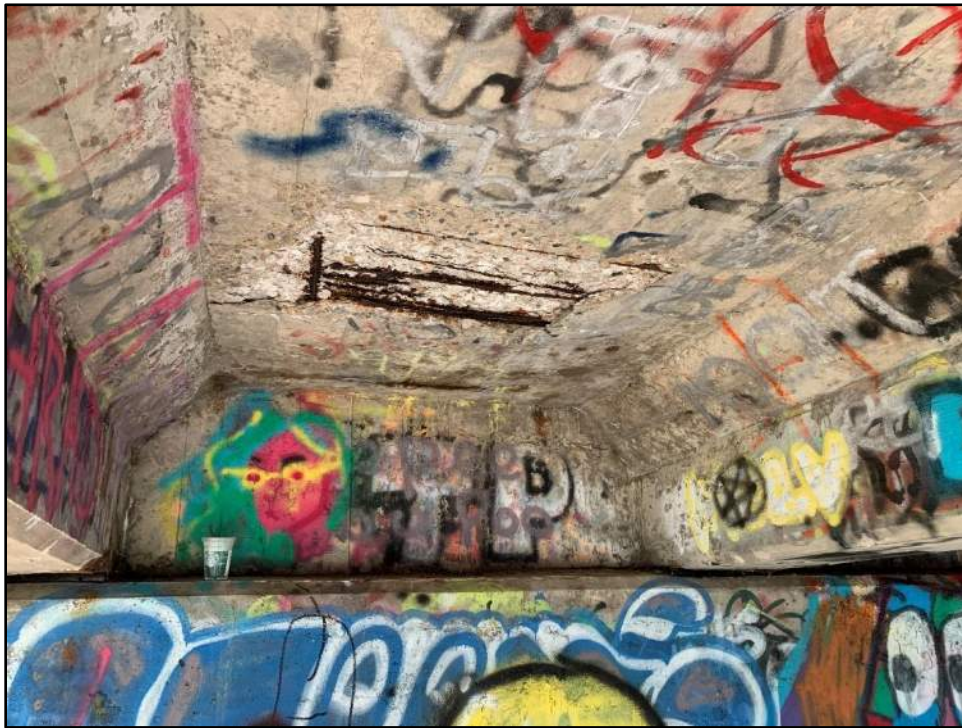




**Deck spalls with exposed rebar, beam cracks  
and diaphragm deterioration in west span**



**Cracking and delamination of previous repair in west span**



**Deck spalls with exposed rebar in west span**



**Deck spalls with exposed rebar and pier cracks in west center span**





**Previous deck and pier repairs near east pier**



**Deck delamination in east span**





Derby Street over CN Railroad  
2022 Local Bridge Program Application

City of Birmingham

## **NARRATIVE**



Due to the extent of its deteriorated condition, the City of Birmingham is requesting Local Bridge Program funds for the replacement of the Derby Street Bridge over the CN Railroad.

The contact person is:

James J. Surhigh, P.E.  
Consulting City Engineer  
City of Birmingham  
[cityengineer@bhamgov.org](mailto:cityengineer@bhamgov.org)  
(248) 530-1839

### **ECONOMIC IMPORTANCE**

Derby Street is a local two-lane road that carries business and residential traffic between Birmingham and Troy. The average daily traffic volume (ADT) is 1,952 vehicles per day, measured in 1988. The projected ADT, forecasted for 2020, is 3002. The current commercial truck traffic for this portion of roadway is estimated at 5%.

Derby Street is the only east-west road that crosses the CN railroad between West Big Beaver Road and East Maple Road and is a major route for the police and fire departments, ambulances, and city maintenance vehicles. The Somerset Mall, local restaurants and businesses rely on this as a supply route. Local residents depend on this bridge for their daily commute from the residential areas surrounding the bridge to easily access the Troy and Birmingham business districts. Additionally, with public and private schools located just to the east and west of the crossing, this bridge is an important part of their respective transportation routes.

If the bridge were to close, eastbound traffic would be detoured north on N. Adams Road to W. Big Beaver Road or south on N. Adams Road to E. Maple Road. Westbound traffic would divert north on Coolidge Hwy to W. Big Beaver Road or south on Coolidge Hwy to E. Maple Road. The detour amounts to about 2 miles, round trip. Closure of the structure would have an adverse impact on emergency response times, school bus routes and business district congestion.

### **BRIDGE DESCRIPTION AND DEFICIENCIES**

The existing Derby Street is a five-span bridge measuring 43 feet wide and 165 feet long. From the west, the second span crosses the railroad maintenance access road while spans 3 and 4 cross the two railway lines. The superstructure consists of cast in place concrete beams, with a monolithic concrete deck slab. A concrete wearing surface and concrete sidewalks were poured over the deck. The superstructure is supported by cast



in place concrete abutments and piers. Both the piers and abutments are supported on concrete spread footings that bear on the soil. No piles were believed to have been driven to support the substructure. The bridge was constructed in 1930, with extensive repairs to the deck, beams, railings and piers conducted in 1981, and again in 2007.

The 2007 renovation removed and replaced the expansion joints and railing. It also patched, painted, and replaced concrete diaphragms and headwalls over the piers and the abutments, and repaired several large surface spalls and cracks on the fascia beams, deck underside, piers and abutments. However, continued cracks and spalls occur along the deck and sidewalk surfaces. Additional delamination and spalling, with exposed and rusting reinforcement occur on the northern and southern fascia beams. Two major spalls (approximately 12 square feet each) in the deck underside have exposed reinforcement in the west span near the west abutment and near the west pier. A large delamination with two spalls in the deck underside were also recently observed in the middle of the eastern span. Minor cracking was observed in other beams, with larger horizontal beam cracks occurring in the end and center spans. Delamination and cracking also occurs at several previous concrete repairs.

Heavy efflorescence was observed on the underside of the west pier cap and on the face of the east pier. Delamination has occurred on the south end of the second pier from the west near the previous crack repair. Cracking and spalling continue at each abutment corner. A full height vertical crack exists on the west abutment near the center.

Based on the extent of the ongoing deterioration and previous repairs exhibiting signs of failure, our recommendation is for complete replacement of both the monolithic superstructure and the substructure.

As a result of the advancing deterioration and reduced load distribution capability, a load rating required a reduction in capacity. The bridge is currently posted for the following: 1-Unit Truck, 36T; 2-Unit Truck, 44T; 3 Unit-Truck, 52T.

The Federal Sufficiency Rating (FSR) for the Derby Street bridge is 67.8, however this FSR value was calculated prior to the 2020 inspection.

The City of Birmingham has managed its inventory of twelve (12) inventoried bridges and culverts in a fiscally responsible manner over the last several decades and pledges to continue to do so.

The repair of Derby Street, completed in 2008, was funded by City of Birmingham resources. The cost-effective repair measures were made in an effort to reduce the rate of deterioration until a replacement of the bridge could be performed.



Derby Street over CN Railroad  
2022 Local Bridge Program Application

City of Birmingham

We hereby request that this application for Local Bridge Program funding be accepted and given all due consideration of the review committee for approval of funding, to assist the City of Birmingham to continue to maintain its bridge assets at the high quality the public deserves.



**ESTIMATED BRIDGE REPLACEMENT COSTS**

A) APPROACH CONSTRUCTION	\$ 300,000
B) STRUCTURE CONSTRUCTION	<u>\$ 4,096,000</u>
TOTAL:	\$ 4,396,000

No right-of-way acquisition is anticipated for the proposed work. The estimated cost includes mobilization, traffic control, contingencies and inflation – see the following worksheet.

The City of Birmingham cost assuming design and construction engineering and 20% participation of construction cost (A and B) is estimated to be \$1,802,000.



2022

## BRIDGE COST ESTIMATE WORKSHEET

REV. 02/09/2022

- CPM, REHAB, REPLACE -

DATE: 3/17/2022

OWNER: City of Birmingham  
REGION: Metro(7)/Oakland(63)  
TSC: Oakland(23)

FISCAL YEAR: 2025

PR: MP:

LENGTH  
165.0Out to Out  
WIDTH  
43.0Curb to Curb  
WIDTH  
30.0ENGINEER: KEZ  
STRUCTURE ID: 634074600043R01  
BRIDGE ID: 8230

LOCATION: Derby St over CN Railroad

PRIMARY WORK ACTIVITY Bridge Replacement

OTHER WORK:

DECK AREA: 7,095  
CLEAR ROADWAY: 4,950SFT  
SFT

STR. TYPE: Mono. Conc. T-Beams

WORK ACTIVITY		MDOT Bridge Design Guides	QUANTITY	UNIT	UNIT COST	TOTAL
NEW BRIDGE (increase deck area based on design standards and hydraulic requirements)						
Single or Multiple Spans, Grade Separation	(add demo, approach, MOT)		7,095.0	SFT	\$330.00 /SFT	\$2,341,350
Single Span, Over Water	Length < 100ft (add demo, approach, MOT)			SFT	\$450.00 /SFT	
Multiple Spans, Over Water	Length > 100ft (add demo, approach, MOT)			SFT	\$330.00 /SFT	
Precast Culvert	Length < 40ft (add demo, approach, MOT)			SFT	\$490.00 /SFT	
NEW SUPERSTRUCTURE						
New Superstructure, Grade Separation	(incl. remove exist deck/super; add MOT & approach)			SFT	\$225.00 /SFT	
New Superstructure, Over Water	(incl. remove exist deck/super; add MOT & approach)			SFT	\$225.00 /SFT	
WIDENING						
Structure Widening, ft	(incl. deck/super/sub widening, add approach transition)			SFT	\$550.00 /SFT	
NEW DECK						
New Bridge Deck & Barrier	(incl. remove exist deck/railing, add approach, MOT)			SFT	\$120.00 /SFT	
DEMOLITION						
Entire Structure, Grade Separation			7,095.0	SFT	\$65.00 /SFT	\$461,175
Entire Structure, Over Water				SFT	\$65.00 /SFT	
DECK REPAIR / TREATMENTS						
Bridge Railing Replacement	(incl. removal and replacement)			FT	\$600.00 /FT	
Concrete Brush Block / Curb Patch	(incl. hand chipping and formwork)			FT	\$25.00 /FT	
Concrete Barrier Patch	(incl. hand chipping and formwork)			SFT	\$76.00 /SFT	
Concrete Deck Patch	(incl. hand chipping)			SFT	\$63.00 /SFT	
Deep Overlay	(incl. joint repl & hydro)			SFT	\$43.00 /SFT	
Epoxy Overlay	(incl. warranty)			SYD	\$39.00 /SYD	
Expansion Joint Gland Replacement	(remove and replace elastomeric gland)			FT	\$115.00 /FT	
Expansion Joint Replacement	(incl. removal)			FT	\$740.00 /FT	
Full Depth Patch				SFT	\$130.00 /SFT	
Healer / Sealer	(penetrates cracks in bridge deck)			SYD	\$16.00 /SYD	
HMA Overlay with WP membrane				SYD	\$60.00 /SYD	
Overlay Removal	(Epoxy: \$22/syd   Latex: \$26/syd   HMA: \$7/syd)			SYD	\$22.00 /SYD	
Reseal Bridge Joints				FT	\$25.00 /FT	
Shallow Overlay	(incl. joint repl & hydro)			SFT	\$40.00 /SFT	
SUPERSTRUCTURE REPAIR						
Bearing Realignment / Replacement	(incl. temporary supports)			EA	\$5,700.00 EA	
Heat Straightening	(incl. clean and coat)			EA	\$45,000.00 EA	
Pack Rust Repair	(greater than 3/8" separation)			FT	\$850.00 /FT	
Paint - Complete	(incl. clean & coat)			SFT	\$30.00 /SFT	
Paint - Partial / Spot / Zone	(incl. clean & coat - \$20k minimum)			SFT	\$60.00 /SFT	
PCI Beam End Blockout	(incl. temporary supports)			EA	\$7,200.00 EA	
Pin & Hanger Replacement	(incl. temporary supports)			EA	\$13,000.00 EA	
Structural Steel Repair	(based on 6ft repair length)			EA	\$3,400.00 EA	
Structural Steel Repair - Stiffener	(includes each side of beam)			EA	\$1,350.00 EA	
SUBSTRUCTURE REPAIR						
Substructure Patching	(measured x 2) replace if repair area > 30%			CFT	\$330.00 /CFT	
Substructure Replacement	(incl. temporary supports, excavation)			CFT	\$375.00 /CFT	
Substructure Horizontal Surface Sealer				SYD	\$75.00 /SYD	
Temporary Supports	(add Structural Steel Repair - Stiffener for ea steel beam)			EA	\$3,000.00 EA	
MISCELLANEOUS						
Articulating Concrete Block System (ACB)				SYD	\$280.00 /SYD	
Concrete Surface Coating				SYD	\$32.00 /SYD	
Culvert Cleanout				FT	\$125.00 /FT	
Epoxy Crack Injection	(structural crack repair)			FT	\$70.00 /FT	
Metal Mesh Panels	(48" width, max 6'-6" length)			SFT	\$26.00 /SFT	
Pressure Relief Joint	(use when approach concrete roadway exceeds 1,000ft)			FT	\$110.00 /FT	
Riprap	(assume 10ft distance around perimeter of substructure)			SYD	\$223.00 /SYD	
Silane Treatment	(penetrating sealer for concrete surfaces)			SFT	\$7.00 /SFT	
Slope Protection Repairs				SYD	\$145.00 /SYD	
Other						
STRUCTURE CONSTRUCTION BUDGET						\$2,802,525
ROAD WORK						
Approach Pavement, 12" RC	(incl. removal; add curb, gutter, guardrail) 40' ea. end		175.0	SYD	\$200.00 /SYD	\$35,000
Approach Curb & Gutter	(incl. removal) 40' ea. quadrant		80.0	FT	\$57.00 /FT	\$4,560
Guardrail Anchorage to Bridge	(each quadrant)		4.0	EA	\$2,320.00 /EA	\$9,280
Guardrail	(incl. removal) < 200ft beyond reference line		330.0	FT	\$34.00 /FT	\$11,220
Guardrail Terminal	(each quadrant)		4.0	EA	\$3,900.00 /EA	\$15,600
Roadway Approach Work	(beyond approach pavement)		1.0	LSUM	\$44,340.00 /LSUM	\$44,340
Utilities			1.0	LSUM	\$60,000.00 /LSUM	\$60,000
TRAFFIC CONTROL Unit Cost to be determined by Region or TSC Traffic & Safety						
Part Width Construction				LSUM		
Crossovers				EA	/EA	
Temporary Traffic Signals				set	/set	
RR Flagging			1.0	LSUM	\$60,000.00 /LSUM	\$60,000
Detour			1.0	LSUM	\$60,000.00 /LSUM	\$60,000
RELATED ROAD/TRAFFIC CONSTRUCTION BUDGET						\$300,000
CONTINGENCY	(10% - 20%) (use higher contingency for small projects)		15	%	\$3,103,000.00	\$465,000
MOBILIZATION	(estimate at 10%)		10	%	\$3,568,000.00	\$357,000
INFLATION	(assume 4% per year, beginning in 2023)		12	%	\$3,925,000.00	\$471,000

(Does not include PE or CE)

(Refer to programming guidelines in Bridge Cost Estimating Worksheet-Key for CE, PE &amp; PE-S )

TOTAL CONSTRUCTION BUDGET	\$4,396,000
14 % CE	\$5,011,000
7 % PE	PE BUDGET
7 % PE	PE-S BUDGET



Derby Street over CN Railroad  
2022 Local Bridge Program Application

City of Birmingham

## **PRIORITY LIST**

DERBY ROAD OVER THE CN RAILROAD



Derby Street over CN Railroad  
2022 Local Bridge Program Application

City of Birmingham

## **CITY COMMISSION RESOLUTION**

**CITY OF BIRMINGHAM  
NOTICE OF RESOLUTION**

At the meeting of the City Commission for the city of Birmingham, Michigan, held at 151 Martin Street, Birmingham, Michigan 48012, of the \_\_\_\_\_ day of \_\_\_\_\_, 2022, at which time a quorum of the City Commission was present, the following resolution was adopted by vote taken by yeas and nays and entered at large upon the record of said Board.

**RESOLUTION**

WHEREAS; the City Commission for the City of Birmingham is required under the provisions of the Local Bridge Program to review, approve, and state that they are actively seeking funding participation in certain bridge replacements; and,

WHEREAS; the staff of the City of Birmingham has reviewed the bridge system in Birmingham, Michigan and has found that there is a need for the replacement of the Derby Road bridge to improve their traffic safety and structural capacity; and,

WHEREAS; the available City funds are insufficient to fund the bridge project submitted while still maintaining the remainder of the road system.

NOW, **THEREFORE, BE IT RESOLVED** that the City Commission for the City of Birmingham seeks participation in the Local Bridge Program for the following project and affirm that the City Commission of Birmingham, Michigan is committed and will provide local funds estimated to be \$1,802,000, for payment of all design engineering, construction engineering, and 20% of the total cost of construction, in the event the project received Federal and State Funding.

**Bridge and Location**

**Estimated Total Cost of Construction**

Derby Road Bridge over CN Railroad

\$4,396,000

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to execute the necessary documents and that a certified copy of this resolution be submitted with the application for the local bridge program funding.

I hereby certify that the above is a true copy of part of the 2022 minutes of a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the city commission of Birmingham, Michigan.

The City of Birmingham

\_\_\_\_\_  
Therese Longe, Mayor

\_\_\_\_\_  
Alexandria Bingham, City Clerk

# Local Bridge Program: Deadline for Applications – April 4th, 2022

Posted on **February 14, 2022** by **John LaMacchia II**

The Michigan Department of Transportation is pleased to announce the solicitation of applications for candidate projects for the **Local Bridge Program**. Selected projects will be funded during the 2025 fiscal year (FY). Do not submit projects which cannot be committed to construction within FY 2025. The applications can be submitted by the local agency owner or their consultant. All bridge applications submitted in previous years that have not been selected for funding have been discarded. There is a limit of 4 applications from any one local agency. An agency must be able to fund all applications submitted for FY 2025 in that fiscal year.

The FY 2025 Local Bridge Program budget is estimated at \$104 million. \$54 million in additional funding from the Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58, also known as the “Bipartisan Infrastructure Law”) will be awarded in FY 2025. This amount may be subject to revisions.

**All applications are to be electronically submitted by Monday, April 4th , 2022.**

[Click here for the application.](#)

Refer to the enclosed Exhibits for information regarding eligibility and submitting candidate Local Bridge Project Applications.

If you have any questions or need further information, please contact Keith Cooper, Bridge Program Manager, at 517-331-1395 or at [CooperK@Michigan.gov](mailto:CooperK@Michigan.gov).

*John LaMacchia is the Assistant Director of State and Federal Affairs for the League handling transportation, infrastructure, energy and environment issues. He can be reached at [jlamacchia@mml.org](mailto:jlamacchia@mml.org) or 517-908-0303.*

## SHARE THIS:



This entry was posted in **Uncategorized** by **John LaMacchia II**. Bookmark the **permalink** [<http://blogs.mml.org/wp/inside208/2022/02/14/local-bridge-program-deadline-for-applications-april-4th-2022/>].





## MEMORANDUM

Planning Division

**DATE:** March 28, 2022

**TO:** Thomas Markus, City Manager

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** Set Special Joint Meeting - The Birmingham Plan 2040 – Second Draft Review

---

### INTRODUCTION:

The Planning Board has been reviewing the second draft of the Birmingham Plan 2040 (“2040 Plan”) since November 2021. At the end of the review schedule for the second draft of the 2040 Plan, the City and the master plan team planned a joint meeting of the City Commission and Planning Board to finalize the review of the second draft.

### BACKGROUND:

The City of Birmingham received the second draft of The Birmingham Plan 2040 (“the Plan”) in October 2021 after nearly 2 years of review and input. On October 11, 2021, the Plan was introduced to the City Commission and Planning Board at a joint meeting. During this meeting, City Staff and Planning Board members outlined a rough review timeline for the second draft that would consist of four meetings at the Planning Board, and at least one joint meeting of the Planning Board and City Commission to finalize the second draft and authorize distribution of the Plan for review by entities as required by State planning law.

On October 13th, 2021, the Planning Board discussed a detailed review timeline for the second draft of the Plan, and requested a new Future Land Use Map document to better guide the four review meetings. At this meeting, the Planning Board adopted the following public review timeline:

- **November 10, 2021** - Introduction, Future Land Use Map, and Chapter 1 (Connecting the City)
- **December 8, 2021** – Chapter 2 (Embrace Managed Growth)
- **January 12, 2022** – Chapter 3 (Retain Neighborhood Quality)
- **February 9, 2022** – Chapter 4 (Support Mixed-Use Districts) and Chapter 5 (Advance Sustainability Practices)

On November 10th, 2021, the Planning Board started the review of the second draft of the Plan with the Introduction, Future Land Use Map, and Chapter 1. During the review, the Planning Board generally commended the consultant team for addressing many of their directions from the review of draft one. The board also discussed an array of topics including various multimodal issues, suggestions for the Future Land Use Map, and commercial destinations.

On December 8th, 2021, the Planning Board continued the review with Chapter 2. During the

review, the Planning Board provided comments on specific areas of the City in regards to seams, and also provided feedback regarding commercial destinations and ADU's. Several of the new maps provided by City Staff were also discussed in detail.

On January 12, 2022, the Planning Board engaged in a lively discussion around neighborhood quality, and provided many comments to the consultant team ranging from house and site design to sidewalk width.

On February 9, 2022, the Planning Board wrapped up its review of the content of the 2040 Master Plan with chapters 4 & 5. A robust discussion was had regarding several areas of the City. In addition, much support was given towards the consultants' approach to sustainability, as well as the formation of a sustainability board.

On March 9, 2022, the master plan consultant team presented a summary of recommendations and prioritization for the Planning Board to review in order to provide clear direction for the third and final draft.

#### LEGAL REVIEW:

The City Attorney has reviewed this request and resolution and has no objections as to form and content.

#### FISCAL IMPACT:

There are no fiscal impacts for this agenda item.

#### PUBLIC COMMUNICATIONS:

Public communications for the review of the second draft have been provided through regular constant contact emails, monthly newsletters, and flyers posted around City Hall. In addition, the schedule has been presented at each review at the Planning Board, and has been available on [www.thebirminghamplan.com](http://www.thebirminghamplan.com) since October 2021.

#### SUMMARY:

The Planning Division requests that the City Commission consider setting a special joint meeting date of April 18, 2022 to finalize the review of the second draft.

#### ATTACHMENTS:

Please find attached the following documents for your review:

- DPZ 2<sup>nd</sup> Draft Master Plan Recommendations Summary
- Planning Division Reports
- Maps/Attachments
- Article III, Michigan Planning Enabling Act

#### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to set a special joint meeting of the City Commission and the Planning Board on April 18, 2022 to finalize the review of the second draft of the Birmingham 2040 plan.



March 4, 2022

Planning Board Members  
City of Birmingham  
151 Martin St.  
Birmingham, MI 48012

**2st Draft Master Plan Recommendations Summary**  
**March 9, 2022 Planning Board Meeting**

Dear Planning Board Members,

We've wrapped up our second draft review of the master plan with efficiency and greater focus. This is thanks to your direction regarding the first draft, and the work everyone contributed towards the second. We now reflect upon the general direction provided to our team by the Planning Board to move from a second to final draft. This letter includes a summary of that general direction from our meeting notes, which do include more specific details which we will consult during our revision process. Because prioritization is an important element of the final draft, we have also highlighted some elements of the plan which resonated as priorities through this second draft review. These are presented in a preliminary order for your reaction.

During the March 9th meeting, we would like to affirm the general direction and discuss priorities. In addition, a few items from your first round of recommendations should be considered for inclusion' these appear at the end of this document for your consideration. Additional items not fully addressed from the first round of recommendations have been discussed through this review process and sufficient direction has been provided.

**General Direction**

1. The Master Plan should provide clear prioritization of recommendations. (carry over from draft 1, see below)
2. Various adjustments to language in places, including revisions to the introduction. Move some longer discussion items to appendixes.

3. FLUM adjustments:

1. Include detail on zoning district intensities - ranges in lot size or density - and improve the nomenclature (e.g. intensities can be misleading).
2. Various corrections (Greenwood cemetery, seam locations removed near Ann St and added along Southfield, incurred Derby Well location)
4. More consistently use a generalized scope for discussion and recommendations, with recognition that some items may require greater specificity but that should not be typical.
5. For Woodward crossings, specify the comment elements that should be present at all crossings, such as consistent pedestrian countdown signals.
6. Don't focus on the loop concept. It can be prioritized in multimodal facilities but is not a central focus.
7. Separate the cafes in parks from neighborhood commercial destinations as the two are quite different in scale and impact. Cafes should be a permitted use in parks with recommended locations, and be implemented in a Parks & Rec plan update.
8. More coordination on the parks chart and recommendations, include senior amenities.
9. While Worth Park is important for the Triangle District, Torry requires additional park space.
10. Religious institutions should be included in addition to schools as it related to formal recreational facility relationships.
11. Stage the tree canopy recommendations, add the climate resilience recommendations to the main text on tree canopies.
12. Identify the need to focus on attainability of new housing in mixed-use districts.
13. Clarify that ADUs are for committee study.

14. Clarify why zoning reform should be pursued on a neighborhood by neighborhood basis to preserve character.
15. Coordinate EV charging recommendations.
16. Investigate golf carts as part of future mobility planning.
17. Get clarity on the 20mph residential street possibilities, add other traffic calming recommendations.
18. Shared space streets should be studied along with social districts. Merrill may be the right street, but Pierce and others may as well. The master plan should direct the study of these subjects, not necessarily a single solution.
19. Study the Market District parking & farmers' market alongside the Bates Street extension.
20. Add intergovernmental cooperation to sustainability recommendations.

#### **Prioritization**

1. Big Woodward speed, safety, and crossing improvements.
2. Market North and Lower Rail District recommendations as they are achievable in the near term.
3. Establishing the Sustainability Board. Refer to SEMCOG low impact initiatives.
4. Unbundling downtown parking, requires study to tie with attainable housing goals.
5. Rouge River naturalization and access improvements.
6. Implementing unimproved streets recommendations.
7. Updating the zoning code.
8. Studying Haynes Square.

#### **Further Direction Needed**





1. Woodward circle. Some members have recommended removal as has been achieved in the second draft, others have requested that the circle concept, or something similar, be revisited.
2. Prominently feature schools. We had included schools as part of the population diversity discussion. Reducing the scope of seams has affected the opportunity with which this plan can affect issues of school populations.
3. Consider future of golf courses. The courses are currently self-sufficient and are not particularly good locations to accommodate other uses, being generally disconnected from the larger community.

We look forward to a discussion of this direction and to revising the Draft Master Plan; thank you.

Regards,

Matthew Lambert

Cc: Nicholas Dupuis, Planning Director; Bob Gibbs, Gibbs Planning Group; Sarah Traxler, McKenna



# MEMORANDUM

Planning Division

**DATE:** November 10<sup>th</sup>, 2021

**TO:** Planning Board

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** The Birmingham Plan 2040 - Review of the Introduction, Future Land Use & Chapter One (Connect the City)

---

The City of Birmingham received the second draft of The Birmingham Plan 2040 ("the Plan") in October 2021 after nearly 2 years of review and input. On October 11<sup>th</sup>, 2021, the Plan was introduced to the City Commission and Planning Board at a joint meeting. During this meeting, City Staff and Planning Board members outlined a rough review timeline for the second draft that would consist of four meetings at the Planning Board, and at least one joint meeting of the Planning Board and City Commission to finalize the second draft and authorize distribution of the Plan for review by entities as required by state planning law.

On October 13<sup>th</sup>, 2021, the Planning Board discussed a detailed review timeline for the second draft of the Plan, and requested a new Future Land Use Map document to better guide the four review meetings. At this meeting, the Planning Board adopted the following public review timeline:

- **November 10<sup>th</sup>, 2021** - Introduction, Future Land Use Map, and Chapter 1 (Connecting the City)
- **December 8<sup>th</sup>, 2021** – Chapter 2 (Embrace Managed Growth)
- **January 12<sup>th</sup>, 2022** – Chapter 3 (Retain Neighborhood Quality)
- **February 9<sup>th</sup>, 2022** – Chapter 4 (Support Mixed-Use Districts) and Chapter 5 (Advance Sustainability Practices)

As a reminder, digital copies of the first and second draft of the Plan, frequently asked questions, Future Land Use Map, other documents pertaining to the review of the Plan, and a comment submission portal may be found on [www.thebirminghamplan.com](http://www.thebirminghamplan.com). In addition, you can find much of the same information, plus an online interactive Future Land Use Map on the Planning Division's [Citywide Master Plan](#) webpage. You may also sign up for news and updates on the Plan (and other City business) through the City of Birmingham [Constant Contact Service](#).

## **Introduction, Future Land Use Map, and Chapter 1 (Connecting the City)**

Based on comments received at the October 11<sup>th</sup> and 13<sup>th</sup> meetings, the city and consultant team have provided several documents to aid the review process of the Introduction, Future Land Use Map, and Chapter 1 discussion (all documents attached to this memorandum):

- DPZ summary letter of recommendations from the review of the first draft of the Plan
- Frequently Asked Questions – October 2021
- Updated Future Land Use Map – New color scheme, added street names
- Map of proposed Future Land Use changes related to seams and commercial destinations.
- Introduction, Future Land Use Map, and Chapter 1 (Connecting the City)

The City has also received some public comments in the form of letters/emails that are attached to this report. As always, the City encourages public participation at each review meeting. Those who are unable to attend, or wish to provide any additional comments to the Planning Board are welcome to submit a letter or email to the Planning Director, Nicholas Dupuis (ndupuis@bhamgov.org), who will compile and submit all comments received to the Planning Board at the next available meeting.



# MEMORANDUM

Planning Division

**DATE:** December 8, 2021

**TO:** Planning Board

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** The Birmingham Plan 2040 - Review of Chapter Two (Embrace Managed Growth)

---

## Introduction/Summary

The City of Birmingham received the second draft of The Birmingham Plan 2040 ("the Plan") in October 2021 after nearly 2 years of review and input. On October 11<sup>th</sup>, 2021, the Plan was introduced to the City Commission and Planning Board at a joint meeting. During this meeting, City Staff and Planning Board members outlined a rough review timeline for the second draft that would consist of four meetings at the Planning Board, and at least one joint meeting of the Planning Board and City Commission to finalize the second draft and authorize distribution of the Plan for review by entities as required by state planning law.

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- **November 10<sup>th</sup>, 2021** - Introduction, Future Land Use Map, and Chapter 1 (Connecting the City)
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- **January 12<sup>th</sup>, 2022** – Chapter 3 (Retain Neighborhood Quality)
- **February 9<sup>th</sup>, 2022** – Chapter 4 (Support Mixed-Use Districts) and Chapter 5 (Advance Sustainability Practices)

On November 8<sup>th</sup>, 2021, the Planning Board started the review of the second draft of the Plan with the Introduction, Future Land Use Map, and Chapter 1. During the review, the Planning Board generally commended the consultant team for addressing many of their directions from the review of draft one. The board also discussed an array of topics including various multimodal issues, suggestions for the Future Land Use Map, and commercial destinations.

## Chapter 2 – Embrace Managed Growth

Similar to the review of Chapter 1, the Planning Division has included several documents in the packet to aid in the review of Chapter 2. Up to this point, the Planning Division has received no additional public comment to include. The following documents are attached for your reference:

- DPZ summary letter of recommendations from the review of the first draft of the Plan
- Current draft of the Future Land Use Map
- Current Zoning Map
- Map series demonstrating changes from current Zoning Map to Future Land Use Map
- Chapter 2 – Embrace Managed Growth

### **Master Plan Access and Meeting Participation**

As a reminder, digital copies of the first and second draft of the Plan, presentation slides, frequently asked questions, Future Land Use Map, other documents pertaining to the review of the Plan, and a comment submission portal may be found on [www.thebirminghamplan.com](http://www.thebirminghamplan.com). In addition, you can find much of the same information, plus an online interactive Future Land Use Map on the Planning Division's [Citywide Master Plan](#) webpage. You may also sign up for news and updates on the Plan (and other City business) through the City of Birmingham [Constant Contact Service](#).

Those who are unable to attend any of the review meeting, or wish to provide any additional comments to the Planning Board are welcome to submit a letter or email to the Planning Director, Nicholas Dupuis ([ndupuis@bhamgov.org](mailto:ndupuis@bhamgov.org)), who will compile and submit all comments received to the Planning Board at the next available meeting.





# MEMORANDUM

Planning Division

**DATE:** January 12, 2022

**TO:** Planning Board

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** The Birmingham Plan 2040 - Review of Chapter Three (Retain Neighborhood Quality)

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## Introduction/Summary

The City of Birmingham received the second draft of The Birmingham Plan 2040 ("the Plan") in October 2021 after nearly 2 years of review and input. On October 11<sup>th</sup>, 2021, the Plan was introduced to the City Commission and Planning Board at a joint meeting. During this meeting, City Staff and Planning Board members outlined a rough review timeline for the second draft that would consist of four meetings at the Planning Board, and at least one joint meeting of the Planning Board and City Commission to finalize the second draft and authorize distribution of the Plan for review by entities as required by state planning law.

On October 13<sup>th</sup>, 2021, the Planning Board discussed a detailed review timeline for the second draft of the Plan, and requested a new Future Land Use Map document to better guide the four review meetings. At this meeting, the Planning Board adopted the following public review timeline:

- **November 10<sup>th</sup>, 2021** - Introduction, Future Land Use Map, and Chapter 1 (Connecting the City)
- **December 8<sup>th</sup>, 2021** – Chapter 2 (Embrace Managed Growth)
- **January 12<sup>th</sup>, 2022** – Chapter 3 (Retain Neighborhood Quality)
- **February 9<sup>th</sup>, 2022** – Chapter 4 (Support Mixed-Use Districts) and Chapter 5 (Advance Sustainability Practices)

On November 10<sup>th</sup>, 2021, the Planning Board started the review of the second draft of the Plan with the Introduction, Future Land Use Map, and Chapter 1. During the review, the Planning Board generally commended the consultant team for addressing many of their directions from the review of draft one. The board also discussed an array of topics including various multimodal issues, suggestions for the Future Land Use Map, and commercial destinations.

On December 8<sup>th</sup>, 2021, the Planning Board continued the review with Chapter 2. During the review, the Planning Board provided comments on specific areas of the City in regards to seams, and also provided feedback regarding commercial destinations and ADU's. Several of the new maps provided by City Staff were also discussed in detail.

### **Chapter 3 – Retain Neighborhood Quality**

Similar to the review of Chapters 1 and 2, the Planning Division has included several documents in the packet to aid in the review of Chapter 3. Up to this point, the Planning Division has received no additional public comment to include. The following documents are attached for your reference:

- DPZ summary letter of recommendations from the review of the first draft of the Plan
- Current draft of the Future Land Use Map
- Current Zoning Map
- Map series demonstrating changes from current Zoning Map to Future Land Use Map
- Chapter 3 – Retain Neighborhood Quality

### **Master Plan Access and Meeting Participation**

As a reminder, digital copies of the first and second draft of the Plan, presentation slides, frequently asked questions, Future Land Use Map, other documents pertaining to the review of the Plan, and a comment submission portal may be found on [www.thebirminghamplan.com](http://www.thebirminghamplan.com). In addition, you can find much of the same information, plus an online interactive Future Land Use Map on the Planning Division's [Citywide Master Plan](#) webpage. You may also sign up for news and updates on the Plan (and other City business) through the City of Birmingham [Constant Contact Service](#).

Those who are unable to attend any of the review meeting, or wish to provide any additional comments to the Planning Board are welcome to submit a letter or email to the Planning Director, Nicholas Dupuis ([ndupuis@bhamgov.org](mailto:ndupuis@bhamgov.org)), who will compile and submit all comments received to the Planning Board at the next available meeting.



# MEMORANDUM

Planning Division

**DATE:** February 9, 2022

**TO:** Planning Board Members

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** The Birmingham Plan 2040 - Review of Chapter Four (Support Mixed-Use Districts) & Chapter 5 (Advance Sustainability Practices)

---

## Introduction/Summary

The City of Birmingham received the second draft of The Birmingham Plan 2040 ("the Plan") in October 2021 after nearly 2 years of review and input. On October 11<sup>th</sup>, 2021, the Plan was introduced to the City Commission and Planning Board at a joint meeting. During this meeting, City Staff and Planning Board members outlined a rough review timeline for the second draft that would consist of four meetings at the Planning Board, and at least one joint meeting of the Planning Board and City Commission to finalize the second draft and authorize distribution of the Plan for review by entities as required by state planning law.

On October 13<sup>th</sup>, 2021, the Planning Board discussed a detailed review timeline for the second draft of the Plan, and requested a new Future Land Use Map document to better guide the four review meetings. At this meeting, the Planning Board adopted the following public review timeline:

- **November 10<sup>th</sup>, 2021** - Introduction, Future Land Use Map, and Chapter 1 (Connecting the City)
- **December 8<sup>th</sup>, 2021** – Chapter 2 (Embrace Managed Growth)
- **January 12<sup>th</sup>, 2022** – Chapter 3 (Retain Neighborhood Quality)
- **February 9<sup>th</sup>, 2022** – Chapter 4 (Support Mixed-Use Districts) and Chapter 5 (Advance Sustainability Practices)

On November 10<sup>th</sup>, 2021, the Planning Board started the review of the second draft of the Plan with the Introduction, Future Land Use Map, and Chapter 1. During the review, the Planning Board generally commended the consultant team for addressing many of their directions from the review of draft one. The board also discussed an array of topics including various multimodal issues, suggestions for the Future Land Use Map, and commercial destinations.

On December 8<sup>th</sup>, 2021, the Planning Board continued the review with Chapter 2. During the review, the Planning Board provided comments on specific areas of the City in regards to seams,

and also provided feedback regarding commercial destinations and ADU's. Several of the new maps provided by City Staff were also discussed in detail.

On January 12, 2021, the Planning Board engaged in a lively discussion around neighborhood quality, and provided many comments to the consultant team ranging from house and site design to sidewalk width.

### **Chapters 4 (Support Mixed-Use Districts) & 5 (Advance Sustainability Practices)**

Similar to the review of other chapters, the Planning Division has included several documents in the packet to aid in the review of Chapter 3. Up to this point, the Planning Division has received no additional public comment to include. The following documents are attached for your reference:

- DPZ summary letter of recommendations from the review of the first draft of the Plan
- Current draft of the Future Land Use Map
- Current Zoning Map
- Map series demonstrating changes from current Zoning Map to Future Land Use Map
- Chapters 4 & 5

In addition to the review of the final chapters, the Planning Division has worked with the consultant team to consider adding a review session at the Planning Board level. The purpose of this his additional session would be to summarize the review of the second draft, and to prioritize the recommendations that are forwarded to the City Commission for the eventual joint meeting before preparation of the third and final draft. At this time, the Planning Division recommends that the Planning Board consider **WEDNESDAY, MARCH 9** for this final Planning Board review.

### **Master Plan Access and Meeting Participation**

As a reminder, digital copies of the first and second draft of the Plan, presentation slides, frequently asked questions, Future Land Use Map, other documents pertaining to the review of the Plan, and a comment submission portal may be found on [www.thebirminghamplan.com](http://www.thebirminghamplan.com). In addition, you can find much of the same information, plus an online interactive Future Land Use Map on the Planning Division's [Citywide Master Plan](#) webpage. You may also sign up for news and updates on the Plan (and other City business) through the City of Birmingham [Constant Contact Service](#).

Those who are unable to attend any of the review meeting, or wish to provide any additional comments to the Planning Board are welcome to submit a letter or email to the Planning Director, Nicholas Dupuis ([ndupuis@bhamgov.org](mailto:ndupuis@bhamgov.org)), who will compile and submit all comments received to the Planning Board at the next available meeting.



# MEMORANDUM

Planning Division

**DATE:** March 9, 2022

**TO:** Planning Board Members

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** The Birmingham Plan 2040 – 2<sup>nd</sup> Draft Review – Summary of Recommendations

---

## Introduction/Summary

The City of Birmingham received the second draft of The Birmingham Plan 2040 (“the Plan”) in October 2021 after nearly 2 years of review and input. On October 11<sup>th</sup>, 2021, the Plan was introduced to the City Commission and Planning Board at a joint meeting. During this meeting, City Staff and Planning Board members outlined a rough review timeline for the second draft that would consist of four meetings at the Planning Board, and at least one joint meeting of the Planning Board and City Commission to finalize the second draft and authorize distribution of the Plan for review by entities as required by state planning law.

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On December 8<sup>th</sup>, 2021, the Planning Board continued the review with Chapter 2. During the review, the Planning Board provided comments on specific areas of the City in regards to seams, and also provided feedback regarding commercial destinations and ADU's. Several of the new maps provided by City Staff were also discussed in detail.



On January 12, 2021, the Planning Board engaged in a lively discussion around neighborhood quality, and provided many comments to the consultant team ranging from house and site design to sidewalk width.

On February 9, 2022, the Planning Board wrapped up its review of the content of the 2040 Master Plan with chapters 4 & 5. A robust discussion was had regarding several areas of the City. In addition, much support was given towards the consultants approach to sustainability, as well as the formation of a sustainability board.

Finally, it was agreed upon that the consultants should come back for an additional meeting at the Planning Board to summarize the direction given, and to add any last-minute direction that would help in the creation of the 3<sup>rd</sup> and final draft. The Planning Board agreed to hold this extra session on March 9, 2022 to keep the 2040 Plan moving forward.

## **2<sup>nd</sup> Draft Review – Summary of Recommendations**

Similar to the end of the 1<sup>st</sup> draft review, the consultant team has prepared a summary document of recommendations based on their notes from each review session. The summary document is attached to this report. Up to this point, the Planning Division has received no additional public comment to include.

In addition to this final session at the Planning Board for the 2<sup>nd</sup> draft, a joint meeting of the Planning Board and City Commission must be scheduled to finalize the 2<sup>nd</sup> draft and distribute to adjoining communities and other entities consistent with the Michigan Planning and Zoning Enabling Act for their review. At the time of this report, the following dates could be considered:

- Monday March 21, 2022
- Monday April 4, 2022
- Monday April 18, 2022

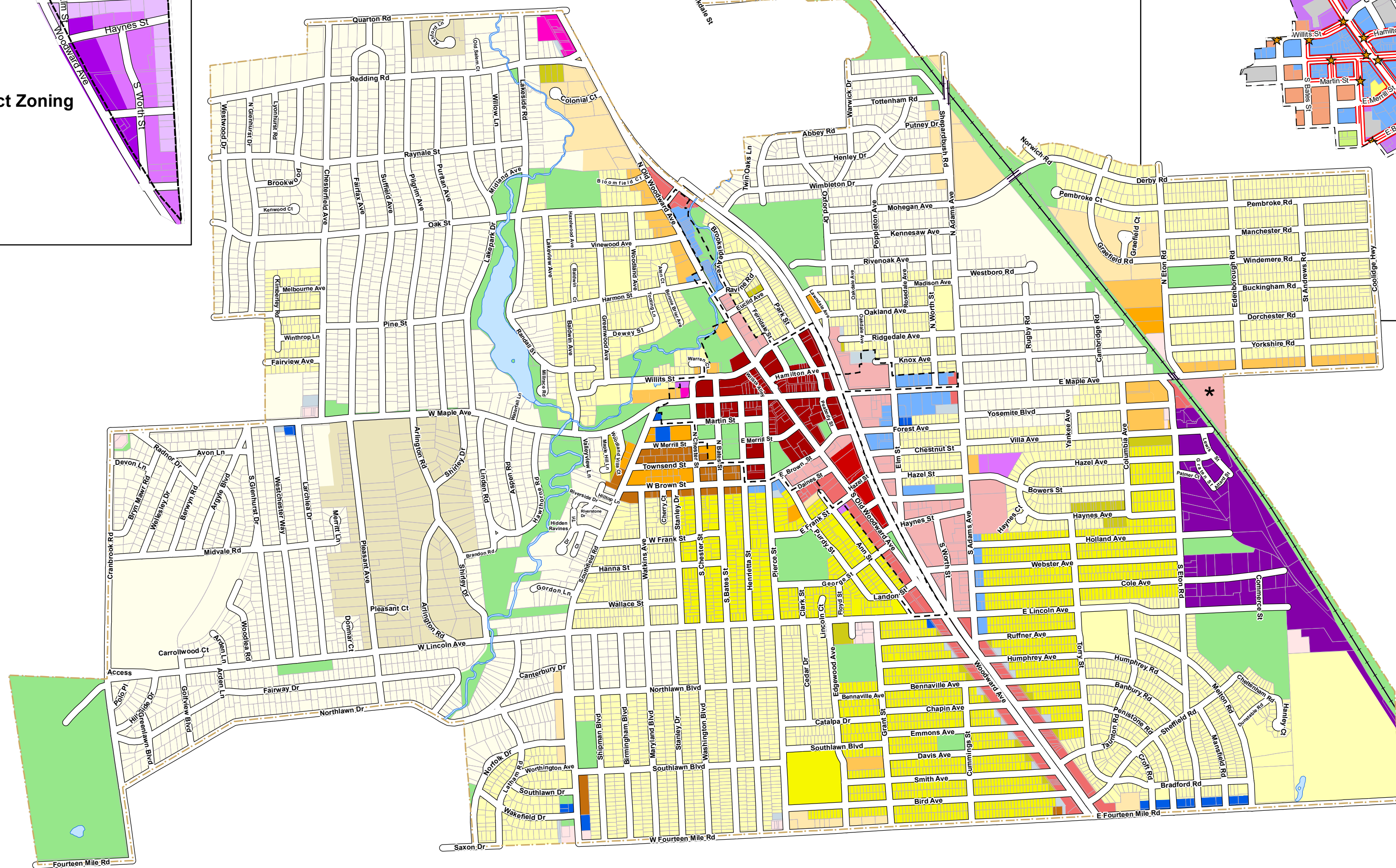
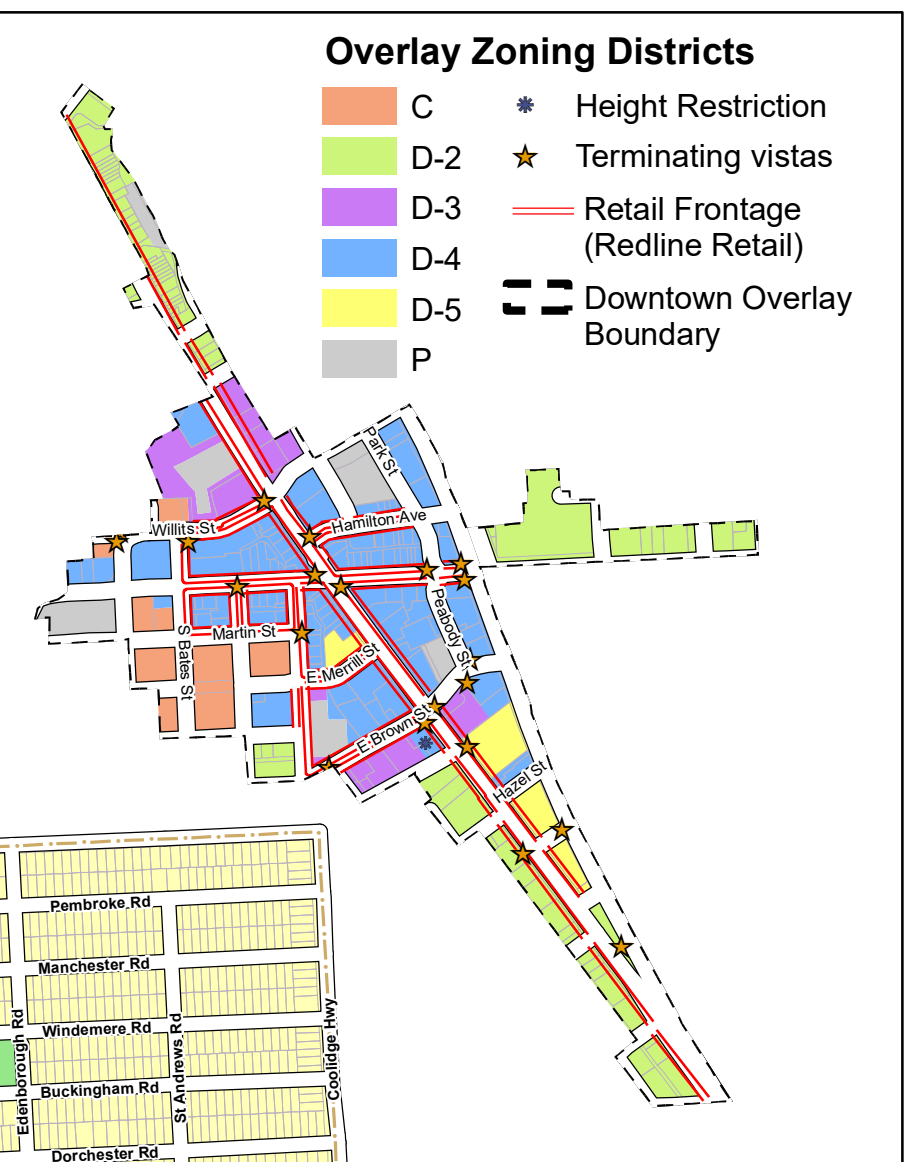
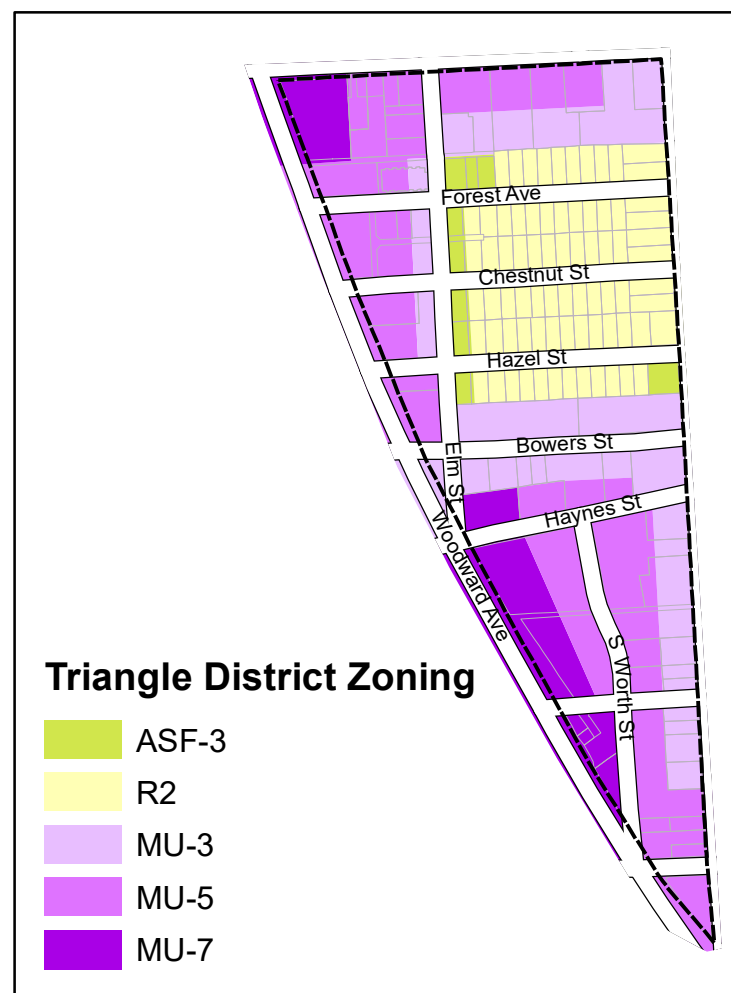
Please note that these dates are subject to the availability of City Commission members, Planning Board members, City Staff, and the consultant team. City Staff will consult with the necessary parties and finalize a date as soon as feasible.

## **Master Plan Access and Meeting Participation**

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Coordinate System: State Plane Coordinate System Michigan South Zone 2113 Projection: Lambert Conformal  
Conic, Units: International Feet, Datum: NAD83  
Data Sources: Oakland County GIS Utility, City of Birmingham  
Updated: August 2021

# City Of Birmingham Zoning Map

## Zoning Districts

R1 Single-Family Residential	R7 Multiple-Family Residential	B-2B General Business
R1-A Single-Family Residential	R8 Multiple-Family Residential	B-3 Office-Residential
R2 Single-Family Residential	TZ1 Transitional Zoning 1	B-4 Business-Residential
R3 Single-Family Residential	TZ3 Transitional Zoning	O-2 Office Commercial
R4 Two-Family Residential	MX Mixed-Use	O-1 Office
R5 Multiple-Family Residential	B-1 Neighborhood Business	P Parking
R6 Multiple-Family Residential	B-2 General Business	PP Public Property
	B-2 General Business Limited to Grocery Store Use	Downtown Overlay Boundary



B. Future Land Use

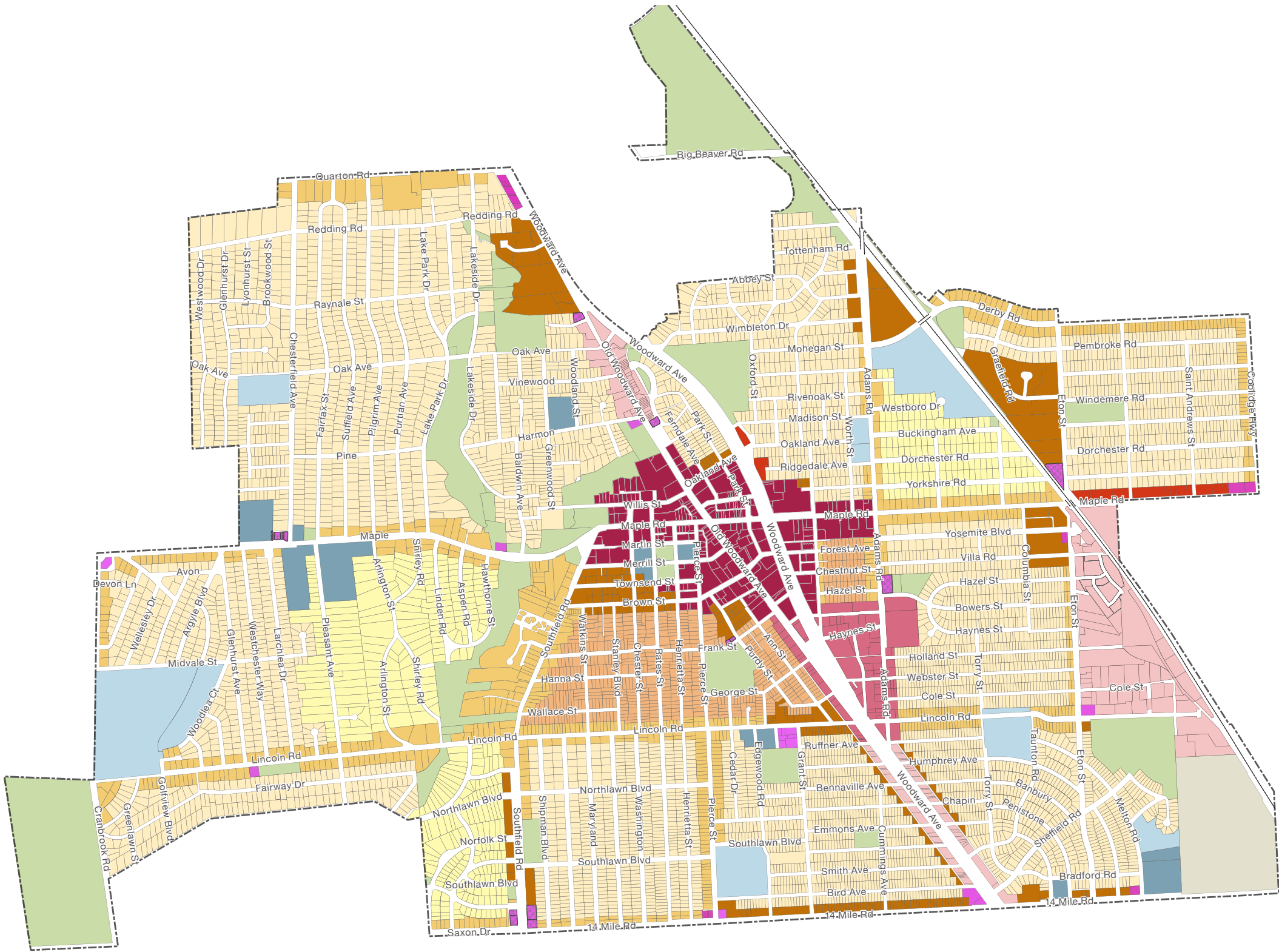


Figure 6. Future Land Use Map.

B. Future Land Use

Future Land Use Map

Future Land Use Map

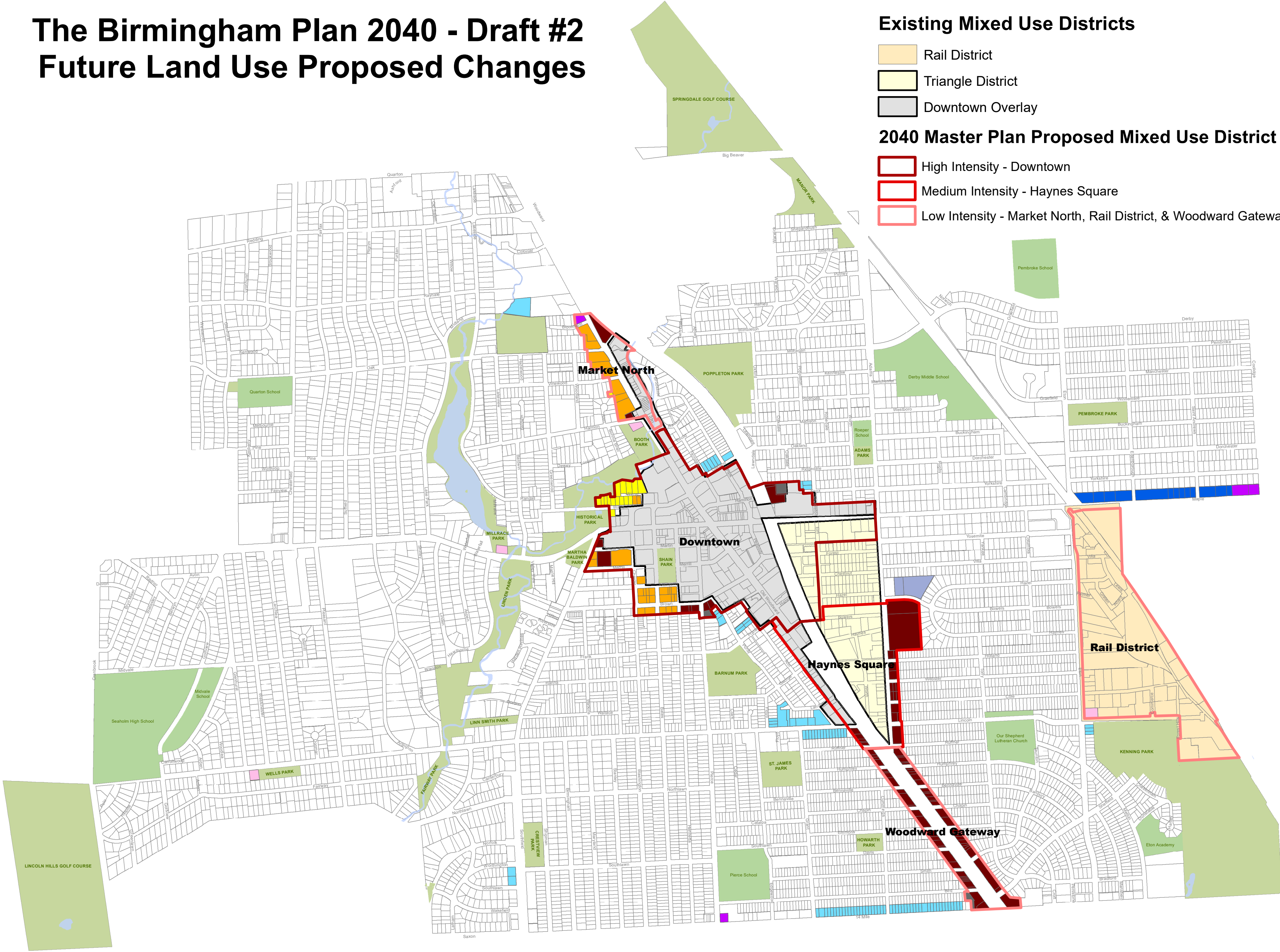
Birmingham’s future land use map is structured by Planning District boundaries within which land uses reinforce the desired future character. This map serves as the basis for zoning, specifying where different uses and intensities are appropriate throughout the City. This Future Land Use Map aims to identify, sustain, and strengthen Birmingham’s neighborhoods and mixed-use districts. The following sections describe each land use in greater detail.

- Boundaries**
- Planning Districts
- District Destinations**
- Civic Destination: General
  - Civic Destination: School
  - Civic Destination: Cemetery
  - Recreational Destination
  - Commercial Destination
- Mixed Use District Fabric**
- High Intensity
  - Medium Intensity
  - Low Intensity
- Neighborhood District Fabric**
- High Intensity
  - Medium Intensity
  - Low Intensity
- District Seams**
- High Intensity (TZ-1, TZ-3, R3, R4, R5, R6, R7, R8, and MX)
  - Medium Intensity (TZ-1, R3, R4, R5, R6, and R8)
  - Low Intensity (R1A, R1, R2, R3)



# The Birmingham Plan 2040 - Draft #2

## Future Land Use Proposed Changes



### Existing Mixed Use Districts

- Rail District
- Triangle District
- Downtown Overlay

### 2040 Master Plan Proposed Mixed Use District Fabric

- High Intensity - Downtown
- Medium Intensity - Haynes Square
- Low Intensity - Market North, Rail District, & Woodward Gateway

### Proposed Mixed Use District Fabric Changes

- Office-Business (O1,O2, B2, B2-B) to Mixed Use District\*
- Single Family (R2) to Mixed Use
- Multi-Family (R5, R6, R7, R8) to Mixed Use
- Parking (P) to Mixed Use District

\*Office-Business zones permit mixed-use however the highlighted properties are not currently included in a defined mixed-use district.

### Proposed District Seam Changes

- Medium Intensity Seam: Single Family (R1, R2, R3) to Multi-Family
- High Intensity Seam: Multi-Family (R5, R6, R7, R8) to Mixed-Use

### Proposed District Destination Changes

- Transitional Zone (TZ-1) to Recreation (Park)
- City Park with a Commercial Destination (ie. small cafe)
- Multi-Family to Commercial Destination



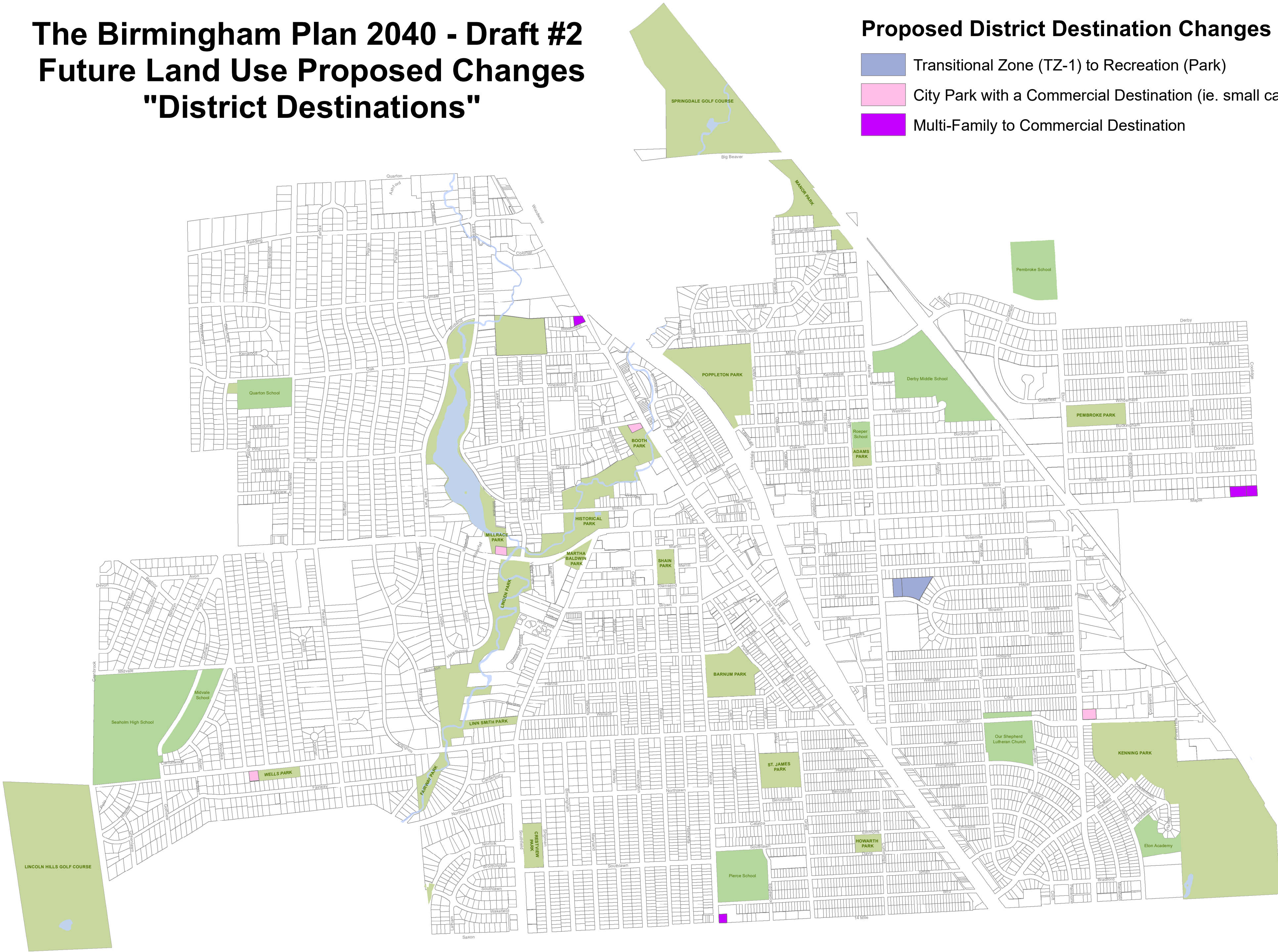
# The Birmingham Plan 2040 - Draft #2

## Future Land Use Proposed Changes

### "District Destinations"

### Proposed District Destination Changes

- Transitional Zone (TZ-1) to Recreation (Park)
- City Park with a Commercial Destination (ie. small cafe)
- Multi-Family to Commercial Destination




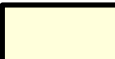


# The Birmingham Plan 2040 - Draft #2




## Future Land Use Proposed Changes

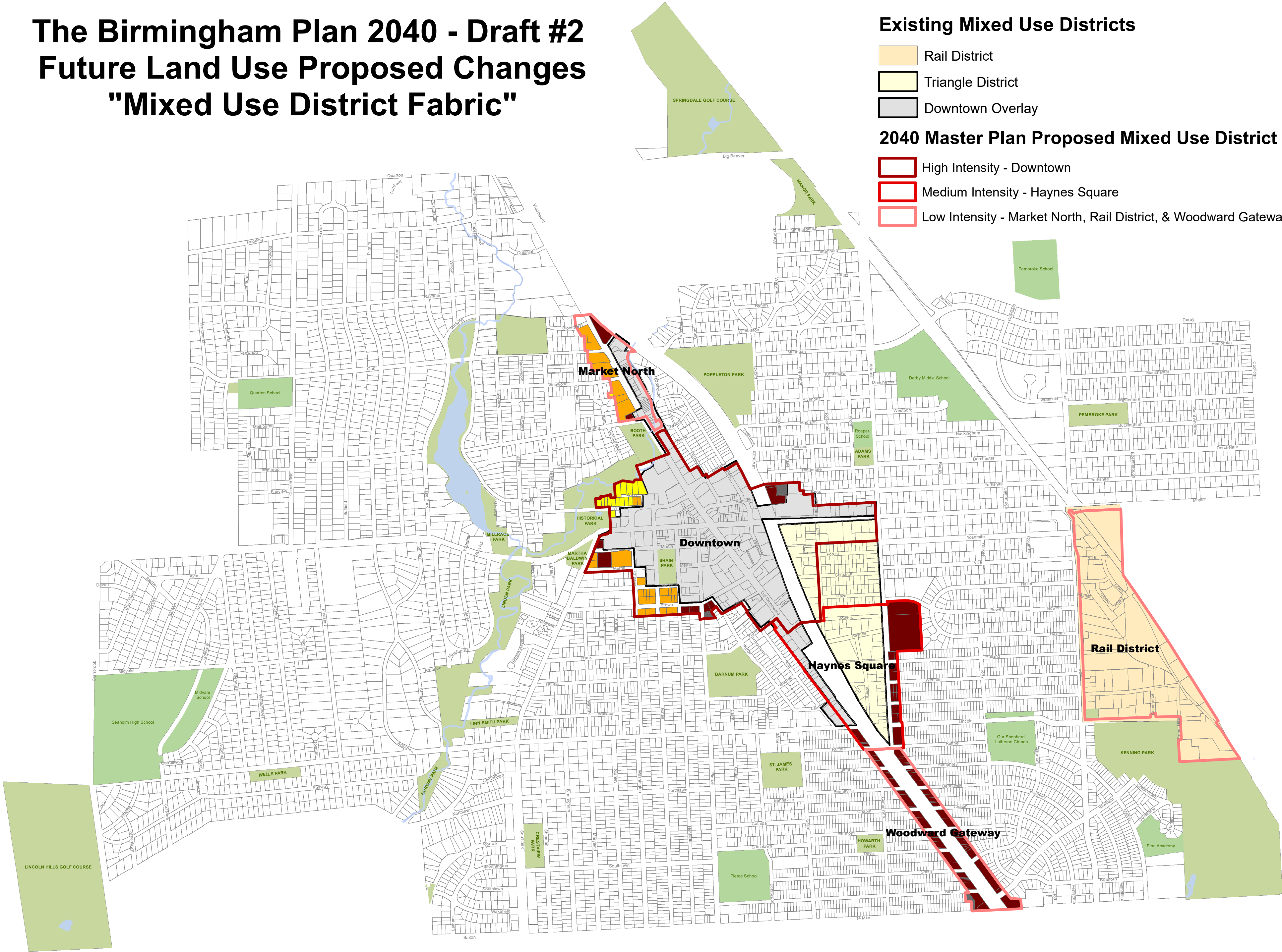
### "Mixed Use District Fabric"

#### Existing Mixed Use Districts





-  Rail District
-  Triangle District
-  Downtown Overlay

#### 2040 Master Plan Proposed Mixed Use District Fabric

-  High Intensity - Downtown
-  Medium Intensity - Haynes Square
-  Low Intensity - Market North, Rail District, & Woodward Gateway



#### Proposed Mixed Use District Fabric Changes

-  Office-Business (O1, O2, B2, B2-B) to Mixed Use District\*
-  Single Family (R2) to Mixed Use
-  Multi-Family (R5, R6, R7, R8) to Mixed Use
-  Parking (P) to Mixed Use District

\*Office-Business zones permit mixed-use however the highlighted properties are not currently included in a defined mixed-use district.



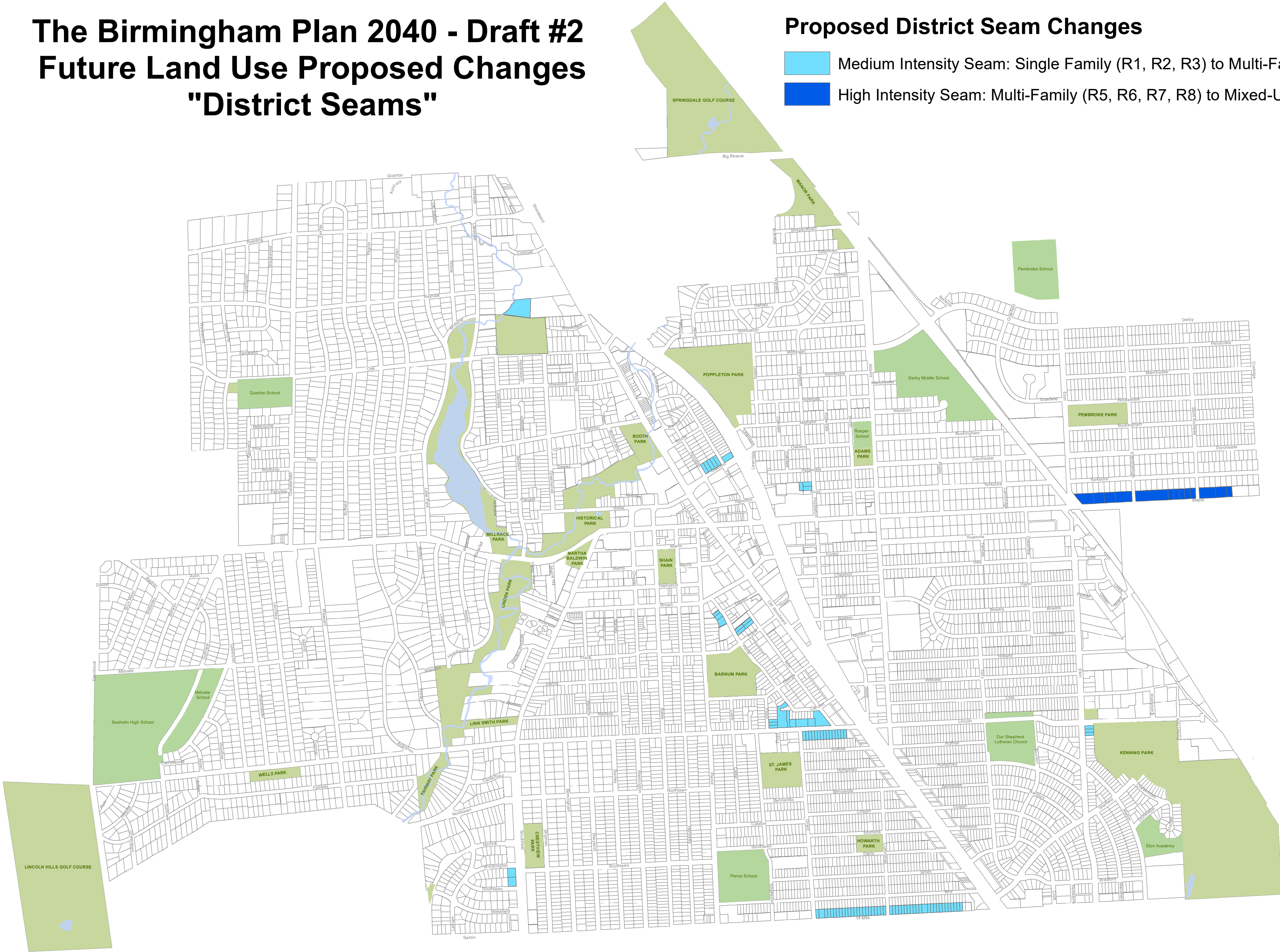
# The Birmingham Plan 2040 - Draft #2

## Future Land Use Proposed Changes

### "District Seams"

### Proposed District Seam Changes

- Medium Intensity Seam: Single Family (R1, R2, R3) to Multi-Family
- High Intensity Seam: Multi-Family (R5, R6, R7, R8) to Mixed-Use





April 13, 2021

City Commission Members, Planning Board Members  
City of Birmingham  
151 Martin St.  
Birmingham, MI 48012

**1st Draft Master Plan Recommendations, April 19, 2021 Joint City Commission and Planning Board Meeting**

Dear City Commission and Planning Board Members,

Following-up upon the brief discussion held during the March 22nd City Commission meeting, this memo provides some additional information concerning the Planning Board's recommendations for changes to the Master Plan First Draft. During the March 22nd City Commission meeting, more detail was desired concerning the recommendations of the Planning Board, both explanatory in nature and recounting the degree to which the recommendation reflects primarily Planning Board direction, primarily public direction, or a combination thereof. The explanatory detail provided below remains brief and can be expanded upon by the consultants as necessary during the upcoming joint meeting.

In addition to the expanded details, a general summary of public input received is included as a separate memo from McKenna.

Further detail concerning the high-level direction from the Planning Board follows, retaining the order and numbering of the prior memo for ease of discussion.

**General Direction**

These items are not specifically related to a physical location or area of the city and are therefore considered more general in nature.

1. The length of the Master Plan should be significantly reduced.
  - Source: City Commission, Planning Board, and public comment
  - Detail: This item requires no additional explanatory detail.

2. The Master Plan should provide clear prioritization of recommendations, including the Themes created during the review process.
  - Source: Planning Board direction concerning the Themes. Prioritization as direction came from the City Commission, Planning Board, and public comment, specifically in October of 2019.
  - Detail: Further details concerning the direction is not necessary as it is general and clear. However please note that this was discussed as an original goal for the Second Draft by the consultant when presenting the First Draft in 2019. The consultant considers this a step in the process. The First Draft collects and explains all of the recommendations assembled through the Charrette process, to be accepted, rejected, or augmented. The Second Draft organizes and prioritizes the recommendations and timelines.
3. Language should be as plain as possible, where technical language is required, it should be clearly defined. This extends to terms that can be vague like sustainability.
  - Source: City Commission, Planning Board, and public comment
  - Detail: This item is a distillation of comments from the Commission and Board, as well as public comment. It was not presented as a single recommendation originally, rather this is inferred direction across many comments which has been validated by the Planning Board.
4. Adjust and clarify the correction to growth projections (2,000 people not 2,000 units).
  - Source: Consultant, supported by Planning Board and public comment
  - Detail: During the course of review the consultant identified that the growth projection as stated in the First Draft was incorrect. During Planning Board review, the consultant corrected this information publicly. Some public comment specifically referred to the growth projection numbers. That comment in some instances is related to following items concerning the form and location of growth, and other comments sought clarity.

5. Infrastructure should be addressed (the details of this request require discussion).
  - Source: Public comment
  - Detail: This item was brought up through public comment, specifically relating to stormwater, unimproved streets, and sewer capacity. It is identified as requiring further discussion (clarity) by the consultants. At the beginning of this contract the consultants asked for clarity concerning how infrastructure was to be addressed in the Master Plan. The City Manager at the time stated that infrastructure included only the surface, principally the details of streets, and did not include sub-surface infrastructure.
6. Increase the focus on sustainability.
  - Source: Planning Board principally, with some public comment
  - Detail: This item is general in nature as it appears in a few places within the First Draft, along with in the introduction, and touches on natural areas like the Rouge, on streets and stormwater, on public buildings and grounds, on practices like recycling and composting, and on energy use and pollution. These points are spread-out in the First Draft. Some items like reduction of greenhouse gasses from vehicles were not discussed as they are inherent in the physical form of Birmingham inviting walking, and should be discussed along with other stated items in a collected goal of greater sustainability.
7. Acknowledge Covid-19, including a prologue to ground the document in the current condition (occurred after the Master Plan First Draft).
  - Source: Planning Board principally, with some public comment
  - Detail: Concerning the source, Planning Board members discussed physical attributes and concerns in the city related to Covid-19, social distancing, and workplace dynamics. Initially this was brought up through public comment and revisited more than once by the Planning Board. While the current protocols surrounding Covid-19 are temporary there are a number of real items to discuss going forward. Concerning the disease, while it is expected that Covid-19 can be successfully mitigated, infectious diseases of this type



are anticipated to increase in frequency and severity in the future. A number of other recent diseases like H1N1 in 2009 luckily did not reach pandemic levels, but they have come close. Trends indicate that infectious disease has been steadily on the rise. A number of prior pandemics have led to changes in the built environment, including the Spanish Flu, Cholera, and Plague. The statement to acknowledge Covid-19 comes in part that preparing a 20 year plan without at least acknowledging such a significant event is considered a mistake but also that there are serious considerations which Covid-19 brings to a number of Master Plan recommendations. There is a general consensus that office space demand will be reduced going forward, and a greater demand for spaces to work some of the time within the home. Today's response may be an overreaction, with many tech companies abandoning or significantly reducing office space. However the technology available to work and meet more effectively in a remote manner has become well established in the workplace. Some change is anticipated, which may result in office space that should be converted to housing. In Downtown, this further supports the recommendation to allow residential permit parking in garages. In homes it may mean that definitions of home occupation should be revisited. That is one example of many, including allowances for dining decks, shared streets that provide more pedestrian space, and a demand for more seating opportunities in parks. Most of these items are included within the First Draft to some extent, but warrant revisiting the recommendations in consideration of recent experiences. Luckily Birmingham is a good location to weather Covid-19, and for many of the reasons that Birmingham is a great place to live generally.

8. Focus on the bold moves, like Haynes Square and perhaps more aggressive fixes for Woodward, so the plan is forward-looking.

- Source: Planning Board
- Detail: This item is both organizational and directing content. From an organizational perspective, a focus on bold moves can garner support. Recommendations can be organized in many ways - by location (as current), by theme, by goal, by department, by change versus stability, etc. Along with the comment on prioritization, this comment is about making the document motivating. The second piece is being more aggressive on some of the key

items, Woodward in particular. For Woodward, some detail was lost in the large document as comments made by the Board were already covered in the First Draft. But Woodward would also benefit from additional crossing improvements and focus on speeds as was discussed extensively. Other areas like Haynes Square are similar.

9. Schools should be more prominently featured in the plan expressing a shared vision between the City and the School District.

- Source: Planning Board principally, with some public comment
- Detail: Schools came up numerous times in discussion. It was recommended that the consultants coordinate with the School District concerning their future plans, including any considerations needed ahead of potential changes, closures, or expansions. Additionally, aspects of the plan had addressed schools with relation to population diversity and housing options, however the schools were a bullet point within those discussions instead of being the other way around. Schools may be better addressed in a goal-oriented organizational format.

10. The senior center proposal should be more prominently featured in the plan.

- Source: Planning Board
- Detail: The plan included direction to establish a more prominent senior center, as had been discussed at length during the Charrette. As with some other items, this had become a side note to the plan, addressed presently on pages 65 and 66.

11. Further address connections to surrounding communities.

- Source: Planning Board
- Detail: This item requires no additional explanatory detail.

12. Include recommendations for new historic districts and strengthening of existing districts.

- Source: Planning Board, Historic District Commission, and a few public comments

- Detail: This item requires no additional explanatory detail.
13. Ensure all considerations for walkability address older adults and people of varying abilities.
- Source: Planning Board
  - Detail: Aspects of walkability are discussed throughout the First Draft. While aimed at multiple users, they may not clearly address how multiple users should be considered.
14. Growth should be focused in Downtown, the Triangle District, and a small amount in the Rail District.
- Source: Planning Board and public comment
  - Detail: Aspects of this will re-appear later concerning Seams. This was a growth strategy that was discussed across numerous meetings and in reaction to public comment. The recommendation could be stated in the opposite manner, recommending that growth not be focused within or between neighborhoods.
15. More outdoor gathering spaces are needed in light of Covid-19, including covered outdoor spaces in parks.
- Source: Planning Board
  - Detail: Details surrounding this item were covered previously.
16. Increase the focus on connecting across Big Woodward and pedestrian safety.
- Source: Planning Board, and public comment
  - Detail: This item was addressed above concerning bold moves. It is listed separately as it was a common area of concern and discussion among Board members and the public.
17. Big Woodward north of Maple should be further investigated for traffic calming, in addition to the portion between 14 and Maple.
- Source: Planning Board

- Detail: In Board discussions concerning traffic calming on Big Woodward, the higher-speed condition of Big Woodward north of Maple was identified as a condition that requires specific consideration.
18. Retain the reduction of parking regulation complexity, but recommend that it be further studied by committee rather than proposing the solution.
- Source: Planning Board
  - Detail: The general idea of simplifying on-street parking regulation was supported but the Board believes it should be studied by a committee rather than providing a specific solution within the Master Plan. The Master Plan would retain the problem statement and recommend a committee be established to carry on the work.
19. More broadly address the Rouge natural area, including bank restoration, removal of invasive species, improving the natural condition, and trail modifications to increase accessibility without detracting from the natural environment.
- Source: Planning Board principally, with some public comment
  - Detail: The item is clear but note that the character of the trail is an area of conflict. Some members of the public feel that the trail should remain as it is with wood chips. Other members of the public, and the Board, feel that the trail should be accessible to users of all abilities. The direction as stated is to improve the trail but recommend strategies to limit the impact that such improvements would have to the existing natural character.
20. Consider the future of the public golf courses.
- Source: Planning Board
  - Detail: There is no specific direction to this item. The golf courses were not addressed in the First Draft and the recommendation is to consider their potential to remain as is, to improve, or to be used in some other manner.

## **Direction Related to Mixed-use Districts**

### **1. Generally**

1. Consider more shared streets and pedestrian-only areas, including Worth Park as a potential piazza.
  - Source: Planning Board
  - Detail: The First Draft included some shared streets and the Board recommended that the concept be expanded beyond the areas identified in the First Draft. The recommendation also identifies that Worth Park is an opportunity to provide greater variety in open space types by recommending a plaza instead of a green.
2. Consider dining decks in light of Covid-19.
  - Source: Planning Board
  - Detail: This item was discussed previously.
3. EV charging and other similar sustainable strategies should be considered in mixed-use districts.
  - Source: Planning Board
  - Detail: This item is related to a previous discussion point on increasing the focus on sustainability.

### **2. Downtown**

1. Bates Street should be included in recommendations.
  - Source: Planning Board
  - Detail: At the beginning of the Master Plan process, a proposal for the Bates Street extension was going through public review. As such it was not included in the Master Plan. The recommendation is to include a proposal in the Master Plan since the prior measure was rejected.



2. Revisit the pilot parking program for downtown housing in light of Covid-19 changing business demand and potential future office space demand.

- Source: Planning Board
- Detail: This item was discussed previously.

3. Retail district standards (redline) should be lightened on side streets.

- Source: Planning Board
- Detail: The area of very high standards for ground floor uses within Downtown extends to most street frontages. The First Draft recommended that two sets of standards be created, one of higher and one of slightly lower specificity. This recommendation is to expand the slightly lower standards to side streets like Hamilton and Willits.

### 3. Haynes Square / Triangle District

1. Adams Square should be included in recommendations.

- Source: Planning Board
- Detail: This item requires no additional explanatory detail.

2. Consider live-work buildings.

- Source: Planning Board
- Detail: Live-work buildings are like a townhome with a small business space on the front. They are typically service uses like attorneys. Live-work buildings are common in historic towns and in some newly built neighborhoods but often not allowed in zoning. The recommendation is to consider where, if anywhere, live-work buildings should be allowed or encouraged. The most likely outcome is consideration for the type within the Triangle District and the Adams Square shopping center, in addition to the Rail District where they are currently allowed.

3. Add a pedestrian or vehicular connection from Worth to Bowers.
  - Source: Planning Board
  - Detail: This item requires no additional explanatory detail, however the consultant strongly supports the recommendation.
4. Address how the abandoned portion of Old Woodward south of Haynes should transfer ownership with concern for the existing property owners with frontage on Old Woodward. Also address the City's ability to vacate property by ordinance.
  - Source: Planning Board
  - Detail: This is a process-related detail of the recommendation to terminate Old Woodward at Haynes in order to improve traffic safety and increase the viability of commercial properties south of Haynes.
5. Focus Missing Middle housing principally in Haynes Square and Adams Square.
  - Source: Planning Board
  - Detail: This is related to allowing more townhomes, duplexes, and small multi-family housing units. The recommendation is to encourage these types of housing in limited areas rather than along most Seams.
6. Look more closely at the Haynes / Adams traffic situation with respect to the proposed modifications.
  - Source: Planning Board
  - Detail: The First Draft recommends that southbound Adams traffic be diverted onto Haynes to meet Big Woodward in order to both improve traffic safety and increase the viability of the Triangle District. The recommendation is to add further detail for this condition to ensure that it is viable from a traffic management standpoint.

4. South Woodward Gateway

1. Study the housing proposals along the South Woodward alleys more closely and consider other effective means of noise buffering.
  - Source: Planning Board
  - Detail: The First Draft recommended townhouse-like housing be located along alleys in the South Woodward Gateway area. The alley proposal is aimed at activating alleys which provide a more comfortable means of walking along Big Woodward than the discontinuous sidewalks. Activating the alleys would increase noise which could affect adjacent homes. The First Draft recommended that housing be used to buffer noise as housing is very effective and doing so. These would be located along the alley where houses have previously been removed for additional parking area. The recommendation is to consider options in addition to housing, and to clarify or reconsider the housing recommendation.

**Direction Related to Neighborhoods**

1. Revise to define sub-areas of the City as “planning districts” and remove all recommendations related to neighborhood associations.
  - Source: Planning Board and public comment
  - Detail: There are two items here. The first is to use the term “planning district” rather than neighborhood to refer to the boundaries identified on Page 30. The second is straightforward, to remove any of the remaining details concerning neighborhood associations.
2. Seams should be significantly reduced in location, intensity, and building types allowed, and be thoughtfully located in the limited areas where they may be appropriate.
  - Source: Planning Board and significant public comment
  - Detail: The recommendations concerning Seams brought significant public pushback. This began early in the review process but

accelerated towards the end of the process as both information and misinformation about the Seams proposal spread throughout the community. Despite attempts at clarifying the concept, the public reaction was strong and emotional. Throughout the Planning Board review sessions, the subject had come up numerous times and the Board's recommendation was to reduce the intensity of Seams and limit the types of housing allowed within them, targeting growth in the mixed-use areas. Towards the end of the review sessions, public comment increased. While some residents welcomed the recommendation, the majority did not. The Board re-affirmed their prior position and strengthened it. The concept of Seams as presented may be applicable in a few limited locations but the addition of housing type diversity along the edge of most planning districts should not be allowed.

3. Accessory Dwelling Units need to be revisited and should be severely limited should they be permitted anywhere.
  - Source: Planning Board and public comment
  - Detail: Both the Board and public shared concern about accessory dwelling units. Public comment varied from those with specific concerns, such as privacy where existing properties are small, to those with wished to not allow accessory units anywhere. The Board echoed the specific concerns, remaining open to consider conditions that accessory units may be allowed but generally skeptical. The recommendation is to have the consultant consider this input and revise where and to what extent accessory units might be allowed.
4. New neighborhood commercial destination locations should be reduced and thoughtfully considered while existing destinations strengthened; include more clarity on the uses that should be permitted.
  - Source: Planning Board
  - Detail: Neighborhood commercial destinations were proposed in the First Draft in some areas that merit removal, like at Lincoln and

Southfield. The recommendation is to retain the concept and remove some instances mapped in the First Draft. Additionally, the Board would like additional detail concerning the types of uses that should be allowed, and other regulatory considerations.

5. Torry requires more amenities.

- Source: Planning Board
- Detail: This item requires no additional explanatory detail.

6. Include stronger reference to the Unimproved Streets Committee recommendations (completed after the Master Plan First Draft).

- Source: Planning Board
- Detail: The committee work on unimproved streets paralleled the Master Plan process. The First Draft references the committee which has now completed its study and recommendations. The direction is to include this within the Second Draft. While public comment isn't mentioned in the source, the topic of unimproved streets was brought up by the public multiple times.

7. Completing sidewalks requires more focus and prioritization, could be handled similarly to the committee on Unimproved Streets.

- Source: Planning Board
- Detail: The first draft recommends completing missing sidewalks. The Board feels that it may be lost in other recommendations and wishes to highlight the importance and priority.

8. Provide more detail on green infrastructure opportunities.

- Source: Planning Board
- Detail: Green infrastructure (bio-swales) was briefly addressed in the First Draft. The recommendation is to include more specificity on green infrastructure in the Second Draft.



9. Clarify the neighborhood loop, bicycle boulevards, and protected bike paths by including street sections and greater detail addressing different user types.

- Source: Planning Board
- Detail: This item requests further information concerning street design where new approaches and types are included. The neighborhood loop is one instance where the specific implications on street design are not clear to the Board. Some of the other questions come from items in the multi-modal plan that were included in the Master Plan within maps but detailed street sections were not included in the Master Plan.

10. Clarify the Kenning Park path recommendations concerning both pedestrians and cyclists.

- Source: Planning Board
- Detail: Within the First Draft there is a paved bike path mapped in Kenning Park which was envisioned to be pedestrian and bicycle use but could be read as bicycle only. The Board suggested that it include pedestrian accommodations. This item is a clarification of the First Draft.

11. Increase aggressiveness of tree preservation and replacement recommendations.

- Source: Planning Board
- Detail: Tree preservation and replacement is briefly addressed in the First Draft. This item recommends that the process be prioritized and accelerated, particularly around preservation in consideration of new construction.

12. Provide more detail on non-financial incentives for renovation of homes over new construction and provide greater ability to add 1st floor master bedrooms. This topic is likely to differ between planning districts.

- Source: Planning Board

- Detail: The First Draft recommends incentives be established to encourage home renovations instead of tear-downs. The Board is concerned that this will be construed as financial incentives and recommends that additional detail be provided concerning potential incentives that are not financial.

13. Review lot coverage standards and consider adjustments by lot size.

- Source: Planning Board and public comment
- Detail: Public comment brought up concerns about drainage in new construction and illuminated a concern about impervious lot coverage. The First Draft doesn't address lot coverage in residential districts aside from a note related to incentives mentioned in the previous item.

14. Provide more detail on design controls that may be considered.

- Source: Planning Board
- Detail: The First Draft recommends an approvals process for exterior design and materials for homes, along with a discussion suggesting objective and simple design controls that avoid stylistic restrictions. This item requests more information concerning the types of simple design controls referenced. Note that while the source states only the Planning Board that this was also discussed in the October 2019 joint meeting with the City Commission.

15. Remove lot combination areas but review the existing ordinance to provide better direction.

- Source: Planning Board
- Detail: The lot combination areas were a source of confusion initially because they were mapped along with the Seams. These are areas where lot combinations would be allowed rather than relying on the more subjective process in place today. This item recommends that specific areas for lot combinations be removed and that the existing ordinance be reviewed to produce better outcomes.



We look forward to a discussion of this direction and to revising the Draft Master Plan; thank you.

Regards,

A handwritten signature in black ink, appearing to read "Matthew Lambert".

Matthew Lambert

Cc: Jana Ecker, Planning Director; Bob Gibbs, Gibbs Planning Group; Sarah Traxler, McKenna

## **Clarifications to Assist Public Review and Understanding of the Second Draft of the Master Plan**

### **What is the status of the Citywide Master Plan for 2040?**

The Master Plan process includes two full plan drafts that will be completed and reviewed before a third and final draft is voted on by the City Commission. Presently, the second draft has been released and will be reviewed by the Planning Board at four upcoming meetings, and at one joint Planning Board and City Commission meeting.

Following this review, the consultants will confirm the changes requested with the Planning Board and City Commission. Requested changes to the second draft will be incorporated into a final Master Plan for adoption next year.

### **How is the second draft different from the first draft?**

The second draft is more concise, and a number of recommendations have been modified or removed. In addition to input received during public meetings, the consultants have collected public input provided through surveys, through the project website, and through emails sent to the City. The second draft of the Master Plan was written in consideration of all input received.

### **What is Future Land Use?**

Future Land Use is a designation that conveys the City's intended future character as communicated by the use of land, such as residential or industrial. Future Land Use is more general in nature than zoning. For instance, a future land use of residential may include numerous zones such as R-1, R1-A, and R-2. Future Land Use is the legal basis for zoning, and zoning must align with Future Land Use. Zoning may be more restrictive than Future Land Use, but not less restrictive.

### **Is the Master Plan rezoning the City?**

No. The Master Plan will include a Future Land Use map, but not a new zoning map. The Master Plan recommends that the City study and revise its current zoning code, but does not establish any updated zoning. The Master Plan recommends that zoning be updated for two primary purposes: 1) to simplify but not substantively change zoning in the Downtown and Triangle District, and 2) to better align neighborhood zoning with existing character to avoid new houses that are out of character. Other zoning changes are recommended for further study by the City.

### **What has changed with the "seams" concept?**

Since the review of the first draft of the Master Plan was finished in April of 2021, the seams concept has been drastically reduced in terms of development, especially in the low intensity seam areas. Instead, the Master Plan recognizes the low intensity seam areas as edges of Planning Districts, which typically exist on wider and higher-traffic roadways. Thus, the focus and recommendations within Draft 2 have shifted to multimodal improvements in these areas to focus on connecting neighborhoods. In addition to connectivity, medium and high-intensity seams have also been reduced in number based on public input, and are generally proposed in places where multi-family housing, attached single-family housing, and commercial uses have previously been built.

## **What are Accessory Dwelling Units?**

Accessory Dwelling Units (ADU) are small residences that are located on the same site as a larger single family residence. ADUs may be within the main building, free standing in the rear yard, or part of the garage.

## **Are ADUs still proposed within the Master Plan?**

Yes. However, the recommendation has been reduced drastically, and now proposes to permit ADUs in the already compatible zones of MX, TZ1, TZ3, and R4-R8. Based on public input, the Master Plan has recommended that the City form a committee to take its time to further study the benefits and best practices associated with ADUs and has not provided any further recommendations. ADUs are not recommended in any single family zoning district.

## **Why does the Master Plan recommend more housing?**

The Master Plan recommends, but does not require, that new housing be accommodated due to regional housing growth and rapidly increasing housing costs. The amount of growth to accommodate has been in discussion with the Planning Board, where the board requests that future growth be directed to Downtown, the Triangle District, and the Rail District.

## **How much more housing does the Master Plan recommend?**

The first draft Master Plan document incorrectly stated that 2,000 new homes would be needed by 2040. This was revised to 2,000 new residents recommended to be accommodated, which may occupy 700 to 900 new homes or condos. All of this capacity may be absorbed between Downtown and the Triangle District. This number is derived from the Southeast Michigan Council of Governments (SEMCOG), which projected regional growth to 2040, in 2018. Presently, the Downtown, Triangle District, and Rail District have zoning designations which allow housing infill at and above this amount.

## **What is the Master Plan proposing to do with parks?**

The Master Plan considers parks and open space to be absolutely essential to the City as a whole, and contains several recommendations for parks and open space to be features and essential components of each Planning District within the City. The Master Plan studies park access deficiencies and proposes numerous solutions including acquiring commercial land to create new park space, as well as expanding amenities in existing parks.

## **How can I participate in the review of the second draft of the Master Plan?**

At this time, the City is gearing up for another round of public hearings regarding the Master Plan in which both the Planning Board and City Commission will review and solicit feedback from the public. We encourage you to participate in these meetings and provide feedback. The meetings will be highly publicized and a schedule will be created during the October 13<sup>th</sup>, 2021 meeting of the Planning Board. If you are unable to attend the meetings, or wish to provide additional comments, you may submit comments directly to the Master Plan team at [www.thebirminghamplan.com](http://www.thebirminghamplan.com), or feel free to send your comments directly to City Staff.



## 2040 Master plan question - potential map and labelling errors?

3 messages

**Birmingham Andrew** <andrewinbham@gmail.com>

Fri, Oct 22, 2021 at 11:49 AM

To: jecker@bhamgov.org, ndupuis@bhamgov.org

Cc: tmarkus@bhamgov.org

Dear Jana & Nick, on page 56 of the 2nd draft I see this label of the residential zoning. When I cross refer it to Section 126 of the Zoning ordinance it appears to be incorrect for R4 - R7 and potentially R8. TZ1 has a different label to the ordinance and we have no zone X, but there is an MX zone in the ordinance. Are all the labels & markings on the zoning maps correct as I cannot correlate the labels to the ordinance 1 for 1 and it is causing some confusion in how to read the map & permitted uses. Especially with some of the colors on the Future Use map on pages 8 & 9 being very similar too.

Please could you also confirm that R1 is 1 residence with a minimum lot size of 9000 sq feet & R3 is 1 residence with a minimum lot size of 4500 sq feet if I am reading the ordinance correctly? (Similar question for R2)

Also, if R1 is a minimum of 9000 sq feet surface area for 1 residence, how does table 2.06.4 refer to lots <9000 sq feet for height? Is that for any pre existing lot sizes within the existing zoning that are already under 9000 sq feet in size that wish to have a new building on that sub 9000 sq feet lot? Do any new constructions require a zoning variance due to lot size and zone or is it automatic due to the table reference?

Thanks.

Andrew

R1 Single Family Residential	R6 Single Family Residential	TZ3 Mixed-Use	B-3 Office-Residential
R1-A Single Family Residential	R6 Single Family Residential	X Mixed-Use	B-4 Business-Residential
R2 Single Family Residential	R7 Single Family Residential	B-1 Neighborhood Business	O-2 Office Commercial
R3 Single Family Residential	R8 Single Family Residential	B-2 General Business	O-1 Office
R4 Single Family Residential	TZ1 Attached Single-Family	B-2B General Business	P Parking
			PP Public Property

Figure 32. Existing Zoning Districts.

## CHAPTER 126 - ZONING

### ARTICLE 2: ZONING DISTRICTS AND REGULATIONS

#### Contents:

2.01 PP (Public Property) District Intent, Permitted Uses, and Special Uses  
2.02 PP (Public Property) District Development Standards  
2.03 R1A (Single-Family Residential) District Intent, Permitted Uses, and Special Uses  
2.04 R1A (Single-Family Residential) District Development Standards  
2.05 R1 (Single-Family Residential) District Intent, Permitted Uses, and Special Uses  
2.06 R1 (Single-Family Residential) District Development Standards  
2.07 R2 (Single-Family Residential) District Intent, Permitted Uses, and Special Uses  
2.08 R2 (Single-Family Residential) District Development Standards  
2.09 R3 (Single-Family Residential) District Intent, Permitted Uses, and Special Uses  
2.10 R3 (Single-Family Residential) District Development Standards  
2.11 R4 (Two-Family Residential) District Intent, Permitted Uses, and Special Uses  
2.12 R4 (Two-Family Residential) District Development Standards  
2.13 R5 (Multiple-Family Residential) District Intent, Permitted Uses, and Special Uses  
2.14 R5 (Multiple-Family Residential) District Development Standards  
2.15 R6 (Multiple-Family Residential) District Intent, Permitted Uses, and Special Uses  
2.16 R6 (Multiple-Family Residential) District Development Standards  
2.17 R7 (Multiple-Family Residential) District Intent, Permitted Uses, and Special Uses  
2.18 R7 (Multiple-Family Residential) District Development Standards  
2.19 R8 (Attached Single-Family Residential) District Intent, Permitted Uses, and Special Uses  
2.20 R8 (Attached Single-Family Residential) District Development Standards  
2.21 O1 (Office) District Intent, Permitted Uses, and Special Uses  
2.22 O1 (Office) District Development Standards  
2.23 O2 (Office/Commercial) District Intent, Permitted Uses, and Special Uses  
2.24 O2 (Office/Commercial) District Development Standards  
2.25 P (Parking) District Intent, Permitted Uses, and Special Uses  
2.26 P (Parking) District Development Standards  
2.27 B1 (Neighborhood Business) District Intent, Permitted Uses, and Special Uses  
2.28 B1 (Neighborhood Business) District Development Standards  
2.29 B2 (General Business) District Intent, Permitted Uses, and Special Uses  
2.30 B2 (General Business) District Development Standards  
2.31 B2B (General Business) District Intent, Permitted Uses, and Special Uses  
2.32 B2B (General Business) District Development Standards  
2.33 B2C (General Business) District Intent, Permitted Uses, and Special Uses  
2.34 B2C (General Business) District Development Standards  
2.35 B3 (Office-Residential) District Intent, Permitted Uses, and Special Uses  
2.36 B3 (Office-Residential) District Development Standards  
2.37 B4 (Business-Residential) District Intent, Permitted Uses, and Special Uses  
2.38 B4 (Business-Residential) District Development Standards  
2.39 MX (Mixed Use) District Intent, Permitted Uses, and Special Uses  
2.40 MX (Mixed Use) District Development Standards  
2.41 TZ1 (Transition Zone) District Intent, Permitted Uses, and Special Uses  
2.42 TZ1 (Transition Zone) District Development Standards  
2.43 TZ2 (Transition Zone) District Intent, Permitted Uses, and Special Uses  
2.44 TZ2 (Transition Zone) District Development Standards  
2.45 TZ3 (Transition Zone) District Intent, Permitted Uses, and Special Uses  
2.46 TZ3 (Transition Zone) District Development Standards

Jana Ecker <Jecker@bhamgov.org>

Thu, Oct 28, 2021 at 12:09 PM

To: Birmingham Andrew <andrewinbham@gmail.com>

Cc: Nicholas Dupuis <ndupuis@bhamgov.org>, Tom Markus <tmarkus@bhamgov.org>

Dear Andrew,

Thank you for sending along your comments and questions. I am sorry the response has been delayed. Please see below for responses to the questions you raised in your email above:

**1. Are the labels of the zoning classifications listed in the legend on page 56 of the draft 2040 Plan correct?**

As you pointed out, there are some inconsistencies in the naming conventions of several of the zoning districts. For the multi-family zoning classifications of R4 through R8, the zoning district symbols or icons are correct, however the written naming conventions are incorrect. R4 should be listed as Two-Family Residential and R5 – R7 should be listed as Multiple Family Residential. R8, while listed as Single Family Residential, should be labelled as Attached Single Family Residential. The TZ1 zoning classification is correct, but should be listed as Transition Zone, not Attached Single Family. The zoning classification of X is incorrect, and should be MX, which is accurately labelled as Mixed Use. All of these corrections have been provided to the City's consultant for correction in the next draft of the 2040 Plan.

**2. Can you confirm that R1 is 1 residence with a minimum lot size of 9,000 square feet?**

Yes, R1 is a single family zoning classification that permits mainly one family residential dwellings. There are however several additional permitted residential, institutional and recreational uses. Properties zoned R1 have a minimum lot area of 9,000 square feet.

**3. Can you confirm that R2 is 1 residence with a minimum lot size of 6,000 square feet?**

Yes, R2 is a single family zoning classification that permits mainly one family residential dwellings. There are however several additional permitted residential, institutional and recreational uses. Properties zoned R2 have a minimum lot area of 6,000 square feet.

**4. Can you confirm that R3 is 1 residence with a minimum lot size of 4,500 square feet?**

Yes, R3 is a single family zoning classification that permits mainly one family residential dwellings. There are however several additional permitted residential, institutional and recreational uses. Properties zoned R3 have a minimum lot area of 4,500 square feet.

**5. If R1 requires a minimum of 9,000 square feet of surface area for 1 residence, how does table 2.06.4 refer to lots <9,000 square feet for height? Is that for any pre existing lot sizes within the existing zoning that are already under 9,000 square feet in size that wish to have a new building on that sub 9,000 square feet lot?**

The R1 zoning does require a minimum lot size of 9,000 square feet for any new lots created. However, there are many lots that were created under previous zoning requirements that are less than 9,000 square feet in area, although they were legal at the time they were platted.

**6. Do any new constructions require a zoning variance due to lot size and zone or is it automatic due to the table reference?**

If an original platted lot is less than the current required minimum lot area, a new home can be constructed on the undersized lot without a variance if the lot area has not been altered since it was originally platted. All other current setback, placement and massing standards apply other than the minimum lot area standard.

I hope I have answered all of your questions.

Jana

[Quoted text hidden]

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**Jana L. Ecker**

**Assistant City Manager**  
**City of Birmingham**  
**248-530-1811**

**\*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).

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**Birmingham Andrew** <andrewinbham@gmail.com>

Thu, Oct 28, 2021 at 8:42 PM

To: Jana Ecker <Jecker@bhamgov.org>

Cc: Nicholas Dupuis <ndupuis@bhamgov.org>, Tom Markus <tmarkus@bhamgov.org>

Jana, thank you for the detailed response.

Please can this entire email communication be put into the next Planning Board Master Plan meeting agenda packet to show the items found for correction to keep a record of updates?

In addition, the next plan update, please can we have either a redline copy or a document modification record attached to each subsequent update to make sure that any changes made are transparent and traceable?

Thank you,

Andrew

Ethermail

On Oct 28, 2021, at 12:09, Jana Ecker <[Jecker@bhamgov.org](mailto:Jecker@bhamgov.org)> wrote:

Dear Andrew,

Thank you for sending along your comments and questions. I am sorry the response has been delayed. Please see below for responses to the questions you raised in your email above:

**1. Are the labels of the zoning classifications listed in the legend on page 56 of the draft 2040 Plan correct?**

As you pointed out, there are some inconsistencies in the naming conventions of several of the zoning districts. For the multi-family zoning classifications of R4 through R8, the zoning district symbols or icons are correct, however the written naming conventions are incorrect. R4 should be listed as Two-Family Residential and R5 – R7 should be listed as Multiple Family Residential. R8, while listed as Single Family Residential, should be labelled as Attached Single Family Residential. The TZ1 zoning classification is correct, but should be listed as Transition Zone, not Attached Single Family. The zoning classification of X is incorrect, and should be MX, which is accurately labelled as Mixed Use. All of these corrections have been provided to the City's consultant for correction in the next draft of the 2040 Plan.

**2. Can you confirm that R1 is 1 residence with a minimum lot size of 9,000 square feet?**

Yes, R1 is a single family zoning classification that permits mainly one family residential dwellings. There are however several additional permitted residential, institutional and recreational uses. Properties zoned R1 have a minimum lot area of 9,000 square feet.

**3. Can you confirm that R2 is 1 residence with a minimum lot size of 6,000 square feet?**

Yes, R2 is a single family zoning classification that permits mainly one family residential dwellings. There are however several additional permitted residential, institutional and recreational uses. Properties zoned R2 have a minimum lot area of 6,000 square feet.

**4. Can you confirm that R3 is 1 residence with a minimum lot size of 4,500 square feet?**

Yes, R3 is a single family zoning classification that permits mainly one family residential dwellings. There are however several additional permitted residential, institutional and recreational uses. Properties zoned R3 have a minimum lot area of 4,500 square feet.

**5. If R1 requires a minimum of 9,000 square feet of surface area for 1 residence, how does table 2.06.4 refer to lots <9,000 square feet for height? Is that for any pre existing lot sizes within the existing zoning that are already under 9,000 square feet in size that wish to have a new building on that sub 9,000 square feet lot?**

The R1 zoning does require a minimum lot size of 9,000 square feet for any new lots created. However, there are many lots that were created under previous zoning requirements that are less than 9,000 square feet in area, although they were legal at the time they were platted.

**6. Do any new constructions require a zoning variance due to lot size and zone or is it automatic due to the table reference?**

If an original platted lot is less than the current required minimum lot area, a new home can be constructed on the undersized lot without a variance if the lot area has not been altered since it was originally platted. All other current setback, placement and massing standards apply other than the minimum lot area standard.

I hope I have answered all of your questions.

Jana

On Fri, Oct 22, 2021 at 11:50 AM Birmingham Andrew <[andrewinbham@gmail.com](mailto:andrewinbham@gmail.com)> wrote:

Dear Jana & Nick, on page 56 of the 2nd draft I see this label of the residential zoning. When I cross refer it to Section 126 of the Zoning ordinance it appears to be incorrect for R4 - R7 and potentially R8. TZ1 has a different label to the ordinance and we have no zone X, but there is an MX zone in the ordinance. Are all the labels & markings on the zoning maps correct as I cannot correlate the labels to the ordinance 1 for 1 and it is causing some confusion in how to read the map & permitted uses. Especially with some of the colors on the Future Use map on pages 8 & 9 being very similar too.

Please could you also confirm that R1 is 1 residence with a minimum lot size of 9000 sq feet & R3 is 1 residence with a minimum lot size of 4500 sq feet if I am reading the ordinance correctly? (Similar question for R2)

Also, if R1 is a minimum of 9000 sq feet surface area for 1 residence, how does table 2.06.4 refer to lots <9000 sq feet for height? Is that for any pre existing lot sizes within the existing zoning that are already under 9000 sq feet in size that wish to have a new building on that sub 9000 sq feet lot? Do any new constructions require a zoning variance due to lot size and zone or is it automatic due to the table reference?

Thanks.

Andrew

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Clerk's Office  
City of Birmingham, MI

NOV - 3 2021

RECEIVED

895 Lake Park Drive

Birmingham, MI 48009

November 3, 2021

City Commission

City of Birmingham

151 Martin Street

P. O. Box 3001

Birmingham, MI 48012-3001

Dear Commissioners:

The city has requested comments from its citizens on The Birmingham Plan, Draft 2, 10/08/2021. For your information, I have lived in Birmingham for 58 years and served on the City Planning Board for 20 years. During that period, the Birmingham Plan of 1980 was developed and approved. After reviewing the proposed Master Plan, issues have come to my attention which I wanted to share with you.

1) What is a master plan and what should we be looking for in Draft 2?

Most planners would agree that it should be a plan for the physical development of a municipality that includes land use, circulation, and a report presenting objectives, standards, and principles. Over the years, the scope has been expanded to include future land use, traffic circulation, sanitary, storm water and drainage, conservation, historic preservation, recreation and open space, adequacy of utilities, present and future parking needs, as well as a number of issues of concern to the community. A key element is participation by citizens who should help in developing the goals and objectives with the Planning Board. They should reach a consensus on what our community is today and what we want it to be in the future. A goal statement should be developed to communicate the purpose of the master plan.

2) For background, it is suggested that we review the goal statements of the two previous master plans.

The Village Plan of 1928 included in the forward "During the past 10 years, Birmingham has grown from a quiet village community of 2,500 to a metropolitan suburb of 12,000. Realizing that this growth would continue at the same rapid rate, a Planning Commission was appointed and they, after careful investigation, employed Mr. Arthur C. Comey, a national authority on city planning, to study the situation and needs of Birmingham with the idea of preserving and protecting the natural beauty of this village and making it a highly desirable residential community".

The Birmingham Plan of 1980 stated that “The Future Land Use Plan recommends that the basically single-family character of Birmingham be retained. Commercial land uses should not infiltrate or pressure established single-family residential neighborhoods. Birmingham is a city of fine single-family homes and this character should be carefully preserved in future years. During preparation of this Land Use Plan, the Birmingham City Commission set forth a strong goal statement which has guided the work of the Planning Board and the city’s planning consultant as follows: To preserve and enhance Birmingham’s principally single-family, low density residential nature and small-town character. To sustain a viable commercial district and to restrict commercial building density and height. To prohibit commercial intrusion into surrounding residential areas.”

- 3) The Birmingham Plan of 2021 does not set forth a goal statement as such but includes the following comments in the introduction (See Pages 2 and 6):

“All too often the act of planning is encumbered by an obsession with the present and the past. It (Birmingham) has been a place built heavily upon community, weaving together neighborhoods, schools, churches, civic clubs and institutions and businesses...Birmingham is desirable. That desire results in growth pressure which continually increases property values...Through conversations with residents and leaders we’ve been exposed to...divergent desires. But overall, when we have surveyed residents, responses as a whole have been optimistic for the City’s future. Birmingham is doing well today and will continue to be a wonderful place to live...Those who support change don’t get involved while those who oppose it show up in force and ferocity.” The survey on Page 4 provides percentages of those responding, their answers, but does not include the number of participants as compared with the population of 19,291. How representative is this sample?

- 4) The issue raised is if Birmingham is doing so well based on preserving its single-family character as recommended in the previous two master plans, why do we need change?

To answer that question, we need to look at the planner, Andres Dunay. He and Elizabeth Plater – Zyberk are the founders of New Urbanism and will include its principles in any plan they develop. New Urbanism is a movement that promotes walkable and diverse neighborhoods that are environmentally friendly, which sounds great. The next question is how is this implemented? The answer is in livable streets arranged in compact, walkable blocks. Further, that schools, stores, churches, and parks should be reached within a 10-minute walk in each neighborhood. This can only be achieved by a significant increase in density and developing commercial and multifamily residential along “seams” in single-family zoned areas. “Seams” are significant routes of vehicular, bicycle and pedestrian movement at the edges of planning districts (neighborhoods) and are one to two lots deep. (Examples in the Quarton Lake neighborhood would be Quarton Road, West Maple Avenue, Chesterfield Avenue and Lake Park Drive-Oak Street-Lakeside Road. See Page 14) This approach was raised in the initial draft which resulted in about 100 letters of objection received by the Commission. Most citizens that live in single family residents do not want intrusions of commercial and multi-family residential in their neighborhoods. Talk with your neighbors on this issue and get their feedback. A question frequently asked is why did you choose to move to Birmingham? Frequently, the responses will

mention great neighborhoods, good schools, and a viable downtown. That appears consistent with the goal statements in the two previous master plans.

- 5) The first draft plan called for an increase of 2,000 residential units to meet future demand. Is this supported by demographics? (See Page 50-52)

The Birmingham Plan of 1980 reports a population of 26,161 in 1970 and a projection by SEMCOG in 1980 of 26,667. The proposed plan reports a present population of 19,291 or a decrease of 7,376 or 28%. To provide additional housing, the second draft plan recommends increasing the height of lower buildings in the downtown area to 5 stories, add infill development to the proposed Haynes Square and Rail areas, and extend multi-family along seams around single-family neighborhoods. Based on the population decline that has occurred, what is the basis to say Birmingham needs 2,000 more residential units.

- 6) Parking is another issue.

Draft 2 acknowledges the need for additional parking and recommends that the City build additional parking structures as initially proposed in the 2007 Triangle District Plan as well as one in the vicinity of the proposed Haynes Square. Further, that developers of property in these areas would be relieved of providing any on-site parking and that the commercial and residential occupants would have access to permit parking in City structures.

- 7) New Urbanism: Has it worked?

Birmingham was introduced to New Urbanism in the 2016 Downtown Plan. It proposed increasing the density of Downtown by revising the Zoning Code to permit buildings of 5 stories (1<sup>st</sup> Floor Retail, 2<sup>nd</sup> and 3<sup>rd</sup> Floors Office and 4<sup>th</sup> and 5<sup>th</sup> Floors Residential). On-site parking would only be required for the Residential. The justification was to create a “live-work” environment where residents would be able to walk to work and eliminate the need for office parking. How has this worked out? Developers built only luxury condominiums which were out of the price range of most office workers. Before Covid-19, 95% to 98% of the Downtown office workers commuted by car from communities outside Birmingham filling the City’s parking structures during the day and creating the need for more municipal parking capacity. To meet this need, the city has considered adding two decks to the Pierce Street Structure and building a replacement for the North Woodward Structure. It appears that the concept of “live-work” may be successful in large cities like New York, Chicago and San Francisco where public transportation is readily available, but it has not met the needs of suburbs like Birmingham.

- 8) Parking Alternatives

In the Birmingham Plan of 1980, downtown parking for new buildings was to be provided by developers on-site at a ratio of one space per 300 sf of office and one space per bedroom of residential. At the time, this was considered a better alternative than the city building more municipal parking structures. The cost and space limitations of providing on-site parking restricted new downtown buildings according to developers.

When the office building at the southeast corner of Old Woodward and Willits was constructed, the parking requirements were determined, and the developer paid their cost to the city which partially financed the Park Street Structure. Past Commissions thought that developments that generated parking demand should provide it on-site, where possible, or pay for the city to provide it. More recent Commissions have concluded that parking was a responsibility of the city and should be provided at no cost to developers. While it is recognized that more parking capacity is needed Downtown, the issue is who should pay for it, the developers and users or the citizens of Birmingham?

#### 9) Process

Master Plans are usually developed by one of two processes, top-down or bottom-up. The Birmingham Plan 2021 Draft 2 prepared by Andres Dunay is a top-down approach in which the master plan is based on New Urbanism. This is to be expected because he and Elizabeth Plater-Zyberk are the founders of the movement. In essence, the proposed master plan becomes an education in New Urbanism as an approach to city planning. This movement promotes walkable and diverse neighborhoods that are environmentally friendly. The main principles are livable streets arranged in compact blocks, housing choices to serve a range of ages and income levels, schools, stores, and parks reachable by walking no more than 10 minutes and encouraging human-scaled buildings that define and enliven streets in (downtown) areas. Much of this approach is desirable, suggests minor improvements, but it is focused on change.

The Birmingham Plan of 1980 was a bottom-up process. Meetings were held in all neighborhoods of the city, the present zoning code explained, and residents were asked what they wanted their neighborhoods to be like in the future. In addition, the Central Business District was analyzed for potential development and the resulting needs for parking in accordance with direction of the City Commission. Numerous public meetings were held as the plan developed and public comment encouraged. In general, the most successful master plans are those that were developed through the bottom-up process and are evolutionary rather than revolutionary. This plan was focused on retaining the single-family character of Birmingham.

#### 10) Conclusion

Birmingham is about 10% urban (office, retail, and service) and 90% residential after excluding streets, open space, public, parking, transportation, utility, and industrial uses. While the concept of New Urbanism may be applicable to the Downtown Central Business District and some adjoining properties, the proposed intrusion of commercial and multi-family uses along seams into single-family residential areas would be detrimental to neighborhoods. As single-family properties were rezoned to commercial or multifamily residential along seams, their value would increase and benefit developers while the value of the remaining single-family residential in the area would decrease due to the additional activity, traffic, and noise. The goals of New Urbanism are achieved at a price. That price is an increase in density and loss of the present residential character and quality of life.

The second issue is parking and who should pay for it. The proposed plan calls for the city to expand and construct parking decks in the Downtown Central Business District, the Triangle

District/Haynes Square and possibly the Rail District and Lot 6 (North Old Woodward). Additionally, the proposed plan suggests that present requirements for commercial and multi-family parking in these areas be eliminated and that the city provide it. We live adjacent to Motor City and private vehicles are the means of transportation for most of us. As a result, providing for parking is mandatory.

In most communities, the cost of parking is borne by developers and users. In some communities, this cost is shared through the creation of parking assessment districts as has been done in the CBD of Birmingham. However, the 2016 Plan and Zoning Overlay eliminated parking for offices which provided an incentive to developers but has resulted in the present parking shortage. The proposed plan doubles down on this problem by expanding the areas in which parking spaces are no longer required.

Given the size and configuration of many parcels that could be redeveloped, providing all on-site parking may not be possible in all situations. Although developers should be encouraged to provide as much on-site parking as possible, any remaining required spaces could be made up for by payment to the city to off-set the cost of building additional structures.

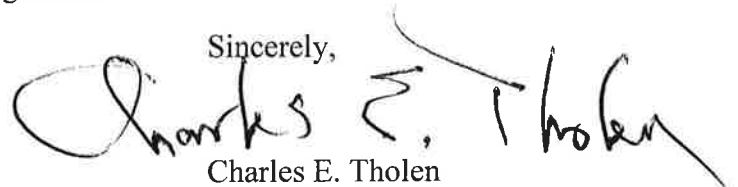
If the city finds it necessary to build another parking facility, the cost of the structure is currently estimated at \$50,000 per space plus the land. A site near downtown could cost as much as \$250 per SF or \$11 million an acre. A less costly approach would be to use city owned land, such as the surface lot on Willits behind the North Old Woodward parking deck, surface lot No. 6 or some of the DPW site on Eton.

Given our experience with Covid-19 and sheltering in place, people have become used to working from home and many prefer it. Therefore, the demand for the present offices may be different in the future and alternate uses sought for some of the existing space. It may be wise to delay any zoning or master plan actions, as well as parking deck construction, until the impact of Covid-19 and working from home are known.

There are many good recommendations in Draft 2 of the master plan which should be implemented. However, increasing density, intruding into single-family residential neighborhoods, and eliminating parking requirements are not compatible with previous master plans and should be excluded.

Thank you for undertaking an update of Birmingham's master plan. This is something that I lobbied for during my last few years on the Planning Board.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Tholen", with a stylized flourish extending from the end.

Charles E. Tholen

cc: Planning Board

BirminghamPlan2021Draft2





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## 2040 Master Plan comments

2 messages

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**Eric Wolfe** <elwolfe1@comcast.net>  
To: ndupuis@bhamgov.org

Fri, Oct 22, 2021 at 9:34 AM

Dear Planning Board,

With respect to the proposed 2040 Master Plan, we are extremely unhappy that Ann St., north of Frank St., remains as a "seam" under the proposed 2040 plan, for many reasons, including:

- 1) Ann St. is not a main street, it is the dead end side street along our home, for which we have already been subjected to significant impacts to our quiet enjoyment, and our property value, over the years. Compare the activity on Ann St. in 2007, when we moved here, to today and it becomes clear that the use has increased dramatically, including traffic, parking and noise.
- 2) It incentivizes the destruction of the 1882 built home at 566 Ann St., adjacent to our home, which would be a terrible loss for the city.
- 3) The traffic and density in this area is already far beyond what people normally expect in a single family home neighborhood. We invite you to sit at the corner of Ann and Frank for one hour to see what it's like to live here.
- 4) The fact of the "transitional" rezoning of parcels resulting in The Bristol, which we opposed for years, and which is now in the 5th year of construction with no end in sight, should not be used as justification for making the situation even worse.
- 5) This "seam" would impact multiple homes on Frank St. and Purdy, subjecting us to years of uncertainty and construction, with the eventual loss of what little privacy and peace we have in this active area of Birmingham.
- 6) We recall clear direction from the Planning Board that Ann St. be removed as a seam, yet here it is anyway.
- 7) It is unclear, based on the confusing use of colors, whether Ann St. is proposed to be a low density or high density "seam". We are unable to tell, but either way it is an appalling abuse of the integrity of the current underlying single family zoning which we relied upon when we made our decision to move to this corner years ago.
- 8) The view that the 2040 plan is not actually a "rezoning" is a hairsplitting insult to our intelligence. It would be used as a basis for rezoning, of course.

If the "seam" on Ann St. remains, it will be abundantly clear that the city is not protecting residents who moved here for many good reasons, particularly the tranquility of a single family residential neighborhood. Our home at this corner is almost unlivable at this point, with excessive and unrestrained traffic and development destroying our quality of life and property value. We urge you to remove Ann St., as you previously directed, as a "seam" from the 2040 Master Plan.

Thank you for your time and consideration.

Eric and Tracey Wolfe  
393 E. Frank St.

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**Nicholas Dupuis** <ndupuis@bhamgov.org>  
To: Eric Wolfe <elwolfe1@comcast.net>

Fri, Oct 22, 2021 at 9:35 AM

Received, thank you!

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**Nicholas J. Dupuis**

Planning Director



**Email:** [ndupuis@bhamgov.org](mailto:ndupuis@bhamgov.org)

**Office:** 248-530-1856

**Social:** [Linkedin](#)

**\*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).

**MICHIGAN PLANNING ENABLING ACT (EXCERPT)**  
**Act 33 of 2008**

ARTICLE III.

PREPARATION AND ADOPTION OF MASTER PLAN

**125.3831 Master plan; preparation by planning commission; meetings with other governmental planning commissions or agency staff; powers.**

Sec. 31. (1) A planning commission shall make and approve a master plan as a guide for development within the planning jurisdiction subject to section 81 and the following:

(a) For a county, the master plan may include planning in cooperation with the constituted authorities for incorporated areas in whole or to the extent to which, in the planning commission's judgment, they are related to the planning of the unincorporated area or of the county as a whole.

(b) For a township that on September 1, 2008 had a planning commission created under former 1931 PA 285, or for a city or village, the planning jurisdiction may include any areas outside of the municipal boundaries that, in the planning commission's judgment, are related to the planning of the municipality.

(2) In the preparation of a master plan, a planning commission shall do all of the following, as applicable:

(a) Make careful and comprehensive surveys and studies of present conditions and future growth within the planning jurisdiction with due regard to its relation to neighboring jurisdictions.

(b) Consult with representatives of adjacent local units of government in respect to their planning so that conflicts in master plans and zoning may be avoided.

(c) Cooperate with all departments of the state and federal governments, public transportation agencies, and other public agencies concerned with programs for economic, social, and physical development within the planning jurisdiction and seek the maximum coordination of the local unit of government's programs with these agencies.

(3) In the preparation of the master plan, the planning commission may meet with other governmental planning commissions or agency staff to deliberate.

(4) In general, a planning commission has such lawful powers as may be necessary to enable it to promote local planning and otherwise carry out the purposes of this act.

**History:** 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

**125.3833 Master plan; land use and infrastructure issues; inclusion of maps, plats, charts, and other related matter; recommendations for physical development; additional subjects; implementation of master street plan or certain elements; specifications; section subject to MCL 125.3881(1); public transportation facilities.**

Sec. 33. (1) A master plan shall address land use and infrastructure issues and may project 20 years or more into the future. A master plan shall include maps, plats, charts, and descriptive, explanatory, and other related matter and shall show the planning commission's recommendations for the physical development of the planning jurisdiction.

(2) A master plan shall also include those of the following subjects that reasonably can be considered as pertinent to the future development of the planning jurisdiction:

(a) A land use plan that consists in part of a classification and allocation of land for agriculture, residences, commerce, industry, recreation, ways and grounds, subject to subsection (5), public transportation facilities, public buildings, schools, soil conservation, forests, woodlots, open space, wildlife refuges, and other uses and purposes. If a county has not adopted a zoning ordinance under former 1943 PA 183 or the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, a land use plan and program for the county may be a general plan with a generalized future land use map.

(b) The general location, character, and extent of all of the following:

(i) All components of a transportation system and their interconnectivity including streets and bridges, public transit including public transportation facilities and routes, bicycle facilities, pedestrian ways, freight facilities and routes, port facilities, railroad facilities, and airports, to provide for the safe and efficient movement of people and goods in a manner that is appropriate to the context of the community and, as applicable, considers all legal users of the public right-of-way.

(ii) Waterways and waterfront developments.

(iii) Sanitary sewers and water supply systems.

(iv) Facilities for flood prevention, drainage, pollution prevention, and maintenance of water levels.

(v) Public utilities and structures.

(c) Recommendations as to the general character, extent, and layout of redevelopment or rehabilitation of

blighted areas; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of streets, grounds, open spaces, buildings, utilities, or other facilities.

(d) For a local unit of government that has adopted a zoning ordinance, a zoning plan for various zoning districts controlling the height, area, bulk, location, and use of buildings and premises. The zoning plan shall include an explanation of how the land use categories on the future land use map relate to the districts on the zoning map.

(e) Recommendations for implementing any of the master plan's proposals.

(3) If a master plan is or includes a master street plan or 1 or more elements described in subsection (2)(b)(i), the means for implementing the master street plan or elements in cooperation with the county road commission and the state transportation department shall be specified in the master street plan in a manner consistent with the respective powers and duties of and any written agreements between these entities and the municipality.

(4) This section is subject to section 81(1).

(5) The reference to public transportation facilities in subsection (2)(a) only applies to a master plan that is adopted or substantively amended more than 90 days after the effective date of the amendatory act that added this subsection.

**History:** 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 134, Imd. Eff. Aug. 2, 2010;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

### **125.3835 Subplan; adoption.**

Sec. 35. A planning commission may, by a majority vote of the members, adopt a subplan for a geographic area less than the entire planning jurisdiction, if, because of the unique physical characteristics of that area, more intensive planning is necessary for the purposes set forth in section 7.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

### **125.3837 Metropolitan county planning commission; designation; powers.**

Sec. 37. (1) A county board of commissioners may designate the county planning commission as the metropolitan county planning commission. A county planning commission so designated shall perform metropolitan and regional planning whenever necessary or desirable. The metropolitan county planning commission may engage in comprehensive planning, including, but not limited to, the following:

(a) Preparation, as a guide for long-range development, of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities, together with long-range fiscal plans for such development.

(b) Programming of capital improvements based on relative urgency, together with definitive financing plans for the improvements to be constructed in the earlier years of the program.

(c) Coordination of all related plans of local governmental agencies within the metropolitan area or region.

(d) Intergovernmental coordination of all related planning activities among the state and local governmental agencies within the metropolitan area or region.

(2) In addition to the powers conferred by other provisions of this act, a metropolitan county planning commission may apply for, receive, and accept grants from any local, regional, state, or federal governmental agency and agree to and comply with the terms and conditions of such grants. A metropolitan county planning commission may do any and all things necessary or desirable to secure the financial aid or cooperation of a regional, state, or federal governmental agency in carrying out its functions, when approved by a 2/3 vote of the county board of commissioners.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

### **125.3839 Master plan; adoption; procedures; notice; submittals; use of electronic mail.**

Sec. 39. (1) A master plan shall be adopted under the procedures set forth in this section and sections 41 and 43. A master plan may be adopted as a whole or by successive parts corresponding with major geographical areas of the planning jurisdiction or with functional subject matter areas of the master plan.

(2) Before preparing a master plan, a planning commission shall send to all of the following, by first-class mail or personal delivery, a notice explaining that the planning commission intends to prepare a master plan and requesting the recipient's cooperation and comment:

(a) For any local unit of government undertaking a master plan, the planning commission, or if there is no planning commission, the legislative body, of each municipality located within or contiguous to the local unit of government.

(b) For a county undertaking a master plan, the regional planning commission for the region in which the county is located, if any.



(c) For a county undertaking a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for each county located contiguous to the county.

(d) For a municipality undertaking a master plan, the regional planning commission for the region in which the municipality is located, if there is no county planning commission for the county in which that municipality is located. If there is a county planning commission, the municipal planning commission may consult with the regional planning commission but is not required to do so.

(e) For a municipality undertaking a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which that municipality is located.

(f) For any local unit of government undertaking a master plan, each public utility company, railroad company, and public transportation agency owning or operating a public utility, railroad, or public transportation system within the local unit of government, and any government entity that registers its name and mailing address for this purpose with the planning commission.

(g) If the master plan will include a master street plan, the county road commission and the state transportation department.

(3) A submittal under section 41 or 43 by or to an entity described in subsection (2) may be made by personal or first-class mail delivery of a hard copy or by electronic mail. However, the planning commission preparing the plan shall not make such submittals by electronic mail unless, in the notice described in subsection (2), the planning commission states that it intends to make such submittals by electronic mail and the entity receiving that notice does not respond by objecting to the use of electronic mail. Electronic mail may contain a link to a website on which the submittal is posted if the website is accessible to the public free of charge.

**History:** 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

#### **125.3841 Preparation of proposed master plan; submission to legislative body for review and comment; approval required; notice; submission of comments; statements as advisory.**

Sec. 41. (1) After preparing a proposed master plan, a planning commission shall submit the proposed master plan to the legislative body for review and comment. The process of adopting a master plan shall not proceed further unless the legislative body approves the distribution of the proposed master plan.

(2) If the legislative body approves the distribution of the proposed master plan, it shall notify the secretary of the planning commission, and the secretary of the planning commission shall submit, in the manner provided in section 39(3), a copy of the proposed master plan, for review and comment, to all of the following:

(a) For any local unit of government proposing a master plan, the planning commission, or if there is no planning commission, the legislative body, of each municipality located within or contiguous to the local unit of government.

(b) For a county proposing a master plan, the regional planning commission for the region in which the county is located, if any.

(c) For a county proposing a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for each county located contiguous to the county.

(d) For a municipality proposing a master plan, the regional planning commission for the region in which the municipality is located, if there is no county planning commission for the county in which that local unit of government is located. If there is a county planning commission, the secretary of the municipal planning commission may submit a copy of the proposed master plan to the regional planning commission but is not required to do so.

(e) For a municipality proposing a master plan, the county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which that municipality is located. The secretary of the municipal planning commission shall concurrently submit to the county planning commission, in the manner provided in section 39(3), a statement that the requirements of subdivision (a) have been met or, if there is no county planning commission, shall submit to the county board of commissioners, in the manner provided in section 39(3), a statement that the requirements of subdivisions (a) and (d) have been met. The statement shall be signed by the secretary and shall include the name and address of each planning commission or legislative body to which a copy of the proposed master plan was submitted under subdivision (a) or (d), as applicable, and the date of submittal.

(f) For any local unit of government proposing a master plan, each public utility company, railroad company, and public transportation agency owning or operating a public utility, railroad, or public transportation system within the local unit of government, and any government entity that registers its name and address for this purpose with the secretary of the planning commission. An entity described in this

subdivision that receives a copy of a proposed master plan, or of a final master plan as provided in section 43(5), shall reimburse the local unit of government for any copying and postage costs thereby incurred.

(g) If the proposed master plan is or includes a proposed master street plan, the county road commission and the state transportation department.

(3) An entity described in subsection (2) may submit comments on the proposed master plan to the planning commission in the manner provided in section 39(3) within 63 days after the proposed master plan was submitted to that entity under subsection (2). If the county planning commission or the county board of commissioners that receives a copy of a proposed master plan under subsection (2)(e) submits comments, the comments shall include, but need not be limited to, both of the following, as applicable:

(a) A statement whether the county planning commission or county board of commissioners considers the proposed master plan to be inconsistent with the master plan of any municipality or region described in subsection (2)(a) or (d).

(b) If the county has a county master plan, a statement whether the county planning commission considers the proposed master plan to be inconsistent with the county master plan.

(4) The statements provided for in subsection (3)(a) and (b) are advisory only.

**History:** 2008, Act 33, Eff. Sept. 1, 2008;—Am. 2010, Act 306, Imd. Eff. Dec. 17, 2010.

### **125.3843 Proposed master plan; public hearing; notice; approval by resolution of planning commission; statement; submission of copy of master plan to legislative body; approval or rejection by legislative body; procedures; submission of adopted master plan to certain entities.**

Sec. 43. (1) Before approving a proposed master plan, a planning commission shall hold not less than 1 public hearing on the proposed master plan. The hearing shall be held after the expiration of the deadline for comment under section 41(3). The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the local unit of government. The planning commission shall also submit notice of the public hearing in the manner provided in section 39(3) to each entity described in section 39(2). This notice may accompany the proposed master plan submitted under section 41.

(2) The approval of the proposed master plan shall be by resolution of the planning commission carried by the affirmative votes of not less than 2/3 of the members of a city or village planning commission or not less than a majority of the members of a township or county planning commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the planning commission to form the master plan. A statement recording the planning commission's approval of the master plan, signed by the chairperson or secretary of the planning commission, shall be included on the inside of the front or back cover of the master plan and, if the future land use map is a separate document from the text of the master plan, on the future land use map. Following approval of the proposed master plan by the planning commission, the secretary of the planning commission shall submit a copy of the master plan to the legislative body.

(3) Approval of the proposed master plan by the planning commission under subsection (2) is the final step for adoption of the master plan, unless the legislative body by resolution has asserted the right to approve or reject the master plan. In that case, after approval of the proposed master plan by the planning commission, the legislative body shall approve or reject the proposed master plan. A statement recording the legislative body's approval of the master plan, signed by the clerk of the legislative body, shall be included on the inside of the front or back cover of the master plan and, if the future land use map is a separate document from the text of the master plan, on the future land use map.

(4) If the legislative body rejects the proposed master plan, the legislative body shall submit to the planning commission a statement of its objections to the proposed master plan. The planning commission shall consider the legislative body's objections and revise the proposed master plan so as to address those objections. The procedures provided in subsections (1) to (3) and this subsection shall be repeated until the legislative body approves the proposed master plan.

(5) Upon final adoption of the master plan, the secretary of the planning commission shall submit, in the manner provided in section 39(3), copies of the adopted master plan to the same entities to which copies of the proposed master plan were required to be submitted under section 41(2).

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

### **125.3845 Extension, addition, revision, or other amendment to master plan; adoption; procedures; review and findings.**

Sec. 45. (1) An extension, addition, revision, or other amendment to a master plan shall be adopted by following the procedure under sections 39, 41, and 43, subject to all of the following:

(a) Any of the following amendments to a master plan may be made without following the procedure under sections 39, 41, and 43:

(i) A grammatical, typographical, or similar editorial change.

(ii) A title change.

(iii) A change to conform to an adopted plat.

(b) Subject to subdivision (a), the review period provided for in section 41(3) shall be 42 days instead of 63 days.

(c) When a planning commission sends notice to an entity under section 39(2) that it intends to prepare a subplan, the notice may indicate that the local unit of government intends not to provide that entity with further notices of or copies of proposed or final subplans otherwise required to be submitted to that entity under section 39, 41, or 43. Unless the entity responds that it chooses to receive notice of subplans, the local unit of government is not required to provide further notice of subplans to that entity.

(2) At least every 5 years after adoption of a master plan, a planning commission shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan. The review and its findings shall be recorded in the minutes of the relevant meeting or meetings of the planning commission.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

#### **125.3847 Part of county master plan covering incorporated area; adoption by appropriate city or village required; exception.**

Sec. 47. (1) Subject to subsection (2), a part of a county master plan covering an incorporated area within the county shall not be recognized as the official master plan or part of the official master plan for that area unless adopted by the appropriate city or village in the manner prescribed by this act.

(2) Subsection (1) does not apply if the incorporated area is subject to county zoning pursuant to the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, and a contract under the urban cooperation act, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

#### **125.3849 City or village planning department; authority to submit proposed master plan, or proposed extension, addition, revision, or other amendment.**

Sec. 49. (1) This act does not alter the authority of a planning department of a city or village created by charter to submit a proposed master plan, or a proposed extension, addition, revision, or other amendment to a master plan, to the planning commission, whether directly or indirectly as provided by charter.

(2) Subsection (1) notwithstanding, a planning commission described in subsection (1) shall comply with the requirements of this act.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.

#### **125.3851 Public interest and understanding; promotion.**

Sec. 51. (1) To promote public interest in and understanding of the master plan, a planning commission may publish and distribute copies of the master plan or of any report, and employ other means of publicity and education.

(2) A planning commission shall consult with and advise public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens concerning the promotion or implementation of the master plan.

**History:** 2008, Act 33, Eff. Sept. 1, 2008.



## MEMORANDUM

City Manager's Office

**DATE:** March 20, 2022

**TO:** Thomas Markus, City Manager

**FROM:** Jana Ecker, Assistant City Manager

**SUBJECT:** Food Trucks and Social Districts

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The City Commission recently expressed interest in furthering the discussion of food trucks in the City, and creating a social district to allow for the outdoor consumption of alcohol adjacent to two or more licensed establishments.

On March 14, 2022, the City Commission held a workshop to discuss the existing regulations for vendors and peddlers that currently preclude the operation of both stationary and moving food trucks unless licensed under a Special Event Permit. The City Commission expressed an interest in studying this issue further.

In addition, at the workshop on March 14, 2022, the City Commission also discussed the existing State regulations permitting social districts in defined areas under a Social District Permit issued by the Michigan Liquor Control Commission. City staff outlined the steps necessary to establish such a district, and discussed the use of social districts in other local communities.

Based on the discussion at the Commission workshop on March 14, 2022, there appeared to be a consensus to study the idea of allowing for the operation of food trucks within the City, and to discuss the possibility of creating a social district to allow for the outdoor consumption of alcohol within a defined area in the City.

**ATTACHMENTS:**

- Powerpoint presentation from the March 14, 2022 City Commission Workshop

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution directing City staff and the Planning Board to consider allowing the operation of food trucks within the City.

AND

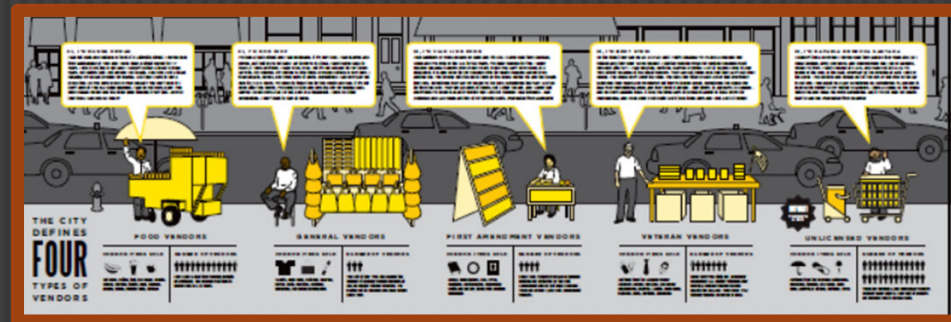
Make a motion adopting a resolution directing City staff and the Planning Board to consider the creation of a Social District to allow for the outdoor consumption of alcohol within a defined area adjacent to two or more licensed establishments.



# FOOD TRUCKS

City Commission Workshop

March 14, 2022





# EXISTING REGULATIONS

- Chapter 26, Businesses, Article IV, Vendor, Peddlers, and Solicitors
- Permitted:
  - Special event vendors (stationary)
  - School vendors (stationary location on City property during school or other athletic events at City parks)
  - Frozen confection vendors (max. 3/year)
  - Peddlers (offering goods or services for sale, travelling by foot or vehicle)
  - Solicitors (requesting money, credit, property etc. for enumerated causes)
- Limited hours dependent on Daylight Savings time
- No vendors, peddlers or solicitors within 50' of any school, church, synagogue, courthouse, police station or other public location unless specifically authorized
- No vendors, peddlers and/or solicitors may occupy a stationary location on public property for more than 10 minutes
- Stationary vendors, peddlers or solicitors are permitted only during approved special events or athletic events
- Existing regulations do not allow for an informal artisan market in an alley for instance, or a hot dog vendor or food truck at specific street corners every day.



# PREVIOUS STUDIES

- In 2011, the City Commission considered permitting the operation of food trucks outside of approved special events
- Considered allowing different types of food trucks and other vendors to occupy fixed locations such as:
  - In one or more City parks
  - In Downtown alleys and passages
  - Other public spaces where activation was needed
- No changes were adopted



# STATE LAWS/LICENSING

- Michigan Food Law of 2000
- Michigan Modified 2009 Food Code



- **Mobile Food Unit:** A food establishment operating from a vehicle, including a watercraft, that returns to a mobile food establishment commissary for servicing and maintenance at least once every 24 hours.
- **Mobile Food Establishment Commissary:** An operation that is capable of servicing a mobile food establishment.
- **Temporary Food Establishment:** A food establishment that operates at a fixed location for a temporary period not to exceed 14 consecutive days.
- **Special Transitory Food Unit:** A temporary food establishment that is licensed to operate throughout the state without the 14-day limits or a mobile food establishment that is not required to return to a commissary.

# WHY CONSIDER FOOD TRUCKS?

- Cost-friendly alternative to Brick-and-Mortar
- Mobility allows for expanded customer base
- Public revenues from sales and payroll taxes
- Attract foot traffic and encourage social interaction
- Activate underutilized spaces
- Contribute to 'sense of place'
- Help people stay connected during challenging times



# CHALLENGES

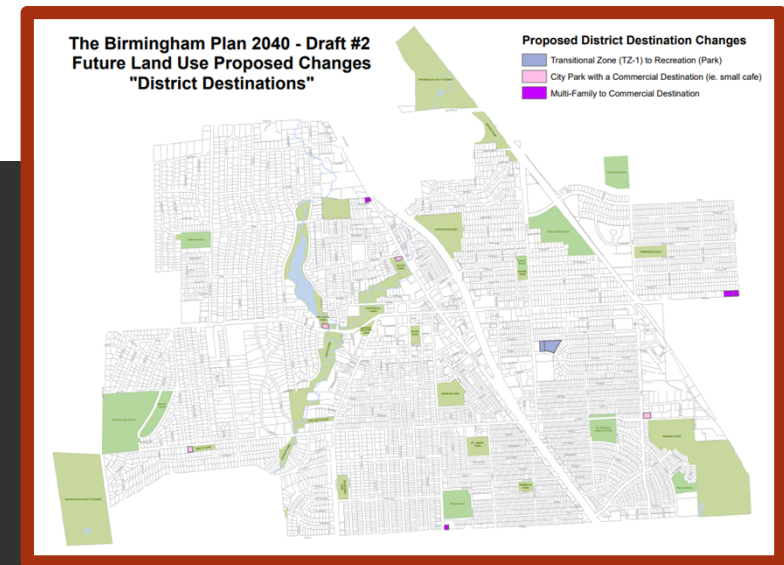
- Balancing competing interests
- Potential for unfair advantage in the marketplace
- Operations in non-commercial zoned locations
- Occupy parking which is sometimes in short supply
- Choosing an agency to regulate and permit
- Setting restrictions on mobile food operations
- Waste management





# POLICY CONSIDERATIONS

1. Location
2. Operations
3. Health & Safety
4. Administration & Enforcement



# SOCIAL DISTRICTS



On July 1, 2020, Bill 5781 was signed into law establishing Social Districts through **December 31, 2024**



# EXISTING STATE REGULATIONS

- A Social District must include a commons area within that is shared by and is contiguous to the premises of at least two qualified alcohol licensees
- A Social District is created by a local government's governing body by resolution, and must include:
  - a management and maintenance plan
  - hours of operation
  - a map and signage plan that defines the boundaries of the Social District
  - boundaries of the commons area that identify at least two contiguous qualified licensees
- Resolutions with all attachments must be filed with the MLCC and obtain Social District Permit





# EXISTING STATE REGULATIONS

- Once approved for a Social District Permit, a qualified licensee may sell alcohol in their privately licensed establishment only, in approved containers
- Approved containers must not contain glass, be 16 oz. or less in size, and contain both the licensee's trade name or logo and a logo unique to the specific commons area
- Patrons may consume alcohol within the private establishment or within the commons area outside of the private establishment
- Local police and the MLCC are responsible for enforcement within Social Districts



# PREVIOUS STUDIES

- June 8, 2020, City was poised to consider establishing a Social District in Shain Park
- Draft resolution prepared including area generally bounded by Henrietta, Martin, Bates and Townsend
- Bill was still going through approval process, no action taken



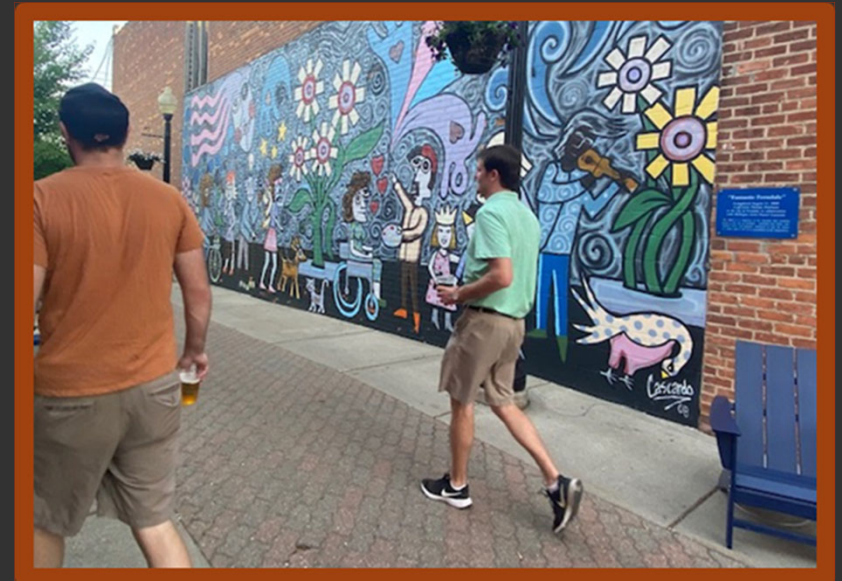
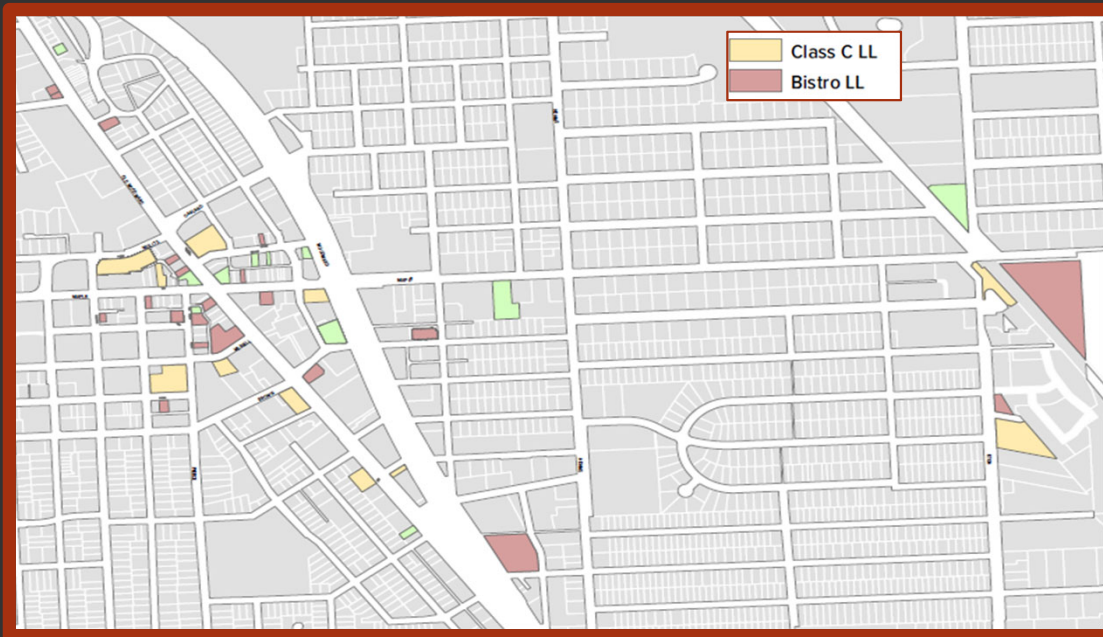


# OAKLAND COUNTY COMMUNITIES

- Clarkston
- Clawson
- City of Farmington
- Ferndale
- Holly
- Lake Orion
- Oak Park
- Oxford
- Pontiac
- Royal Oak
- Wixom



# OPPORTUNITIES



# QUESTIONS

- Should the City allow an additional category of vendor to allow mobile food trucks similar to frozen confection vendors?
- Should the City allow food trucks at fixed locations?
- Should the City allow other vendors at fixed locations (sales of art, clothing, jewelry etc.)?
- Should the City establish a Social District?
- If so, where? On a seasonal basis only?



## MEMORANDUM

Clerk's Office

**DATE:** March 28, 2022  
**TO:** Tom Markus, City Manager  
**FROM:** Alexandria Bingham, City Clerk  
**SUBJECT:** Special Event Application: Sanctuary Worship in the Park

### INTRODUCTION:

First Baptist Church of Birmingham dba Sanctuary has submitted a special event application to hold Sanctuary Worship in the Park on Sundays from June 12, 2022 through September 4, 2022. Event setup is scheduled for 7:00 am - 10:00 am. The event begins at 10:30 am and concludes at 11:30 am. Teardown is scheduled for 12:00 pm - 1:00 pm.

Staff reviewed the application and determined that the number of days and times for uses of the public park is extraordinary. Staff consulted with the applicant to discuss revising the application. The applicant submitted an additional letter on March 15, 2022 outlining some other possible options for this special event request.

### BACKGROUND:

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

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

Birmingham Farmers Market	Sundays	Parking Lot 6
Parkinson Walk	06/18/22	First Presbyterian
Yoga in the Park	06/18/22	Shain Park
Concerts in the Park	Wednesdays	Shain Park
Movie Nights	Fridays	Shain Park
Day on the Town	07/30/22	Downtown streets
Dream Cruise	08/20/22	Downtown locations

#### LEGAL REVIEW:

The City of Birmingham is under no obligation to make its public property available to members of the public for nongovernmental functions and activities. While the City allows various groups to use the City property, it must also do so while balancing governmental interests. In this particular case we recommend that the City not allow the use of public parks to the extent of this application. We do not support the use of any City park routinely throughout the year. If we were to allow the use of one religion to utilize public property every single week for its religious workshop, the City absolutely, in order to not be in any violation of any Supreme Court ruling, would have to allow all other denominations the use of our public parks for their worship services. It is not suggested that allowing the use of the public space to exercise religious worship is the problem, but rather from a competition of governmental interests. There must be a balance of the use of public property by all members of the public. If every public park in the City of Birmingham were utilized at any given moment by any organization, whether religious or not, then the public would necessarily be restricted in its fundamental use and right to the enjoyment of the public parks which have been paid for by public tax dollars.

Private organizations, including faith based entities, might have the opportunity to enjoy the public space in limited amounts of time so that all groups and the general public can share in the enjoyment of the park without over burdening all other members of society from partaking in and enjoying park activities.

It is recommended that the special event application from Sanctuary on behalf of the Baptist Church be denied for the reason that the number of days and times for uses of the public park is extraordinary, and if this use of public property were allowed for other similar groups, it would necessarily restrict the freedoms of all others citizens, which would be against a legitimate public interest.

#### FISCAL IMPACT:

The Finance Director has reviewed and has no concerns.

#### PUBLIC COMMUNICATIONS:

First Baptist Church notified residents and businesses about the details of this event by letter which was mailed at least two weeks prior to the commission meeting. The addresses that were notified were within 300 feet of the event space.



#### SUMMARY

The City Commission is being asked to consider a special event permit for Sanctuary Worship in the Park to be held Sundays June 12, 2022 - September 4, 2022 from 10:30 am – 11:30 am, with set up 7:00 am - 10:00 am. Teardown will begin 12:00pm.

OR

The options as outlined by the letter from Kristin Snyder dated March 15, 2022.

1. 2nd Sunday of each month (6/12/22, 7/14/22, 8/12/22 and possibly 9/4/22)

**-OR-**

2. Every Sunday in the month of July or August **-OR-**

3. One Sunday only 6/12/22 (Regularity of the scheduling is important to First Baptist so as not to confuse their congregation or the community as to when they would hold their worship services in the park or in their fellowship hall.)

#### ATTACHMENTS:

1. Special event application
2. Notification letter with map of event area distributed to residents/businesses within 300 feet of the event area dated March 7, 2022. Notification addresses are on file in the Clerk's Office
3. Hold-harmless agreement
4. Department approval page with comments and estimated costs
5. Letter from Kristin Snyder dated March 15, 2022 – Supplemental Information for Special Event Application

#### MANAGER'S NOTE:

As an alternative to using Shain Park maybe the Church would consider using North Old Woodward Surface Parking Lot immediately behind the Church. A size appropriate portion could be sectioned off for the Church's outdoor service. This location would provide:

1. Access to the Church's restrooms which are more accessible and functional than the Port-a-John at Shain Park.
2. Better bad weather cover in that the outdoor service could be moved into the Church on short notice.
3. No miscommunication as to where the service is located because both indoor and outdoor would be located at the same place.
4. A hard surface rather than a partial grass surface that still may be soggy/sloppy from a prior rain or watering.

Additionally, I do not think the parking lot sectioned off for the Church would cause a parking problem for the Sunday Farmers market at Lot 6.

**SUGGESTED COMMISSION ACTION:**

To make a motion adopting a resolution to:

Deny a special event permit as requested by the First Baptist Church to hold the Sanctuary Worship in the Park on Sundays June 12 - September 4, 2022.

Or

Approve a special event permit as requested by the First Baptist Church to hold the Sanctuary Worship in the Park on Sunday(s) \_\_\_\_\_, 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, or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event.

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

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

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

**I. EVENT DETAILS**

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

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

(Please print clearly or type)

Date of Application \_\_\_\_\_ 2/15/2022 \_\_\_\_\_

Name of Event \_\_\_\_\_ Sanctuary Worship in the Park \_\_\_\_\_

Detailed Description of Event (attach additional sheet if necessary) \_\_\_\_\_ Church Worship Service with Live band and live speaker \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Location \_\_\_\_\_ Shain Park \_\_\_\_\_

Date(s) of Event \_\_\_\_\_ Sundays June 5, 2022 - September 4, 2022 \_\_\_\_\_ Hours of Event \_\_\_\_\_ 10:30 - 11:30am \_\_\_\_\_

Date(s) of Set-up \_\_\_\_\_ Sundays June 5, 2022 - September 4, 2022 \_\_\_\_\_ Hours of Set-up \_\_\_\_\_ 7:00am - 10:00am \_\_\_\_\_

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

Date(s) of Tear-down \_\_\_\_\_ Sunday's \_\_\_\_\_ Hours of Tear-down \_\_\_\_\_ 12:00pm - 1:00pm \_\_\_\_\_

Organization Sponsoring Event \_\_\_\_\_ First Baptist Church of Birmingham dba Sanctuary \_\_\_\_\_

Organization Address \_\_\_\_\_ 300 Willits St, Birmingham, MI 48009 \_\_\_\_\_


Organization Phone \_\_\_\_\_ 248-644-0550 \_\_\_\_\_

Contact \_\_\_\_\_ Kristin Snyder \_\_\_\_\_ 734-276-9328 \_\_\_\_\_ Person \_\_\_\_\_

Contact \_\_\_\_\_ William Lobb \_\_\_\_\_ Phone \_\_\_\_\_

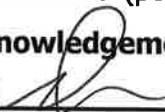
Contact Email \_\_\_\_\_ ksnyderlegal@gmail.com \_\_\_\_\_

## II. EVENT INFORMATION

1. Organization Type Church/Non-Profit  
(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. ) na  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
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 20-50
6. The event will be held on the following City property: (Please list)  
☐ Street(s) \_\_\_\_\_  
\_\_\_\_\_  
☐ Sidewalk(s) \_\_\_\_\_  
\_\_\_\_\_  
☒ Park(s) Shain Park in the band shell area and grass seating area.  
\_\_\_\_\_
7. Will street closures be required? YES ☐ NO ☒  
**(Police Department acknowledgement prior to submission of application is required) (initial here)** 
8. What parking arrangements will be necessary to accommodate attendance? None

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

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

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

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

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

12. Will music be provided? YES ☒ NO ☐  
☒ Live \_\_\_\_\_ Amplification \_\_\_\_\_ Loudspeakers \_\_\_\_\_

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

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

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

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

Number of signs/banners \_\_\_\_\_ 1 or 2, 2.x 3 feet signs with name of church

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

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

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



# **LIST OF VENDORS/PEDDLERS**

(attach additional sheet if necessary)

NA

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

### 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	na	6 for \$500.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles	na	\$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	na	\$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	na	\$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)	na	
Portable Toilets	na	
Rides	na	
Displays	na	
Vendors	na	
Temporary Structure (must attach a photo)	na	
Other (describe)	na	

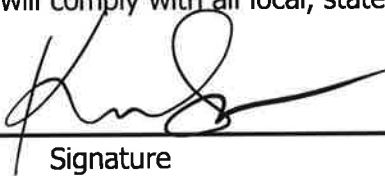
## SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Sanctuary Worship in the Park

EVENT DATE Sunday's 10:30-11:30am June 5, 2022 - September 4, 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.



02/15/2022

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.

## **SPECIAL EVENT REQUEST NOTIFICATION LETTER**

DATE: March 7, 2022

TO: Residential Property or Business Owner

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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: Sanctuary Worship in the Park

LOCATION: Shain Park

DATE(S) OF EVENT: Sundays, June 12 - September 4, 2022, 10:30am-11:30am

BRIEF DESCRIPTION OF EVENT/ACTIVITY: A Christian worship service in the park on Sunday mornings.

DATE(S) OF SET-UP: Sundays 7am - 8am

DATE(S) OF REHEARSAL: Sundays 8am - 10am

DATE(S) OF EVENT: Sundays 10:30am - 11:30am

DATE(S) OF TEAR-DOWN: Sundays 11:30am - 12:30pm

DATE OF CITY COMMISSION MEETING: March 28, 2022

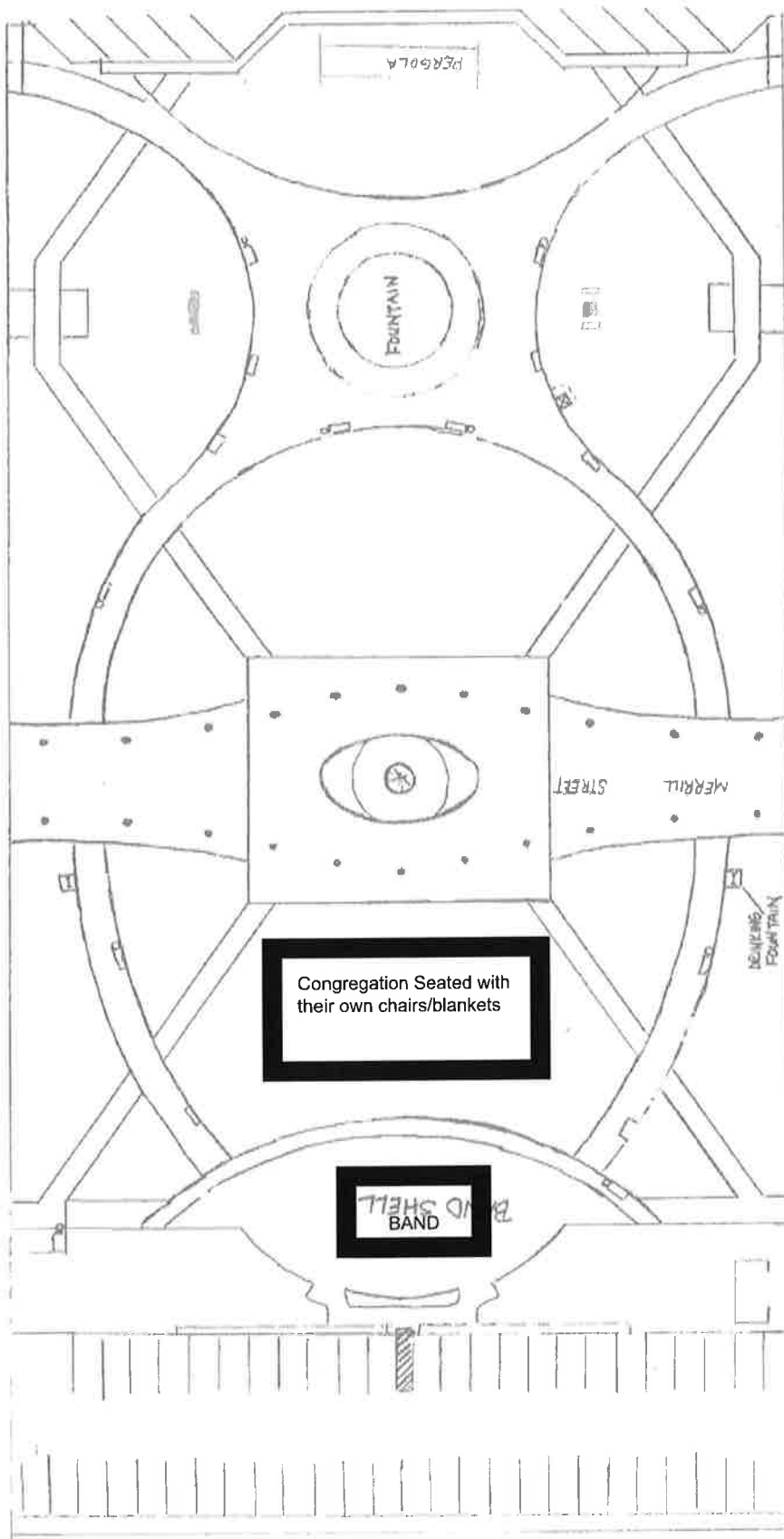
The City commission meets in room 205 of the Municipal Building at 151 Martin at 7:30PM. **A complete copy of the application to hold this special event is available for your review at the City Clerk's Office (248/530-1880).** Log on to [www.bhamgov.org/events](http://www.bhamgov.org/events) for a complete list of special events.

EVENT ORGANIZER: First Baptist Church of Birmingham (DBA Sanctuary)

ADDRESS: 300 Willits St., Birmingham, MI 48009

PHONE: 248-6644-0550

**FOR QUESTIONS ON DAY OF EVENT, CONTACT: Kristin Snyder 734-276-9328**



TOWNSEND STREET

MARTIN STREET

HENRIETTA STREET

**Shain Park Map**



**Legend**  
**City Boundary**



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. Other 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.



# SANCTUARY

P: 248.644.0550  
F: 248.644.0559

300 WILLITS AT BATES STREETS  
BIRMINGHAM • MI 48009-3300

SANCTUARY-CHURCH.COM

## HOLD-HARMLESS AGREEMENT

“To the fullest extent permitted by law, the First Baptist Church of Birmingham (DBA Sanctuary) and any entity or person for whom the First Baptist Church of Birmingham (DBA Sanctuary) 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 other working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss or use thereof, which arises out of or is in any way connected or associated with this activity/event. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of the City of Birmingham, its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.”

Applicant's Signature

03/15/2022

Date

A safe place to explore faith.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

01/07/2022

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> Bergstrom Insurance Agency 30701 W Ten Mile Rd Ste 400  Farmington Hills MI 48336		<b>CONTACT NAME:</b> <b>PHONE (A/C No. Ext):</b> 248-478-4800 <b>FAX (A/C No):</b> 248-478-5308 <b>E-MAIL ADDRESS:</b> info@bergstrominsurance.com	
		<b>INSURER(S) AFFORDING COVERAGE</b> INSURER A: Brotherhood Mutual Insurance Company	<b>NAIC #</b>
<b>INSURED</b> First Regular Baptist Church and Society of Birmingham, Oakland County, Michigan 300 Willits Birmingham MI 48009		INSURER B:	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

**COVERAGES****CERTIFICATE NUMBER:** 20220107154715954**REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <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 <input type="checkbox"/> OTHER:	Y	N	21M5A0276360	07/21/2021	07/21/2024	EACH OCCURRENCE \$ 1,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000						
	MED EXP (Any one person) \$ 3,000						
	PERSONAL & ADV INJURY \$ 1,000,000						
A	<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	N	N	21M5A0276360	07/21/2021	07/21/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	BODILY INJURY (Per person) \$						
	BODILY INJURY (Per accident) \$						
	PROPERTY DAMAGE (Per accident) \$						
	<b>UMBRELLA LIAB</b> <b>EXCESS LIAB</b> <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$
	OCCUR						AGGREGATE \$
	CLAIMS-MADE						\$
A	<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	N/A	N	21W5A276148	07/21/2021	07/21/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER
	E.L. EACH ACCIDENT \$ 100,000						
	E.L. DISEASE - EA EMPLOYEE \$ 100,000						
	E.L. DISEASE - POLICY LIMIT \$ 500,000						

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

City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and board members, including employees and volunteers thereof is an additional insured under the above general liability policy. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage be primary, contributing, or excess.

**CERTIFICATE HOLDER****CANCELLATION**

CITY OF BIRMINGHAM  
151 MARTIN  
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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## DEPARTMENT APPROVALS

**EVENT NAME: Sanctuary in the Park**

**LICENSE NUMBER #22-00011783**

**COMMISSION HEARING DATE: 3/28/2022**

**NOTE TO STAFF: Please submit approval by March 18, 2022**

**DATE OF EVENT: Sundays 7a-1p: 6/12, 6/19, 6/26, 7/3, 7/10, 7/17, 7/24, 7/31, 8/7, 8/14, 8/21, 8/28, 9/4**

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	\$0
<b>BUILDING</b> 101-000.000-634.0005 248.530.1850	MJM	No Department Involvement.	Tents over 400 SQft.	\$0	\$0
<b>FIRE</b> 101-000.000-634.0004 248.530.1900	JDP	Follow all current COVID 19 guidelines Do not block streets with traffic Do not block fire hydrants with vehicles or equipment Provide a crowd manager, 1 per 250 people If installing tents provide a flame retardant certificate and fire extinguisher mounted. 5lb ABC.		\$0	\$0
<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	The department will clean up Shain Park after use.  The banner will need to be removed after each service.		\$1,300 (\$100/event)	

		The \$1,300 breaks down to \$100/per each event date. Estimated cleanup costs.			
<b>ENGINEERING</b> <b>101-000.000-634.0002</b> 248.530.1839	SDZ	No Obstructions Required	None	\$0	\$0
<b>SP+ PARKING</b>					
<b>INSURANCE</b> 248.530.1807		Need to submit CoI, Hold Harmless Agreement	None		
<b>CLERK</b> <b>101-000.000-614.0000</b> 248.530.1803		Notification letters were mailed by applicant 3/3/2022. Notification addresses on file in the Clerk's Office. Evidence of required insurance is on file with the Clerk's Office (no later than 5/27)		\$200 pd	
				<b>TOTAL DEPOSIT REQUIRED</b>  <b>\$1,300 (or \$100 per event)</b>	<b>ACTUAL COST</b>

**FOR CLERK'S OFFICE USE**

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

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

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



Rev. 3/21/22

h:\shared\special events\general information\approval page.doc

Supplemental information for Special Event Application  
Sanctuary Worship in the Park  
Summer 2022

Kristin Snyder  
ksnyderlegal@gmail.com  
734-276-9328

March 15, 2022

Dear Birmingham City Counsel and Staff Members of the City of Birmingham,

Thank you for considering our special events application and request to hold our worship services in Shain Park in the Summer of 2022. I hope the information below is helpful in determining if our application will be approved.

Sanctuary, formerly, First Baptist Church of Birmingham, is a church located in downtown Birmingham on Willits St, and has been a part of the community for over 100 years. Being a downtown church has afforded us many opportunities over the years to be an integral part of our community and we are in the midst of a rebranding campaign to continue the tradition of serving our community and welcoming all those who seek community in a safe and welcoming place. We believe that God made each of us and God doesn't make mistakes. We welcome everyone into our space and want to be a safe place for anyone to explore faith.

We are currently a small congregation due to our current rebranding into Sanctuary and the effects of Covid on us as a public space. We have a small, committed congregation of about 20 that worships together every Sunday in person and about 10 that worship online each Sunday. A couple of our lifetime members have been unable to worship with us in person in almost 2 years due to Covid and their personal health issues and we miss seeing them in person. I'm sure there are others in our community who have also felt isolated from their worship services during these challenging times and would find comfort in being able to safely attend a downtown outdoor worship service during the beautiful Michigan summer. If we were allowed to hold our worship service in Shain park this summer that would enable these committed members, and others in a similar situation, to join us in person as they would be safe enough from the virus being outside and masked, should they so choose to be, and able to attend in person. We have been hoping to serve these individuals in particular and are excited for the possibility to see them in person at worship regularly over the summer instead of just over zoom.

We find great joy in serving our members and our community and believe that we can further that purpose by bringing our fully professional worship band to Shain park for services during the summer of 2022. Not only will our committed longtime members be able to worship with us in person, but we will be able to show the community that the tradition of high-quality music that we are known for with the B-Jazz concerts we have had in past years, lives on. Each and every Sunday in the church we have local professional musicians join us for musical selections that span a wide variety of musical styles from jazz to folk and hymns to soul. We feel honored that local celebrities make time in their busy gig schedules to join us to lead our

congregation in worship. The music is high quality and shows our continued commitment to excellence in all we do.

If you are interested in the quality or style of our music, please feel free to look at our Facebook page and/or YouTube channel under Sanctuary Collective, the name of the worship band.

We would enjoy the opportunity to utilize the beautiful band shell that has been installed in Shain Park for its intended purpose this summer as well because our sanctuary is not air conditioned and we cannot use it in the summer due to the heat. Last year we held our Sunday worship service in our fellowship hall since we do not have any outdoor property of our own to worship outside. When we sat down and thought about this summer, however, we dreamed a little bigger and hope to extend our reach beyond our physical doors to serve our congregation and community. We remembered the beauty and proximity of Shain park and started to dream of being able to worship there.

In the past the Birmingham First (United Methodist Church) has been allowed to hold one worship service in the park each summer, I believe it was in the summers of 2018 and 2019. I was working at the Methodist church at that time and in charge of the events each summer that we held that worship service at Shain Park. It was a very impactful and fun event and I believe the community appreciated the opportunity to worship in downtown Birmingham. I have experience with this type of event specifically and each of the other 2 times I oversaw the events they were held without issue. I never received a complaint and I know what goes into making this event run smoothly and be successful and I am committed to making sure that if this application is granted all will go well.

I understand that in the past this kind of event was approved for once a summer and if every Sunday in the Summer from 6/12/22 through 9/4/22 is too big an ask for the use of the Shain Park band shell, we are willing to do what is best for not only us but the community to ensure the whole community is able to use the park for its intended purpose. It is not our intention to take over the park and prevent the quiet enjoyment or access to the park by others for other events. If every Sunday from 6/12/22 through 9/4/22 is too much we would greatly appreciate one of the alternate options below or some other solution to allow us an opportunity to hold our worship service in Shain Park this summer.

1. 2<sup>nd</sup> Sunday of each month (6/12/22, 7/14/22, 8/12/22 and possibly 9/4/22)
2. Every Sunday in the month of July or August
3. One Sunday only 6/12/22  
(Regularity of the scheduling is important to us so as not to confuse our congregation or the community as to when we would hold our worship services in the park or in our fellowship hall.)

Additionally, we would be open to a conditional approval if limiting access to the use of Shain park by other events on Sundays for the whole summer is deemed to be too big of an ask. Please allow me to explain.

- a. A special event application for use of the Shain Park band shell and close surrounding areas would need to be submitted at least 90 days before the proposed event is to be held. That would mean that for an event to be held in the Shain Park band shell and close surrounding areas on 6/12/22 the application would have to be submitted on or before 3/12/22, for 6/19/22 on 3/19/22 and so on. That would mean by 6/4/22 we would know if another event wanted to be held in Shain park on all of the Sundays in the summer for which we are seeking approval.
- b. I am unaware if another special event application has been submitted for any of the requested dates as of the date and time of this letter.
- c. Given the special event application process it will become clear before our events are to start if all our events, if approved, would be preventing other events from occurring, should another special event application would have needed to have been filed.
- d. If no other event application is submitted by 6/4/22 then our event, if granted, would not be encumbering another event from occurring in the Shain Park band shell and close surrounding areas for Sunday mornings in the summer of 2022.

What I am proposing is, if a full approval is not likely, that we condition the approval of every Sunday from 6/12/22 through 9/4/22 on the fact that no other application is filed and approved by 6/5/22. If an event application is filed and approved we would adjust our schedule to accommodate for the other event as it is not our intention to prevent the use of the Shain Park band shell and close surrounding areas by any other group but only to enhance the enjoyment of the park by all and use the band shell for its intended purpose and find a solution for our congregation being that we do not have an outdoor space on our own property and no air conditioning in our sanctuary.

We would love to partner with other downtown churches to serve our community together on Sunday mornings in the summer in Shain Park and if working to collaborate with other downtown Birmingham places of worship would help to assuage the concern that we are monopolizing the Shain Park band shell on Sundays all summer we would be more than happy to reach out to other downtown Birmingham places of worship (Christian and otherwise) and work on collaborating. Joining together with our community is an essential part of our purpose as a downtown church and we are looking to grow and engage with the community in new ways as we move our music and congregation into a more modern and relevant format.

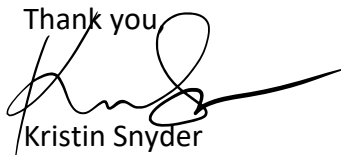
Another idea is that we would be willing to receive a conditional approval for the Sundays in June (6/12/22, 6/19/22, & 6/26/22) and barring any complaints about noise or access to the park (because there are too many people or the like) the rest of the summer would be approved. My thought process here is to show the counsel and the community that

we are professionals who understand that this is a shared community space and will not take advantage. We are also a small congregation who is committed to being an integral part of our community. We would only be in the band shell and close surrounding areas and with a small congregation of no more than 30 on our biggest Sundays we would not be inhibiting others from enjoying the rest of Shain park (including the sidewalk section in the middle and the playground) while we are utilizing the space for our service.

Additionally, we have a professional sound engineer who monitors our sound levels even inside to make sure that the sound level is always reasonable and never damaging to anyone's hearing or enjoyment. The manner in which our professional musicians play allows us to perform high quality music at a pleasant volume that would likely not even carry to the center statue and would certainly not be as loud or carry as far as the music does at the popular Wednesday night music concerts in the summer. In fact, a few of our musicians have applied to that event in the past and I would not be surprised if any of the Sanctuary Collective musicians played at the Wednesday Summer in the Park events in the past or will in the future.

I hope that all this information is helpful in making a decision to approve our special events application. An approval of our full application would be wonderful but of course we understand that as the city you represent us all and need to balance the needs of us all, as it pertains to the usage of and access to Shain Park.

I look forward to speaking to the City Council on Monday, March 28, 2022, to answer any additional questions and provide any other information that may be requested to assist in the decision making process.

Thank you  
  
Kristin Snyder





## MEMORANDUM

Department of Public Services

**DATE:** March 9, 2022

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

**FROM:** Lauren Wood, Director of Public Services  
Carrie Laird, Parks and Recreation Manager

**SUBJECT:** Adams Park Development Project Contractor

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### INTRODUCTION:

Proposals were received for the development of Adams Park on February 24, 2022. Five (5) proposals from qualified contractors were received. This project is a recommended priority project for the Parks and Recreation Bond, first bond issue.

### BACKGROUND:

Adams Park has been in the queue for improvements, and listed as a priority project by the Parks and Recreation Board should funding become available. The approval of the Parks and Recreation Bond in November of 2020 allows the City to move forward with the development of Adams Park.

The City of Birmingham engaged the services of Michael J. Dul & Associates to prepare the 2021 Adams Park Concept Plan. It was vetted and under public review by surrounding neighborhood associations, Roeper School, advertised for citywide comment on Engage Birmingham, and presented at the Parks and Recreation Board meeting of September 14, 2021.

The 2021 Adams Park Concept Plan includes enhancements to the play area, a garden seating plaza, beautiful landscaping improvements with many new trees, an open grassy area large enough for a soccer field or other field sports, a basketball court, shot put, discus, and a long jump area.

The 2021 Concept Plan was accepted by the City Commission at the November 8, 2021 meeting along with a resolution approving the agreement with Michael J. Dul & Associates for professional landscape architecture services for construction drawings and implementation.

Michael J. Dul & Associates initiated the preparation of Construction Drawings and Bid Specifications for the Development of Adams Park. Fine tuning of the play area, placement and size of select park features, and further discussion with the Neighborhood Association representatives and Roeper School contacts transpired since the concept plan approval by the City Commission in November. The Adams Park Illustrated Plan is attached to this report.

Proposals were received on Thursday, February 24, 2022. A brief summary of the proposals is displayed in the table below.

Adams Park  
Birmingham, MI

CITY OF BIRMINGHAM +  
MICHAEL J. DUL  
ASSOCIATES, INC.

2/24/2022					
BID SUMMARY					
Scope Items	CONTRACTOR				
	Albaugh Masonry	Michigan Recreational	Premier Group	Warren Contractors	WCI Contractors, Inc.
	Stone and Tile, Inc.	Construction, Inc.	Associates, Lc.	& Development, Inc.	
Demolition & Site Preparation	\$326,796.79	\$102,039.00	\$158,571.50	\$183,135.50	\$151,443.75
Site Utilities	\$14,112.50	\$23,250.00	\$29,382.75	\$24,850.00	\$28,085.00
Asphalt Paving	\$24,640.00	\$28,186.00	\$53,375.00	\$38,500.00	\$45,150.00
Concrete Construction	\$140,763.36	\$134,807.00	\$148,983.41	\$119,650.10	\$169,042.00
Fencing & Gates	\$57,993.02	\$64,772.00	\$65,828.00	\$52,218.00	\$67,667.00
Grading & Drainage	\$85,381.35	\$53,045.00	\$82,607.09	\$131,870.00	\$98,393.00
Landscape Plantings	\$154,356.56	\$186,479.00	\$153,390.64	\$119,065.00	\$145,601.00
Irrigation System	\$31,400.00	\$44,670.00	\$36,600.00	\$40,000.00	\$40,960.00
Site Amenities	\$103,070.53	\$131,265.00	\$138,426.00	\$121,950.00	\$125,840.00
Athletic Surfacing	\$25,913.88	\$29,590.00	\$31,120.00	\$27,524.00	\$30,281.50
Play Equipment & Surfacing	\$201,314.28	\$231,873.00	\$362,271.25	\$240,415.40	\$263,806.00
Total Bid Amount	\$1,165,742.27	\$1,029,976.00	\$1,260,555.64	\$1,099,178.00	\$1,166,269.25
(All Scope Items)	Albaugh Masonry	MRC	PGA	Warren Contractors	WCI Contractors
Alternates:					
Sod Upgrade	\$18,360.00	\$18,900.00	\$29,700.00	\$10,800.00	\$10,800.00
Landscape Warranty Deduct	-\$3,615.00	-\$2,300.00	-\$25,000.00	-\$1,000.00	-\$4,860.00
	\$1,180,487.27	\$1,046,576.00	\$1,265,255.64	\$1,108,978.00	\$1,172,209.25

Michael J. Dul & Associates together with Department of Public Services staff (project team) conducted a thorough review of all proposals received. Alternates, possible deducts or additions, interviews, scheduling, and reference checks as part of our bid review process.

Michigan Recreational Construction (MRC) is the lowest, qualified contractor and specializes in commercial park and playground construction, offering a wide variety of construction services including site development, building playgrounds, athletic fields, splash pads, basketball, tennis and pickleball courts, skate parks, park shelters, pavilions and more.

The City has experience working with MRC in the past, hiring them to perform various installations of play equipment and repairs to the Booth Park turf hill. See attached General Contractor Recommendation letter from Michael J. Dul.

#### LEGAL REVIEW:

The City Attorney has reviewed the Adams Park Development RFP and Agreement.

#### FISCAL IMPACT:

The 2021-2022 Approved Budget allocates \$700,000.00 for the Adams Park Development project. A more recent cost estimate prepared by Michael J. Dul & Associates of \$1,078,341.00 was presented at the November 2021 City Commission meeting

The recommended bid proposal for this project is \$1,046,576.00. Therefore, a budget amendment is needed in the amount of \$346,580.00 drawing from the Park System Construction Fund Account number 408-000.000-400.0000, and expensed from the Land Improvements account number 408-751.000-979.0000.

The Roeper School has committed financially to accomplish the track and field elements, in the amount of \$59,873.00. A letter of financial participation is included for reference.

The City will provide donation opportunities as part of this project. These may include site amenities such as benches, a pavilion, drinking fountain/mister, picnic tables, among other items. Additionally, opportunities are available to donate toward landscaping. Donation items could amount to approximately \$275,000.00. We are currently working on a park donation webpage to be launched as part of the project kickoff that will highlight several of these donation items.

We've applied for a Park Improvement Grant through Oakland County Parks and Recreation, and anticipate finding out about our application in the next few weeks, up to \$100,000.00.

#### PUBLIC COMMUNICATIONS:

Staff will continue to update all appropriate communication methods including Parks and Recreation Board meetings, email notifications, social media, website updates, neighborhood groups regarding this project and timing of activity.

#### SUMMARY:

The project team recommends the engagement of Michigan Recreational Construction for the Adams Park Improvement Project based on the following criteria:

1. Lowest overall bid, including Project Team's recommended alternates.
2. Experience with similar park construction projects.
3. Experience servicing municipalities.
4. Capacity and ability to self-perform a number of the project construction items.
5. Experienced team of subcontractors.
6. Relationship and familiarity with manufacturers, suppliers and construction trades.
7. Michigan based company with facilities in Howell and Detroit.
8. Ability and assurance to meet the project timeline.

The total project cost of \$1,046,576.00 includes all park elements as designed, and incorporates the alternate for the substitution of sod in lieu of seed and a deduct to reduce the 2 year warranty to a 1 year warranty. The project team is confident in MRC's ability to build Adams Park a Landmark Park!

Any contributions toward the development of this park (i.e. Roeper, Grant Funding, Donations) will be used to offset Parks and Recreation Bond Dollars.

Adams Park is our second project to accomplish using Parks and Recreation Bond proceeds, but we are mindful of other identified projects slated for under this first bond issue. The recommended project bid from Michigan Recreational Construction exceeds the bond forecast estimate and will result in another project being shorted or eliminated under the first round of funding and ultimately in the end of the final bond issue proceeds unless donations received are able to offset costs.

The Parks and Recreation Board at their March 1, 2022 Meeting supported moving forward with the project teams recommendation to the City Commission so as to not delay the project timeline as we were still in the process of reviewing bids received.

**ATTACHMENTS:**

- Adams Park Illustrated Plan
- Agreement with Michigan Recreational Construction, including required Insurances
- Attachment A-Adams Park Improvement Project RFP including Construction Documents
- Attachment B-Bidder's Agreement, Cost Proposal, and other required attachments
- Michael J. Dul- Letter of Recommendation of General Contractor
- The Roeper School- Letter of Financial Support

**SUGGESTED COMMISSION ACTION:**

Make a motion adopting a resolution to approve the award of the Adams Park Improvement project contract to Michigan Recreational Construction, in the amount of \$1,046,576.00 to be funded from account number 408-751.000-979.0000, to have the Mayor sign the contract on behalf of the City, and further to approve the appropriation and amendment to the 2021-2022 budget as follows:

**Park System Construction Fund:**

**Revenues:**

Draw from Fund Balance	408-000.000-400.0000	\$346,580.00
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**Expenditures:**

Land Improvements	408-751.000-979.0000	\$346,580.00
-------------------	----------------------	--------------





LANDSCAPE  
ARCHITECTURE

**MICHAEL J. DUL**  
& ASSOCIATES, INC



212 DAINES STREET  
BIRMINGHAM  
MICHIGAN 48009

P 248 644 3410  
F 248 644 0819

[www.mjdul.com](http://www.mjdul.com)

**ADAMS PARK**  
Adams Rd. @ Ridgedale Ave.  
Birmingham, MI 48009

**PROJECT**

**PARK PLAN**  
Site

**SHEET TITLE**



Know what's below.  
Call before you dig.

See Drawings

**SCALE**

PROJECT NUMBER: 21107

DATE: January 28, 2022  
REVISIONS: February 1, 2022  
February 4, 2022 Issue for Bid

**A** PARK PLAN  
**L1** Plan

Scale: 1/16"=1'-0"  
NORTH



## AGREEMENT FOR ADAMS PARK

**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 Michigan Recreational Construction, a Michigan corporation, whose address is 1091 Victory Dr. Howell, MI 48843, (hereafter referred to as Contractor and the foregoing shall collectively be referred to as the parties).

**WHEREAS**, the City desires for the development of Adams Park through the City's Department of Public Services and in connection therewith has requested proposals for or the development of Adams Park, and

**WHEREAS**, the Contractor has qualifications that meet the project requirements and has provided a response and cost proposal to perform the development of Adams Park.

**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 Adams Park dated February 8, 2022, which includes Furnish and install Demolition & Site Preparation, Site utilities, Concrete Construction, Fencing & Gates, Grading & Drainage System, Landscape Plantings, Irrigation System, Site Amenities, Athletic Surfacing, Playground Equipment & Surfacing per the plans and specifications prepared by Michael J. Dul & Associates, Inc. dated February 4, 2022, 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 thru August 26, 2022, or within six (6) months remaining punch list items, excluding warranty period 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 work and materials completed to date prepared by the 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 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 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 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. Motor Vehicle Liability: Contractor shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined

single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

D. Pollution Liability Insurance: Contractor shall procure and maintain during the life of this Agreement Pollution Liability Insurance, with limits of liability of \$1,000,000, per occurrence preferred, but claims made accepted.

E. 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, and the landscape architect, Michael J. Dul & Associates, Inc.** 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.

F. 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.

G. 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.

H. 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 of Birmingham  
P.O. Box 3001  
Birmingham, Michigan 48012  
Attn: Lauren Wood, Director of Public Services

Michigan Recreational Construction, Inc.  
1091 Victory Drive  
Howell, MI 48843  
Attn: Craig Sheffer

**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. RESPONSE TO REQUESTS FOR PROPOSALS:** The Contractor shall be held to and bound by all terms, conditions, warranties and representations which it made in its written response dated February 24, 2022, to the City's Request for Proposals dated February 8, 2022 attached hereto as Attachment "B"). In the event of a conflict in any of the terms of this Agreement and the Contractor February 24, 2022 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 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.

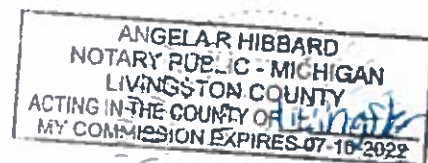
MICHIGAN RECREATIONAL  
CONSTRUCTION INC (Contractor)

By: [Signature]  
Its: PRESIDENT

STATE OF MICHIGAN )  
COUNTY OF OAKLAND ) ss:  
Livingston

On this 17 day of March, 2022, before me personally appeared Craig Shetter, who acknowledged that with authority on behalf of Michigan Recreational Construction, Inc do so he/she signed this Agreement.

Angela R. Hibbard  
Livingston County, Michigan  
Acting in Livingston County, Michigan  
My commission expires: July 10, 2022



**CITY OF BIRMINGHAM:**

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

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

**APPROVED:**

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

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

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

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



MICHREC-02

KANDRICK

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/18/2022

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>Mourer Foster, Inc</b> <b>615 N. Capitol Ave.</b> <b>Lansing, MI 48933</b>	<b>CONTACT NAME:</b> James Slear <b>PHONE (A/C, No, Ext):</b> (517) 371-2300 219 <b>FAX (A/C, No):</b> (517) 371-7121 <b>E-MAIL ADDRESS:</b> jslear@mourer-foster.com	
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b>  <b>Michigan Recreational Construction Inc.</b> <b>1091 Victory Drive</b> <b>Howell, MI 48843</b>	<b>INSURER A :</b> Everest National Insurance company	
	<b>INSURER B :</b> Secura Insurance Company	
	<b>INSURER C :</b> RSUI Indemnity Co.	
	<b>INSURER D :</b> Hiscox Inc	
	<b>INSURER E :</b>	
<b>INSURER F :</b>		<b>NAIC #</b> 10120 22543 22314 10200

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

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

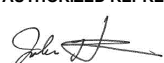
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
<b>A</b>	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> <b>XCU</b> GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	CF8GL00171211	9/13/2021	9/13/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
<b>B</b>	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	A3351275	9/13/2021	9/13/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
<b>C</b>	<input checked="" type="checkbox"/> <b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	NHA095390	9/13/2021	9/13/2022	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000
<b>B</b>	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y / N If yes, describe under DESCRIPTION OF OPERATIONS below	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	WC3351276	9/13/2021	9/13/2022	<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
<b>D</b>	<b>Professional Liab</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	ANE1739599	5/6/2021	5/6/2022	<b>PROL</b> \$ 1,000,000
<b>A</b>	<b>Pollution Liability</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	CF8GL00171211	9/13/2021	9/13/2022	\$ 1,000,000

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

**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, and the landscape architect, Michael J. Dul & Associates, Inc. Coverage is primary and non-contributory, and contains a waiver of subrogation. Umbrella is follow form.

## CERTIFICATE HOLDER

## CANCELLATION

<b>City of Birmingham</b> <b>151 Martin Street</b> <b>Birmingham, MI 48009</b>	<b>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.</b>
	<b>AUTHORIZED REPRESENTATIVE</b> 

## **Attachment A**



**REQUEST FOR PROPOSALS  
For ADAMS PARK  
February 8, 2022**

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Sealed proposals endorsed **“ADAMS PARK”**, will be received at the Department of Public Services, 851 S. Eton Street, Birmingham, Michigan, 48009; until **FEBRUARY 24, 2022, 1:00 P.M. (E.D.S.T.)** after which time bids will be publicly opened and read. Results will be posted on MITN. At this time bid opening attendance is by appointment only; please contact Carrie Laird, listed below.

**Bidders are encouraged to attend the pre-bid meeting on, FEBRUARY 17, 2022, 1:00 P.M. (E.D.S.T.) at PROJECT SITE (ADAMS PARK).**

The City of Birmingham, Michigan is accepting sealed bid proposals from qualified professional firms to perform DEMOLITION & SITE PREPARATION, SITE UTILITIES, CONCRETE CONSTRUCTION, FENCING & GATES, GRADING & DRAINAGE SYSTEM, LANDSCAPE PLANTINGS, IRRIGATION SYSTEM, SITE AMENITIES, ATHLETIC SURFACING, PLAYGROUND EQUIPMENT & SURFACING. This work must be performed as specified accordance with the specifications contained in the 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 City of Birmingham, 851 S. Eton, Birmingham, Michigan, ATTENTION: CARRIE LAIRD.

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>	FEBRUARY 8, 2022
<b>Pre-Bid Meeting:</b>	FEBRUARY 17, 2022 (1:00 P.M. E.D.S.T.) PROJECT SITE (ADAMS PARK)
<b>Deadline for Submissions:</b>	FEBRUARY 24, 2022 (1:00 P.M. E.D.S.T.)
<b>Contact Person:</b>	Carrie Laird 851 S. Eton St. Birmingham, MI 48009 Phone: (248) 530-1714 Email: <a href="mailto:claird@bhamgov.org">claird@bhamgov.org</a>





## REQUEST FOR PROPOSALS For ADAMS PARK

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## **INTRODUCTION**

For purposes of this request for proposals the City of Birmingham will hereby be referred to as "City" and the private firm will hereby be referred to as "Contractor."

The City of Birmingham, Michigan is accepting sealed bid proposals from qualified professional contractors/firms to FURNISH AND INSTALL: DEMOLITION & SITE PREPARATION, SITE UTILITIES, CONCRETE CONSTRUCTION, FENCING & GATES, GRADING & DRAINAGE SYSTEM, LANDSCAPE PLANTINGS, IRRIGATION SYSTEM, SITE AMENITIES, ATHLETIC SURFACING, PLAYGROUND EQUIPMENT & SURFACING, AT ADAMS PARK. This work must be performed as specified accordance with the specifications outlined by the Scope of Work contained in this Request For Proposals (RFP).

During the evaluation process, the City's best interest will be served and reserves the right to request additional information or clarification from proposers, or to allow corrections of errors or omissions. At the discretion of the City, 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 MARCH 29, 2022. An Agreement for services will be required with the selected Contractor. A copy of the Agreement is contained herein for reference. Contract services will commence upon execution of the service agreement by the City.

## **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 FURNISH AND INSTALL: DEMOLITION & SITE PREPARATION, SITE UTILITIES, CONCRETE CONSTRUCTION, FENCING & GATES, GRADING & DRAINAGE SYSTEM, LANDSCAPE PLANTINGS, IRRIGATION SYSTEM, SITE AMENITIES, ATHLETIC SURFACING, PLAYGROUND EQUIPMENT & SURFACING, AT ADAMS PARK

## **PRE-BID MEETING**

Prior to submitting a bid, interested firms are encouraged 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 meeting will be held at PROJECT SITE (ADAMS PARK) 48009 on FEBRUARY 17, 2022 at 1:00 P.M. (E.D.S.T)

## **INVITATION TO SUBMIT A PROPOSAL**

Proposals shall be submitted no later than FEBRUARY 24, 2022, 1:00 P.M. (E.D.S.T.)

to: City of Birmingham  
Attn: CARRIE LAIRD  
851 S. Eton St.  
Birmingham, Michigan 48009

One (1) original and one (1) copy of the proposal shall be submitted. The proposal should be firmly sealed in an envelope, which shall be clearly marked on the outside, "**ADAMS PARK**". 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 Contractor'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 writing and delivered to:

CARRIE LAIRD, 851 S. Eton St., Birmingham, MI 48009  
[claird@bhamgov.org](mailto:claird@bhamgov.org)

Such request for clarification shall be delivered, in writing, no later than 5 days prior to the deadline for submissions.

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 City of Birmingham 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. Do not include such taxes in the proposal figure. The City will furnish the successful company with tax exemption information when requested.
6. Each respondent shall include in their proposal the following information: Firm name, address, city, state, zip code, telephone number, and fax number. The company shall also provide the name, address, telephone number and e-mail address of an individual in their organization to whom notices and inquiries by the City should be directed as part of their proposal.

## **EVALUATION PROCEDURE AND CRITERIA**

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

1. Ability to provide services as outlined.
2. Related experience with similar projects, Contractor background, and personnel qualifications.
3. Quality of materials proposed.
4. Overall Costs.
5. References.
6. Project Schedule

## **TERMS AND CONDITIONS**

1. The City 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 City reserves the right to award the contract to the next most qualified Contractor if the successful Contractor does not execute a contract within ten (10) days after the award of the proposal.
2. The City reserves the right to request clarification of information submitted and to request additional information of one or more Contractors.
3. The City reserves the right to terminate the contract at its discretion should it be determined that the services provided do not meet the specifications contained herein. The City may terminate this Agreement at any point in the process upon notice to Contractor sufficient to indicate the City's desire to do so. In the case of such a stoppage, the City agrees to pay Contractor 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 Contractor and shall not be chargeable in any manner to the City.
6. Each proposal must be accompanied by a certified check, bidder's bond or bank draft in an amount not less than 5% of the total bid price, payable to the City of Birmingham, Michigan, which it is agreed will be forfeited to the City of Birmingham if the undersigned fails to enter into a contract in conformity with the form of contract incorporated herein, and furnish bonds and insurance as specified within twenty-one (21) days after the contract is awarded to the undersigned or withdraws this bid within sixty (60) days of the date hereof.

No proposal shall be withdrawn for a period of Six (6) months after the date set for the opening of bids.

A single check, bond or draft may serve to cover 2 or more alternative proposals when such alternative proposals are submitted by the same bidder.

7. The successful bidder will be required to furnish a Performance Bond in an amount not less than 100% of the contract price in favor of the City of Birmingham, conditioned upon the faithful performance of the contract, and completion on or before the date specified.
8. Payment will be made within thirty (30) days after invoice. Acceptance by the City is defined as authorization by the designated City representative to this 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 City.
9. The Contractor will not exceed the timelines established for the completion of this project.
10. The successful bidder shall enter into and will execute the contract as set forth and attached as Attachment A.

## **CONTRACTOR'S RESPONSIBILITIES**

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

1. Complete and sign all forms requested for completion within this RFP.
  - a. Bidder's Agreement (Attachment B - p. 19)
  - b. Cost Proposal (Attachment C - p. 20-34)
  - c. Iran Sanctions Act Vendor Certification Form (Attachment D - p. 35)
  - d. Agreement (Attachment A-p. 11 –18).
2. Provide a description of completed projects that demonstrate the firm's ability to complete projects of similar scope, size, and purpose, and in a timely manner, and within budget, including contact information.
3. Provide a written plan detailing the ability to meet the specified timeline for completion of the tasks set forth in the Scope of Work (p. 10).
4. Provide a list of sub-contractors and their qualifications, if applicable.
5. The Contractor will be responsible for the disposal of all material and any damages which occur as a result of any employees or subcontractors of the Contractor during this project.



6. The contractor will be responsible for obtaining the building and parking permits if applicable at no cost to the contractor.
7. The successful bidder shall provide a Performance Bond in an amount not less than 100% of the contract price in favor of the City of Birmingham, conditioned upon the faithful performance of the contract, and completion on or before the date specified.
8. 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 Contractor will be available according to the proposed timeline.

### **CITY RESPONSIBILITY**

1. The City will provide a designated representative to work with the Contractor to coordinate both the City's and Contractor's efforts and to inspect and verify any work performed by the Contractor.
2. The City will provide access to the City of Birmingham during regular business hours or during nights and weekends as approved by the City's designated representative.

### **SETTLEMENT OF DISPUTES**

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

### **INSURANCE**

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

### **CONTINUATION OF COVERAGE**

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

## **EXECUTION OF CONTRACT**

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

## **INDEMNIFICATION**

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

## **CONFLICT OF INTEREST**

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

## **EXAMINATION OF PROPOSAL MATERIALS**

The submission of a proposal shall be deemed a representation and warranty by the Contractor 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**

It is anticipated that this project will commence on JUNE 9, 2022, and will be completed by AUGUST 26, 2022. A pre-project meeting will be scheduled after award to review project schedule.

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

## SCOPE OF WORK

The Contractor shall perform the following services in accordance with the requirements as defined and noted herein:

FURNISH AND INSTALL: DEMOLITION & SITE PREPARATION, SITE UTILITIES, CONCRETE CONSTRUCTION, FENCING & GATES, GRADING & DRAINAGE SYSTEM, LANDSCAPE PLANTINGS, IRRIGATION SYSTEM, SITE AMENITIES, ATHLETIC SURFACING, PLAYGROUND EQUIPMENT & SURFACING.

1. The Contractor shall furnish all labor, materials, and equipment required to perform all required work necessary for ADAMS PARK, located at THE NORTHWEST INTERSECTION OF ADAMS ROAD & RIDGEDALE AVENUE, Birmingham, MI 48009 in accordance with the requirements as defined and noted herein and by the plans and specifications prepared by Michael J. Dul & Associates, Inc. dated February 4, 2022.

Include the following if appropriate:

1. The Contractor shall be responsible for the disposal of all materials in a safe and legal manner. **All bidders will outline their procedures for dust and debris collection during working hours and all cleaning activities.**
2. The Contractor shall be responsible for repairing any damage caused as a result of working, including grass repairs with specified seed and topsoil. Damage to irrigation systems must be reported immediately to the City representative.
3. The Contractor shall operate in a safe manner and will observe all MIOSHA guidelines. **The Contractor shall provide the City with a copy of its COVID-19 Plan required by MIOSHA**
4. The Contractor shall provide any and all manuals and/or warranty information related to this project to the City upon completion of the project.
  - a. Contractor must guarantee workmanship for no less than 2 years and perform repairs as needed.
5. The Contractor shall comply will all City of Birmingham's regulations for maintaining construction sites.
6. This section and referenced documents shall constitute the Scope of Work for this project and as such all requirements must be met.

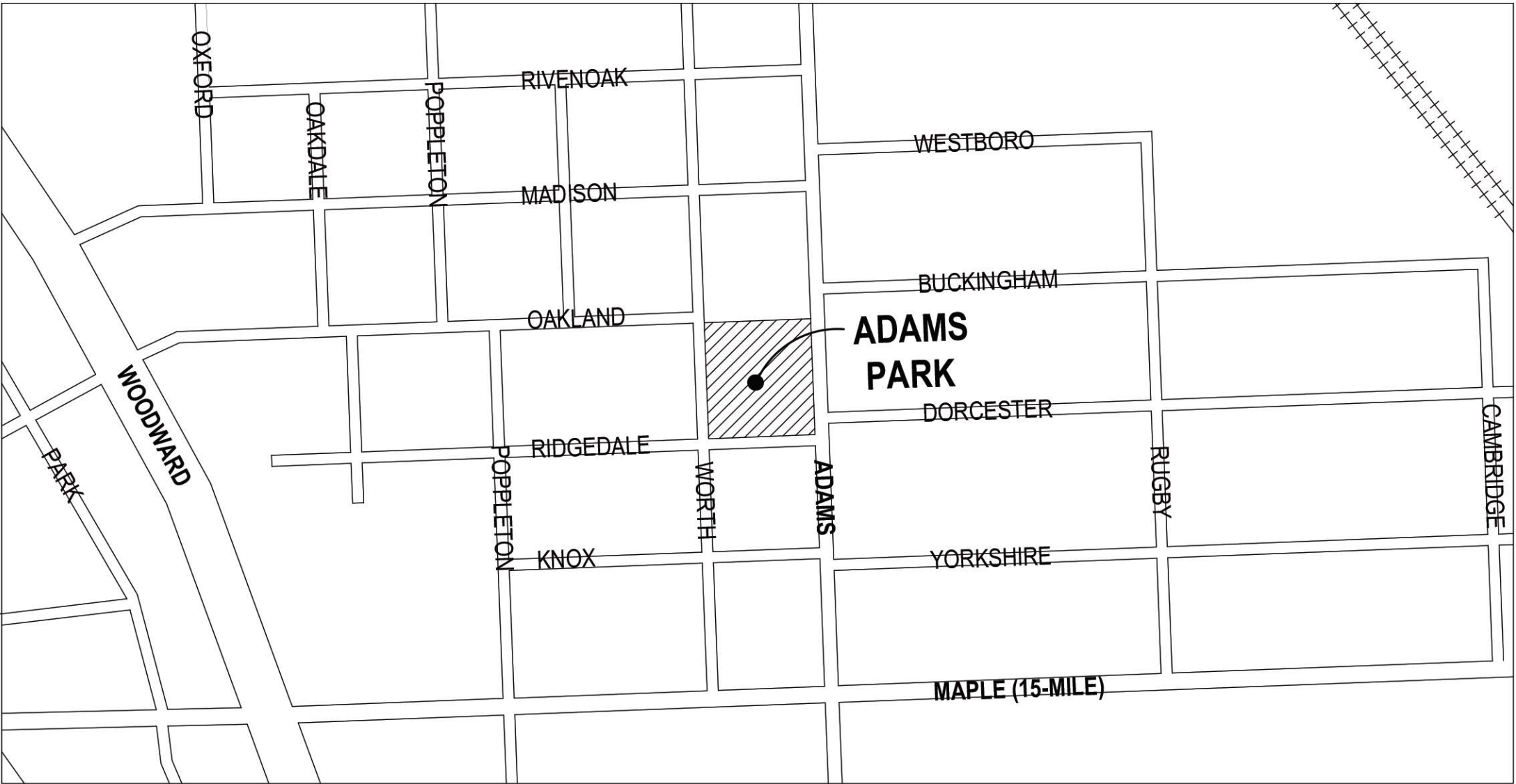




# ADAMS PARK

## LANDSCAPE ARCHITECTURE CONSTRUCTION DOCUMENTS

ISSUED: FEBRUARY 4, 2022  
ISSUE FOR BID



LOCATION MAP



LANDSCAPE  
ARCHITECTURE

**MICHAEL J. DUL**  
& ASSOCIATES, INC



212 DAINES STREET  
BIRMINGHAM  
MICHIGAN 48009

P 248 644 3410  
F 248 644 0819

[www.mjdul.com](http://www.mjdul.com)



IMAGE FOR CONCEPTUAL PURPOSES ONLY

SHEET LIST	
L0	TITLE SHEET
L1	SITE SURVEY
L2	DEMOLITION PLAN
L3	LAYOUT PLAN - HARDSCAPE
L4	GRADING & DRAINAGE PLAN
L5	LAYOUT PLAN - GATHERING AREA
L6	CONSTRUCTION DETAILS
L7	SITE AMENITIES PLAN
L8	SITE AMENITY DETAILS
L9	BASKETBALL PLAN
L10	TRACK & FIELD PLAN
L11	PLAY EQUIPMENT PLAN
L12	FENCING PLAN
L13	LANDSCAPE PLAN
L14	IRRIGATION PLAN
L15	IRRIGATION DETAILS
L16	PERGOLA DETAILS

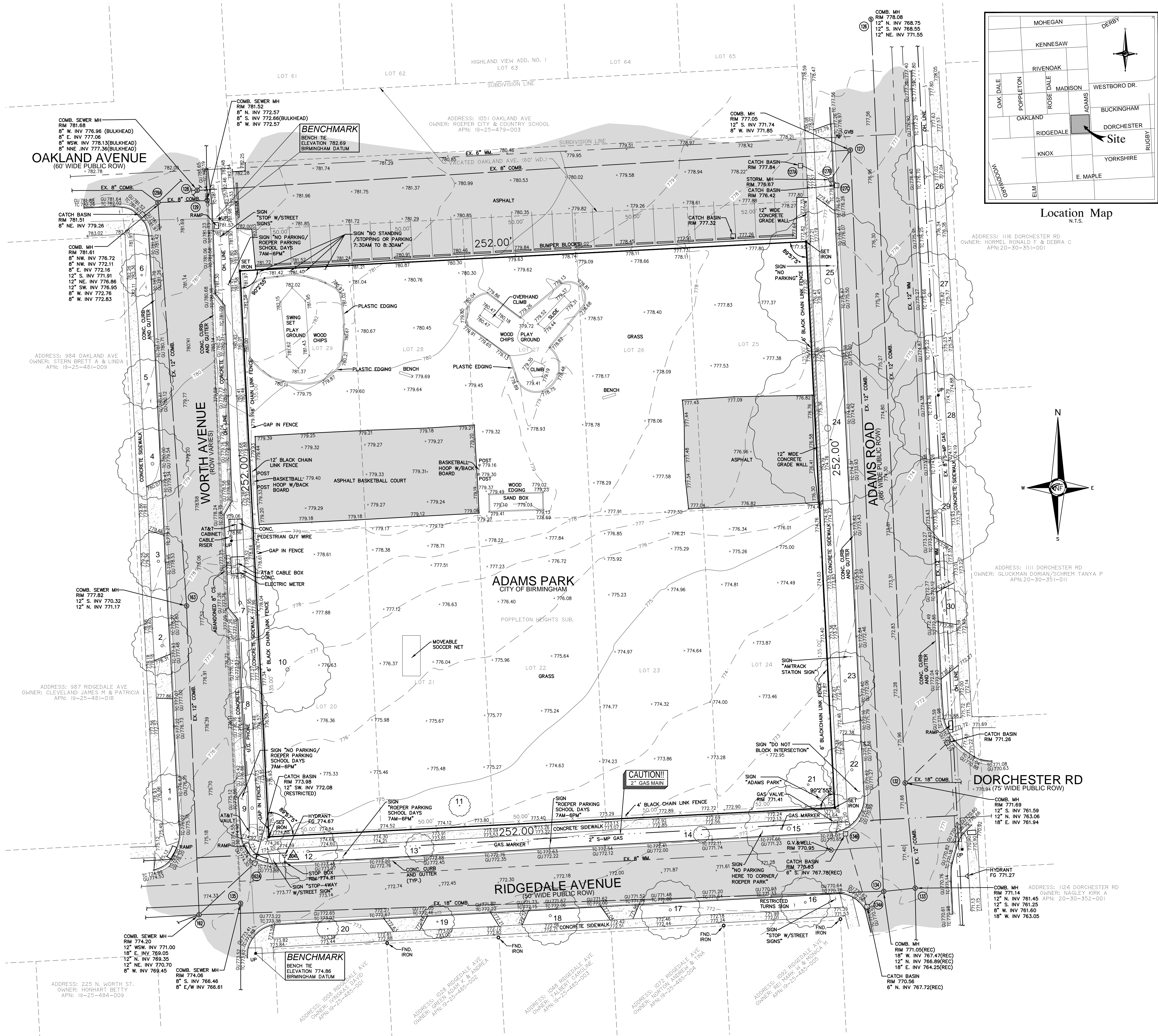
**OWNER:**  
**CITY OF BIRMINGHAM**  
851 S. ETON ST.  
BIRMINGHAM, MI  
TEL. (248) 530-1714

**LANDSCAPE ARCHITECT:**  
**MICHAEL J. DUL & ASSOCIATES, INC**  
212 DAINES ST.  
BIRMINGHAM, MI  
TEL. (248) 644-3410

PROJECT NUMBER: 21107

DATE: January 28, 2021  
REVISIONS: February 4, 2022 Issue for Bid





Tree Information

Tree #	Botanical Name	Common Name	Dia.	Condition	Comments
1	Ulmus americana	American Elm	12	Good	
2	Gleditsia triacanthos	Honeylocust	14	Good	
3	Gleditsia triacanthos	Honeylocust	14	Good	
4	Gleditsia triacanthos	Honeylocust	17	Good	
5	Gleditsia triacanthos	Honeylocust	12	Good	
6	Gleditsia triacanthos	Honeylocust	10	Good	
7	Gleditsia triacanthos	Honeylocust	18	Good	
8	Gleditsia triacanthos	Honeylocust	10	Good	
9	Gleditsia triacanthos	Honeylocust	16	Good	
10	Betula populifolia	Gray Birch	20	Fair	Significant decay primary crotch
11	Liriodendron tulipifera	Unknown	5	Good	
12	Acer platanoides	Norway Maple	14	Fair	Sparse crown, declining, some dieback
13	Acer platanoides	Norway Maple	7	Good	
14	Acer platanoides	Norway Maple	4	Poor	Basal trunk decay
15	Platanus occidentalis	Sycamore	20	Good	
16	Acer platanoides	Norway Maple	12	Good	
17	Acer platanoides	Norway Maple	14	Good	
18	Acer platanoides	Norway Maple	19	Good	
19	Acer platanoides	Norway Maple	8	Good	
20	Liriodendron tulipifera	Unknown	5	Good	
21	Metasequoia gypstroboides	Douglas Fir	11	Good	
22	Gleditsia triacanthos	Honeylocust	14	Good	
23	Gleditsia triacanthos	Honeylocust	14	Good	
24	Quercus macrocarpa	Bur Oak	36	Good	
25	Quercus macrocarpa	Bur Oak	33	Poor	Extensive limb dieback, declining
26	Gleditsia triacanthos	Honeylocust	15	Good	
27	Gleditsia triacanthos	Honeylocust	20	Good	
28	Gleditsia triacanthos	Honeylocust	21	Good	
29	Gleditsia triacanthos	Honeylocust	25	Good	
30	Gleditsia triacanthos	Honeylocust	11	Good	

PROJECT

Adams Park  
Birmingham, MI

CLIENT



Department of Public Services  
851 S. Eton Street  
Birmingham, MI 48009

PROJECT LOCATION

Part of the SW 1/4 of  
Section 25, Town 2 North,  
Range 10 East, City of  
Birmingham, Oakland  
County, Michigan

SHEET

Boundary / Topographic  
Survey



Know what's below  
Call before you dig.

REVISIONS

00-00-00

DRAWN BY:

D.MCCONKEY

DESIGNED BY:

BB

APPROVED BY:

BB/K.N.

DATE:

February 3, 2016

SCALE: 1" = 20'

20 10 0 10 20 30

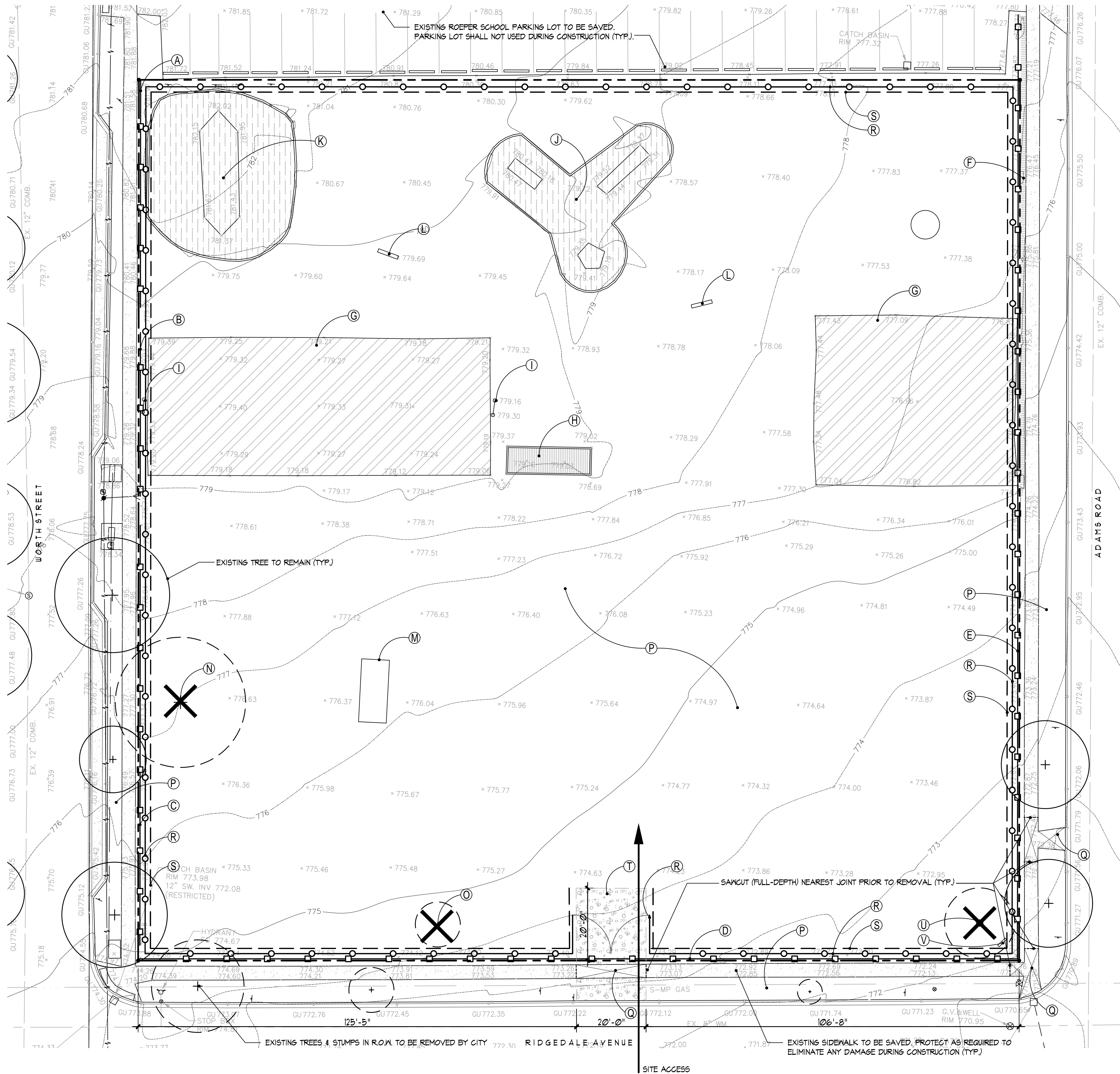
NFE JOB NO.

sheet no.

1989

L1





**A**  
**L2**  
DEMOLITION PLAN  
Plan  
Scale: 1/16"=1'-0"  
NORTH

**LEGEND**

- DEMOLITION CALLOUT-SEE DEMOLITION SCHEDULE
- DETAIL CALLOUT SHEET NUMBER
- EXISTING FENCE
- CONSTRUCTION FENCE
- SILT FENCE
- EXISTING ROW SIDEWALK
- EXISTING PLAY SURFACING
- EXISTING ASPHALT
- EXISTING LONG JUMP SAND PIT
- EXISTING CONCRETE WALL
- EXISTING ASPHALT
- CRUSHED CONCRETE MUD MAT

**SESC-SEQUENCE OF OPERATIONS**

COMMENCE JUNE 2022  
COMPLETION BY AUGUST 2022

- 1) INSTALL SILT FENCE AND CONSTRUCTION FENCE.
- 2) SAVE EXISTING CONCRETE SIDEWALK OUTSIDE OF WORK AREA THROUGHOUT DURATION OF CONSTRUCTION.
- 3) PERFORM DEMOLITION AND SITE PREPARATION OPERATIONS TO ESTABLISH ROUGH GRADE.
- 4) PERFORM AND INSTALL LANDSCAPE CONSTRUCTION OPERATIONS.
- 5) PERFORM AND INSTALL LANDSCAPE CONSTRUCTION OPERATIONS.
- 6) CLEAN PLAYMENT AND STORM SEWERS.
- 7) OR SQUARE POINT LEVEL IF INLET FILTERS CANNOT BE CLEANED, OR ARE DAMAGED, THEN THE FABRIC MUST BE REPLACED.
- 8) ALL DIRT AND MUD TRACKED ONTO PUBLIC AND PRIVATE ROADS SHALL BE REMOVED PROMPTLY.

DEMOLITION SCHEDULE		
SYMBOL	QTY.	ITEM/DESCRIPTION
DEMOLITION NOTES: ALL REMOVED MATERIAL MUST BE DISPOSED OF LEGALLY OFF-SITE.		
(A)	TO LF	REMOVE AND DISPOSE (OFF SITE) EXISTING 6'-HIGH CHAIN LINK FENCE, INCLUDE ALL FENCING, POSTS AND FOOTINGS.
(B)	50 LF	REMOVE AND DISPOSE (OFF SITE) EXISTING 12'-HIGH CHAIN LINK FENCE, INCLUDE ALL FENCING, POSTS AND FOOTINGS.
(C)	120 LF	REMOVE AND DISPOSE (OFF SITE) EXISTING 6'-HIGH CHAIN LINK FENCE, INCLUDE ALL FENCING, POSTS AND FOOTINGS.
(D)	250 LF	REMOVE AND DISPOSE (OFF SITE) EXISTING 4'-HIGH CHAIN LINK FENCE, INCLUDE ALL FENCING, POSTS AND FOOTINGS.
(E)	210 LF	REMOVE AND DISPOSE (OFF SITE) EXISTING 6'-HIGH CHAIN LINK FENCE, INCLUDE ALL FENCING, POSTS AND FOOTINGS.
(F)	135 LF	REMOVE AND DISPOSE (OFF SITE) EXISTING 12'-WIDE CONCRETE RETAINING WALL, INCLUDE ALL FOOTINGS (FULL DEPTH).
(G)	6640 SF	REMOVE AND DISPOSE (OFF SITE) EXISTING ASPHALT PAVING (FULL DEPTH), INCLUDE AGGREGATE BASE TO EARTH SUBGRADE.
(H)	190 SF 60 LF	REMOVE AND DISPOSE (OFF SITE) EXISTING LONG JUMP PIT, INCLUDE SAND AND WOODEN EDGING.
(I)	2 EA	REMOVE AND DISPOSE (OFF SITE) EXISTING BASKETBALL HOOPS, INCLUDE BACKBOARDS, RIMS, POSTS AND CONCRETE FOOTINGS.
(J)	1200 SF 180 LF	REMOVE AND DISPOSE (OFF SITE) EXISTING PLAY EQUIPMENT AND PLAY SURFACING, INCLUDE (1) SLIDE, (2) CLIMBERS AND ALL FOOTINGS, ENF PLAY SURFACING, PLASTIC PLAY EDGING AND BASE MATERIAL.
(K)	1,750 SF 150 LF	REMOVE AND DISPOSE (OFF SITE) EXISTING SWINGS AND ALL FOOTINGS, ENF PLAY SURFACING, PLASTIC PLAY EDGING AND BASE MATERIAL.
(L)	2 EA	REMOVE AND DISPOSE (OFF SITE) EXISTING BENCH, INCLUDE CONCRETE FOOTINGS.
(M)	1 EA	RELOCATE EXISTING PORTABLE SOCCER GOAL TO ROEPER SCHOOL PROPERTY ADJACENT TO NORTH END OF SITE.
(N)	1 EA	EXISTING 20" BIRCH TREE TO BE REMOVED BY CITY. GRIND STUMP/ROOTS A MIN. 18" BELOW FINISH GRADE. REMOVE AND DISPOSE (OFF SITE) ALL GRINDINGS.
(O)	1 EA	EXISTING 8" ELM TREE TO BE REMOVED BY CITY. GRIND STUMP/ROOTS A MIN. 18" BELOW FINISH GRADE. REMOVE AND DISPOSE (OFF SITE) ALL GRINDINGS.
(P)	6675 SY	STRIP, REMOVE AND DISPOSE (OFF SITE) ALL EXISTING LAWN, TO INCLUDE LAWN IN R.O.M.
(Q)	265 SF	REMOVE EXISTING CITY SIDEWALK & RAMP (FULL DEPTH)-TO NEAREST CONTROL OR EXPANSION JOINT. SAWCUT JOINT(S) FULL-DEPTH PRIOR TO REMOVAL.
(R)	992 LF	INSTALL TEMPORARY 6'-HIGH CHAIN LINK FENCE WITH GREEN FABRIC SCREEN PER CITY SPECIFICATIONS, TO INCLUDE (2) 10'-WIDE CONSTRUCTION GATES WITH LOCK.
(S)	992 LF	INSTALL 24" SILT FENCE PER OGDG SPECIFICATION. REMOVE AT COMPLETION OF PROJECT.
(T)	640 SF	INSTALL 1 X 3 CRUSHED CONCRETE MUD MAT, MIN. 12"-DEEP.
(U)	1 EA	EXISTING 11" FIR TREE TO BE REMOVED BY CITY. GRIND STUMP/ROOTS A MIN. 18" BELOW FINISH GRADE. REMOVE AND DISPOSE (OFF SITE) ALL GRINDINGS.
(V)	1 EA	REMOVE EXISTING PARK SIGN AND SAVE FOR RE-USE. SEE LT

**SESC MAINTENANCE SCHEDULE/NOTES**

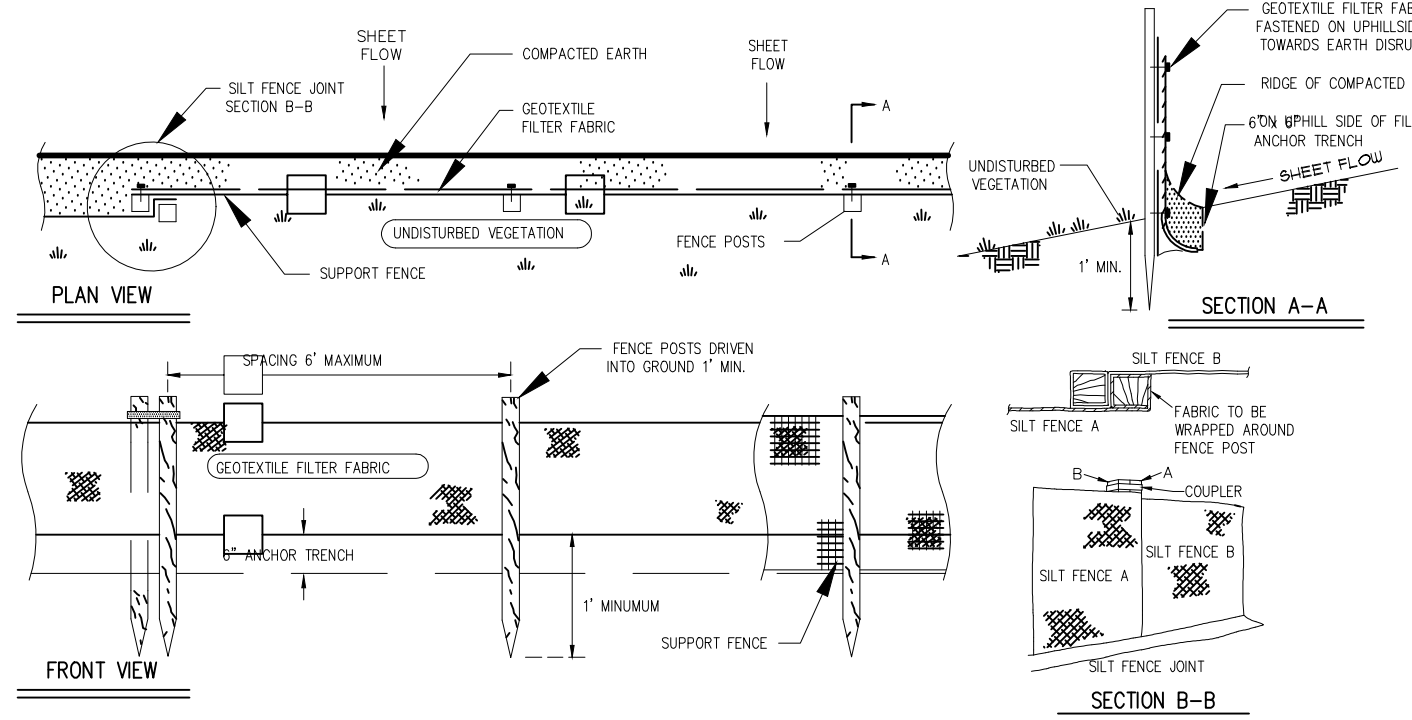
1) THE CONTRACTOR SHALL INSPECT THE SOIL EROSION/ SEDIMENTATION DEVICES EACH DAY AND/ OR WITHIN 24 HOURS OF A RAINFALL EVENT WHICH RESULTS IN A STORY WATER DISCHARGE FROM THE SITE. ALL TEMPORARY SESC MEASURES MUST REMAIN IN PLACE UNTIL PERMMENT SOIL EROSION MEASURES ASRE INSTALLED. THE FOLLOWING STEPS SHALL BE IMPLEMENTED IF ANY DAMAGE HAS OCCURRED:

A) ANY DEBRIS OR DIRT ON ANY ROADWAY RESULTING FROM CONSTRUCTION TRAFFIC SHALL BE CLEANED IN A PROMPT MANNER BY THE CONTRACTOR. THE CONSTRUCTION DRIVE SHALL BE CLEANED AT THE END OF EACH DAY.

B) SILT FENCE MAINTENANCE SHALL INCLUDE THE REMOVAL OF ANY BUILT-UP SEDIMENT WHEN THE SEDIMENT HEIGHT ACCUMULATES TO 1/3 TO 1/2 OF THE HEIGHT OF THE FENCE. THE CONTRACTOR IS RESPONSIBLE TO REMOVE, REPLACE, RE-TRENCH, OR RE-BACKFILL THE SILT FENCE SHOULD IT FALL OR BE DAMAGED DURING CONSTRUCTION.

C) INLET FILTERS MAINTENANCE SHALL INCLUDE THE REMOVAL OF ANY ACCUMULATED SILT OR OTHER DEBRIS. THE REMOVAL OF SILT SHOULD BE WITH THE USE OF A STIFF BRISTLE BROOM OR SQUARE POINT TOOL. IF INLET FILTERS CANNOT BE CLEANED, OR ARE DAMAGED, THEN THE FABRIC MUST BE REPLACED.

D) A WATER TRUCK SHALL BE AVAILABLE TO WATER DOWN THE SITE ON A DAILY BASIS AS REQUIRED TO MAINTAIN DUST CONTROL.



**B**  
**L2**  
SEDIMENT CONTROL FENCING (TYP.)  
Plan / Section / Elevation  
NO SCALE

LANDSCAPE  
ARCHITECTURE

**MICHAEL J. DUL**  
& ASSOCIATES, INC



212 DAINES STREET  
BIRMINGHAM  
MICHIGAN 48009

P 248 644 3410  
F 248 644 0819

www.mjdul.com

**ADAMS PARK**  
Adams Rd. @ Ridgedale Ave.  
Birmingham, MI 48009

PROJECT

**DEMOLITION PLAN**  
Site

SHEET TITLE



Know what's below.  
Call before you dig.

See Drawings

SCALE

PROJECT NUMBER: 21107

DATE: January 28, 2022  
REVISIONS: February 4, 2022 Issue for Bid

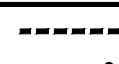
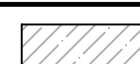
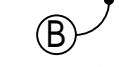



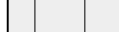
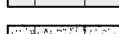
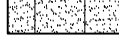
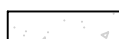
L2





ORDINANCE REQUIREMENTS -ADAMS PARK	
CITY OF BIRMINGHAM, MICHIGAN	
ZONING DISTRICT:	
R2 SINGLE FAMILY RESIDENTIAL	
LOT AREA:	PROPOSED:
40% OPEN SPACE REQUIRED	
TOTAL LOT AREA:	63,488 SF.
REQUIRED OPEN SPACE AREA (40%):	25,395 SF.
PROPOSED HARDSCAPE ELEMENTS:	9,633 SF. (15.17%)
LOT COVERAGE:	9,633 SF. (15.17%)
OPEN SPACE:	53,855 SF. (84.83%)

MATERIAL SCHEDULE			
SYM.	QTY.	ITEM/DESCRIPTION	PATTERN COLOR
ASPHALT PAVING: ALL PROPOSED ASPHALT PAVING SHALL BE SET ON A MIN. 8" COMPACTED 21AA CRUSHED CONCRETE BASE, MIN. 2" COMPACTED THICKNESS BITUMINOUS ASPHALT BINDER COURSE (100L-20AA) AND MIN. 1 1/2" COMPACTED THICKNESS BITUMINOUS ASPHALT WEARING COURSE (36A/B/E)-SEPARATE LIFT-INCLUDE REQUIRED CLEANING SURFACE PREPARATION AND TACKIFIER. BASKETBALL COURT TO RECEIVE ACRYLIC COATING AND STRIPING.			
ASPHALT PAVING:			
(A)	3,500 SF.	MIN. 2" THICK ASPHALT BINDER COURSE (100L-20AA) ON A MIN. 8" COMPACTED 21AA AGGREGATE AND A MIN. 1 1/2" THICK ASPHALT WEARING COURSE (36A/B/E)-SEPARATE LIFT, INCLUDE SURFACE PREPARATION (CLEANING) AND TACKIFIER. ACRYLIC COATING AND BASKETBALL LINE STRIPING-SEE SHT. LII	
CONCRETE : ALL CONCRETE FLATWORK SHALL BE MIN. 4000 P.S.I. AFTER 28 DAYS, WITH 5-8% AIR ENTRAINMENT, REINFORCED WITH W2.9 X W2.9 (6 X 6) W/M. INSTALLED ON A MIN. 6" DEEP COMPACTED 21AA LIMESTONE AGGREGATE BASE. ALL CONCRETE FOOTINGS SHALL BE MIN. 3500 P.S.I. AFTER 28 DAYS AND REINFORCED AS SPECIFIED. ALL EXPOSED AGGREGATE CONCRETE (WASHED PEASTONE) SHALL BE THOROUGHLY CLEANED AND APPLY APPROVED ACRYLIC SEALER (EUGLID CHEMICAL CO. SUPER DIAMOND-CLEAR). ALL CONTROL JOINTS SHALL BE 1" DEEP SAWCUT SCORE JOINTS. 1/2" WIDE PREMOULDED EXPANSION JOINTS COMPLETE WITH SNAP CAP AND ELASTIMERIC CAULK JOINTS (COLOR: DARK GREY).			
(B)	2,663 SF.	MIN. 4" THICK REINFORCED CONCRETE FLATWORK, MEDIUM BROOM FINISH, COMPLETE WITH MIN. 6" THICK 21AA LIMESTONE AGGREGATE BASE	
(C)	1219 SF.	MIN. 4" THICK REINFORCED EXPOSED AGGREGATE CONCRETE FLATWORK, COMPLETE WITH MIN. 6" THICK 21AA LIMESTONE AGGREGATE BASE	
(D)	48 SF.	MIN. 6" THICK CONCRETE FLATWORK, MEDIUM BROOM FINISH, COMPLETE WITH MIN. 6" THICK 21AA LIMESTONE AGGREGATE BASE. CITY SIDEWALK-INSTALL PER CITY SPECIFICATIONS-INCLUDE INSPECTION(S).	
(V)	172 SF.	MIN. 4" THICK CONCRETE FLATWORK, MEDIUM BROOM FINISH, COMPLETE WITH MIN. 6" THICK 21AA LIMESTONE AGGREGATE BASE. CITY SIDEWALK AND RAMP/CURB/GUTTER-INSTALL PER CITY SPECIFICATIONS-INCLUDE INSPECTION(S), INCLUDE DETECTABLE WARNING PLATE PER CITY STANDARDS.	
(E)	13 SF.	SHOTPUT/HAMMER PAD: MIN. 4" THICK REINFORCED CONCRETE FLATWORK, MEDIUM BROOM FINISH, COMPLETE WITH MIN. 6" THICK 21AA LIMESTONE AGGREGATE BASE. COMPLETE WITH GILL ATHLETICS #341 ALUMINUM CIRCLE FORM 4 #99 SYNTHETIC SHOT TOEBOARD-INSTALL PER MANUFACTURERS SPECIFICATIONS	
(F)	1355 SF.	LONG JUMP TRACK: MIN. 4" THICK REINFORCED CONCRETE FLATWORK, MEDIUM BROOM FINISH, COMPLETE WITH MIN. 6" THICK 21AA LIMESTONE AGGREGATE BASE, INCLUDE VAPOR BARRIER UNDER CONCRETE-NO CURING COMPOUND. FOLYTRESIN TRACK SYSTEM AND LANE STRIPING-SEE SHT. LII	
(G)	79 SF.	LONG JUMP SAND PIT: MIN. 12" THICK X 12" WIDE REINFORCED CONCRETE PERIMETER BAND, MEDIUM BROOM FINISH, COMPLETE WITH MIN. 6" THICK 21AA LIMESTONE AGGREGATE BASE, INCLUDE (4) NO. 4 CONT. REBAR	
(H)	171 LF.	MIN. 16" DEEP X 6" WIDE REINFORCED MEDIUM BROOM FINISH CONCRETE BAND COMPLETE WITH (2) NO. 4 CONTINUOUS HORIZONTAL REBAR. COMPLETE WITH MIN. 6" THICK 21AA LIMESTONE AGGREGATE BASE	
(I)	174 LF.	MIN. 16" DEEP X 6" WIDE CONCRETE THICKENED EDGE COMPLETE WITH (2) NO. 4 CONTINUOUS HORIZONTAL REBAR AND MIN. 6" THICK 21AA LIMESTONE AGGREGATE BASE	
(J)	60 LF.	16-20 1/2" HIGH X 24" WIDE REINFORCED CONCRETE BENCH-SMOOTH TROUSL FINISH, COMPLETE WITH (4) NO. 4 CONTINUOUS HORIZONTAL REBAR. INCLUDE A MIN. 24" WIDE X MIN. 42" DEEP REINFORCED CONCRETE TRENCH FOOTING WITH (4) CONT. NO. 4 HORIZONTAL REBAR, 4 NO. 4 VERTICAL REBAR (12" O.C.)-PER DETAIL B/L4	
(K)	28 LF.	MIN 18" DEEP X 12" WIDE REINFORCED MEDIUM BROOM FINISH RADIAL CONCRETE BAND COMPLETE WITH (2) NO. 4 CONTINUOUS HORIZONTAL REBAR. COMPLETE WITH MIN. 6" THICK 21AA LIMESTONE AGGREGATE BASE	
(L)	28 SF.	MIN 12" LONG X 48" WIDE X 4" THICK MEDIUM BROOM FINISH CONCRETE RAMP TO A.D.A. SPECIFICATIONS. COMPLETE WITH MIN. 6" THICK 21AA LIMESTONE AGGREGATE BASE	
(M)	4 EA.	MIN 12" DIA. X 42" DEEP CONCRETE FOOT FOOTINGS-INCLUDE 12" DIA. SONNET TUBES. SET TOP OF FOOTINGS 4" BELOW FINISH GRADE FOR FLATWORK TO SET ON.	
(N)	607 LF.	1/2" WIDE PREMOULDED EXPANSION JOINTS-COMPLETE WITH SNAP CAP AND DOW CORNING #130 CAULK	GRAY
(O)	13 EA.	4-5" DIA. NAPPING MICHIGAN FIELDSTONE A BOUNDER INTO GRADE OR AS DIRECTED BY THE LANDSCAPE ARCHITECT ON-SITE. COMPLETE WITH A MIN. 6" DEEP COMPACTED 21AA LIMESTONE BASE	
(P)	1 EA.	MIN 32" SQ. X 42" DEEP CONCRETE FOOTING-INCLUDE TUCCI IN-GROUND SECURITY MOUNT-INSTALL PER MANUFACTURERS SPECIFICATIONS.	
(S)	97 LF.	4" SCHEDULE 40 P.V.C. SLEEVES, EXTEND A MIN. 12" BEYOND PAVING EDGES, BURY A MIN. 12" BELOW FINISH GRADE, CAP ENDS, STAKE LOCATIONS	
PLAY/ATHLETIC SURFACES: INSTALL ALL PROPOSED SURFACES PER PLAY STRUCTURE MANUFACTURER SPECIFICATIONS. INCLUDE REQUIRED EXCAVATION, REMOVAL AND DISPOSAL (OFF-SITE) TO ACCEPT PROPOSED PLAY SURFACE MATERIALS AND AGGREGATE SUBBASES			
(A)	3,500 SF.	BASKETBALL COURT: FLEXIPAVE-ACRYLIC, LATEX COLOR SURFACE, COMPLETE WITH ACRYLIC RESURFACER, AND ACID ETCH CONCRETE PRIOR TO APPLICATION OF COATINGS. INCLUDE 2" WIDE FLEXI	COURT: PACIFIC BLUE KEY 4 CENTER: CALIFORNIA RED
(F)	1355 SF.	LONG JUMP TRACK: FLEXITAC-FLASH POLYTRESIN TRACK SYSTEM COMPLETE WITH BLACK SBR GRANULITE AND FLEXITRAC TOPCOAT, AND ACID ETCH CONCRETE PRIOR TO APPLICATION OF COATINGS. INCLUDE 2" WIDE FLEXI COLOR WHITE PAINTED LINES	STANDARD RED
(Q)	145 SF.	SANDBOX: MIN. 18" DEEP SILICA LAKE SAND BY NUGENT SAND CO., INC. (231) 155-1686 ON 80Z NON-WOVEN FILTER FABRIC	
(R)	328 SF.	LONG JUMP PIT: MIN. 12" DEEP SILICA LAKE SAND BY NUGENT SAND CO., INC. (231) 155-1686 ON 80Z NON-WOVEN FILTER FABRIC	
(T)	6,231 SF	MIN. 12" DEEP ENGINEERED WOOD FIBER (COMPACTED DEPTH) COMPLETE WITH A MIN. 4" DEEP PEASTONE BASE AND (2) LAYERS 4 OZ. NON-WOVEN FILTER FABRIC.	
(U)	1095 SF	REINFORCED LAUN TO INCLUDE MIN. 6" DEEP COMPACTED 21AA LIMESTONE AGGREGATE AND MIN. 3" IMPORTED, SCREENED TOPSOIL.	

LEGEND			
	4" SCH. 40 PVC SLEEVES MATERIAL CALLOUT- SEE MATERIAL SCHEDULE		ENGINEERED WOOD FIBER PLAY SURFACE MULCH
	DETAIL CALLOUT SHEET NUMBER		SILICA LAKE SAND
			REINFORCED LAWN
	BROOM FINISH CONCRETE		
	EXPOSED AGGREGATE CONCRETE		
	EXISTING ROW sidewalk		
	SAWCUT CONTROL JOINTS		
	1/2" WIDE PREFORMED EXPANSION JOINT W/SNAP & CAULK		

LANDSCAPE  
ARCHITECTURE

**MICHAEL J. DUL**  
& ASSOCIATES, INC

212 DAINES STREET  
BIRMINGHAM  
MICHIGAN 48009

248 644 3410  
248 644 0819

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# ADAMS PARK

Adams Rd. @ Ridgedale Ave.  
Birmingham, MI 48009

## PROJECT

## LAYOUT PLAN

## Hardscape

**SHEET TITLE**



Know what's **below**.  
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See Drawings

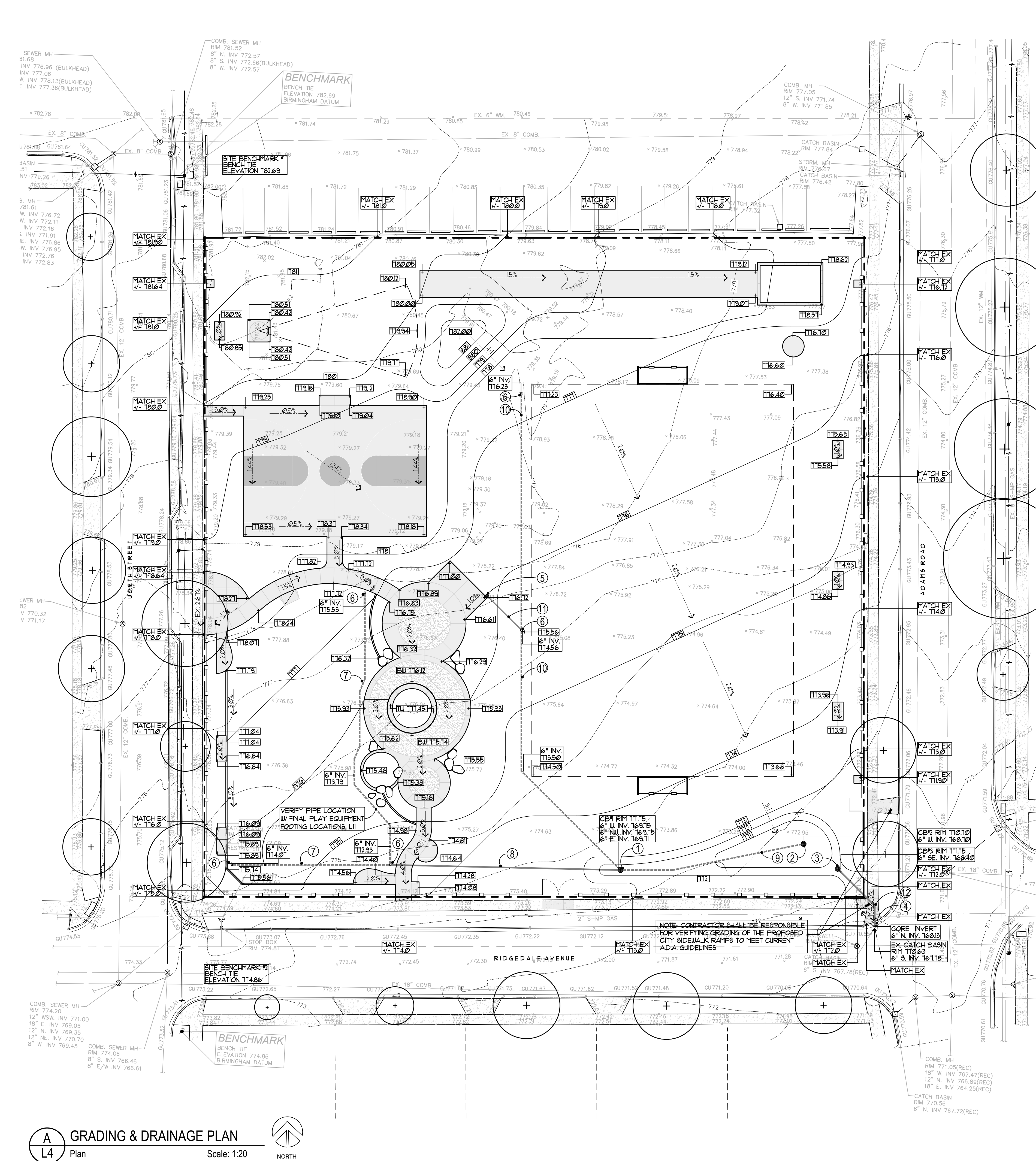
**SCALE**

PROJECT NUMBER: 21107

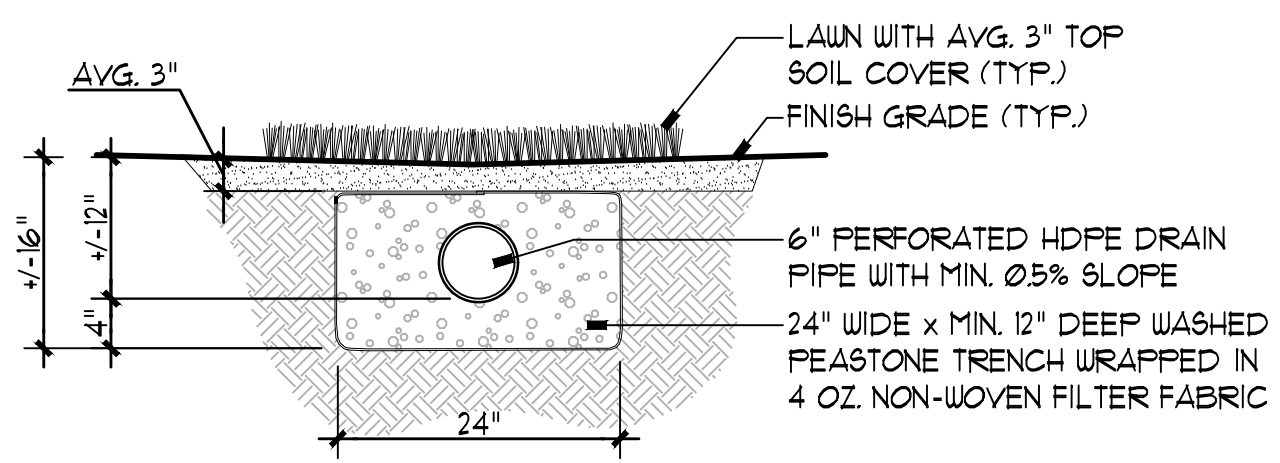
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# L3

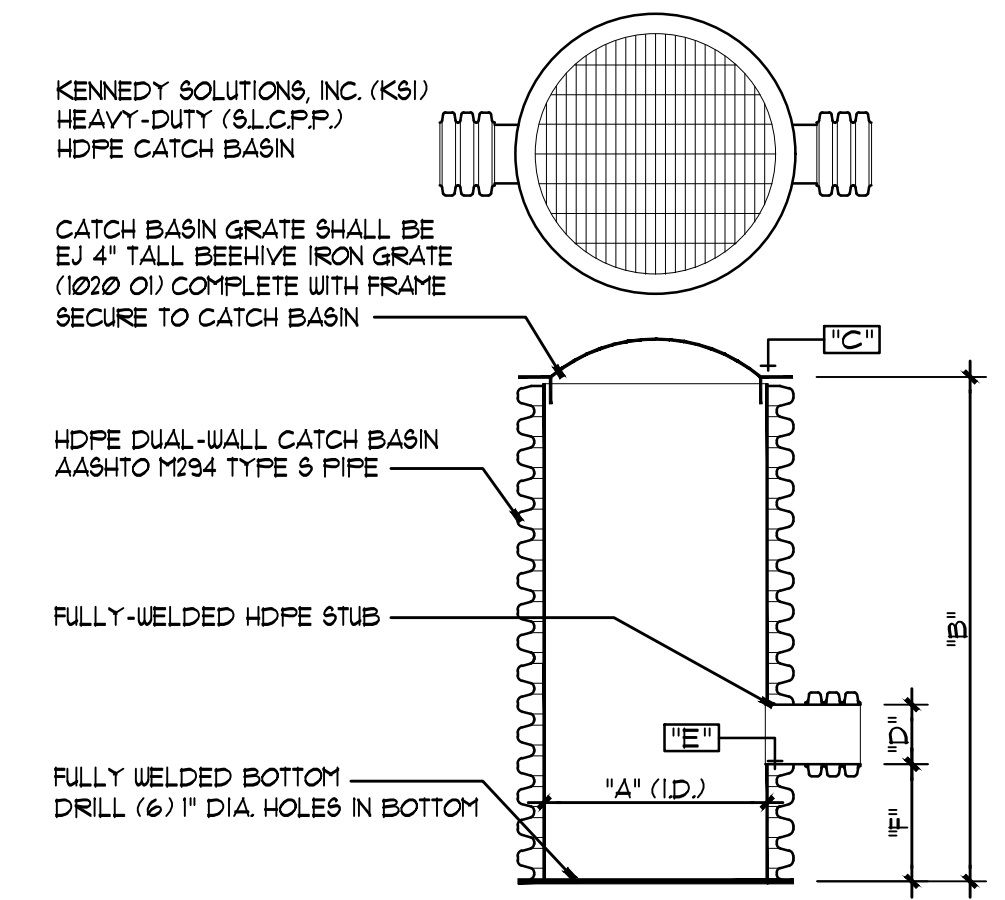




**A**  
L4  
Plan  
Scale: 1:20  
NORTH



**B**  
L4  
Section  
No Scale  
FRENCH DRAIN DETAIL (TYP.)



**C**  
L4  
Section  
No Scale  
CATCH BASIN DETAIL (TYP.)

MATERIAL SCHEDULE							
SYM.	QTY.	ITEM/DESCRIPTION			PATTERN	COLOR	
CATCH BASINS: PROPOSED CATCH BASINS SHALL BE HDPE-DUAL WALL (SLCFF) M234, TYPE S, WITH FULL-WELDED INVERTS AND BOTTOM. COMPLETE WITH EJ 4" TALL BEEHIVE BLACK IRON GRATE (1020 OI) WITH FRAME. PROPOSED 12" CATCH BASINS SHALL BE ND6 12" x 12" TAPERED (M200 SERIES)-COMPLETE WITH BLACK PLASTIC GRATE. CONTRACTOR SHALL SEAL ALL CONNECTIONS WITH BLACK DRAINAGE TAPE. AT POINT (4) CONTRACTOR SHALL CORE DRILL INTO SIDE OF EXISTING CONCRETE CATCH BASIN AND GROUT AROUND NEW INSERTION POINT SOLID WITH NON-EXPANDING GROUT.							
CATCH BASINS:							
SYM.	QTY.	SIZE (WIDTH) "A"	SIZE (DEPTH) "B"	RIM ELEV. "C"	PIPE(S) SIZE "D"	INVERT(S) ELEV. "E"	SUMP "F"
①	1 EA.	24" DIAMETER	48"	RIM 111.75	W. INVERT, 6" NW. INVERT, 6" E. INVERT, 6"	W. INV. 169.75 NW. INV. 169.75 E. INV. 169.71	+/-24"
②	1 EA.	24" DIAMETER	48"	RIM 110.70	W. INVERT, 6"	W. INV. 168.70	+/-24"
③	1 EA.	24" DIAMETER	64"	RIM 111.15	SE. INVERT, 6"	SE. INV. 168.40	+/-24"
④	1 EA.	EXISTING	EXISTING	EXRIM 110.63	N. INVERT, 6" EX. S. INV., 6"	SE. INV. 168.13 EX. S. INV. 167.18	EX.
⑤	1 EA.	12" SQ. ND6 CATCH BASIN BLACK PLASTIC GRATE	12"	RIM 116.12	4" INV. c. CB.	INV. 115.89	3"
⑥	5 EA.	6" DIAMETER CLEAN OUT VERTICAL HDPE W/ SCREW CAP	VARIES, +/- 20' TO F.G.	MATCH PRO. FINISH GRADE	6"	VARIES, SEE PLAN	0"
DRAIN PIPE: PROPOSED DRAINPIPE SHALL BE HDPE-DUAL WALL OR SCHEDULE 40 P.V.C. AS SPECIFIED BELOW. BACKFILL AND COMPACT IN MAX. 12" LIFTS ALL TRENCHES, INCLUDE ALL REQUIRED CONNECTION PIECES. ALL CONNECTIONS TO BE SECURED WITH BLACK DRAINAGE TAPE. REMOVE AND DISPOSE (OFF-SITE) ALL EXCAVATED MATERIALS.							
DRAIN PIPE:							
SYM.	QTY.	ITEM / DESCRIPTION					SIZE
⑦	110 LF. (2 RUNS)	6" PERFORATED HDPE (SLCFF), TYPE SF, DRAIN PIPE (NO SOCK). COMPLETE WITH MIN. 12" WIDE CONTINUOUS WASHED PEASTONE TRENCH AND MIN. 4" SUMP. SEE DETAILS ON SHEET L6					6"
⑧	90 LF. (1 RUN)	6" SOLID HDPE (SLCFF), TYPE S, DRAIN PIPE					6"
⑨	10 LF. (1 RUN)	6" PERFORATED HDPE (SLCFF), TYPE SF, DRAIN PIPE (NO SOCK). COMPLETE WITH MIN. 24" W/ x 16" DEEP CONTINUOUS WASHED PEASTONE TRENCH WRAPPED IN 4 OZ. NON-WOVEN FILTER FABRIC W/ MIN. 4" SUMP BELOW. SEE DETAILS ON SHEET L13					6"
⑩	200 LF. (1 RUN)	6" PERFORATED HDPE (SLCFF), TYPE SF, DRAIN PIPE (NO SOCK). COMPLETE WITH MIN. 24" W/ x 12" DEEP CONTINUOUS WASHED PEASTONE TRENCH WRAPPED IN 4 OZ. NON-WOVEN FILTER FABRIC W/ MIN. 4" SUMP BELOW. SEE DETAIL B/L4					6"
⑪	20 LF. (1 RUN)	4" SOLID HDPE (SLCFF), TYPE S, DRAIN PIPE					4"
⑫	21 LF. (1 RUN)	6" SCHEDULE 40 P.V.C.					6"

**LEGEND**

× 774.82 EXISTING GRADES

— 115.06 PROPOSED GRADES

TU TOP OF WALL

BU BOTTOM OF WALL

TC TOP OF CURB

BC BOTTOM OF CURB

10% PROPOSED GRADIENTS

152 EXISTING CONTOUR

153 PROPOSED CONTOUR

**SITE RUNOFF/ BIO-SWALE CALCULATIONS**

TOTAL DRAINAGE AREA (ENTIRE PARK LIMITS): 63,488 s.f.  
TOTAL DRAINAGE AREA: 1,451 acres

TOTAL EXISTING SITE RUN OFF:  
"ESTIMATED 'WORST CASE SCENARIO' VOLUME FOR 10 YEAR STORM EVENT"  
• PAVED SURFACES:  
  • (10,500 c.f./acre) x (0.35 RUNOFF "C") x (6,636/43,560 s.f.): 1520 c.f.  
• FLAT GROUND SURFACES:  
  • (10,500 c.f./acre) x (0.35 RUNOFF "C") x (2,986/43,560 s.f.): 252 c.f.  
• LAWN SURFACES:  
  • (10,500 c.f./acre) x (0.22 RUNOFF "C") x (53,866/43,560 s.f.): 2,851 c.f.  
TOTAL EXISTING SITE RUN OFF: 4,629 c.f.

TOTAL SITE RUN OFF FOR PROPOSED SITE:  
"ESTIMATED 'WORST CASE SCENARIO' VOLUME FOR 10 YEAR STORM EVENT"  
• PAVED SURFACES:  
  • (10,500 c.f./acre) x (0.35 RUNOFF "C") x (9,633/43,560 s.f.): 2,206 c.f.  
• FLAT GROUND SURFACES:  
  • (10,500 c.f./acre) x (0.35 RUNOFF "C") x (6,495/43,560 s.f.): 548 c.f.  
• LAWN SURFACES:  
  • (10,500 c.f./acre) x (0.22 RUNOFF "C") x (41,360/43,560 s.f.): 2,512 c.f.  
TOTAL SITE RUN OFF FOR PROPOSED SITE: 5,266 c.f.

STORAGE VOLUME REQUIRED BY RAIN GARDEN TO MITIGATE INCREASED SITE RUN OFF:  
(PROPOSED SITE RUN OFF, 5,266 c.f.) - (EXISTING SITE RUN OFF, 4,629 c.f.) = 637 c.f.

STORAGE VOLUME OF PROPOSED RAIN GARDEN:  
• ((RIM 111.15) - (CONTOUR 111)) x 1012 s.f. = 159 c.f.  
• ((CONTOUR 111) - (RIM 110.10)) x 511 s.f. = 111 c.f.  
TOTAL PROPOSED VOLUME OF BIO-SWALE PROVIDED: 930 c.f.

TOTAL VOLUME REQUIRED = 637 c.f.  
TOTAL VOLUME PROVIDED = 930 c.f.  
TOTAL ADDITIONAL VOLUME PROVIDED = 293 c.f. (46.0%)

LANDSCAPE  
ARCHITECTURE

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ADAMS PARK  
Adams Rd. @ Ridgedale Ave.  
Birmingham, MI 48009

PROJECT

GRADING  
& DRAINAGE PLAN  
Site

SHEET TITLE



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SCALE

PROJECT NUMBER: 21107

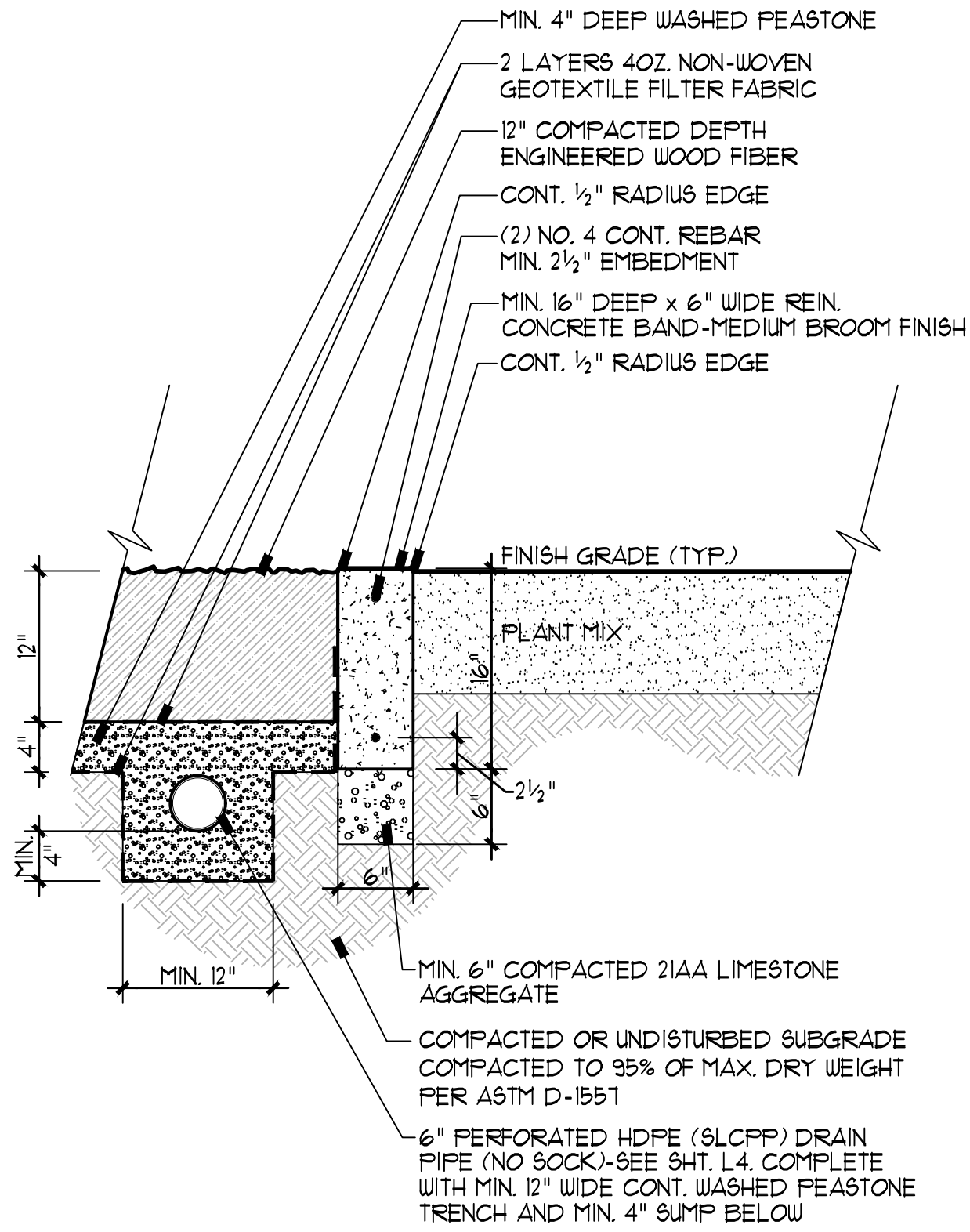
DATE: January 28, 2022  
REVISIONS: February 4, 2022 Issue for Bid

L4

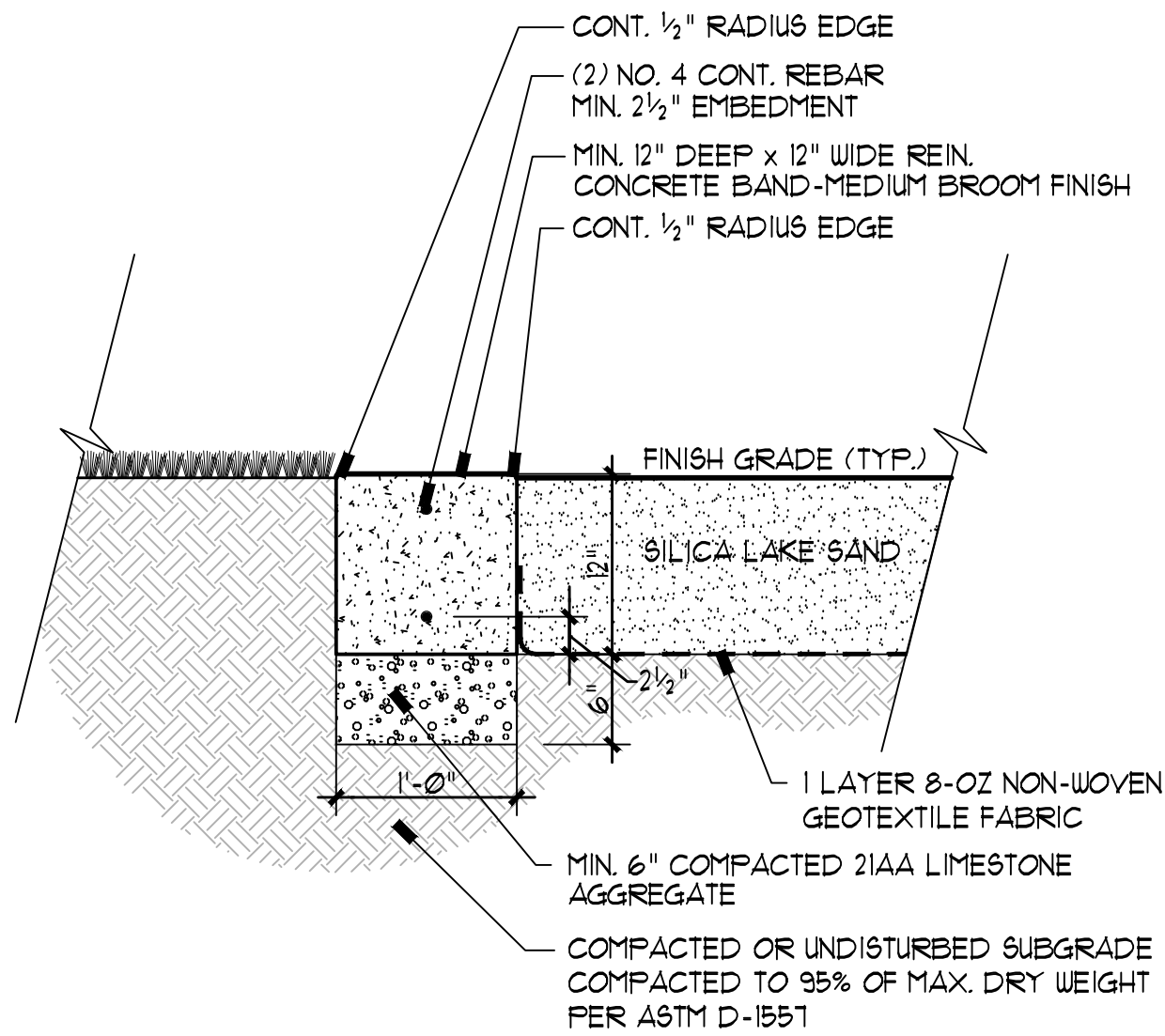




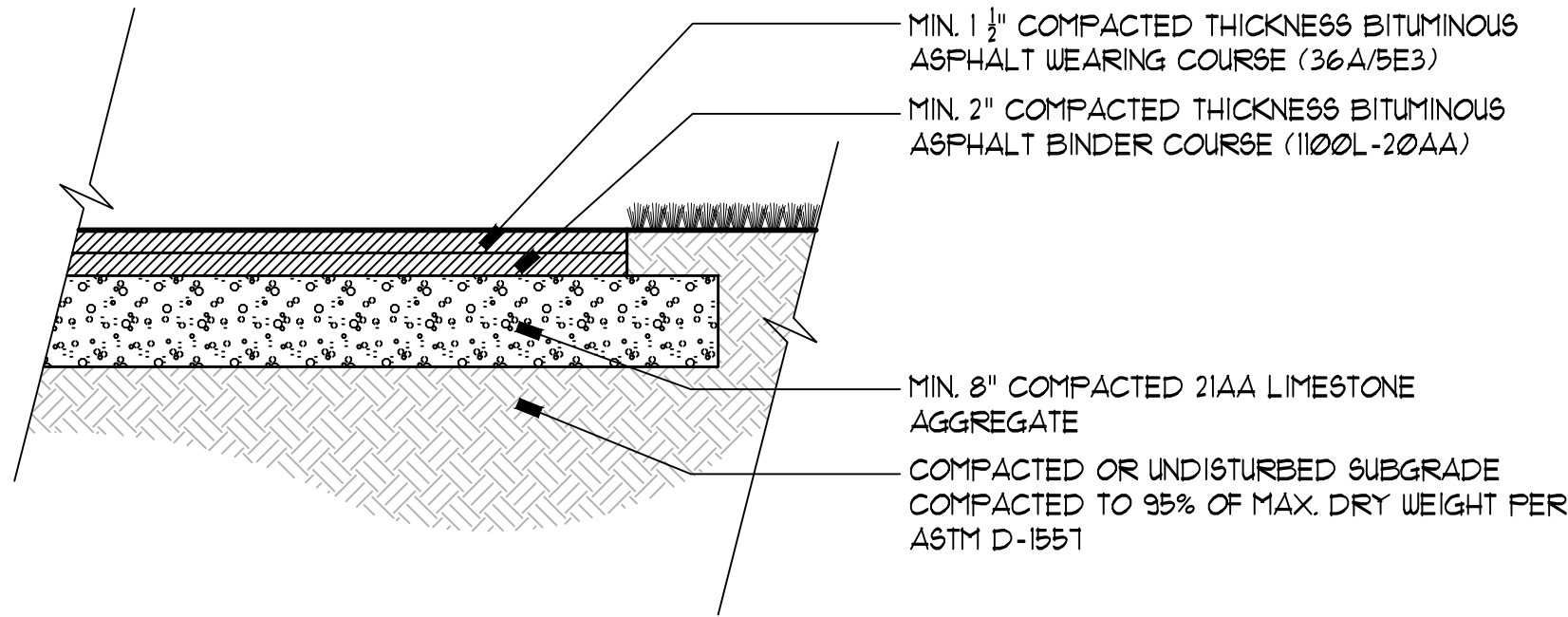




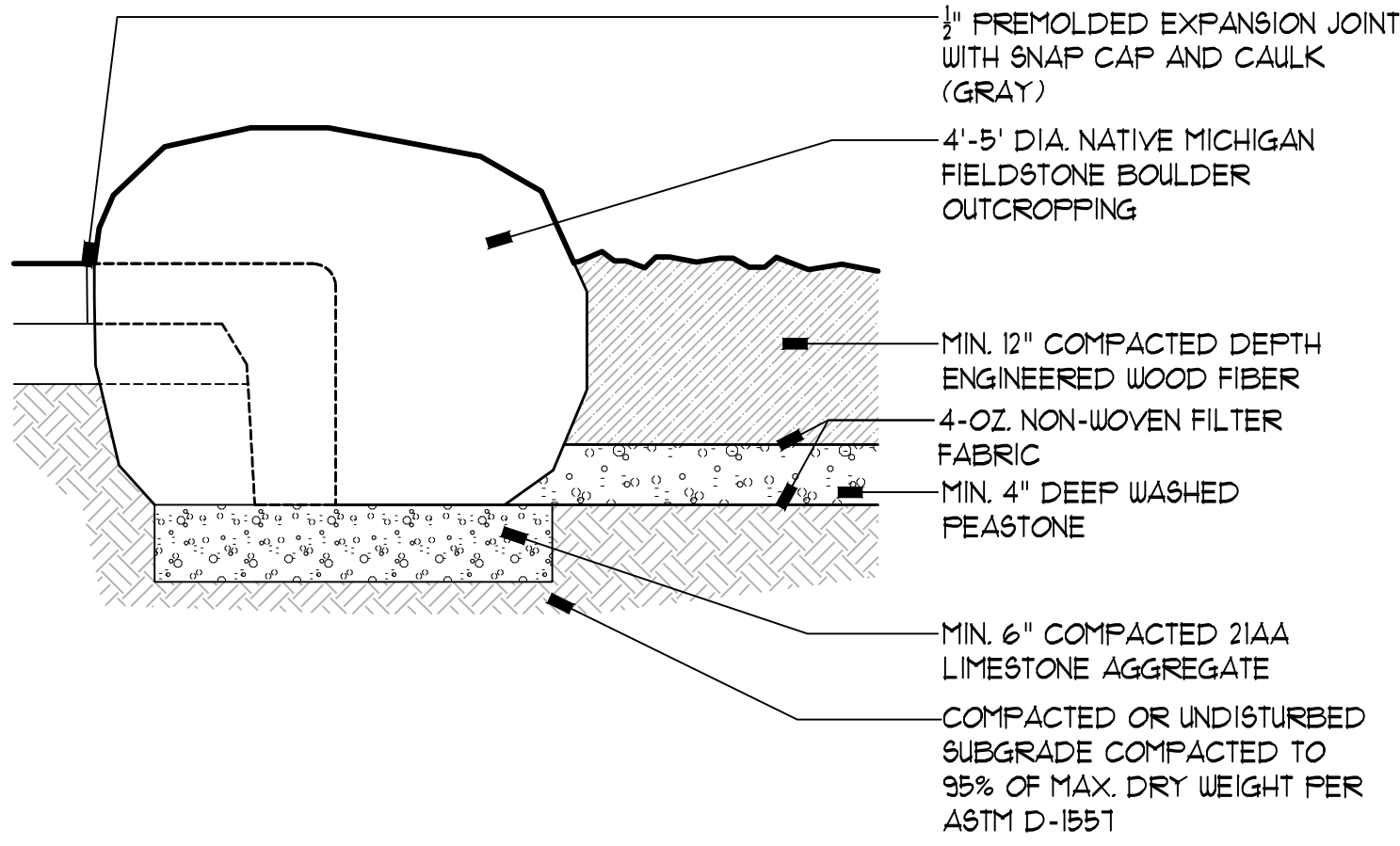
**A** 6" WD. CONCRETE BAND DETAIL  
L6 Section Scale: 1"=1'-0"



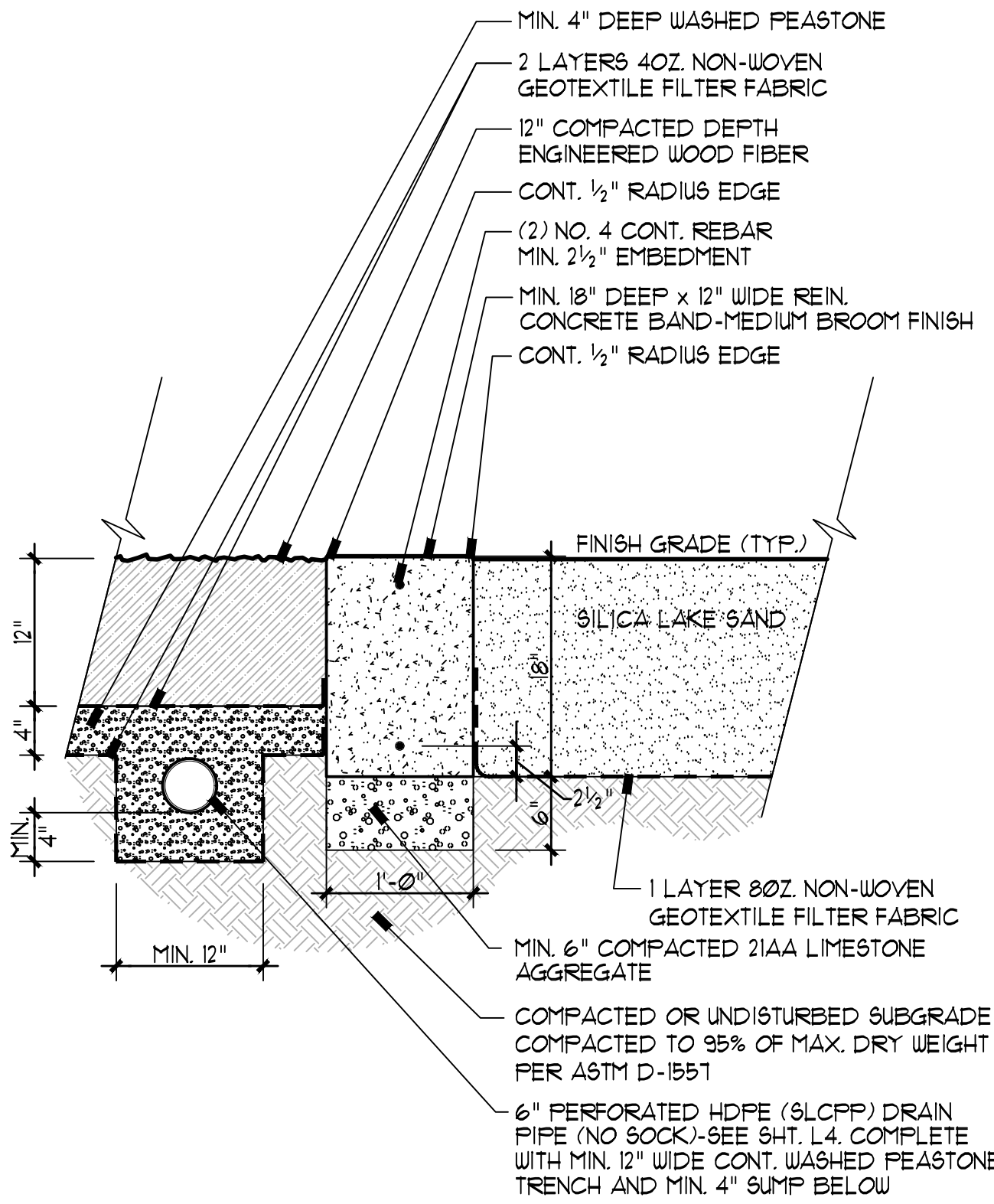
**C** CONCRETE BAND AT LANDING PIT DETAIL  
L6 Section Scale: 1"=1'-0"



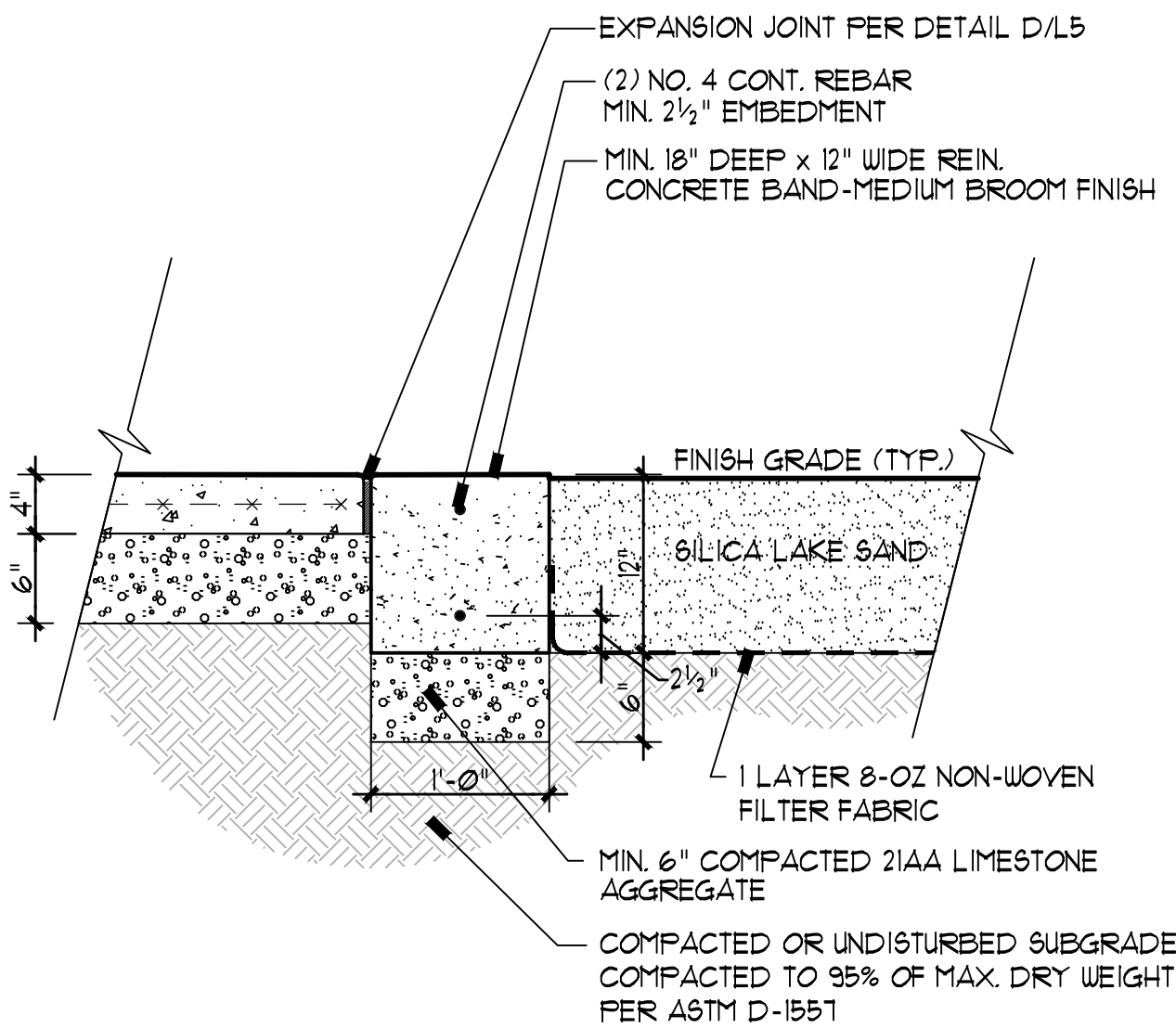
**E** ASPHALT PAVING DETAIL  
L6 Section Scale: 1"=1'-0"



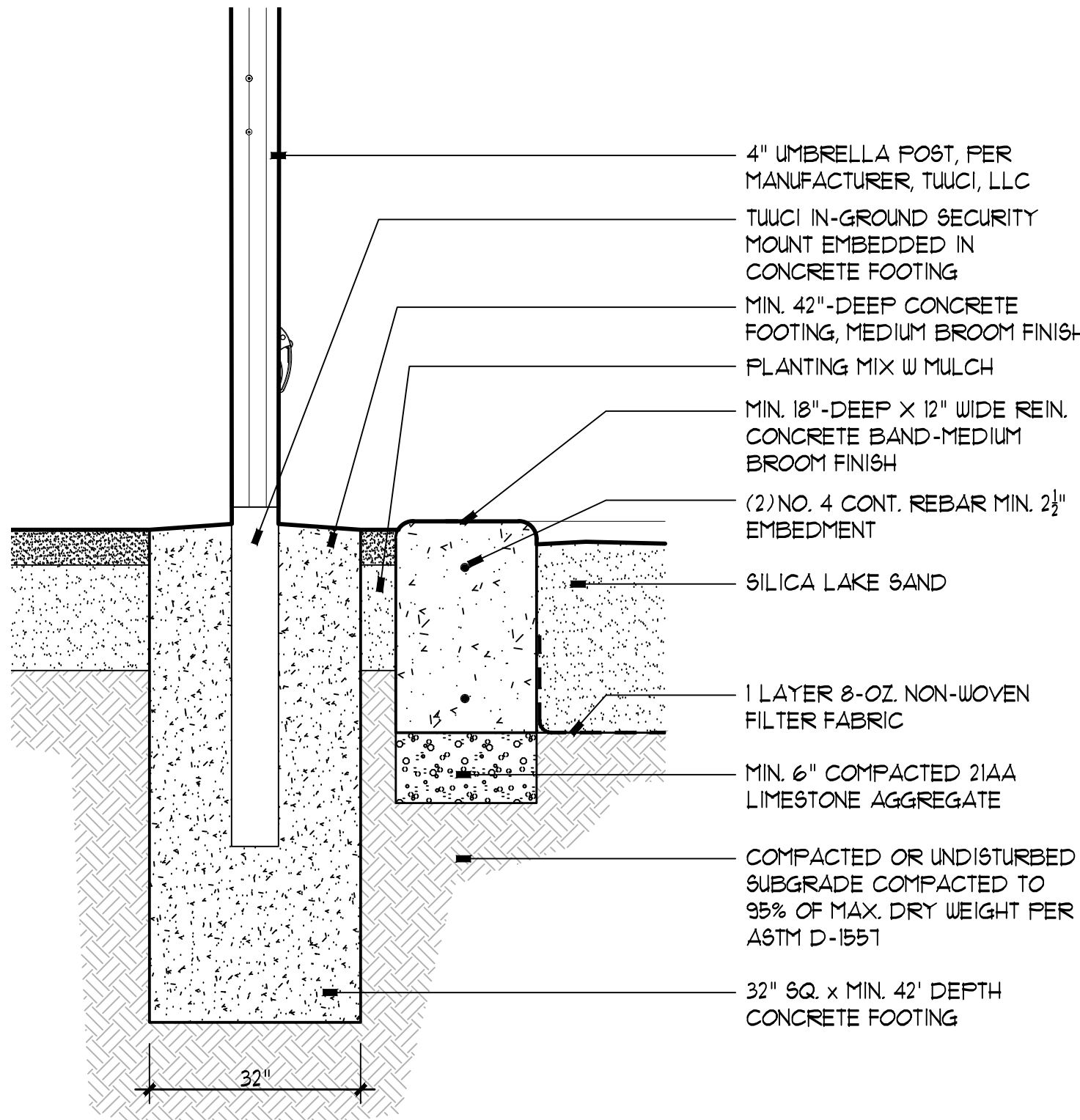
**G** BOULDER AT PLAY AREA (TYP.)  
L6 Section Scale: 1"=1'-0"



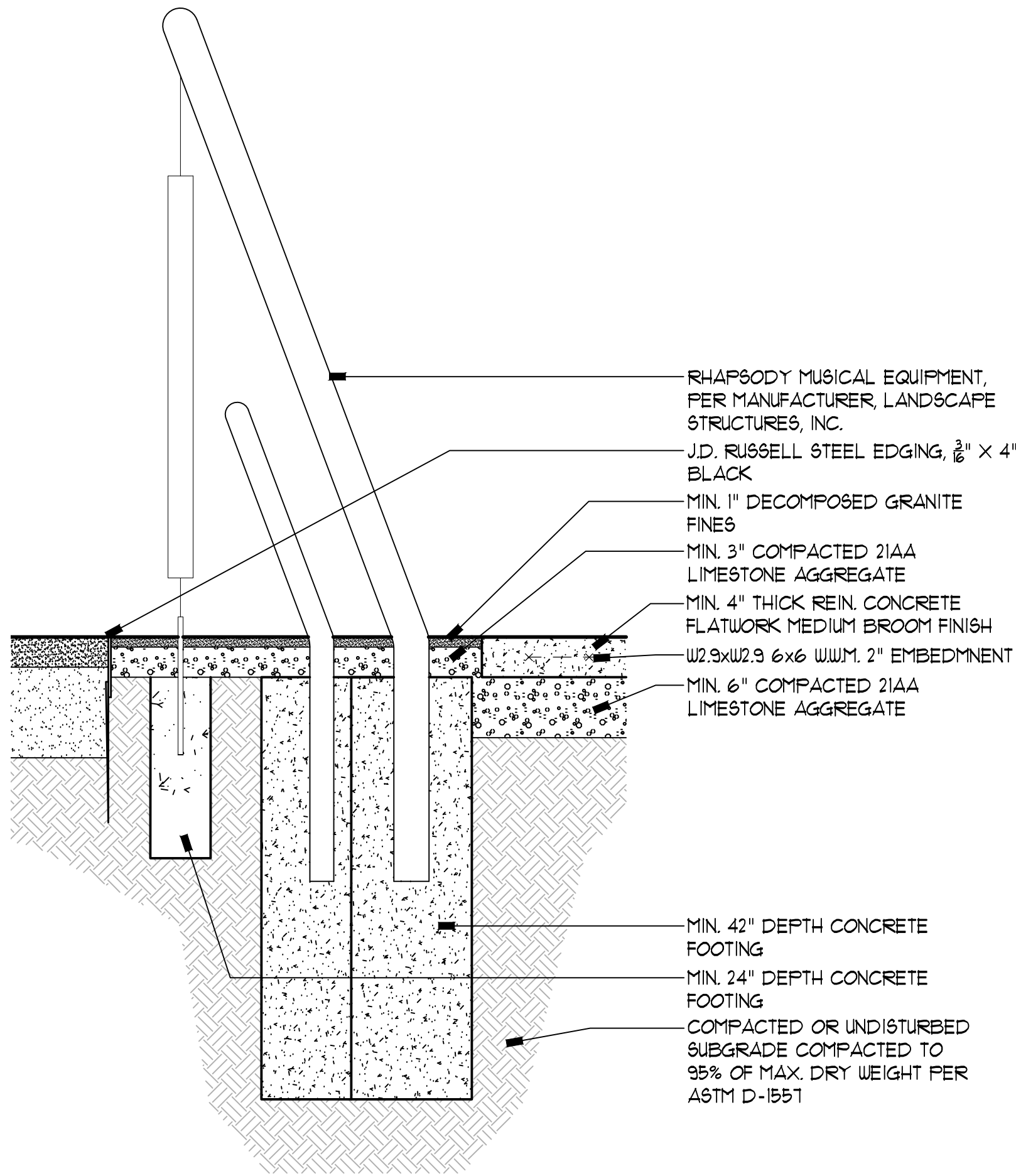
**B** 12" WD. CONCRETE BAND DETAIL  
L6 Section Scale: 1"=1'-0"



**D** RUNNING TRACK AT LANDING PIT DETAIL  
L6 Section Scale: 1"=1'-0"



**F** UMBRELLA EMBEDDED MOUNT DETAIL  
L6 Section Scale: 1"=1'-0"



**H** MUSICAL EQUIPMENT DETAIL  
L6 Section Scale: 1"=1'-0"

ADAMS PARK

Adams Rd. @ Ridgedale Ave.  
Birmingham, MI 48009

PROJECT

CONSTRUCTION DETAILS

Hardscape-Gathering Area

SHEET TITLE



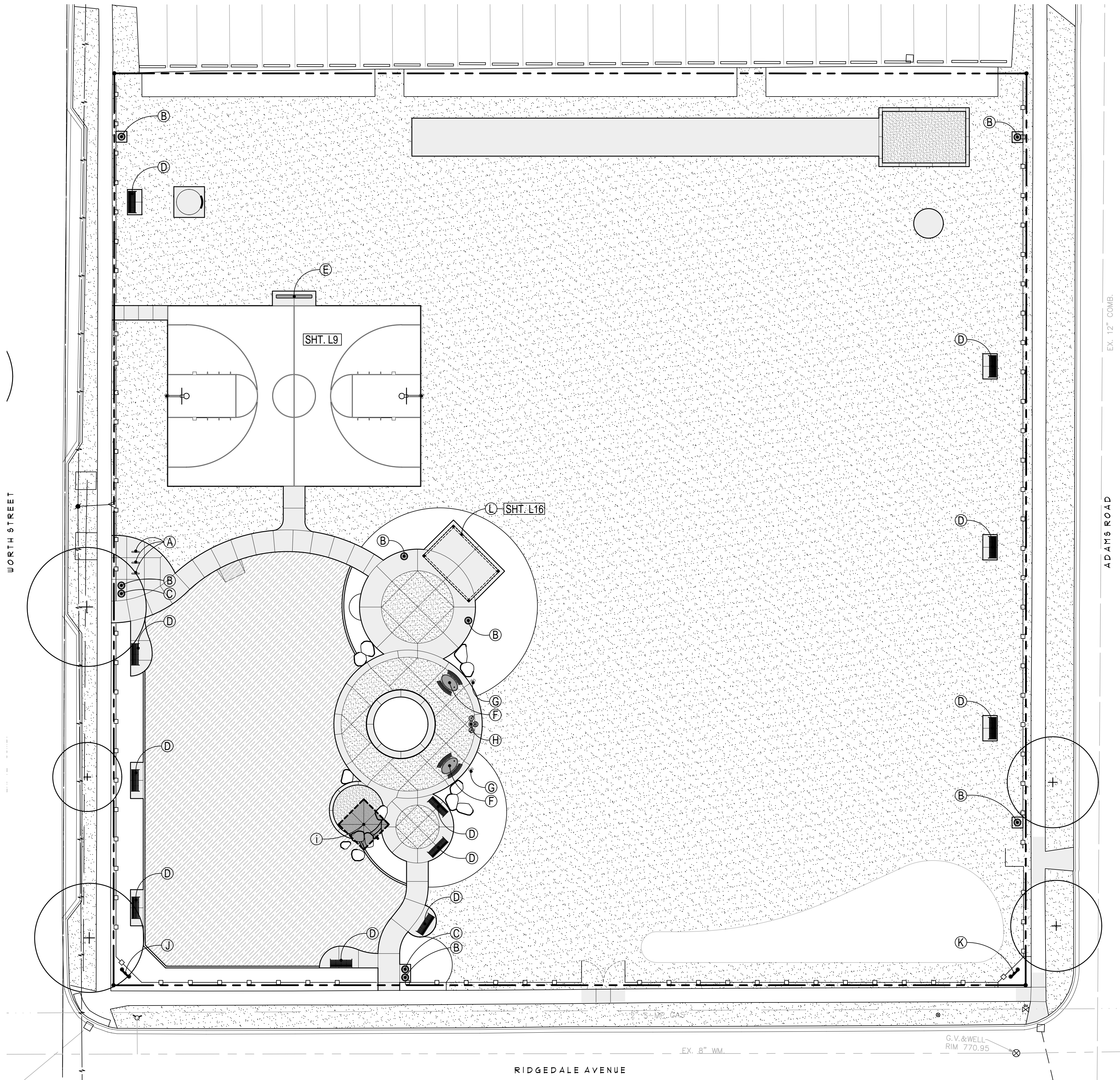
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SCALE

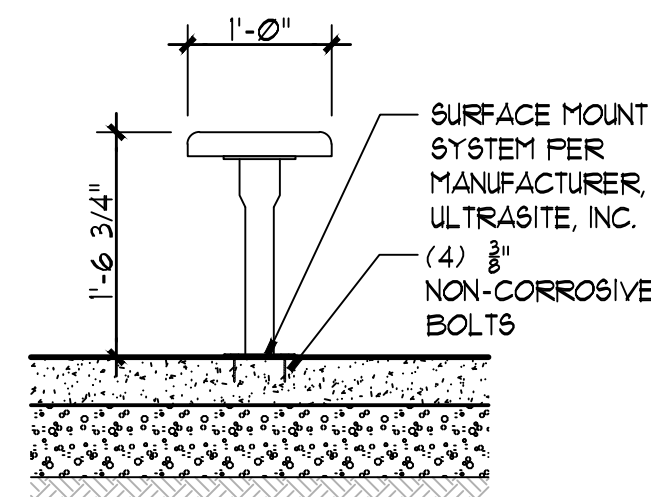
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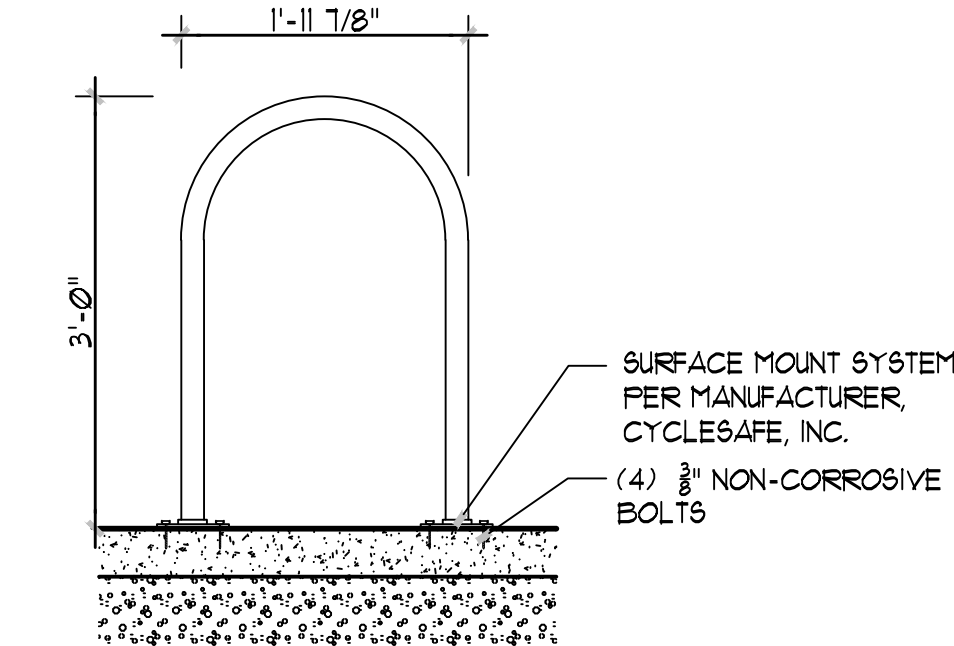




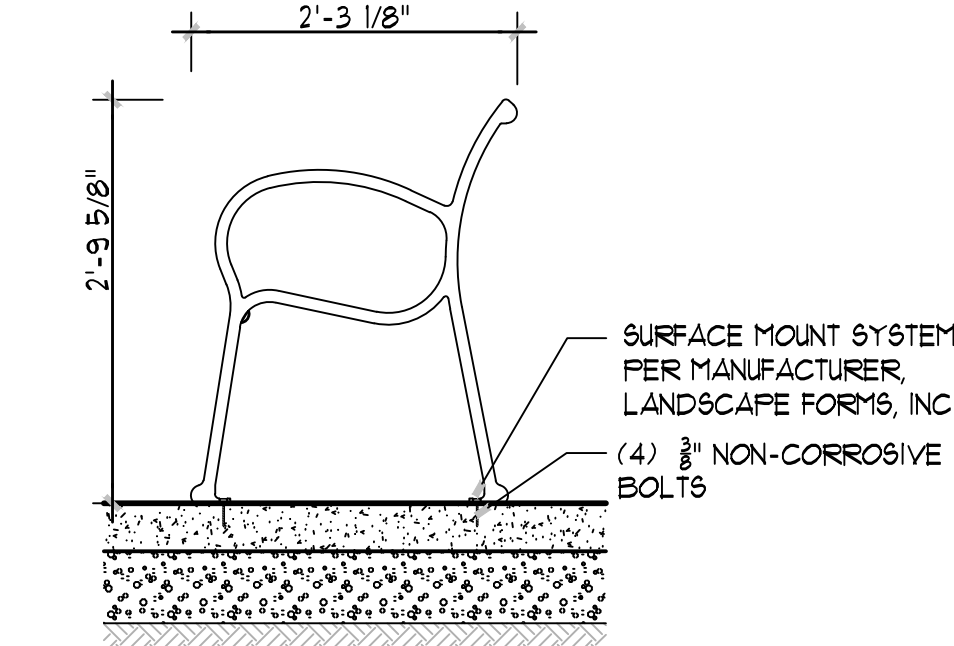
**A**  
L7  
SITE AMENITIES PLAN  
Plan  
Scale: 1/16"=1'-0"



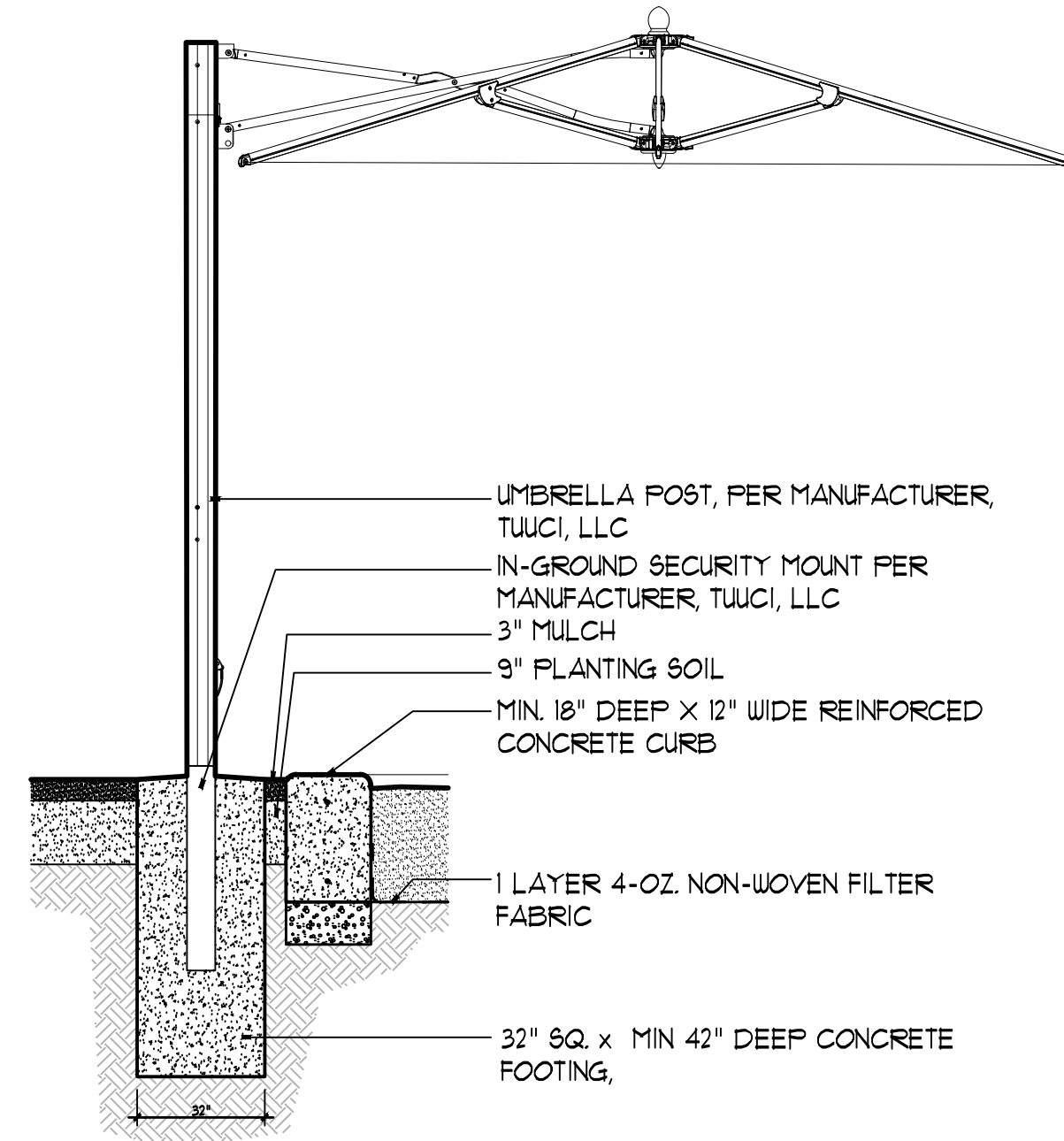
**B**  
L7  
PLAYER BENCH DETAIL  
Section  
Scale: 3/4"=1'-0"



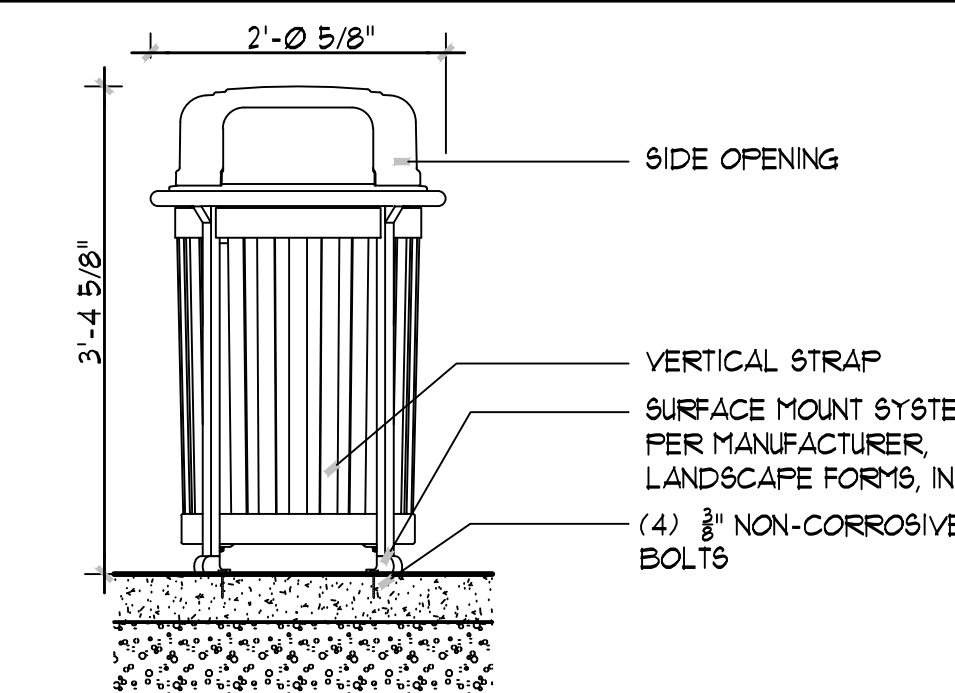
**C**  
L7  
BIKE RACK DETAIL  
Section  
Scale: 3/4"=1'-0"



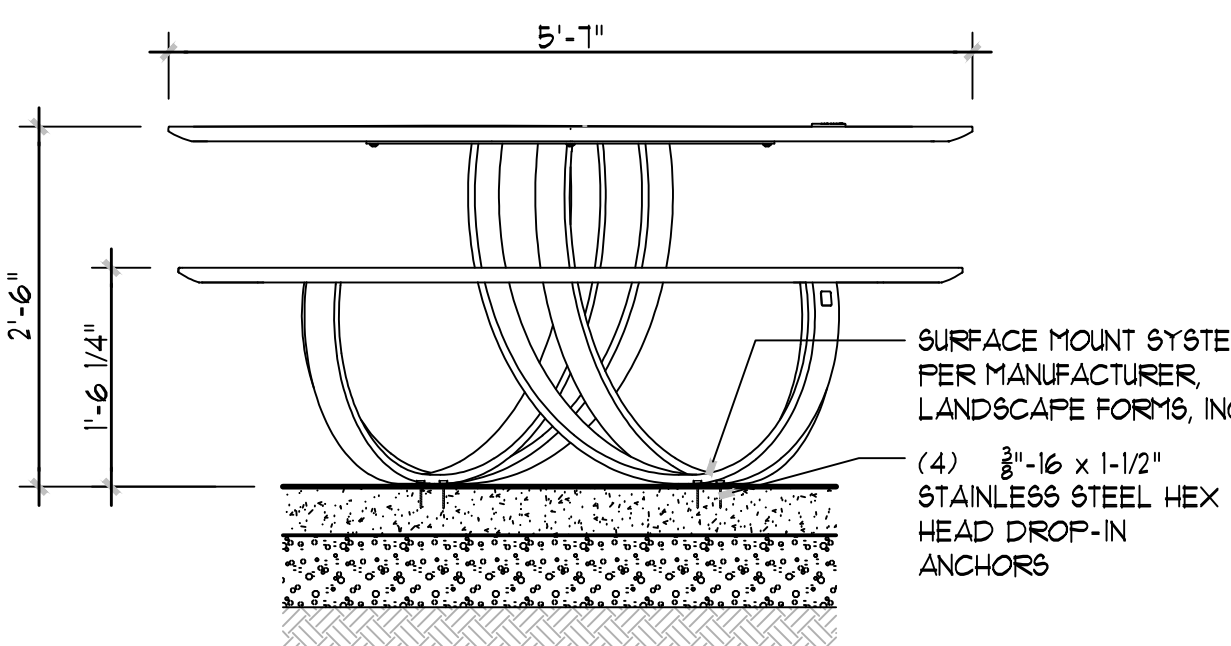
**E**  
L7  
BENCH DETAIL  
Section  
Scale: 3/4"=1'-0"



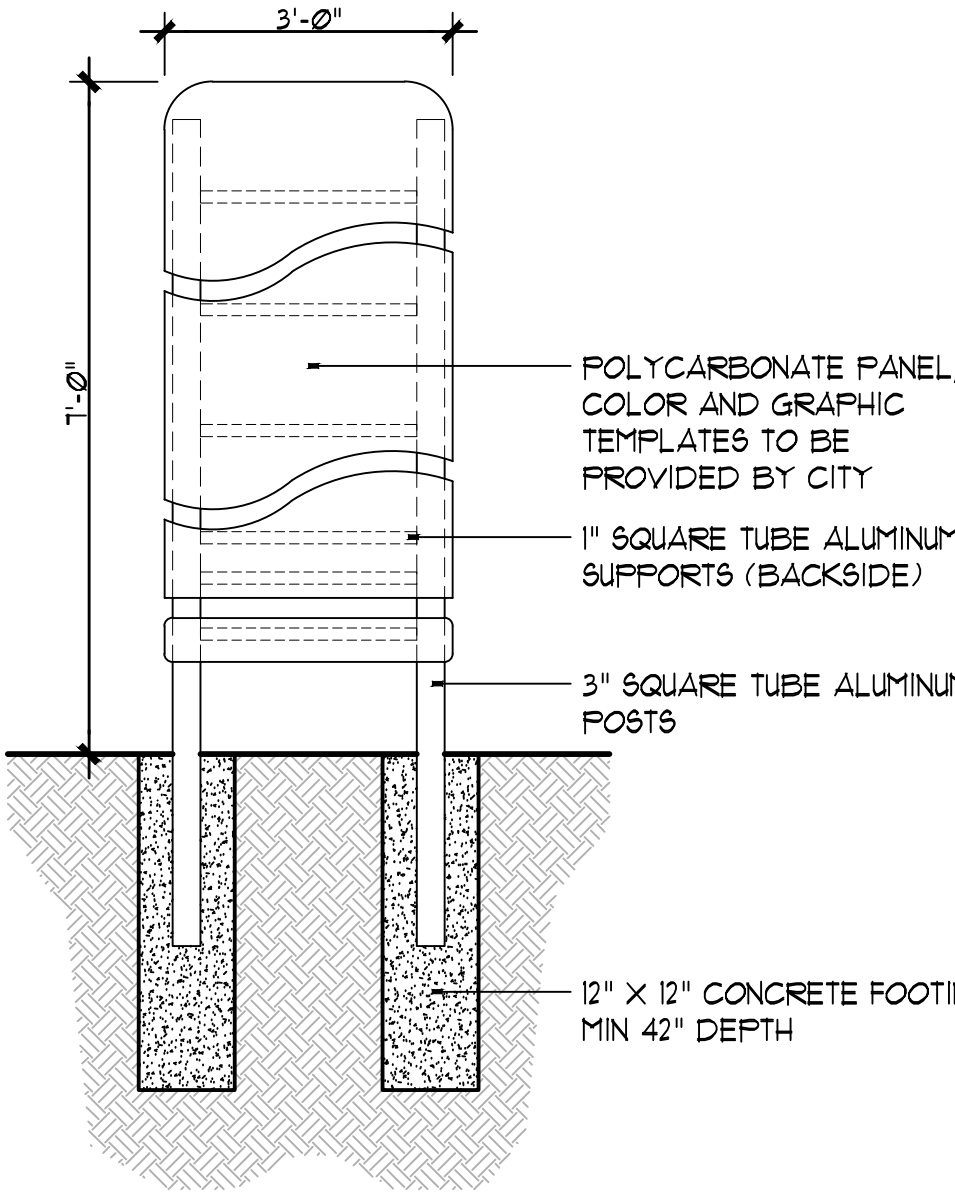
**G**  
L7  
UMBRELLA DETAIL  
Section  
Scale: 1/2"=1'-0"



**D**  
L7  
TRASH RECEPTACLE DETAIL  
Section  
Scale: 3/4"=1'-0"



**F**  
L7  
PICNIC TABLE DETAIL  
Section  
Scale: 3/4"=1'-0"



**H**  
L7  
PARK SIGN DETAIL  
Section  
Scale: 1/2"=1'-0"

SITE AMENITIES SCHEDULE				
SYM.	QTY.	ITEM/DESCRIPTION	DIMENSIONS	COLOR/WOOD
SITE AMENITIES: ALL PROPOSED SITE AMENITIES SHALL BE INSTALLED PER MANUFACTURERS SPECIFICATIONS. OWNER SHALL APPROVE SHOP DRAWINGS, SUBMITTALS AND COLOR CHIP SAMPLES FOR EACH COMPONENT PROVIDED BY THE CONTRACTOR.				
(A)	3 EA.	CYCLESafe PLASTISOL CLASSIC U RACK #2100 SURFACE MOUNT.	22" x 3" x 18" DEPTH WIDE HIGH	PLASTISOL FINISH: TRAFFIC BLACK
(B)	1 EA.	LANDSCAPE FORMS 'SCARBOROUGH' TRASH RECEPTACLE, 30 GAL, SIDE OPENING, VERTICAL STRAP, SURFACE MOUNT, INCLUDE 30 GAL LINER	25" x 25" x 40" DEPTH WIDE HIGH	POWDERCOAT: BLACK
(C)	2 EA.	LANDSCAPE FORMS 'SCARBOROUGH' TRASH RECEPTACLE, 30 GAL, SIDE OPENING, VERTICAL STRAP, SURFACE MOUNT, INCLUDE 30 GAL LINER & RECYCLING SIGNAGE OPTION 10 RECYCLABLE	25" x 25" x 40" DEPTH WIDE HIGH	POWDERCOAT: BLACK
(D)	11 EA.	LANDSCAPE FORMS 'SCARBOROUGH' BENCH, 6-FT. WIDE, BACKED, WITH HORIZONTAL STRAP, SURFACE MOUNT, INCLUDE PLAQUE TEMPLATE.	28" x 12" x 34" DEPTH WIDE HIGH	POWDERCOAT: BLACK
(E)	1 EA.	ULTRASITE MODEL 942-8M-110 PLAYER BENCH, 10-FT. WIDE, BACKLESS, PERFORATED, SURFACE MOUNT.	12" x 120" x 18" DEPTH WIDE HIGH	POWDERCOAT: BLACK
(F)	2 EA.	LANDSCAPE FORMS 'CHARLIE' TABLE WITH UMBRELLA HOLE, SURFACE MOUNT.	6'1" x 6'1" x 30" DEPTH WIDE HIGH	POWDERCOAT: BLACK
(G)	2 EA.	LANDSCAPE FORMS/LEGRAND CHARGING STATION WITH AREA LIGHT, TWO-GANG, (2) 20A WEATHER-RESISTANT G.F.I.C. OUTLETS & (1) USB-4 PORT: BM-CSL-2G.	6" x 8" x 46 1/2" DEPTH WIDE HIGH	POWDERCOAT: BLACK
(H)	1 EA.	MOST DEPENDABLE FOUNTAINS DRINKING FOUNTAIN #0145-5M55 WITH OPTIONAL PET FOUNTAIN, SURFACE MOUNT, INCLUDE ADA FOUNTAIN, BOTTLE FILLER, MISTING HEAD & TEMPLATE 10-NS.	31" x 56" x 58" DEPTH WIDE HIGH	POWDERCOAT: TEXTURED BLACK
(I)	1 EA.	TUJCI 'OCEAN MASTER' MAX SINGLE CANTILEVER UMBRELLA, SQUARE 10' x 10', WITH 'EASY DRIVE' CRANK AND TELESCOPING MAST, INCLUDE IN-GROUND SECURITY MOUNT.	120" x 120" x 102" DEPTH WIDE HIGH	POLISHED TITANIUM MAST, SUNFLOWER YELLOW PARASOL
(J)	1 EA.	INSTALL PARK SIGN PER DETAIL, SIGN AND ALL COMPONENTS TO BE PROVIDED BY CITY PROVIDED BY CITY.	3" x 36" x 84" DEPTH WIDE HIGH	
(K)	1 EA.	REMOVE EXISTING PARK SIGN AND REINSTALL PER DETAIL.	3" x 36" x 84" DEPTH WIDE HIGH	
(L)	1 EA.	STRUCTURE PERGOLA STRUCTURE WITH PAN ROOF, SEE SHEET L16	120" x 212" x 128" DEPTH WIDE HIGH	POWDERCOAT: BLACK

LANDSCAPE  
ARCHITECTURE

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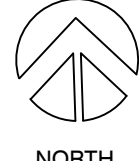
PROJECT

**SITE AMENITIES PLAN**  
Key Plan

SHEET TITLE



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SCALE

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L7



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PROJECT

## SHEET TITLE



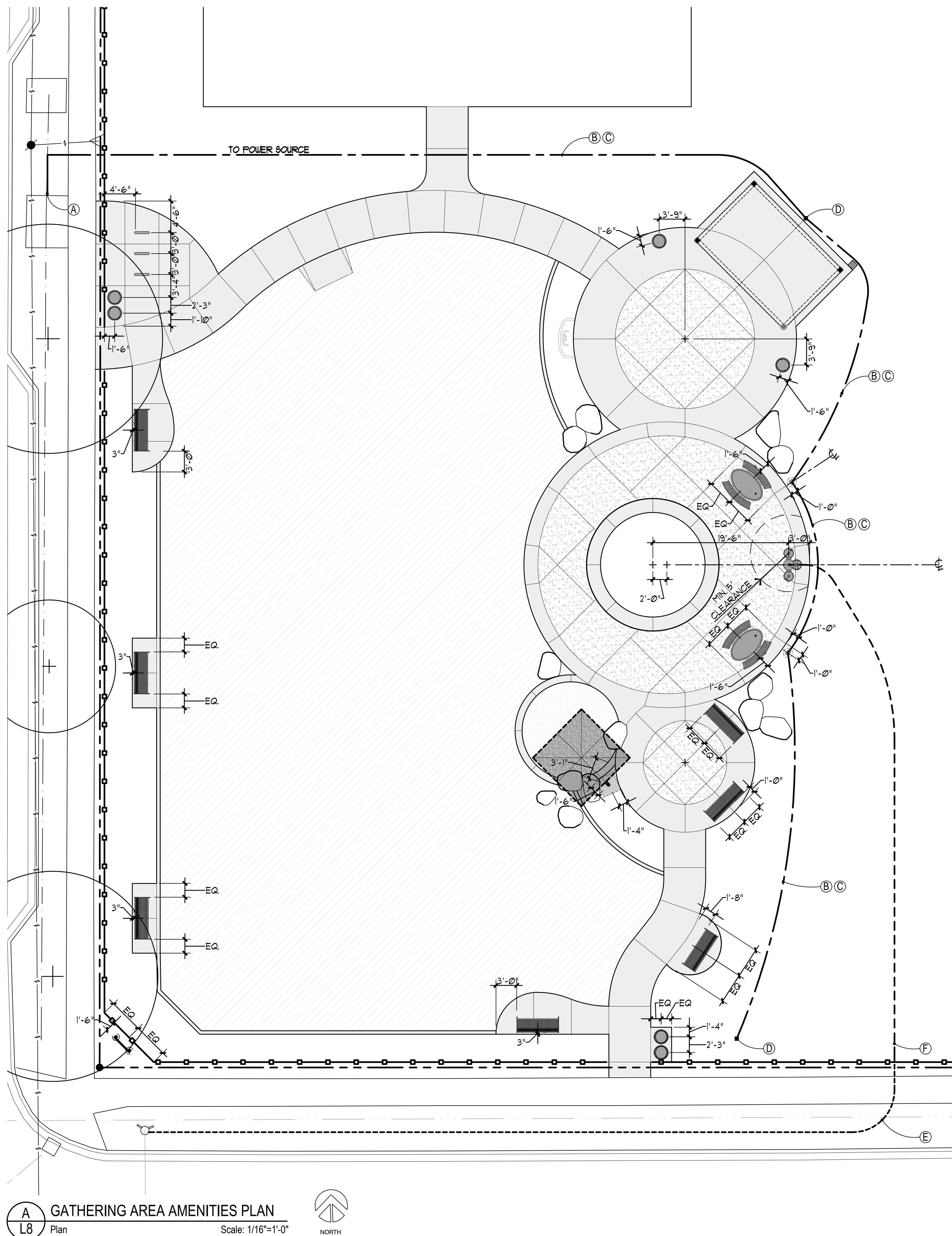
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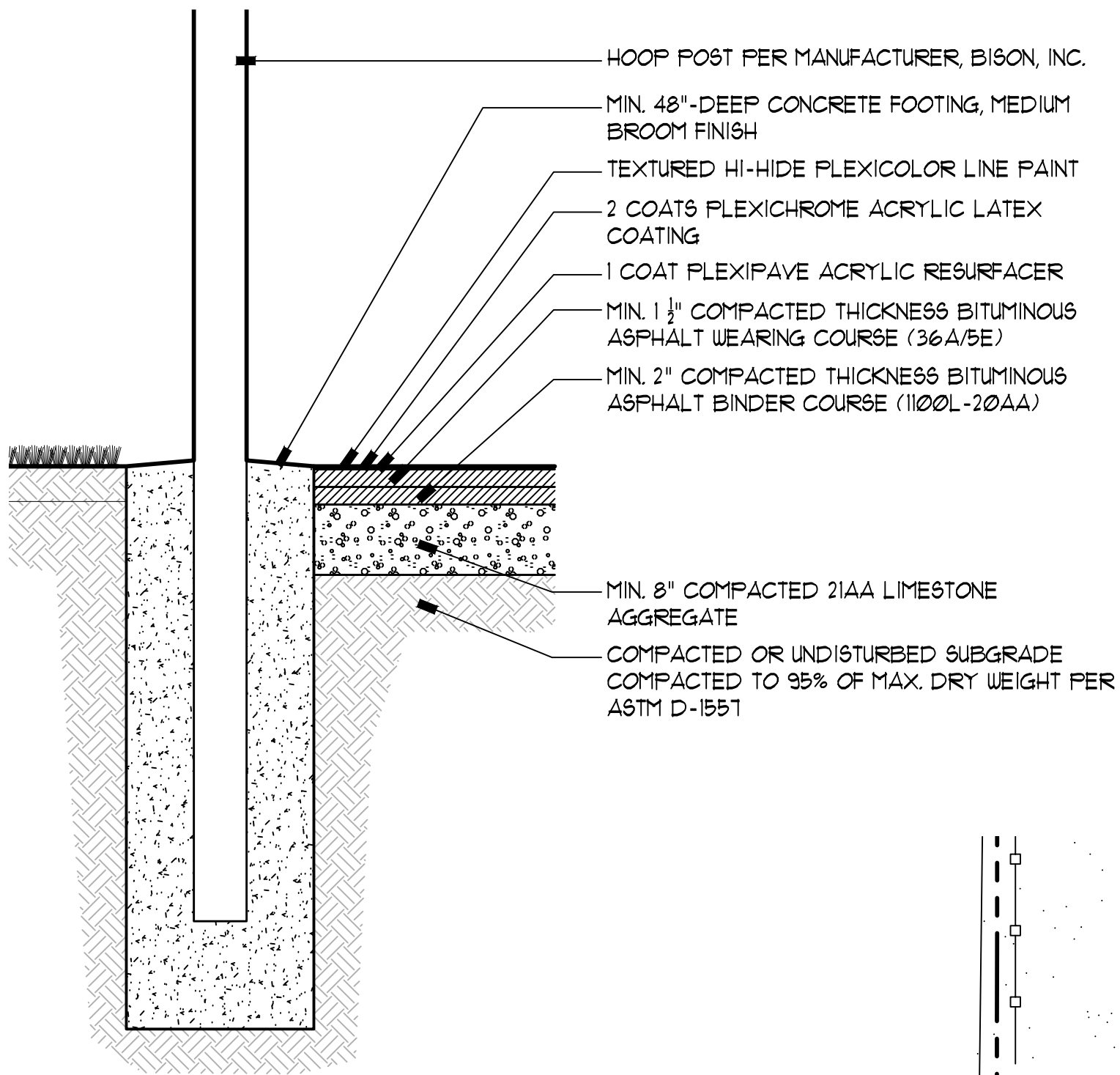
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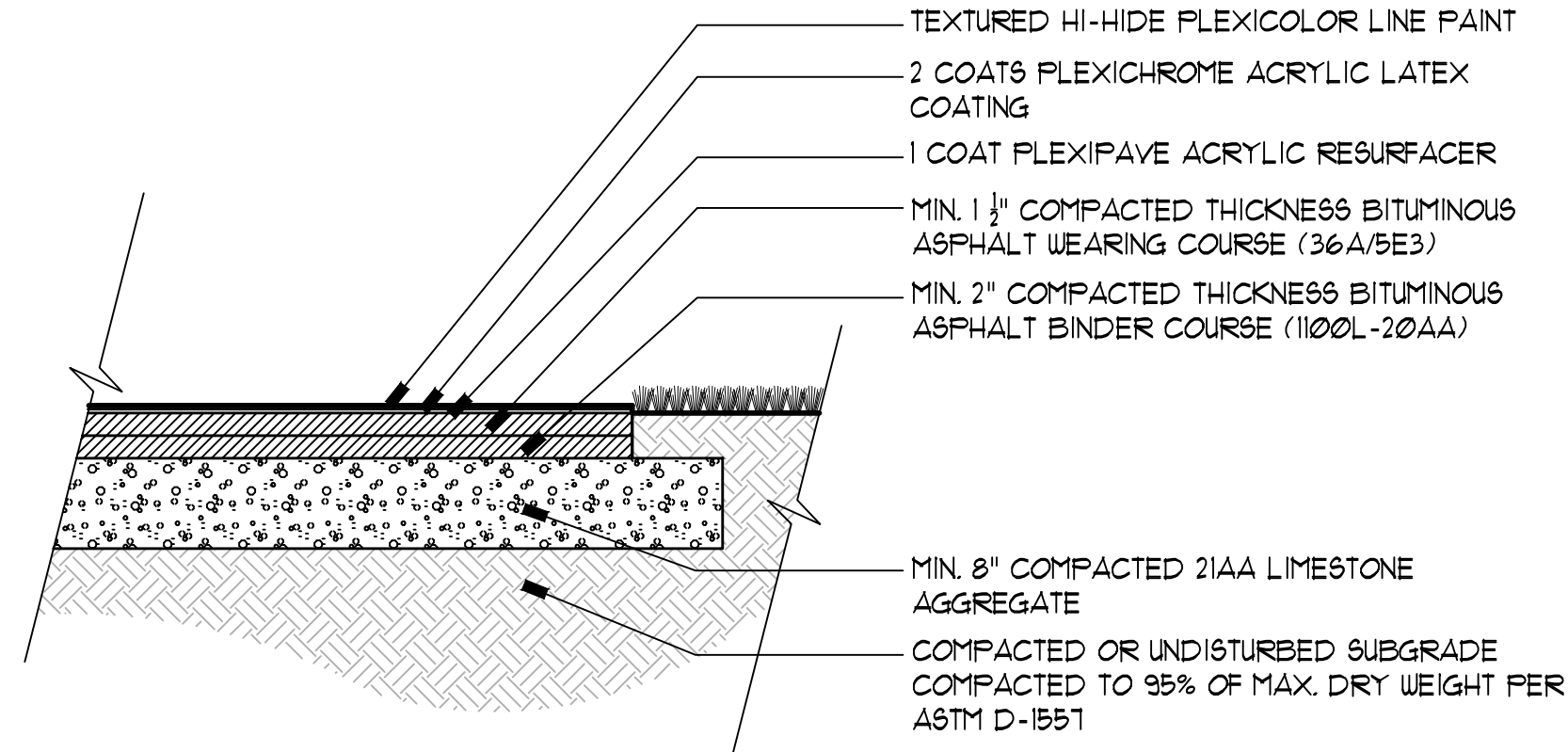
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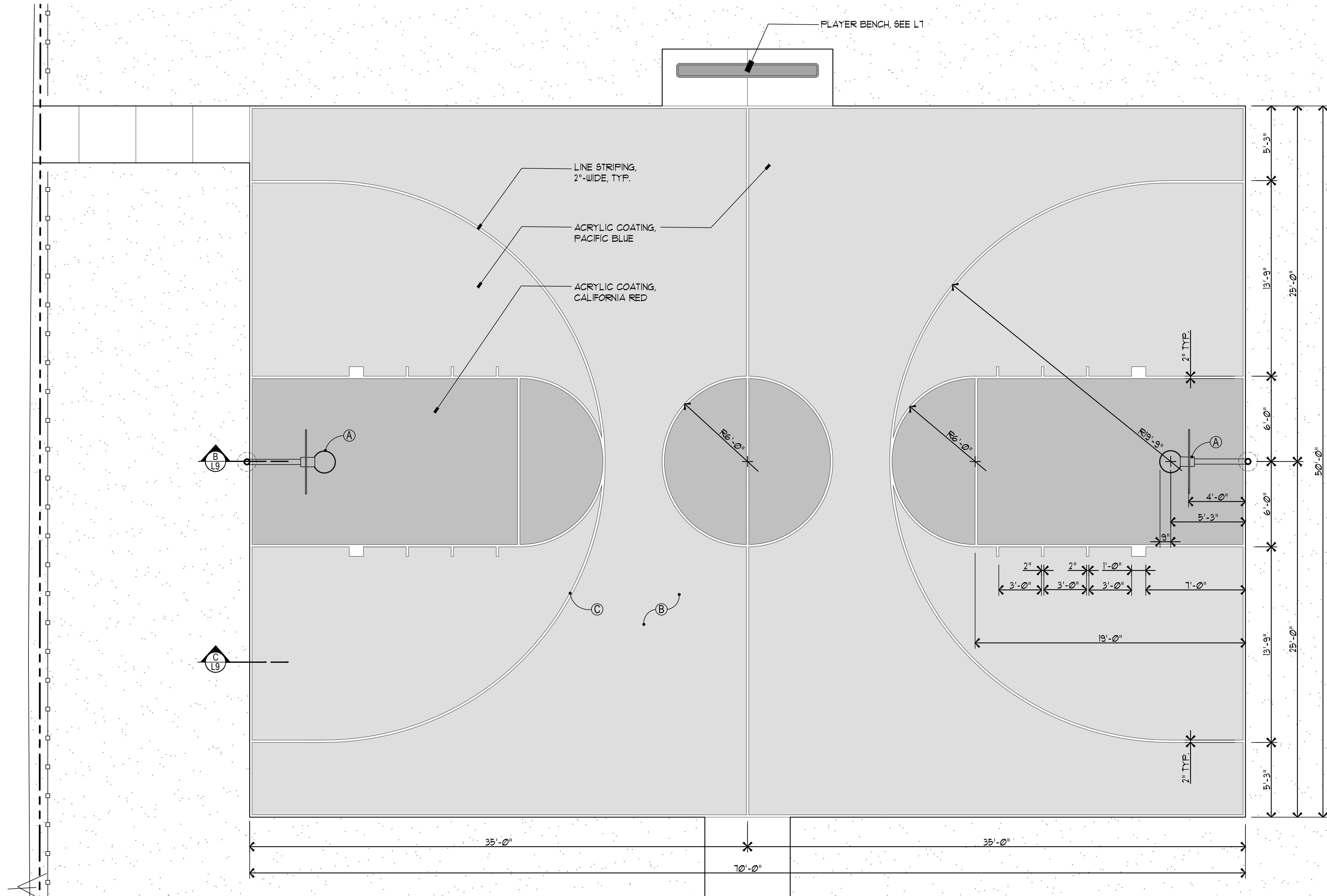


**B**  
L9 BASKETBALL GOAL IN-GROUND MOUNT  
Section Scale: 1"=1'-0"



**C**  
L9 BASKETBALL COURT SURFACING  
Section Scale: 1"=1'-0"

BASKETBALL COURT SCHEDULE			
SYMBOL	QTY.	ITEM/DESCRIPTION	COMMENTS
BASKETBALL NOTES: ALL BASKETBALL EQUIPMENT TO BE PER MANUFACTURER SPECIFICATIONS, BISON, INC.			
(A)	2 E.A.	BISON, INC. BASKETBALL GOAL PR-52 PACKAGE TO INCLUDE BA-TTT POLE, BA-475-SS BACKBOARD, RUST-FREE ALUMINUM, WHITE POWDER-COATED W ORANGE SHOOTER'S SQUARE AND BORDER, BA-34-U GOAL STEEL RIM WITH NYLON NETS.	EMBEDDED IN MIN. 42" CONCRETE FOOTING
(B)	9500 S.F.	COURT SURFACE FINISH: PLEXIPAVE-ACRYLIC LATEX COLOR SURFACE, COMPLETE WITH ACRYLIC RESURFACER AND ACID ETCH CONCRETE PRIOR TO APPLICATION OF COATINGS.	COURT: PACIFIC BLUE KEY 4 CENTER: CALIFORNIA RED
(C)	600 L.F.	EXTERIOR TEXTURED PLEXI COLOR WHITE PAINTED LINE STRIPING, 2"-WIDE	WHITE



**A**  
L9 BASKETBALL LAYOUT PLAN  
Plan Scale: 1/4"=1'-0"

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ARCHITECTURE

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PROJECT

BASKETBALL PLAN  
Detail

SHEET TITLE



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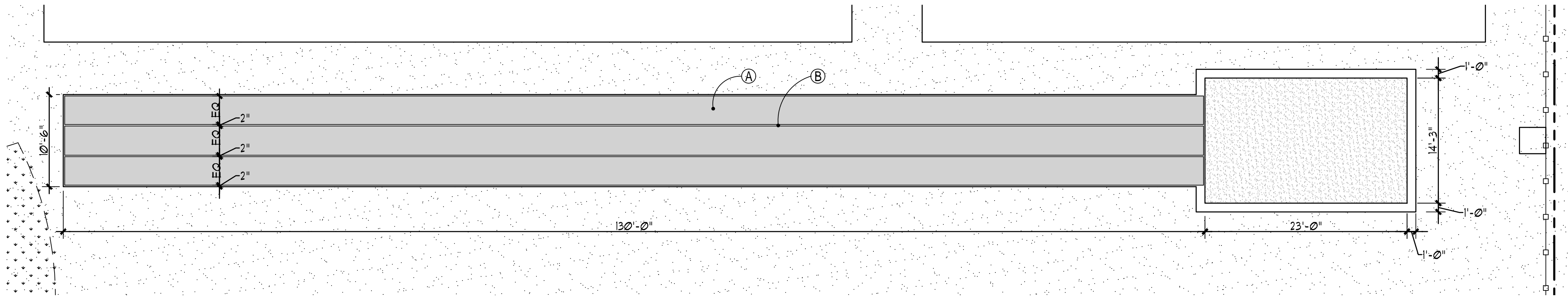
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SCALE

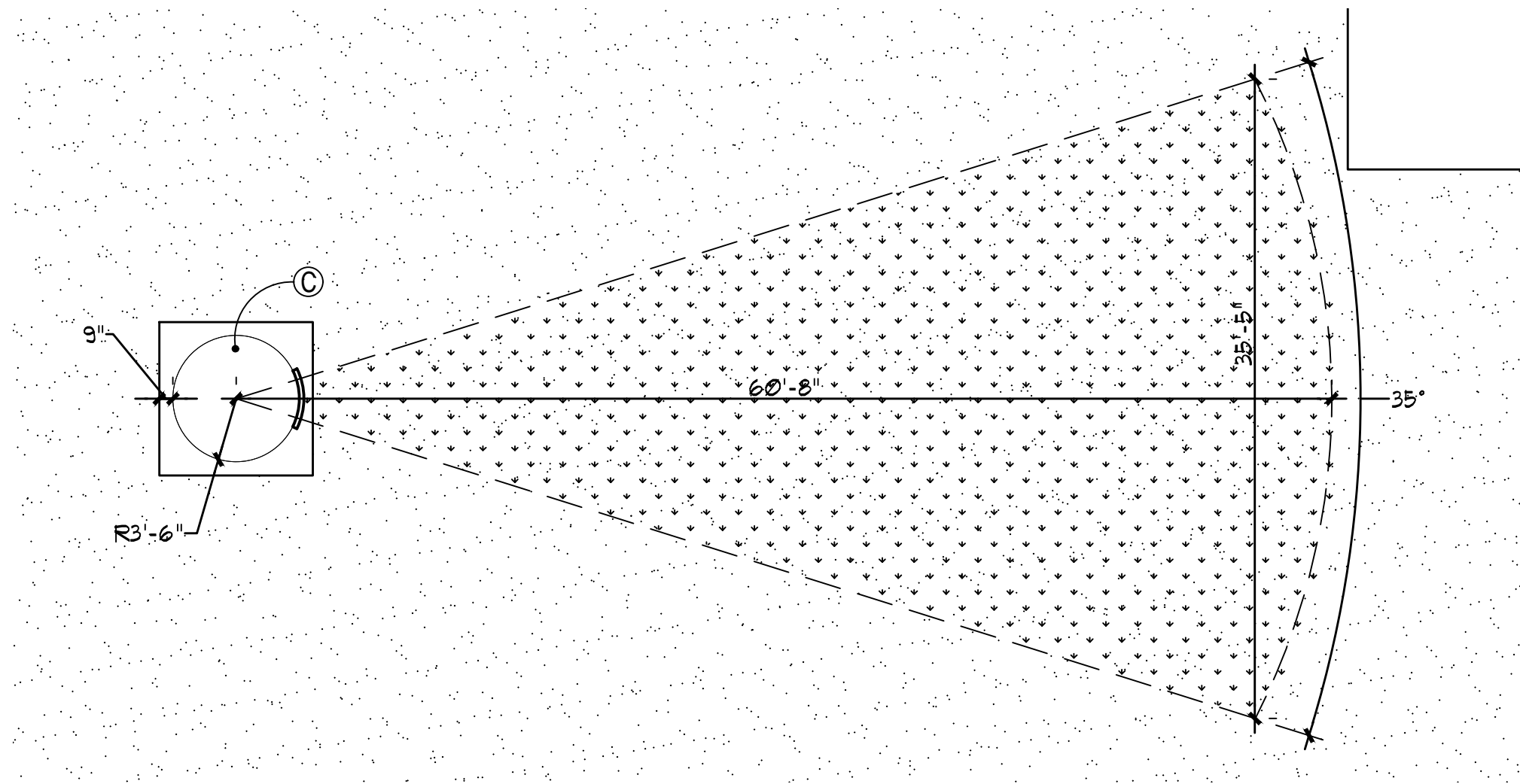
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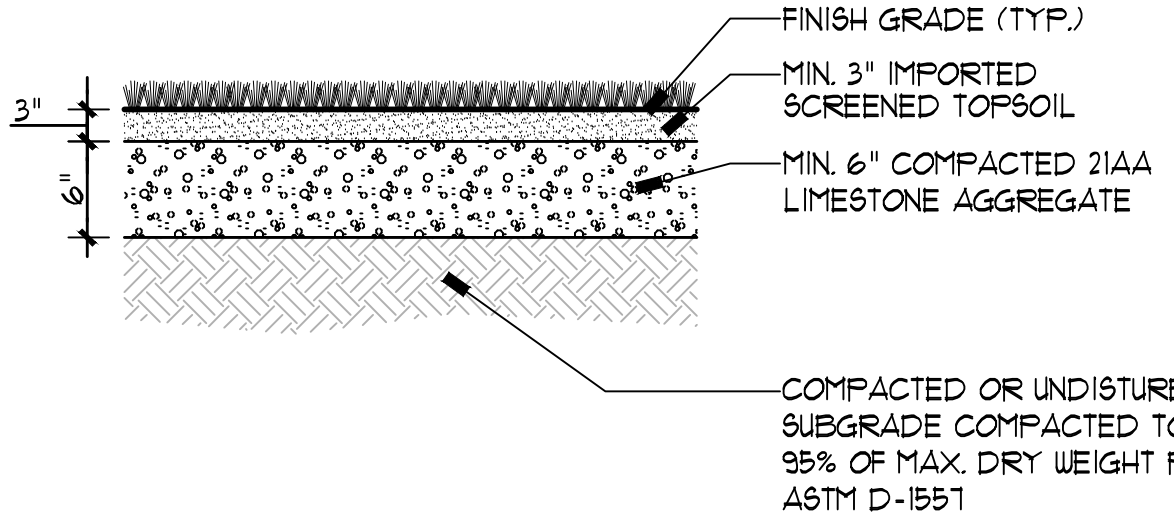




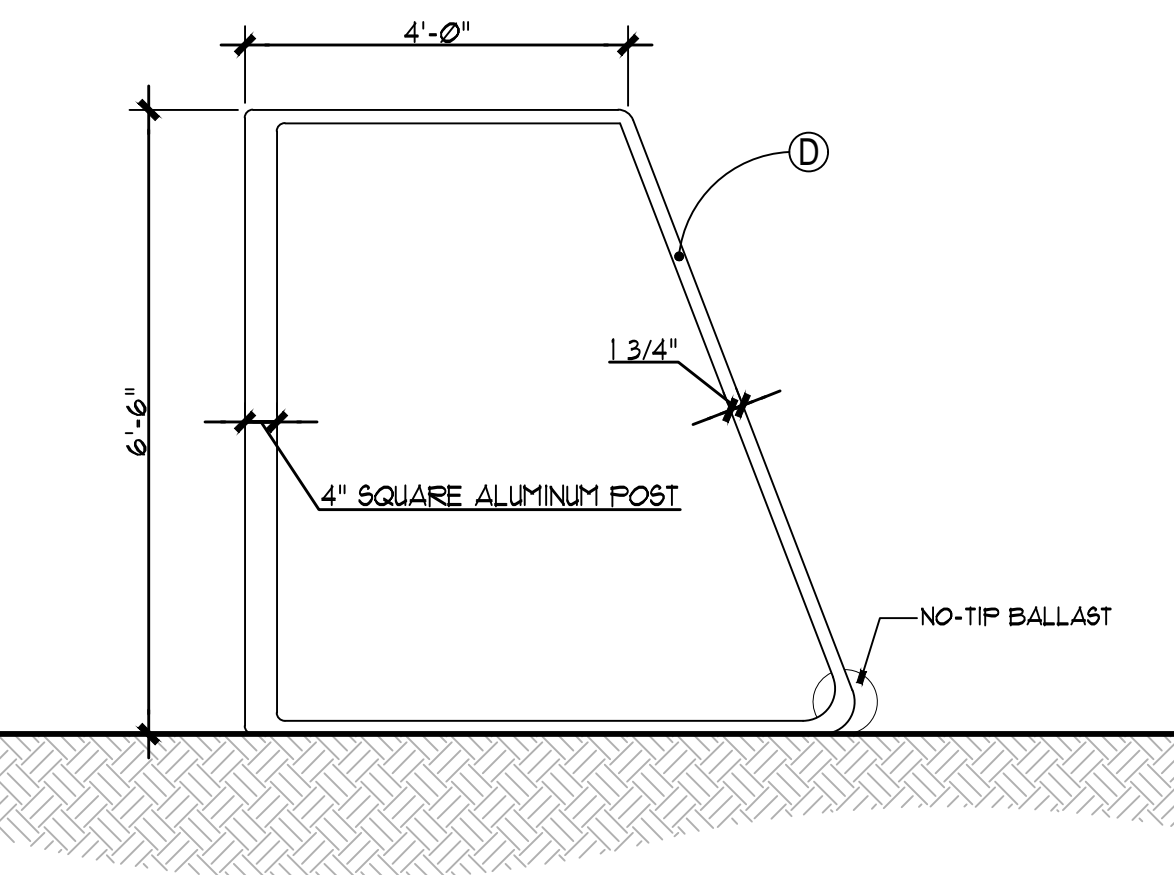
**A** TRACK LAYOUT PLAN  
L10 Plan Scale: 1/8"=1'-0" NORTH



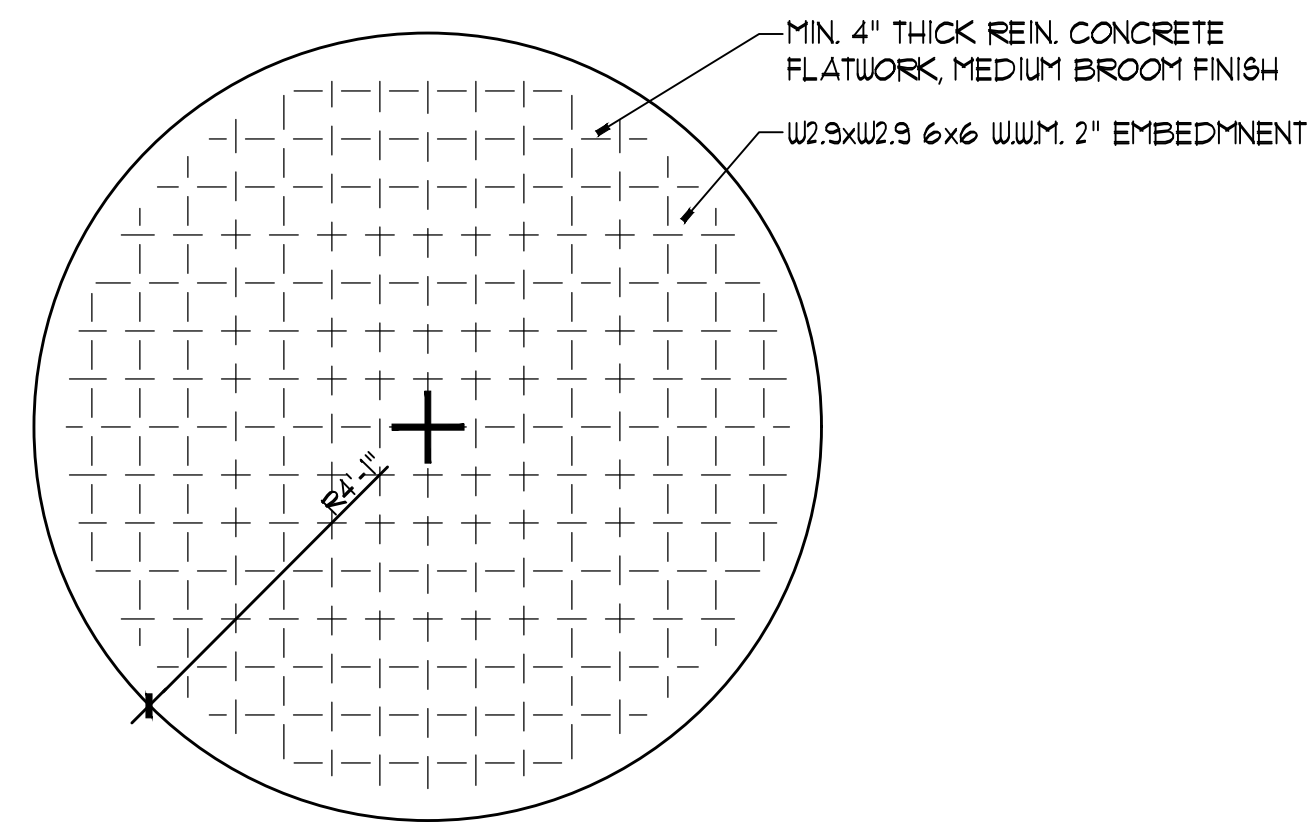
**B** SHOT PUT LAYOUT PLAN  
L10 Plan Scale: 1/8"=1'-0" NORTH



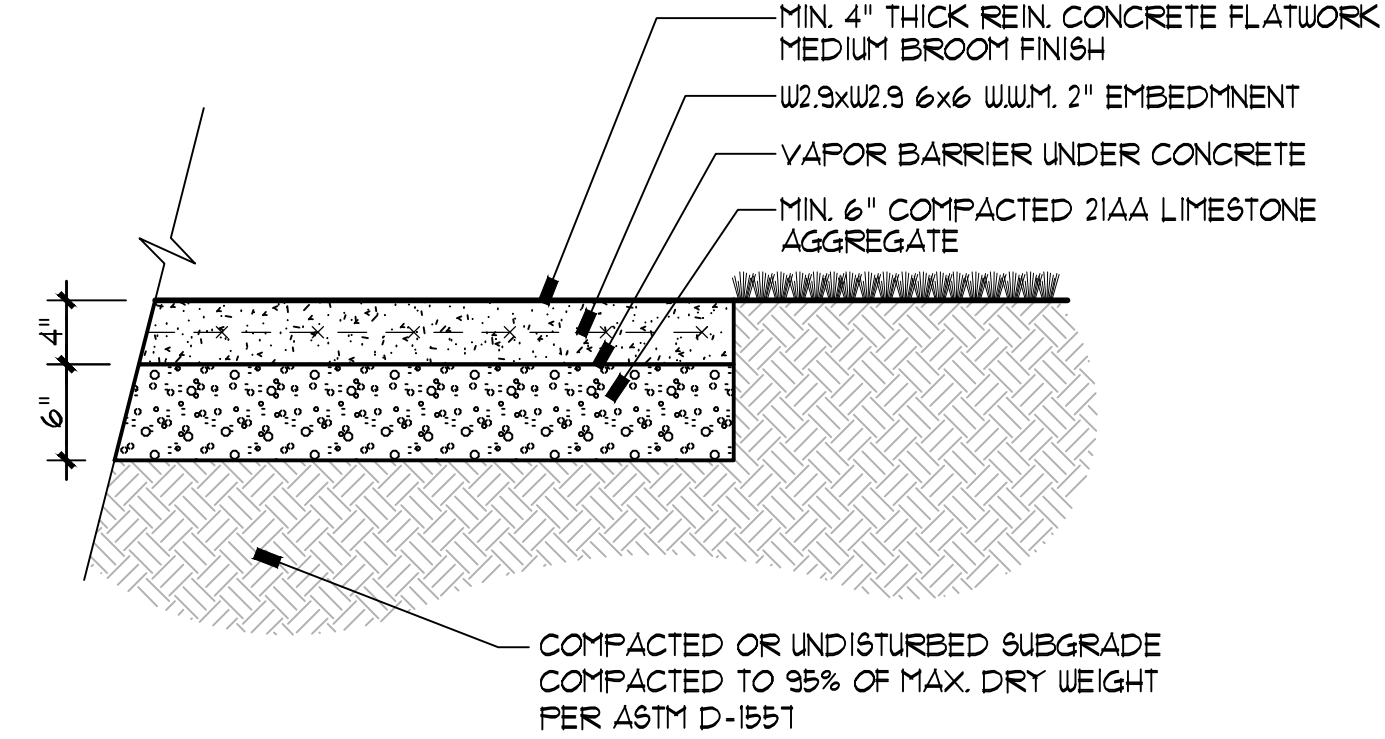
**C** REINFORCED LAWN DETAIL  
L10 Section Scale: 1"=1'-0"



**D** PORTABLE SOCCER GOAL DETAIL  
L10 Elevation Scale: 1/2"=1'-0"

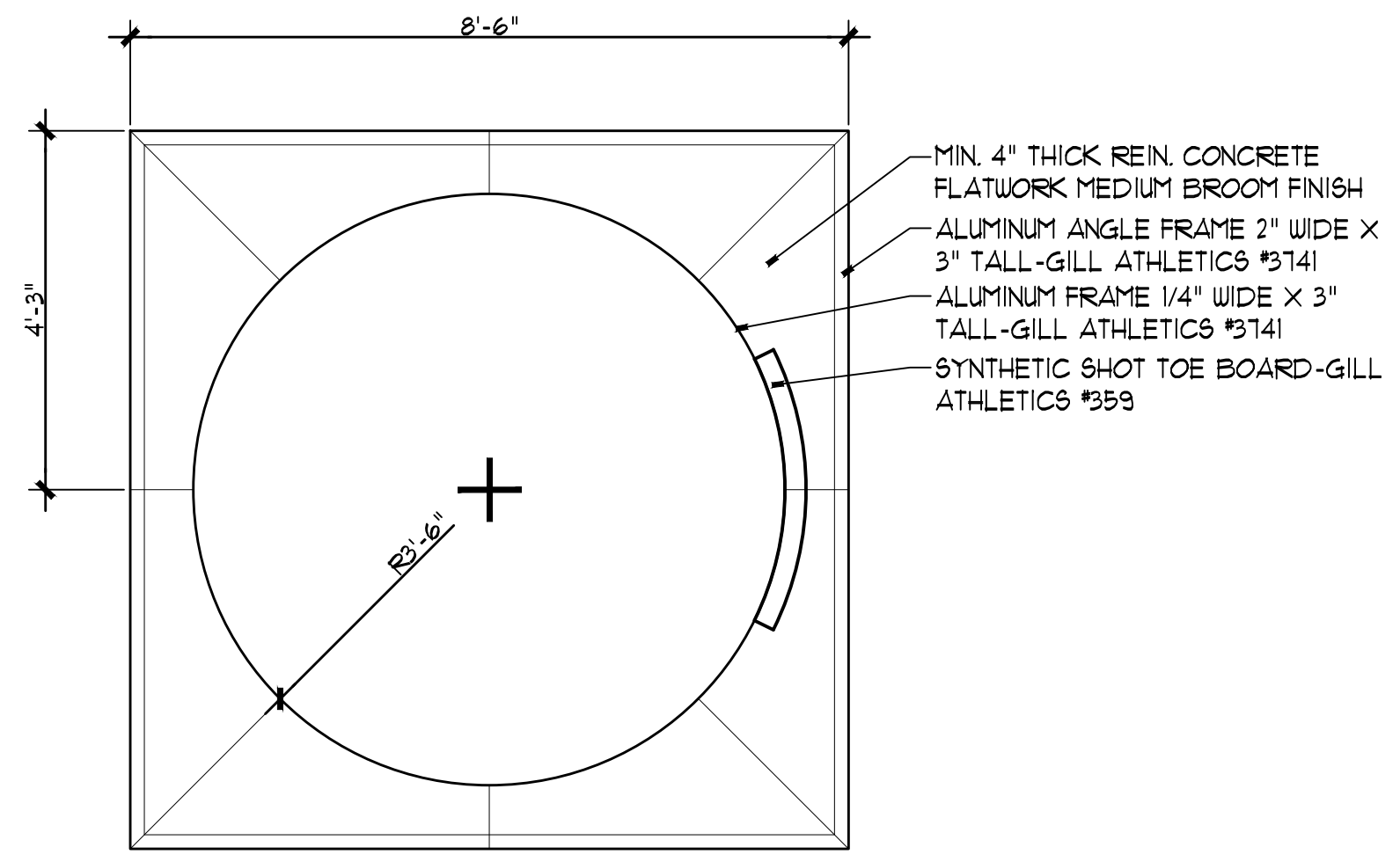


**E** DISCUS LAYOUT PLAN  
L10 Plan Scale: 1/2"=1'-0"

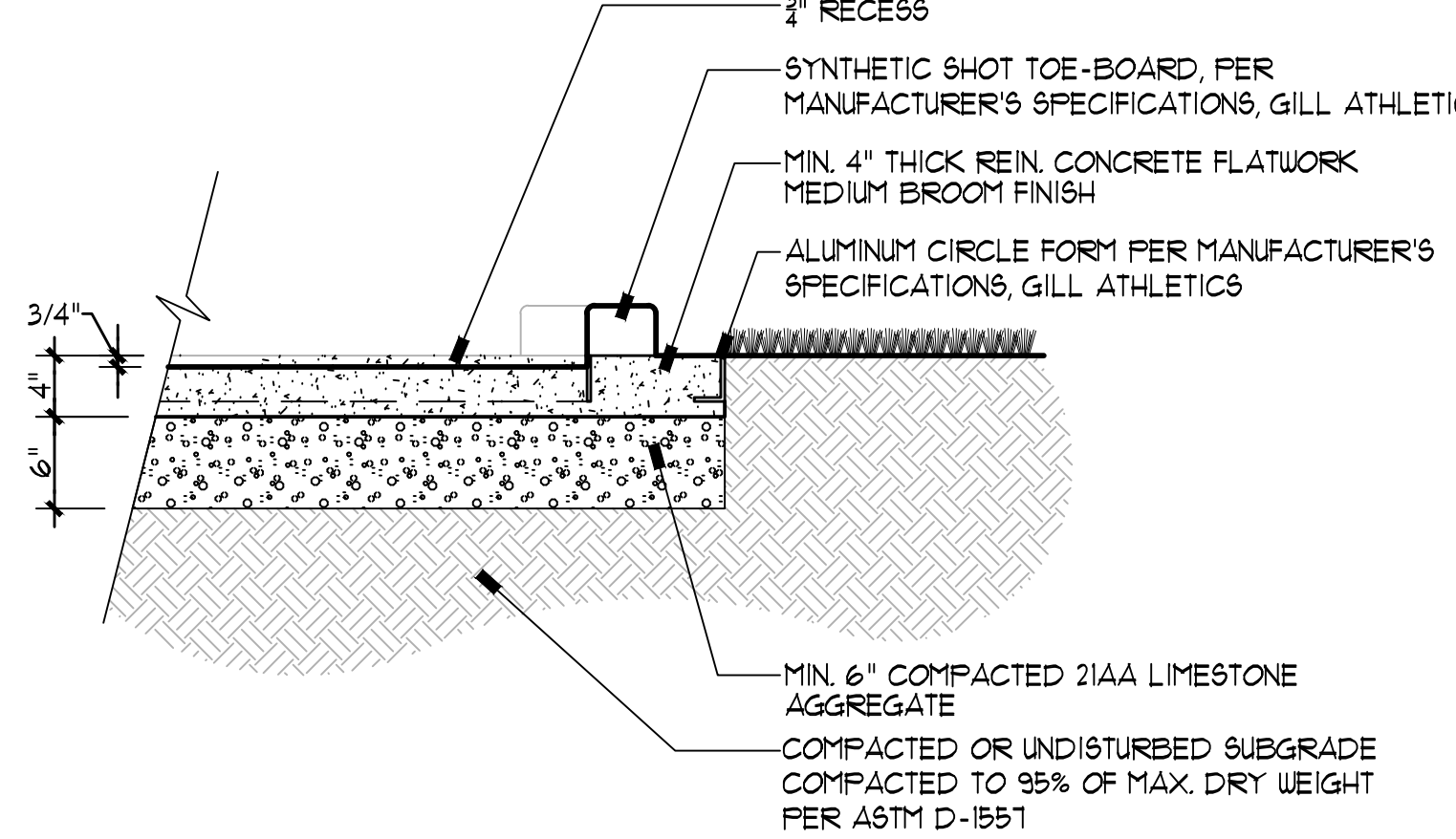


**F** DISCUS PAD DETAIL  
L10 Section Scale: 1"=1'-0"

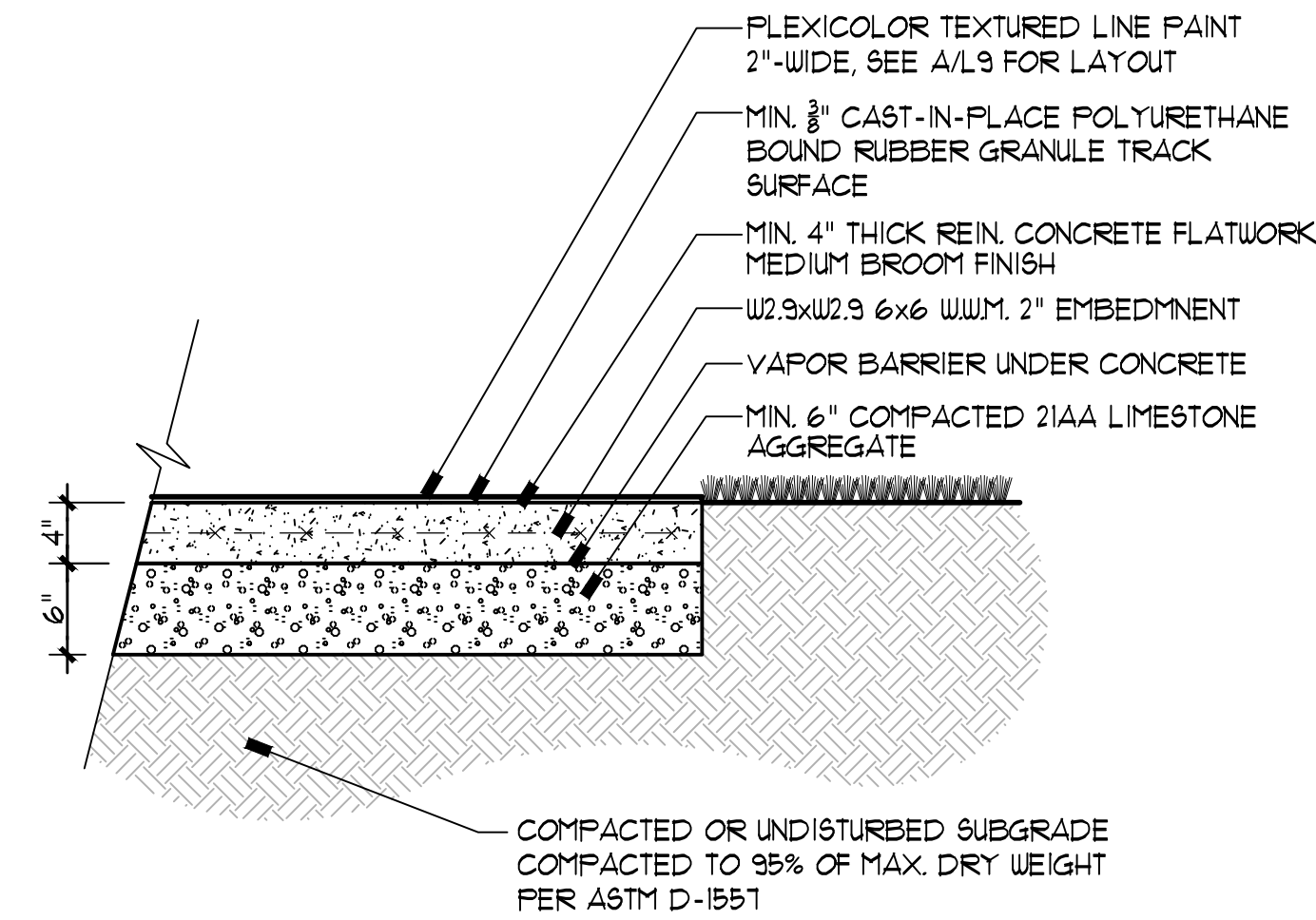
TRACK & FIELD SCHEDULE		
SYMBOL	QTY.	ITEM/DESCRIPTION
TRACK & FIELD NOTES: ALL REMOVED MATERIAL MUST BE DISPOSED OF LEGALLY OFF-SITE.		
A	1366 S.F.	RUBBER TRACK SURFACING - SODDARD COATING STS SELECT MIN. 3/8" CAST-IN-PLACE POLYURETHANE BOUND RUBBER GRANULE TRACK SYSTEM TO INCLUDE PRIMER, BINDER, AND RUBBER GRANULES.
B	541 L.F.	EXTERIOR TEXTURED PLEXI COLOR WHITE PAINTED LINE STRIPING, 2"-WIDE
C	1 E.A.	SHOT-PUT FORM - GILL ATHLETICS #3141 ALUMINUM CIRCLE FORM, INSTALL PER MANUFACTURER'S SPECIFICATIONS.
D	2 E.A.	PORTABLE SOCCER GOAL - BISON, INC. #SC-1065-PA-44-NT 4" SQUARE SHOOTOUT NO-TIP ALUMINUM PORTABLE SOCCER GOAL, 10'-6"-WIDE X 6'-6"-TALL X 6'-6" DEEP, INCLUDE NO-TIP BALLAST AND COMPETITION NET, PLACE (1) EA. AT NORTH AND SOUTH END OF FIELD



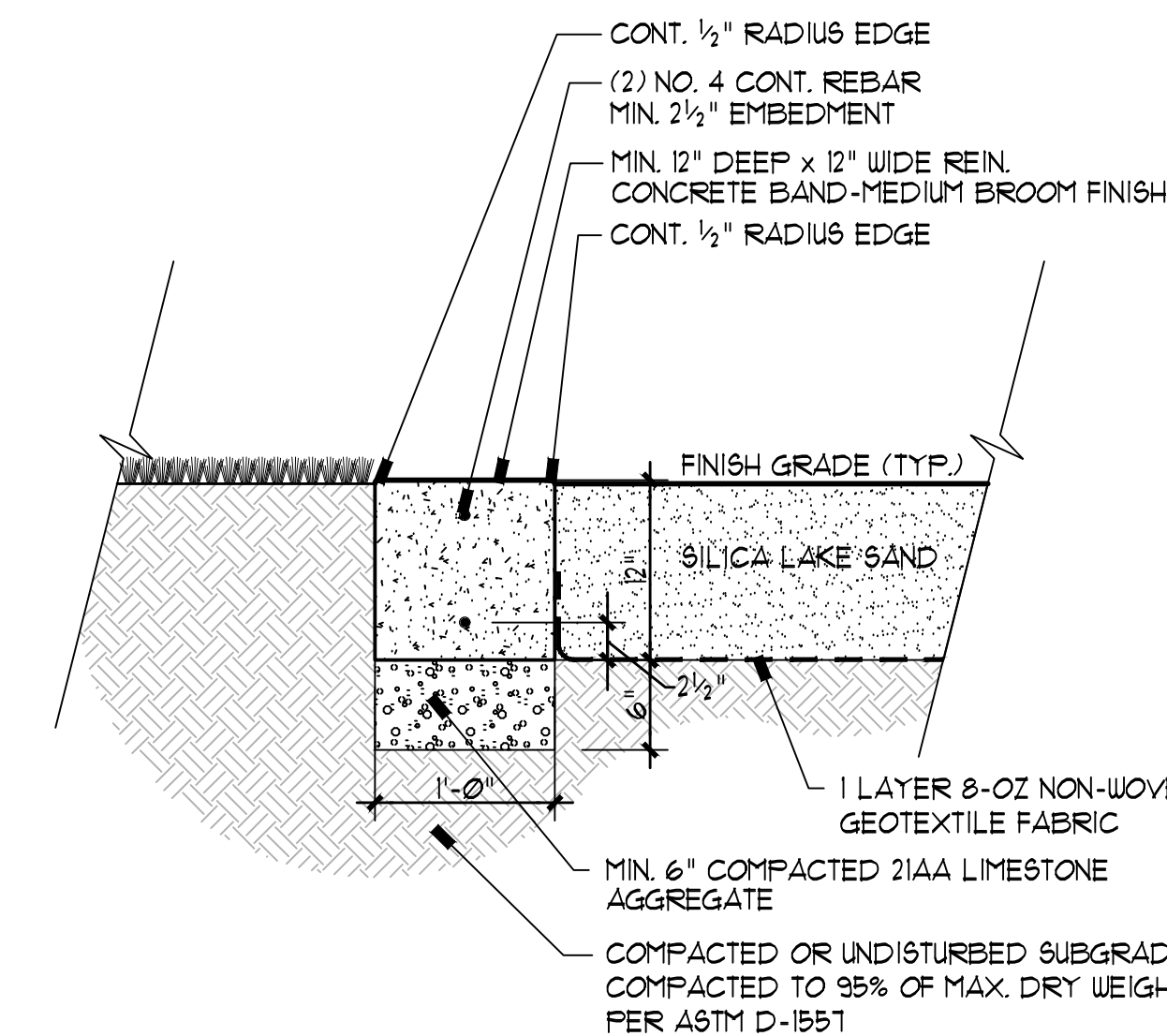
**G** SHOT PUT PAD LAYOUT PLAN  
L10 Plan Scale: 1/2"=1'-0"



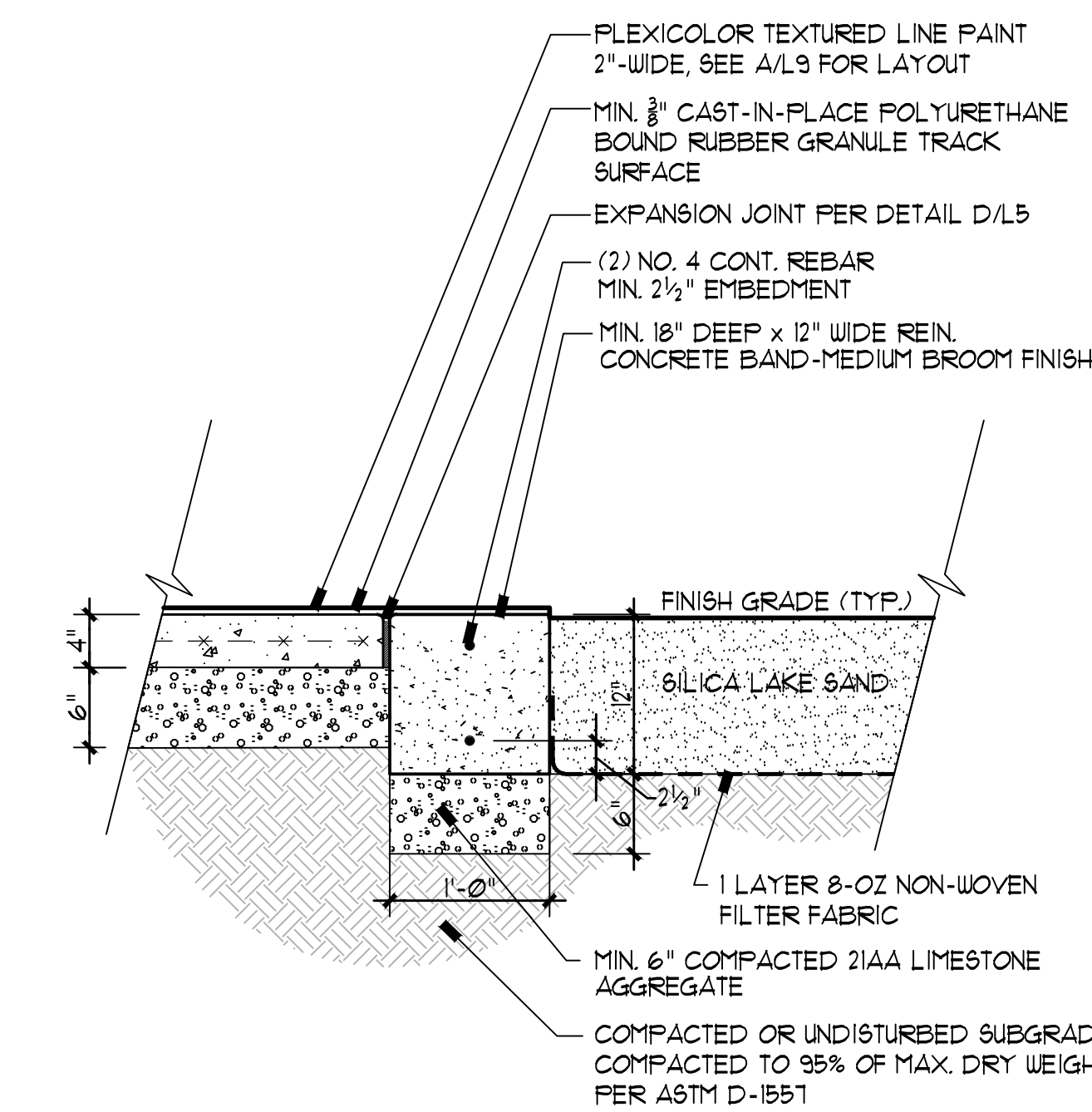
**H** SHOT PUT PAD DETAIL  
L10 Section Scale: 1"=1'-0"



**I** RUNNING TRACK DETAIL  
L10 Section Scale: 1"=1'-0"



**J** CONCRETE BAND AT LANDING PIT DETAIL  
L10 Section Scale: 1"=1'-0"



**K** RUNNING TRACK AT LANDING PIT DETAIL  
L10 Section Scale: 1"=1'-0"

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PROJECT

**TRACK & FIELD PLAN**

Shot Put, Track & Discus

SHEET TITLE

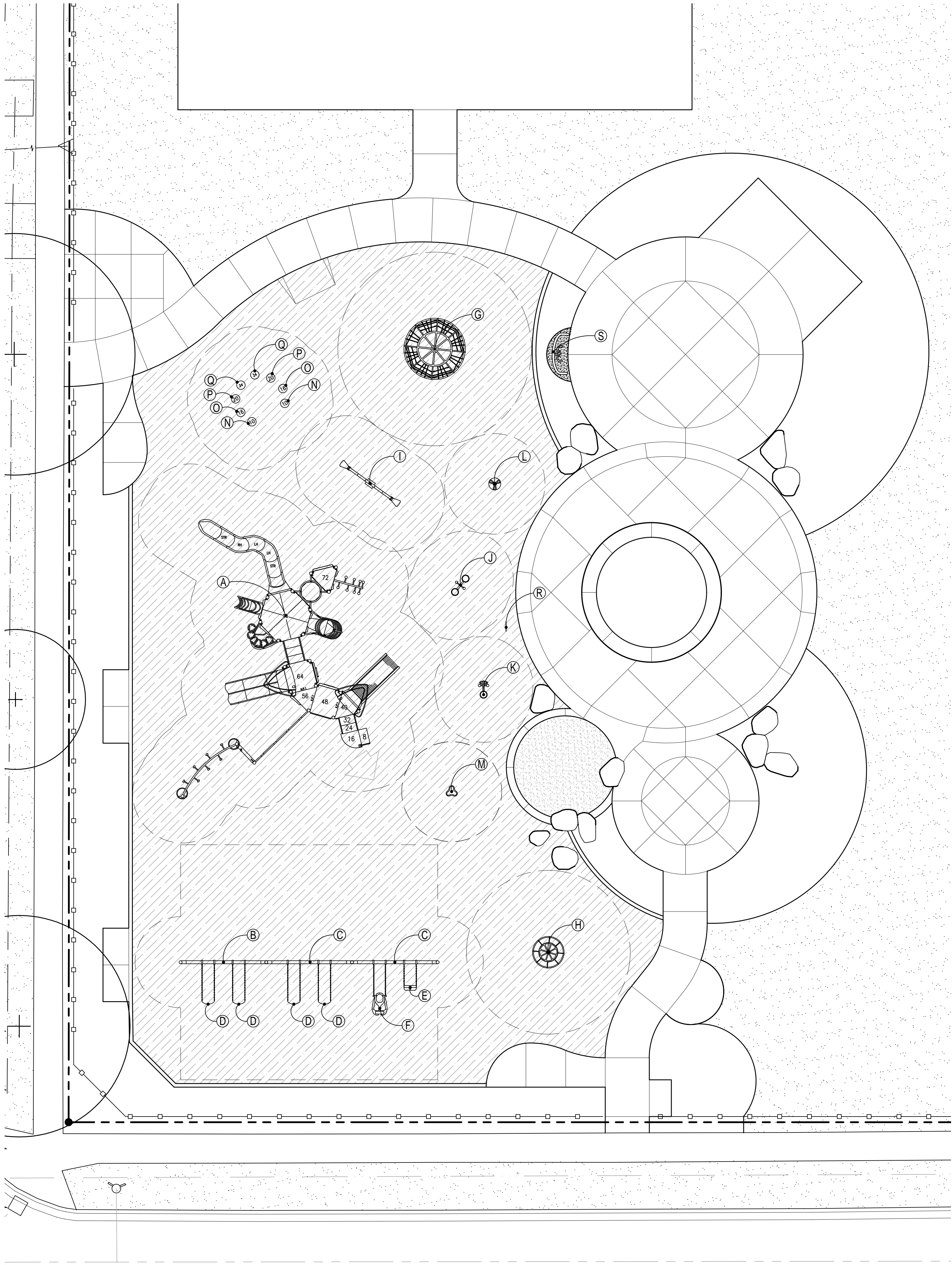


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SCALE

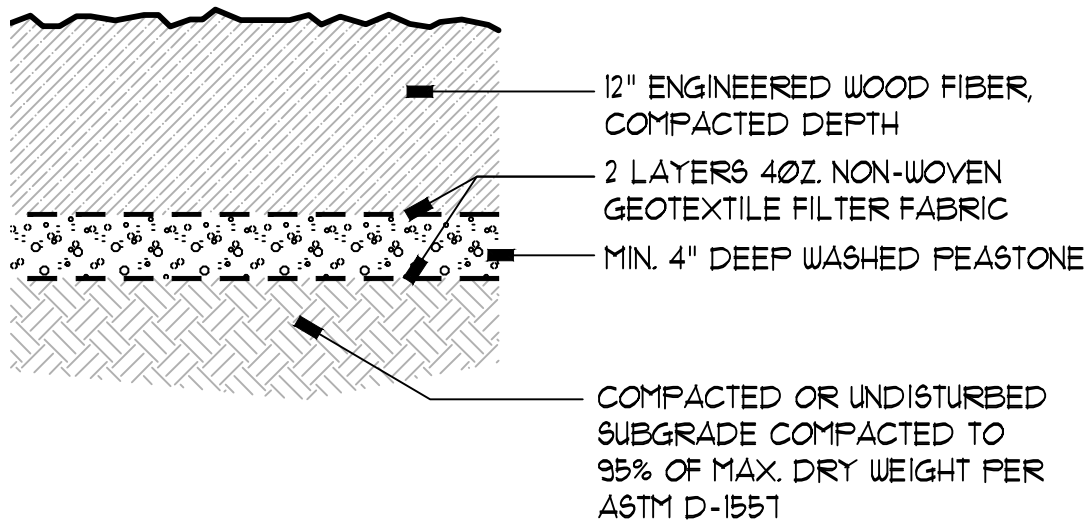
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**L10**

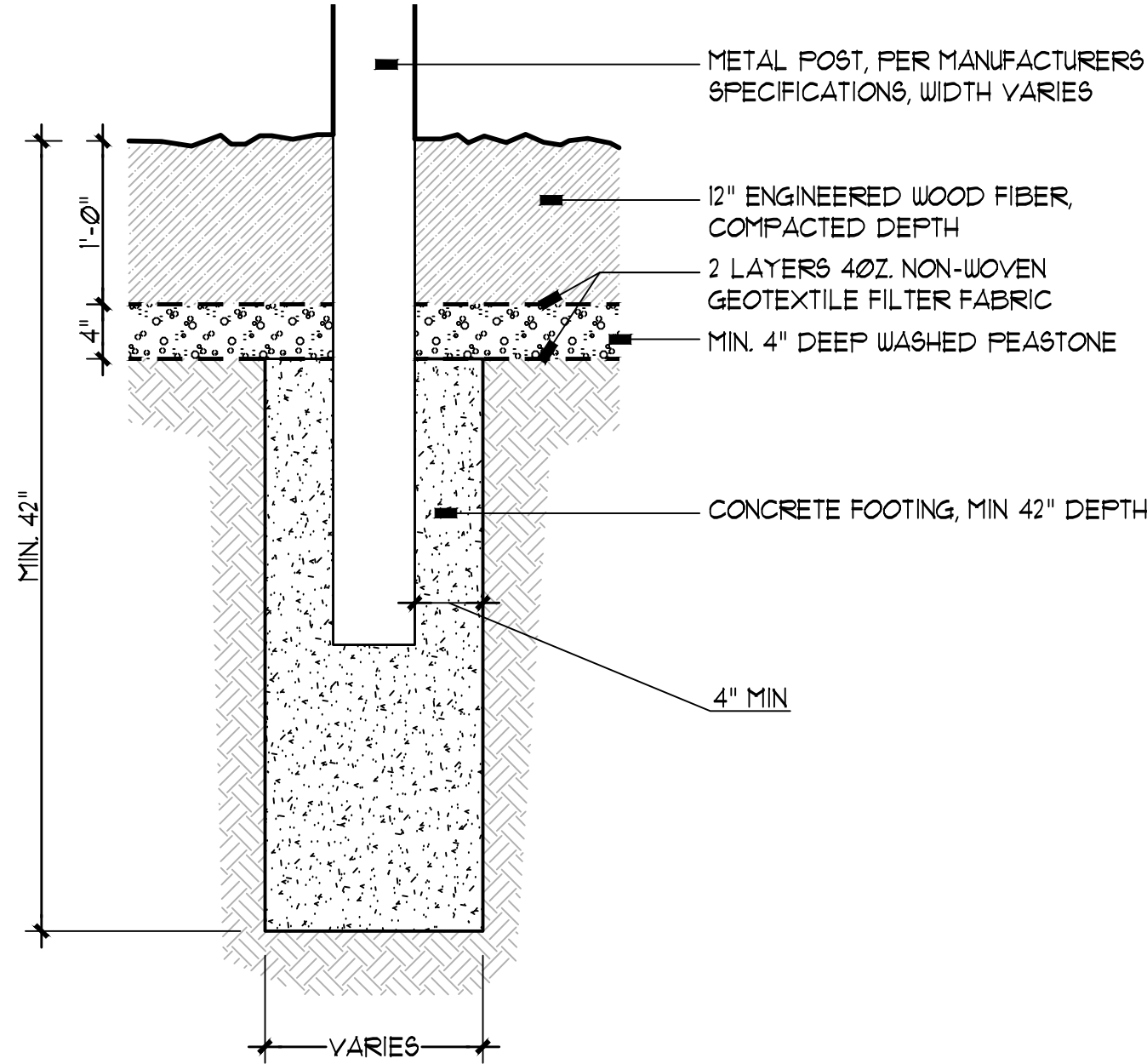


**A**  
L11 PLAYGROUND LAYOUT PLAN  
Plan Scale: 1/8"=1'-0" NORTH

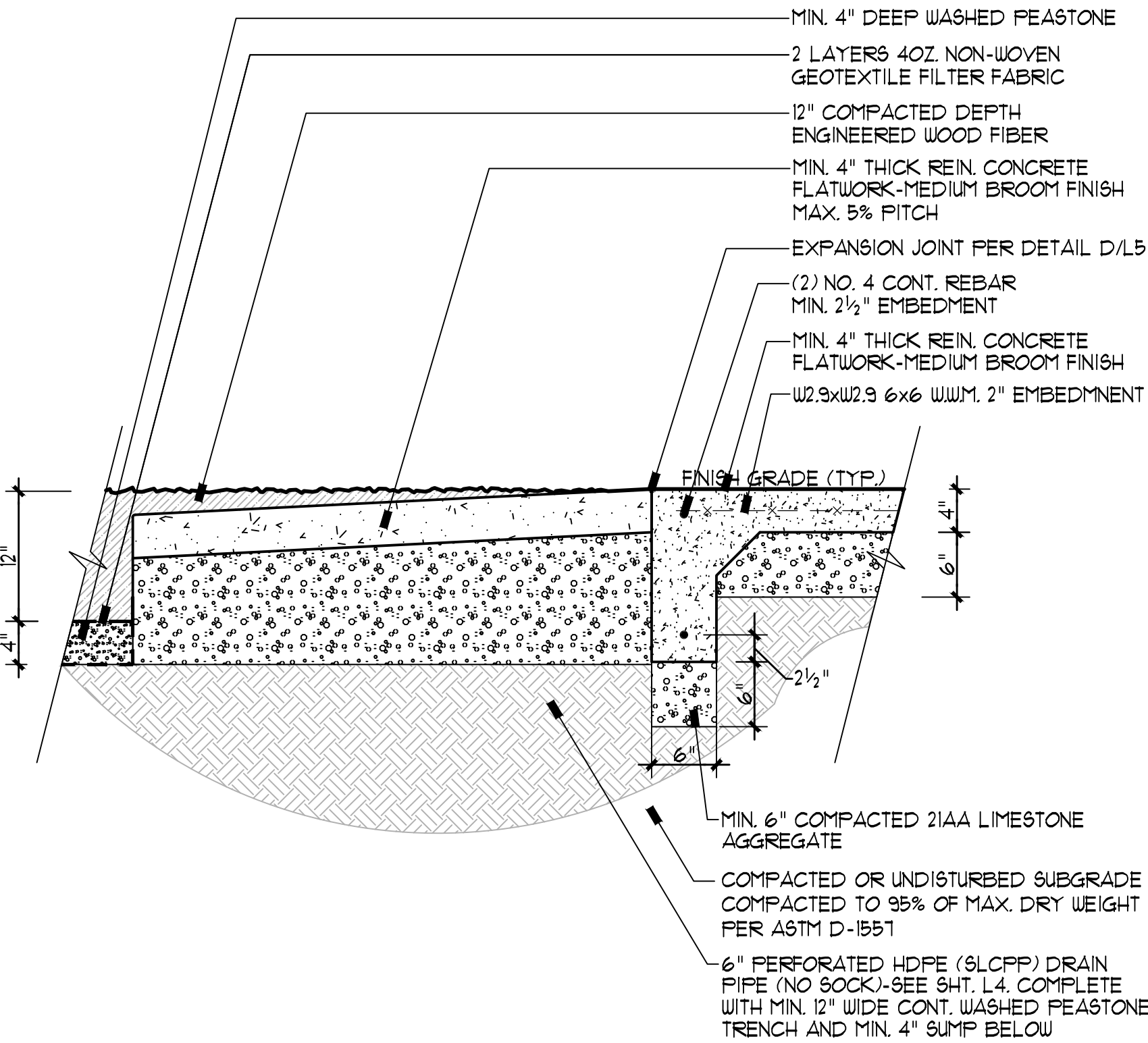
PLAY EQUIPMENT SCHEDULE					
SYMBOL	QTY.	ITEM/DESCRIPTION	FOOTINGS		
PLAY EQUIPMENT NOTES: ALL PLAY EQUIPMENT TO BE INSTALLED PER MANUFACTURER SPECIFICATIONS, LANDSCAPE STRUCTURES, INC. SUPPLIER: FENCHURA, LANCE SHIFMAN (810) 453-9172					
(A)	1	LANDSCAPE STRUCTURES, INC. PLAYBOOSTER PLAY STRUCTURE #161280-01-01	#161280-01-01	61	
(B)	1	LANDSCAPE STRUCTURES, INC. SINGLE POST SWING FRAME, 8' BEAM HEIGHT	#171332A	2	
(C)	2	LANDSCAPE STRUCTURES, INC. SINGLE POST SWING FRAME ADDITIONAL BAY, 8' BEAM HEIGHT	#171333A	2	
(D)	4	LANDSCAPE STRUCTURES, INC. BELT SEAT WITH CHAINS	#17401B		
(E)	1	LANDSCAPE STRUCTURES, INC. FULL BUCKET SEAT WITH CHAINS	#17603B		
(F)	1	LANDSCAPE STRUCTURES, INC. MOLDED BUCKET SEAT (5-12 YRS) WITH HARNESS AND CHAINS	#171351		
(G)	1	LANDSCAPE STRUCTURES, INC. GLOBAL MOTION DIRECT, BURY ONLY	#218415A	1	
(H)	1	LANDSCAPE STRUCTURES, INC. TOPSY-TURNY SPINNER, DIRECT BURY	#205800A	1	
(I)	1	LANDSCAPE STRUCTURES, INC. SEESAW, TWO-SEAT, DIRECT BURY	#148636A	1	
(J)	1	LANDSCAPE STRUCTURES, INC. DOUBLE BOBBLE RIDER, DIRECT BURY	#164075B	1	
(K)	1	LANDSCAPE STRUCTURES, INC. SINGLE BOBBLE RIDER, DIRECT BURY	#164074B	1	
(L)	1	LANDSCAPE STRUCTURES, INC. CURVA-SPINNER, DIRECT BURY	#247119A	1	
(M)	1	LANDSCAPE STRUCTURES, INC. SADDLE SPINNER, 16'-HEIGHT, DIRECT BURY	#152119A	1	
(N)	2	LANDSCAPE STRUCTURES, INC. POD CLIMBER 10' HEIGHT, DIRECT BURY	#158441A	1	
(O)	2	LANDSCAPE STRUCTURES, INC. POD CLIMBER 16' HEIGHT, DIRECT BURY	#120711A	1	
(P)	2	LANDSCAPE STRUCTURES, INC. POD CLIMBER 20' HEIGHT, DIRECT BURY	#158448A	1	
(Q)	2	LANDSCAPE STRUCTURES, INC. POD CLIMBER 24' HEIGHT, DIRECT BURY	#120712A	1	
(R)	1	LANDSCAPE STRUCTURES, INC. WELCOME SIGN AGES 5-12, DIRECT BURY	#182503C	1	
(S)	1	LANDSCAPE STRUCTURES, INC. RHAPSODY MARBLE CHIMES, DIRECT BURY	#228214A	4	



**B**  
L11 ENGINEERED WOOD FIBER PLAY SURFACING DETAIL  
Section Scale: 1"=1'-0"



**C**  
L11 IN-GROUND MOUNT AT PLAYGROUND DETAIL (TYP)  
Section Scale: 1"=1'-0"



**D**  
L11 CONCRETE TRANSITION AT PLAY AREA  
Section Scale: 1"=1'-0"

## GENERAL NOTES

PLAY EQUIPMENT INSTALLATION:  
1) THE CONTRACTOR SHALL BE RESPONSIBLE FOR UNLOADING, INSPECTING, AND VERIFYING ALL QUANTITIES OF DELIVERED PLAY EQUIPMENT. UPON DELIVERY, IF EQUIPMENT IS MISSING THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT AND OWNER IMMEDIATELY.  
2) ALL PLAY EQUIPMENT SHALL BE INSTALLED PER MANUFACTURER SPECIFICATIONS AND DRAWINGS.  
3) THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL REQUIRED SETBACK AND SAFETY AREAS BETWEEN PLAY EQUIPMENT AND SURROUNDING HARDSCAPES.  
4) ALL FOOTING WORK REQUIRED FOR PLAY EQUIPMENT INSTALLATION SHALL HAVE A FOOTING DEPTH OF MIN. 42" BELOW FINISH GRADE, REFER TO CONCRETE CONSTRUCTION.  
5) INSTALLATION OF ALL PLAY EQUIPMENT, SURFACING AND MATERIALS TO COMPLY WITH ASTM INTERNATIONAL AND CP91 2010 STANDARDS.

CONCRETE CONSTRUCTION:  
1) THE LANDSCAPE ARCHITECT SHALL APPROVE FINAL CONTRACTOR FORM WORK IN THE FIELD PRIOR TO POURING CONCRETE.  
2) CONCRETE STRENGTH FOR ALL PROPOSED CONCRETE CURBING SHALL BE 4,000 PSI AT 28 DAYS, MIN. 3500 PSI AT 28 DAYS. FOR PROPOSED CONCRETE FOOTINGS, WITH A 4-6% AIR ENTRAPMENT MIX DESIGN SHALL NOT HAVE LESS THAN 6.25 BAGS OF CEMENT PER CUBIC YARD.  
3) THE CONTRACTOR SHALL INSTALL ALL PROPOSED WORK ON COMPACTED OR UNDISTURBED SUBGRADE.  
4) THE CONTRACTOR SHALL FORM ALL PROPOSED CONCRETE BASE WORK AND FOOTINGS TO MINIMIZE OVERPOURS. ALL FORMS SHALL BE REMOVED AND LEGALLY DISPOSED OFF-SITE.  
5) ALL PROPOSED CONCRETE FOOTINGS SHALL BE EXCAVATED A MIN. 42" BELOW PROPOSED FINISH GRADE OR TO UNDISTURBED SUBGRADE (WHICHEVER IS GREATER).  
6) THE CONTRACTOR IS RESPONSIBLE FOR ALL REQUIRED EARTHWORK AND EXCAVATIONS TO PERFORM SCHEDULED WORK. ALL EXCAVATED MATERIALS SHALL BE DISPOSED (OFF-SITE) INCLUDED IN THE SUBMITTED PROPOSAL.

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PROJECT

**PLAY EQUIPMENT PLAN**  
Play Area

SHEET TITLE



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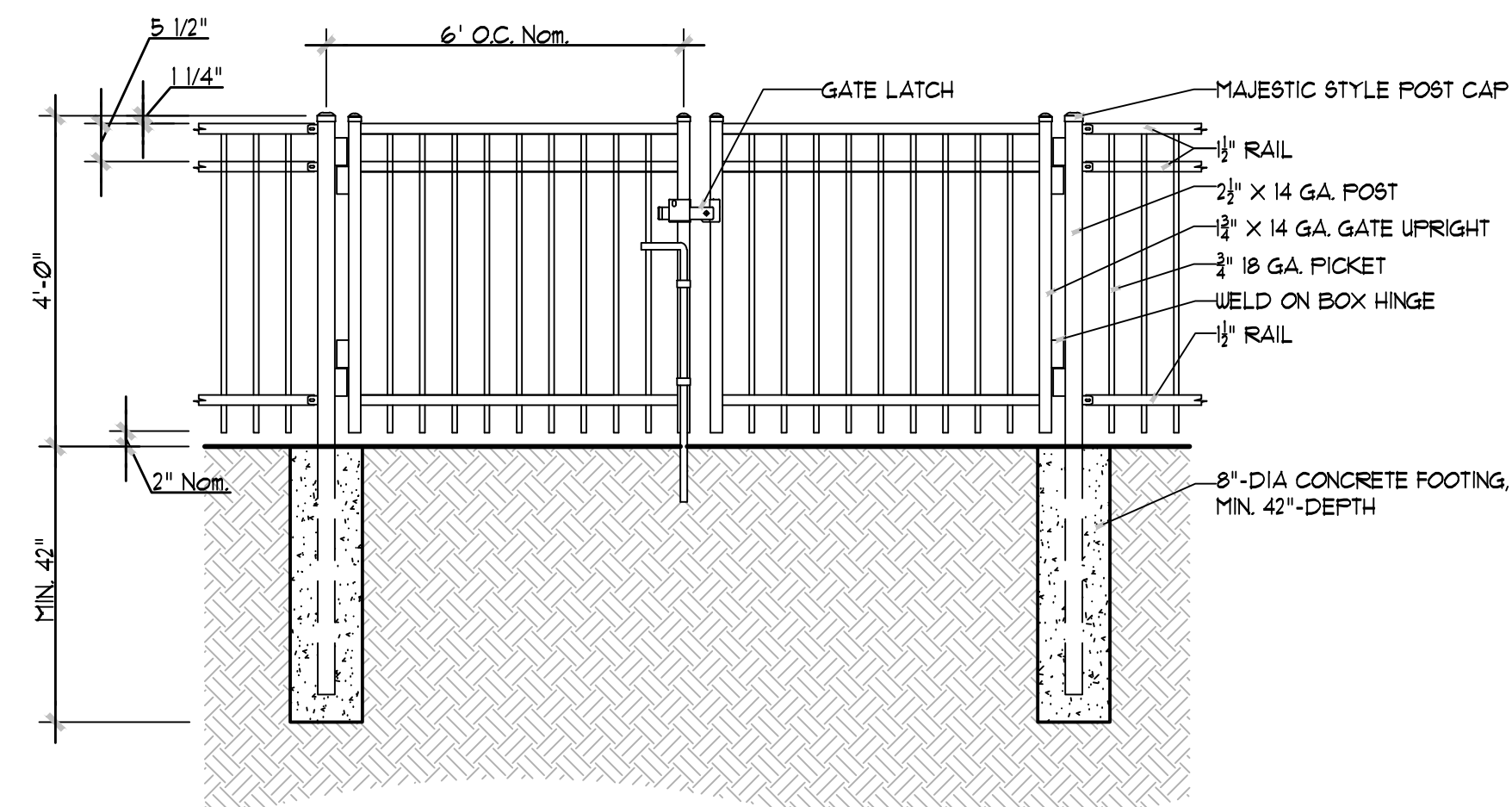
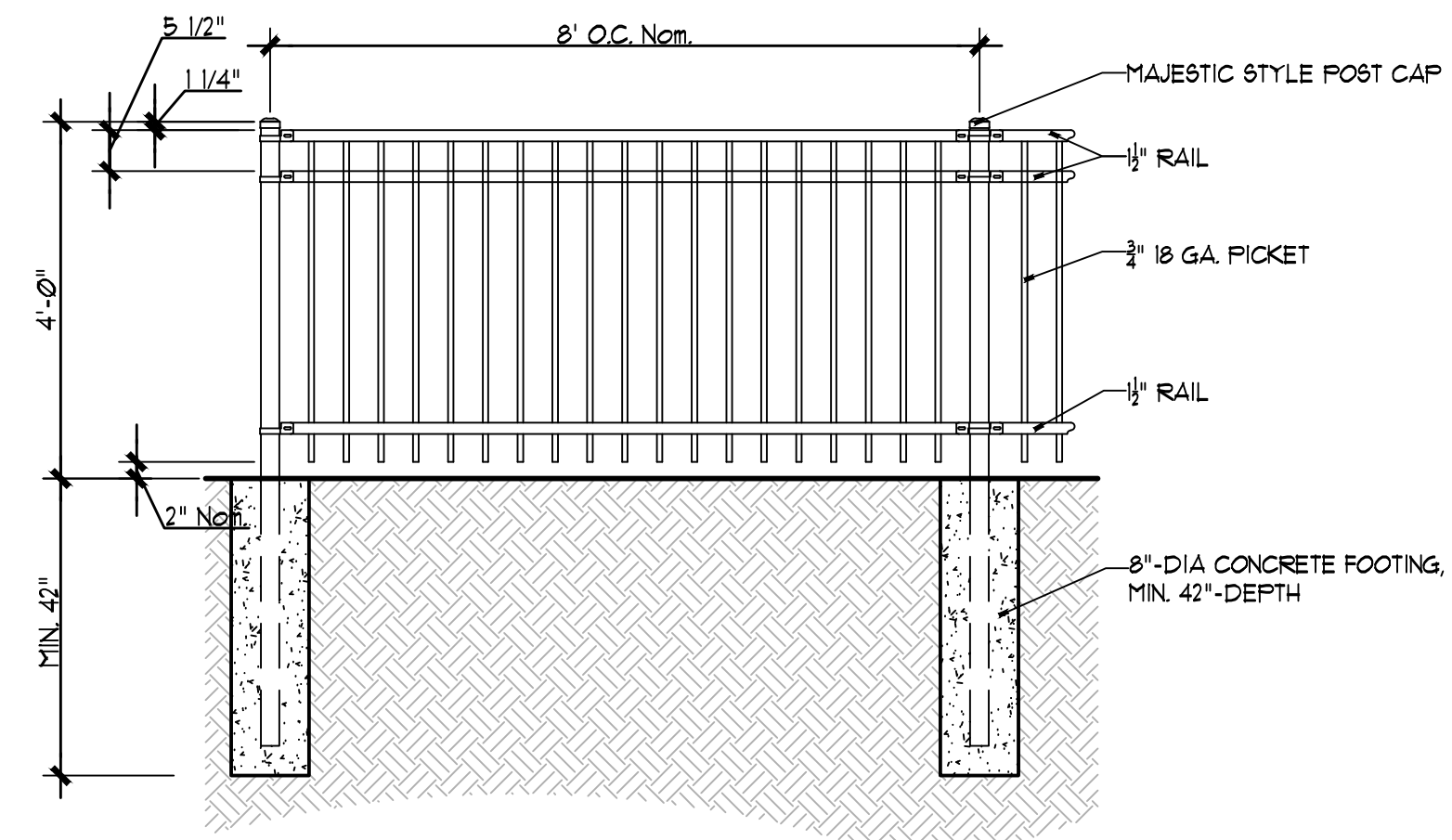
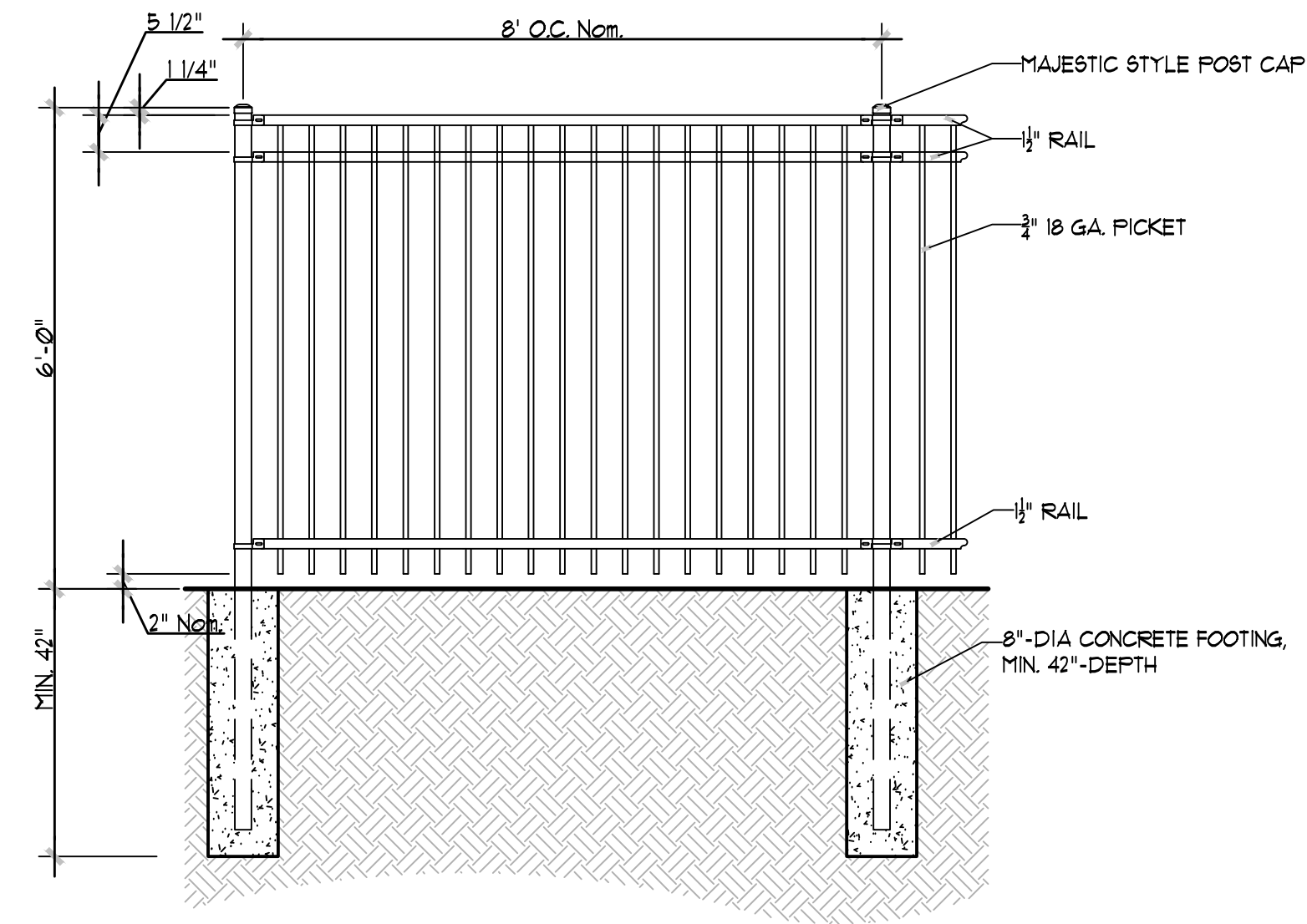
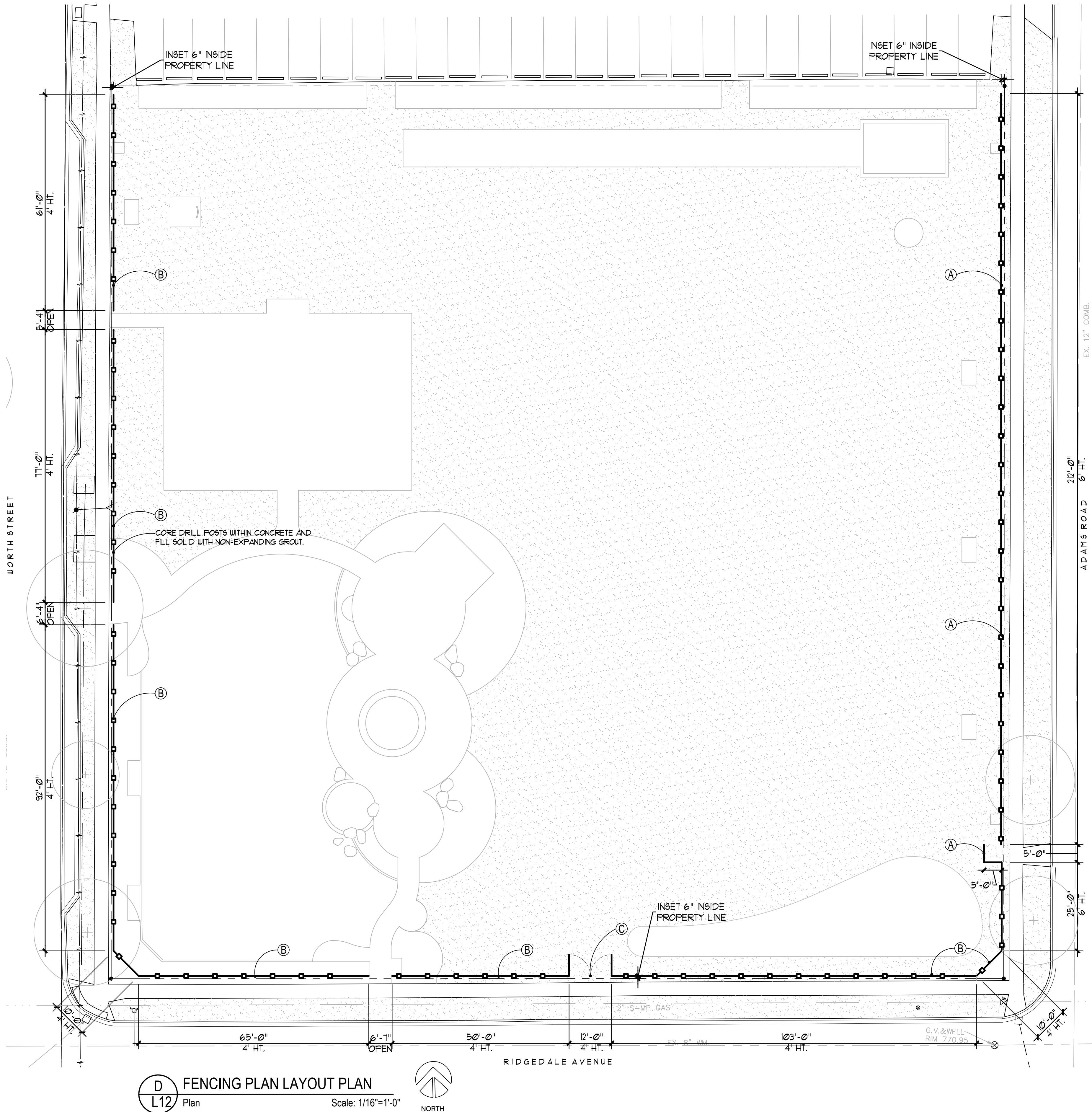
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MATERIAL SCHEDULE		
SYM.	QTY.	ITEM/DESCRIPTION
FENCING WORK: PROPOSED FENCE AND GATES SHALL BE AMERISTAR MONTAGE PLUS STEEL-MAJESTIC STYLE. PICKETS: 1/8" SQ x 1/8 GA. RAILS 1/2" x 1/2" x 1/4 GA. POSTS: 2 1/2" SQ x 1/4 GA. FOR FENCE, POSTS: 2 1/2" SQ x 1/4 GA. FOR GATES, HEIGHT VARIES-SEE MATERIAL SCHEDULE. ALL POSTS SHALL BE SET IN A 8" DIA x MIN. 42" DEEP CONCRETE POST FOOTING. A CITY FENCE PERMIT WILL BE REQUIRED PRIOR TO INSTALLATION.		
SYM.	QTY.	ITEM / DESCRIPTION
A	241 LF.	AMERISTAR MONTAGE PLUS STEEL ORNAMENTAL FENCE 6'-HIGH, MAJESTIC STYLE, WITH 3 HORIZONTAL RAILS
B	468 LF.	AMERISTAR MONTAGE PLUS STEEL ORNAMENTAL FENCE 4'-HIGH, MAJESTIC STYLE, WITH 3 HORIZONTAL RAILS
C	12 LF.	AMERISTAR MONTAGE PLUS STEEL ORNAMENTAL DOUBLE GATE 4'-HIGH X 12'-WIDE, MAJESTIC STYLE, WITH 3 HORIZONTAL RAILS. INCLUDE ALL HARDWARE AND CANE BOLT ON STATIONARY PANEL WITH GALVANIZED STEEL SLEEVE (MIN. 1/8" DEEP)
		COLOR:
A		POUNDERCOAT, BLACK
B		POUNDERCOAT, BLACK
C		POUNDERCOAT, BLACK

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FENCING PLAN

Site

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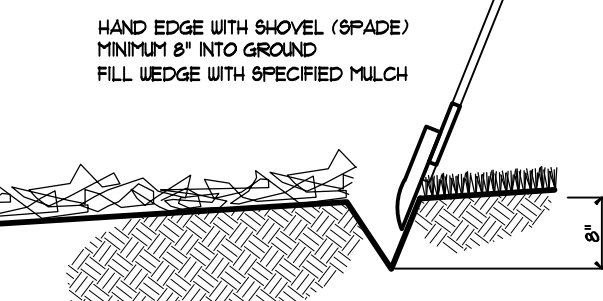
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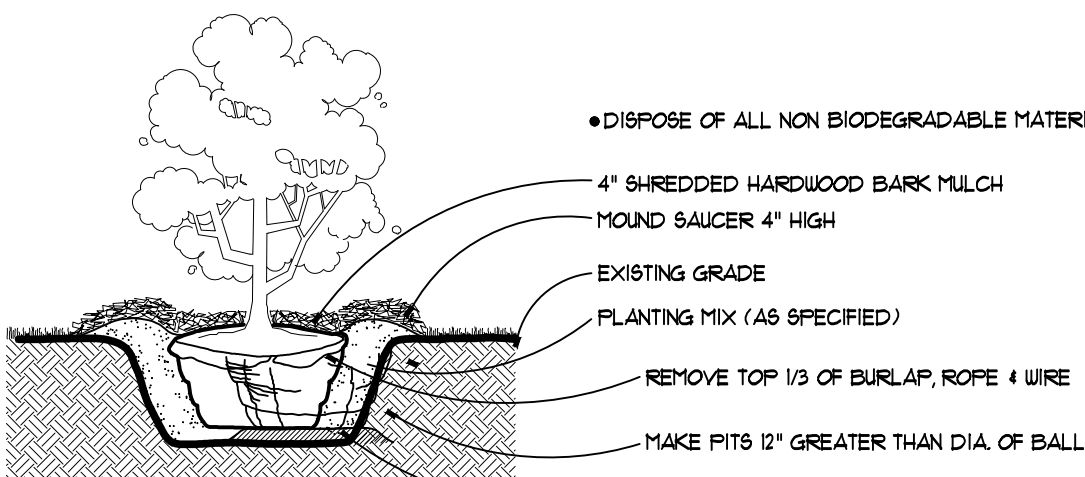
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L12

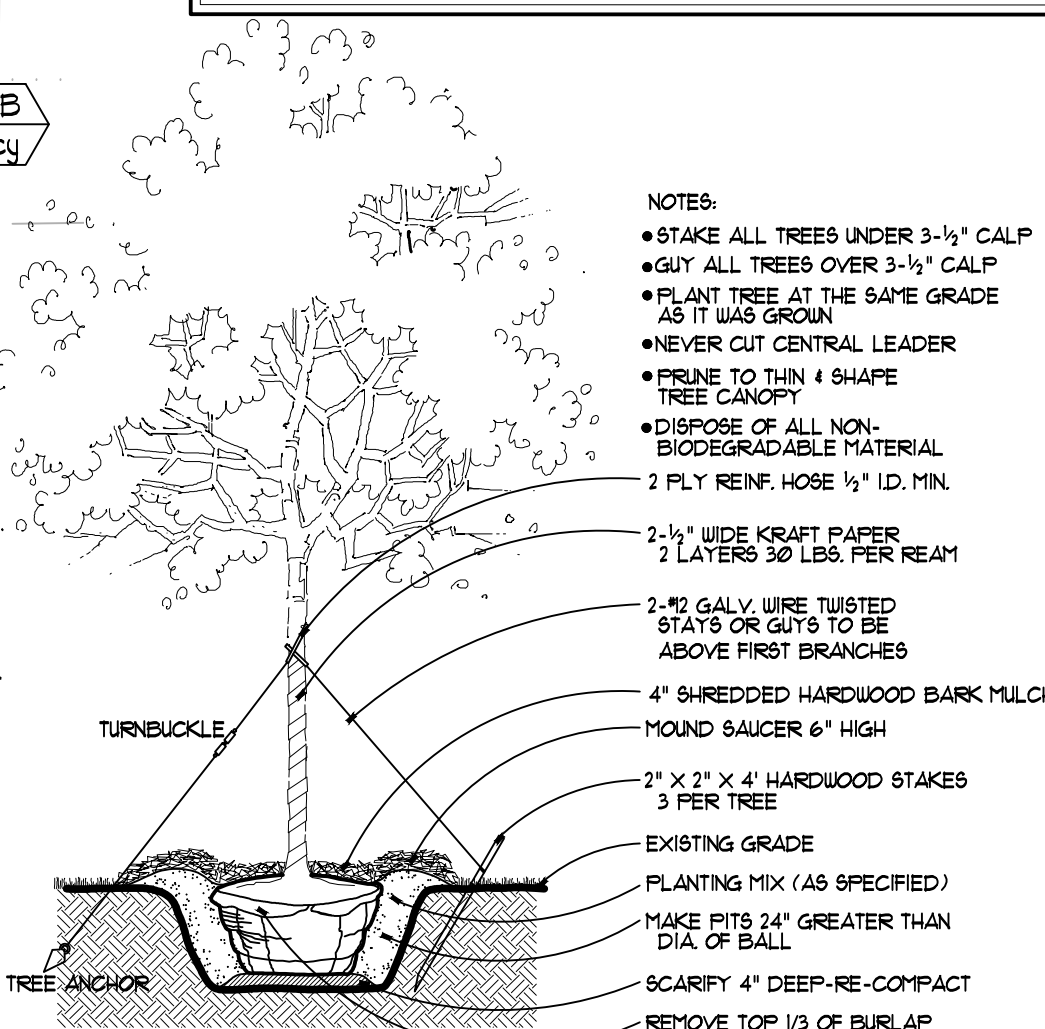




**C** **HAND-DUG EDGE**  
**L13** Section NO SCALE



## E SHRUB PLANTING

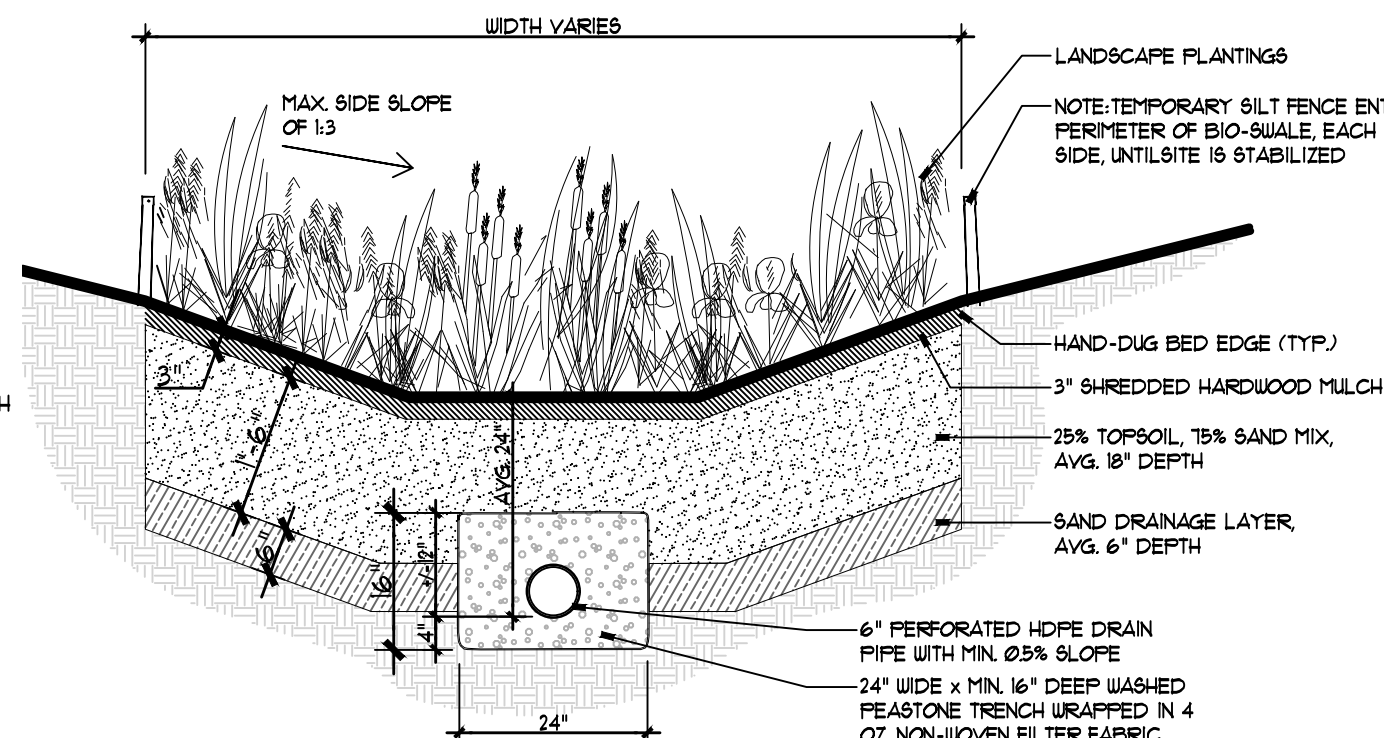


F
L13

## DECIDUOUS TREE PLANTING

---

Section
NO SCALE



# G L13 RAIN GARDEN DETAIL --- Section NO SCALE

**LANDSCAPE NOTES**

- 1) ALL EXISTING AND/OR PROPOSED SITE UTILITIES SHALL BE FIELD LOCATED, FLAGGED, AND VERIFIED PRIOR TO ANY LANDSCAPE OR IRRIGATION CONSTRUCTION.
- 2) ALL SPECIFIED AND INSTALLED PLANT MATERIAL SHALL BE IN FULL AND STRICT ACCORDANCE WITH AMERICAN NURSERYMAN STANDARDS (LATEST EDITION) AND BE:
  - A) NURSERY GROWN.
  - B) STATE DEPARTMENT OF AGRICULTURE INSPECTED AND APPROVED.
  - C) NO. 1 GRADE WITH STRAIGHT, UNSCARRED TRUNKS & WELL-DEVELOPED UNIFORM CROWNS ON TREES.
  - D) WARRANTED FOR A MIN. 1 YEAR FROM DATE OF ACCEPTANCE
- 3) SPECIFIED PLANTING SOIL MIXTURE FOR ALL SPECIFIED BEDS & PLANTS SHALL BE THREE (3) PARTS IMPORTED WELL-DRAINED, SCREENED ORGANIC TOPSOIL, TO ONE (1) PART IMPORTED CLEAN SAND, TO ONE (1) PART CANADIAN SPHAGNUM PEAT MOSS, TO ONE (1) PART NATURAL COMPOST (WEED-FREE)-COMPLETE WITH 40 LBS NATURAL POULTRY MANURE PER CANADIAN YARD. INSTALL 9" MINIMUM DEPTH IN ALL PERENNIAL, GROUNDCOVER, ANNUAL, AND SHRUB BEDS. ALL BEDS MUST BE EXCAVATED, REMOVE AND DISPOSE (OFF-SITE) EXISTING EARTH/SOIL TO ACCEPT PROPOSED PLANT MIXTURE.
- 4) SPECIFIED PLANTING SOIL MIXTURE FOR ALL BIO-SWALES AND RAIN GARDENS SHALL BE ONE (1) PART IMPORTED WELL-DRAINED, SCREENED ORGANIC TOPSOIL, TO THREE (3) PARTS IMPORTED CLEAN SAND, 18" DEEP IN ALL RAIN GARDENS AND BIO-SWALES. INCLUDE 6" DEEP IMPORTED SAND DRAINAGE LAYER. ALL BEDS MUST BE EXCAVATED, REMOVE AND DISPOSE (OFF-SITE) EXISTING EARTH/SOIL TO ACCEPT PROPOSED PLANT MIXTURE AND SAND DRAINAGE LAYER.
- 5) PROPOSED SHREDDED HARDWOOD BARK MULCH SHALL BE SEASONED FOR A MINIMUM 6 MONTHS, DARK BROWN IN COLOR, AND INSTALLED 4" DEEP UNDER ALL PROPOSED TREES (INCLUDED IN UNIT COST), 4" DEEP IN ALL SHRUB AND TREE BEDS, AND 3" DEEP IN ALL PERENNIAL/GROUNDCOVER BEDS.
- 6) ALL PROPOSED LAWN AND LANDSCAPE AREAS SHALL BE WATERED BY AN AUTOMATICALLY OPERATED SPRINKLER IRRIGATION SYSTEM, COMPLETE WITH SEPERATE LAWN AND SHRUB ZONES.
- 7) ALL PROPOSED TREES AND "SPECIMEN" PLANT MATERIAL MUST BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION AND/OR DELIVERY TO THE SITE.
- 8) THE LANDSCAPE CONTRACTOR SHALL KEEP THE STREET AND DRIVE CLEAN AND FREE OF DIRT AND DEBRIS AT ALL TIMES, AND SHALL THOROUGHLY SWEEP AND/OR WASH THE DRIVE AT THE END OF EACH WORK DAY.
- 9) THE LANDSCAPE CONTRACTOR SHALL STAKE THE LOCATION OF ALL PROPOSED TREES FOR THE LANDSCAPE ARCHITECT TO APPROVE PRIOR TO PLANTING. THE LANDSCAPE CONTRACTOR SHALL ALSO SET ON-SITE ALL SHRUBS, PERENNIALS, ORNAMENTAL GRASSES, VINES, AND GROUNDCOVERS AS PER PLAN FOR THE LANDSCAPE ARCHITECT TO APPROVE PRIOR TO PLANTING.
- 10) ALL DEAD AND UNACCEPTABLE PLANT MATERIALS SHALL BE REPLACED BY THE LANDSCAPE CONTRACTOR DURING THE WARRANTY PERIOD. THE WARRANTY PERIOD SHALL BE TWO (2) YEARS FROM THE ACCEPTANCE OF INSTALLATION ISSUED BY THE LANDSCAPE ARCHITECT.
- 11) PROPOSED SEEDED LAWN AREAS: FINE GRADE EXISTING SUBGRADE REMOVE AND DISPOSE (OFF-SITE) EXISTING ROOTS, ROCKS, AND DEBRIS, INCLUDE IMPORTING A MIN. 3" (AVE.) IMPORTED SCREENED TOPSOIL TO FINE GRADE ALL AREAS, FERTILIZE-MIN. 2 APPLICATIONS:
  - 1ST FERTILIZER APPLICATION: STARTER FERTILIZER (13-26-12) WITH 50% SLOW RELEASE NITROGEN AT INITIAL SOWING OF SEED. RATE OF 200 LBS. PER ACRE.
  - 2ND FERTILIZER APPLICATION: 25-0-15 WITH 40% 45 DAY SLOW RELEASE NITROGEN, 10% 90 DAY SLOW RELEASE NITROGEN, AND 5% FE (IRON) AFTER GERMINATION OF SEED 4-6 WEEKS AFTER SOWING SEED. RATE 200 LBS. PER ACRE.
- SEED: EVERGREEN OVERSEEDING MIXTURE AT A RATE OF 5 LBS. PER 1,000 SQUARE FEET:
  - 30% BLUE DEVIL (ELITE) KENTUCKY BLUEGRASS
  - 30% RUGBY II (ELITE) KENTUCKY BLUEGRASS
  - 20% MIDNIGHT (ELITE) KENTUCKY BLUEGRASS
  - 15% PREMIUM PERENNIAL RYEGRASS
  - 15% PRIMARY PERENNIAL RYEGRASS
- SEED 4 FERTILIZER DISTRIBUTOR: EVERGREEN SEED SUPPLY (BRIAN FOLK) 419-235-1135
- HYDRO-MULCH: SECOND NATURE FIBER BLEND-10% WOOD/30% PAPER MULCH AT A RATE OF 1100 LBS PER ACRE WITH EVERTAK TACKIFIER AT A RATE OF 3 LBS PER ACRE.
- 12) SPADED ELM TREE TO BE INSTALLED PRIOR TO INSTALLATION OF SEAT WALL. CONTRACTOR TO COORDINATE INSTALLATION WITH CONCRETE SUBCONTRACTOR.

L13




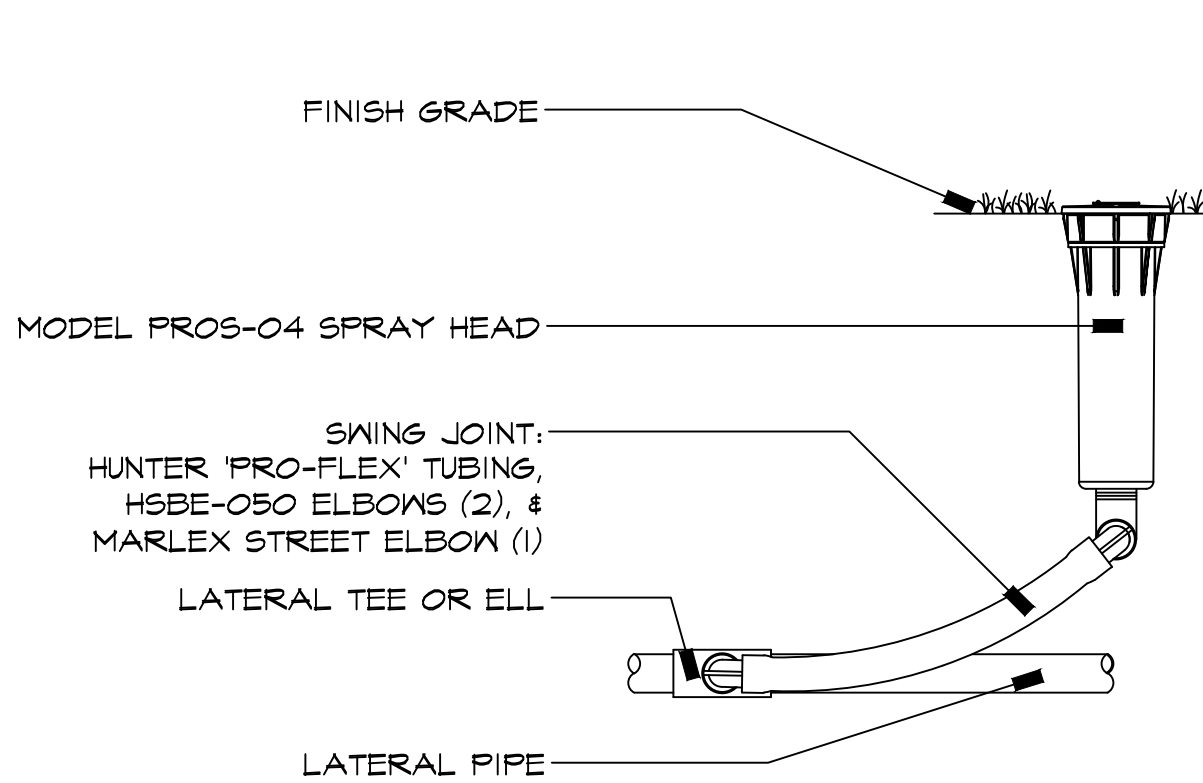


Diagram illustrating the components of a valve callout:

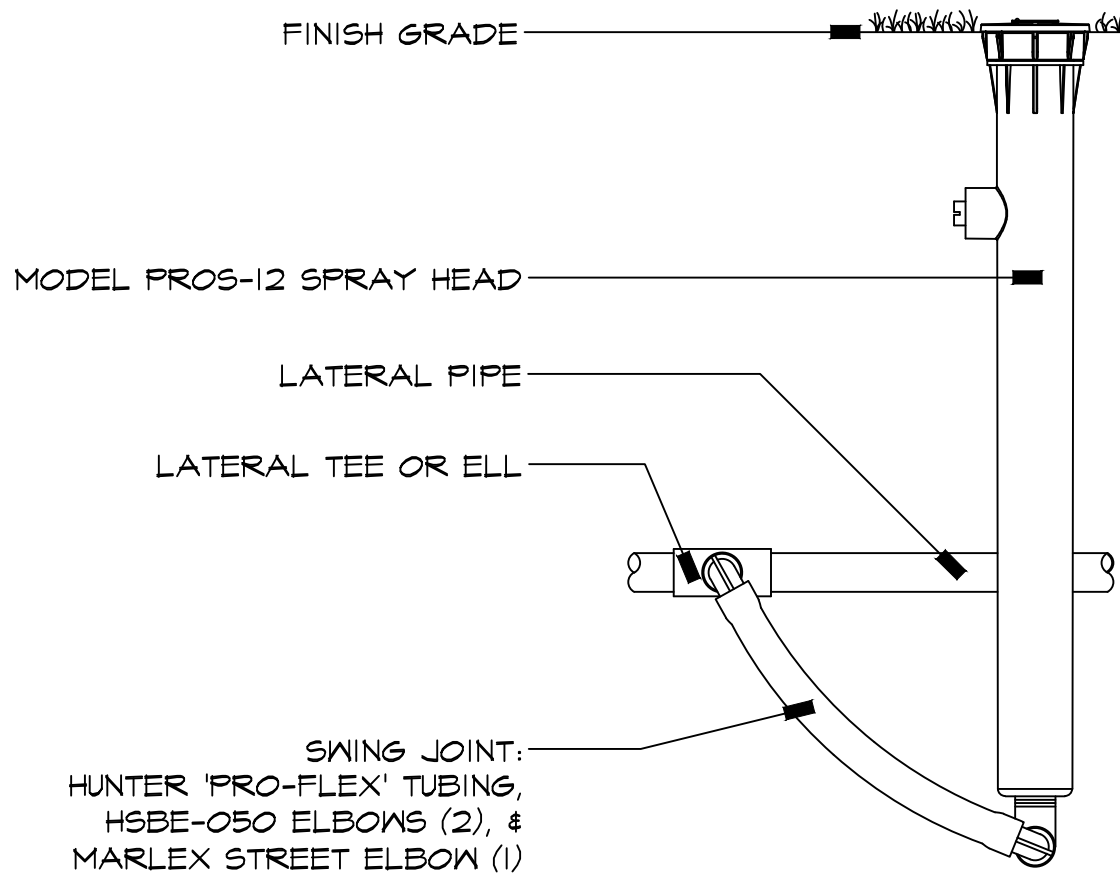
- VALVE NUMBER (indicated by #)
- VALVE FLOW (indicated by #)
- VALVE SIZE (indicated by #)

L14

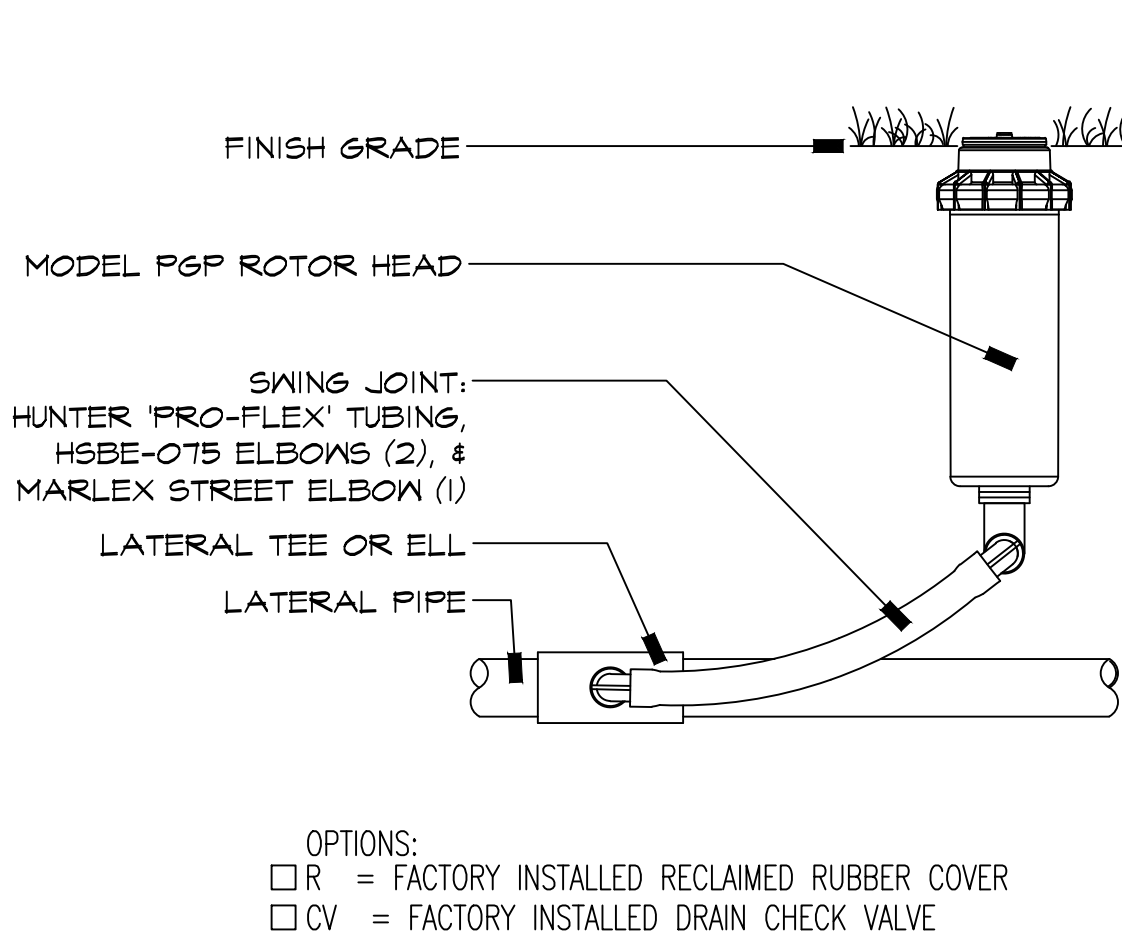




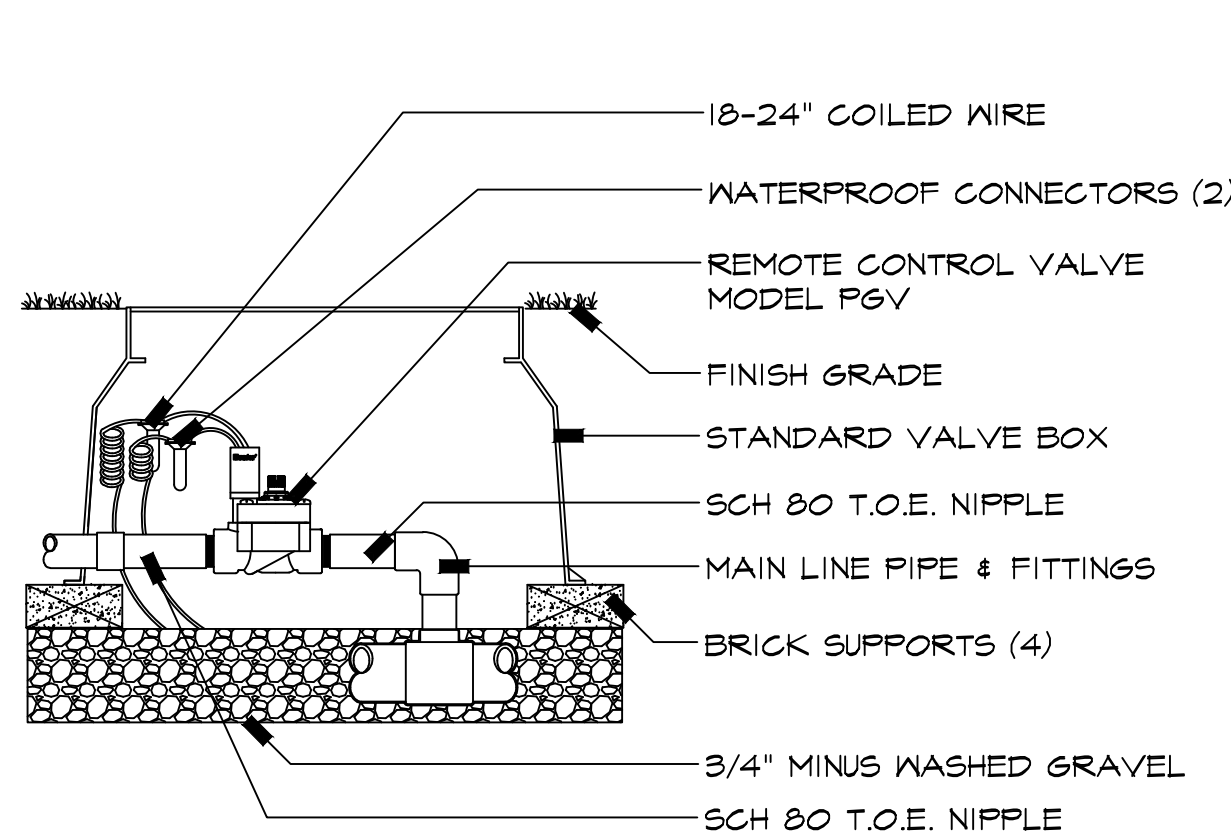
**A** PROS-04 SPRAY HEAD WITH PRO-FLEX TUBING  
Section NO SCALE



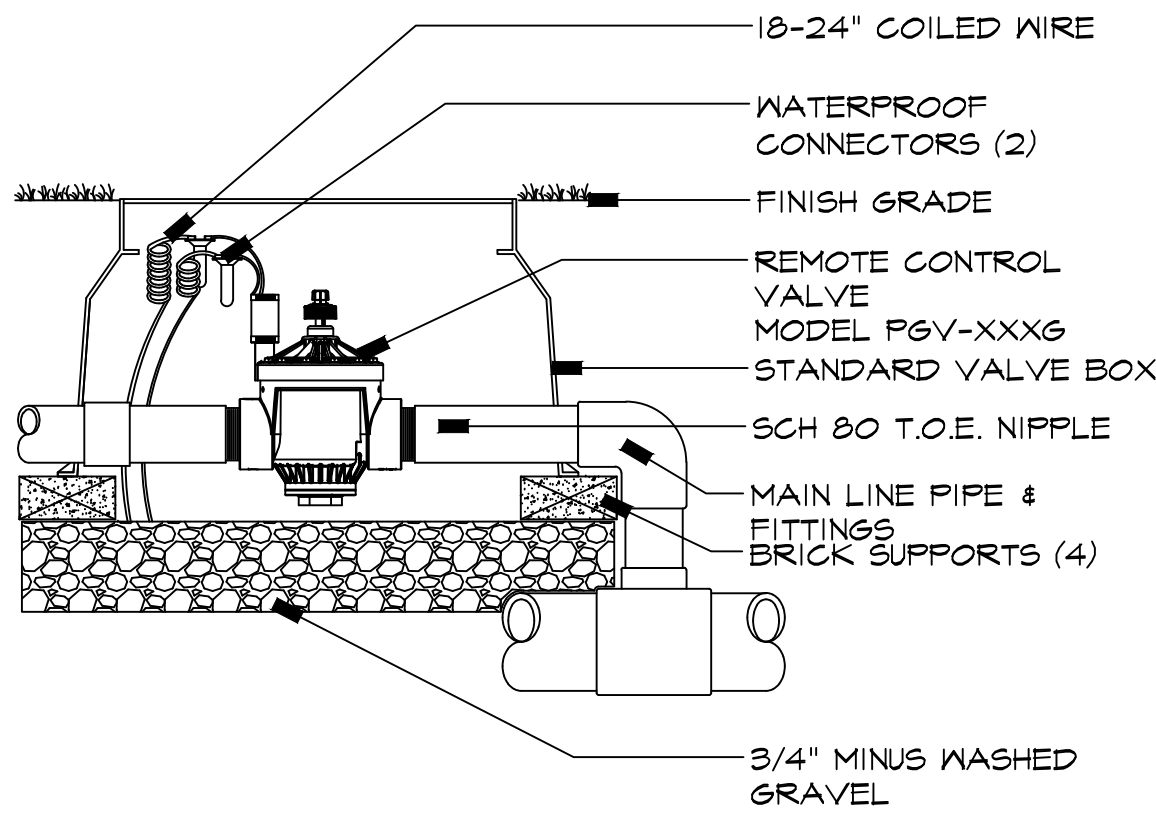
**B** PROS-12 SPRAY HEAD WITH PRO-FLEX TUBING  
Section NO SCALE



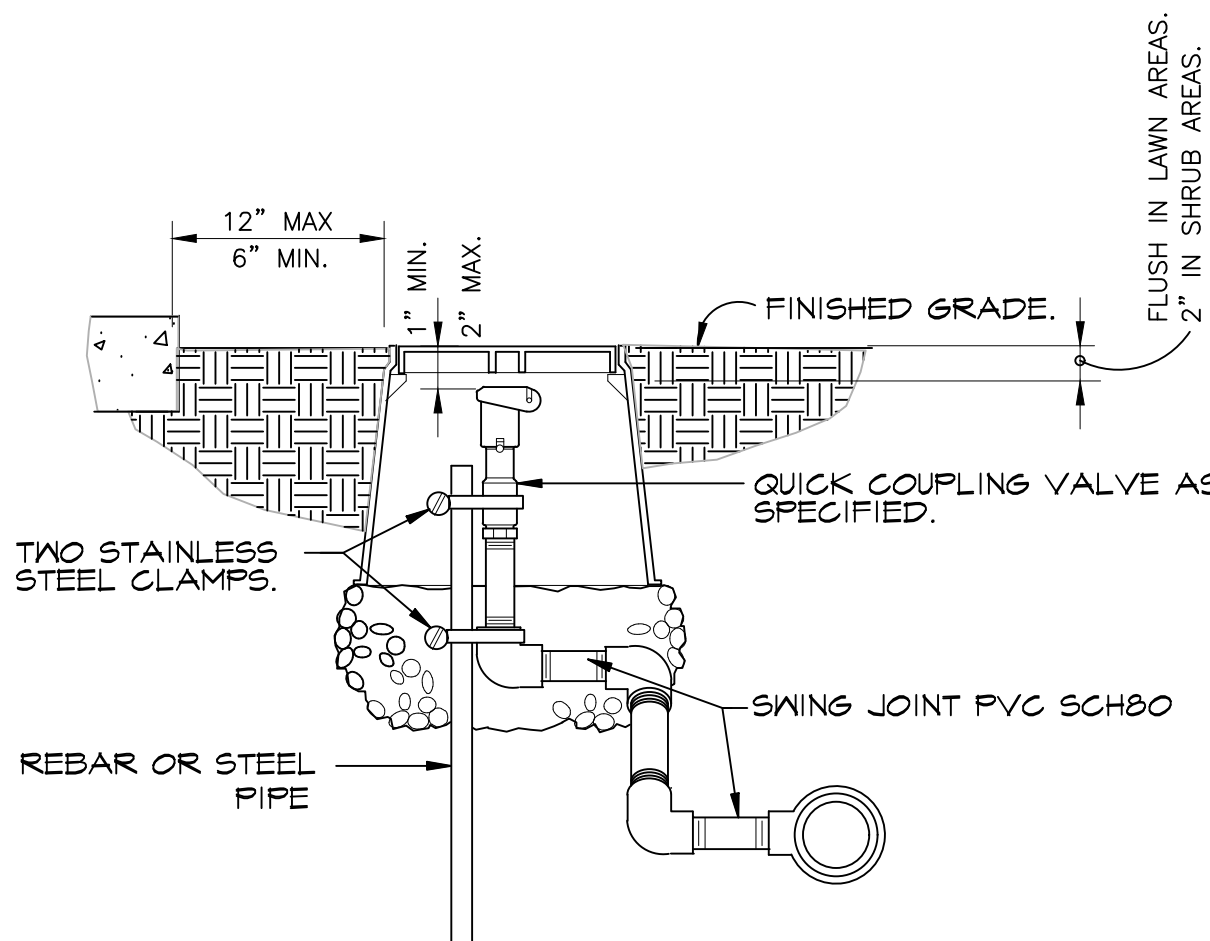
**C** PGP ROTOR HEAD WITH PRO-FLEX TUBING  
Section NO SCALE



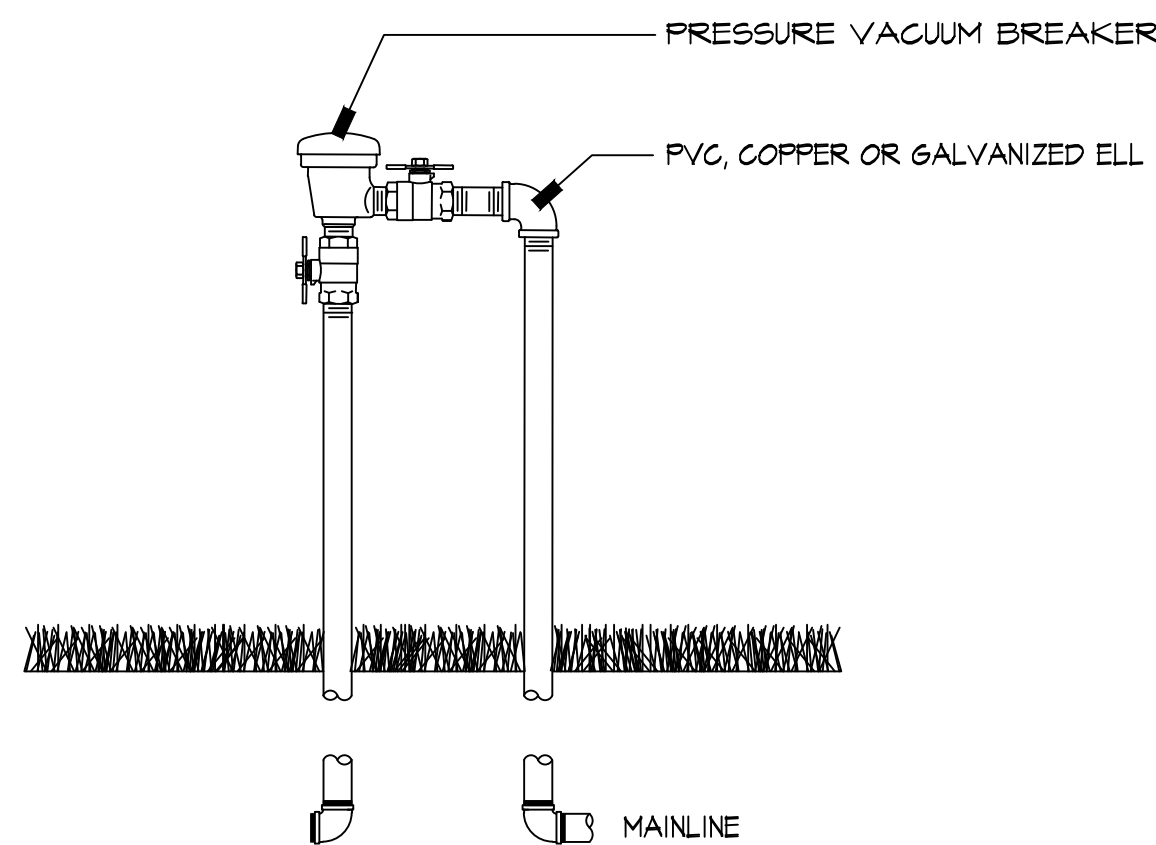
**D** PGV GLOBE VALVE 1"  
NO SCALE



**E** PGV GLOBE VALVE 151/201  
Section NO SCALE

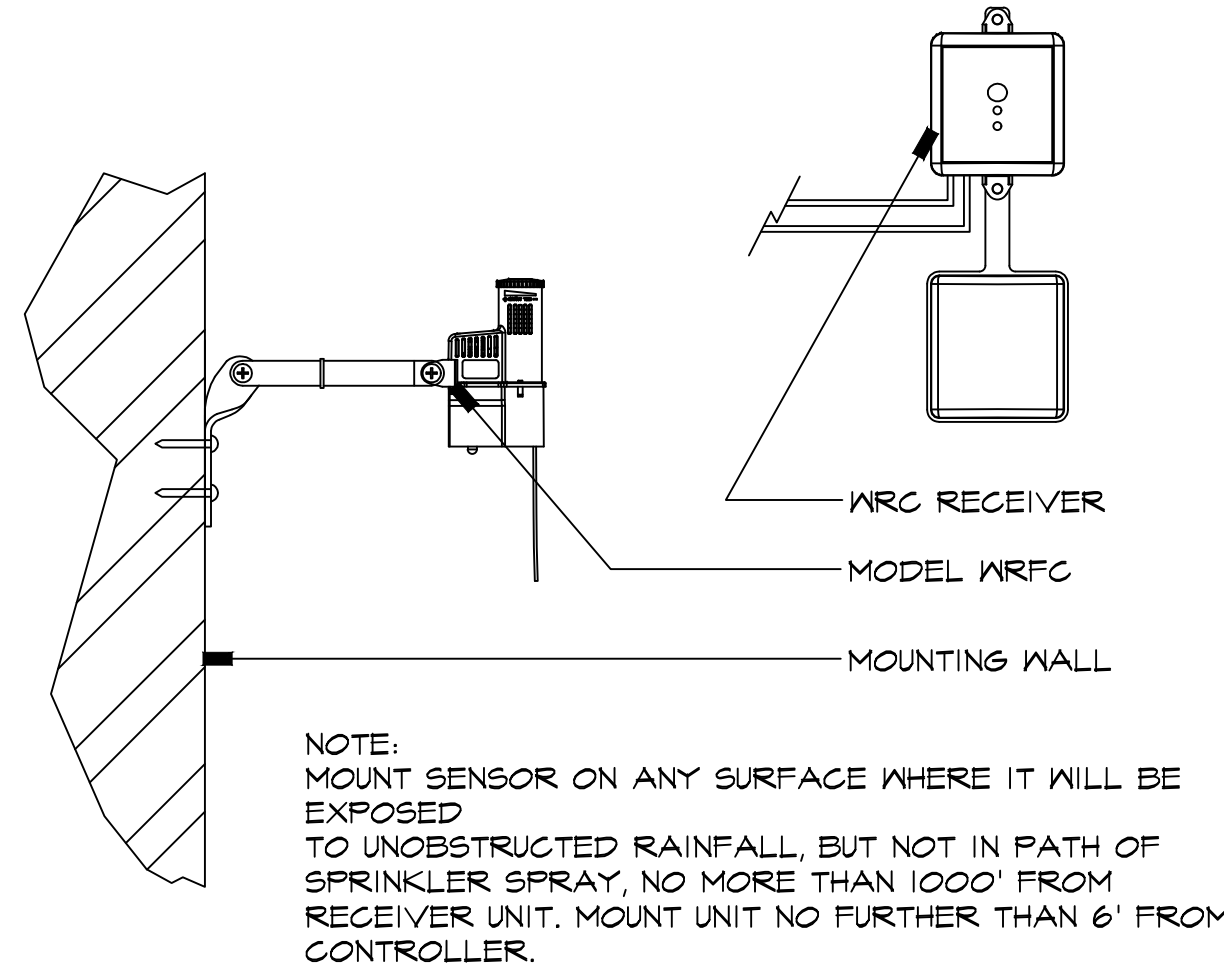


**F** QUICK COUPLING VALVE IN BOX  
Section NO SCALE

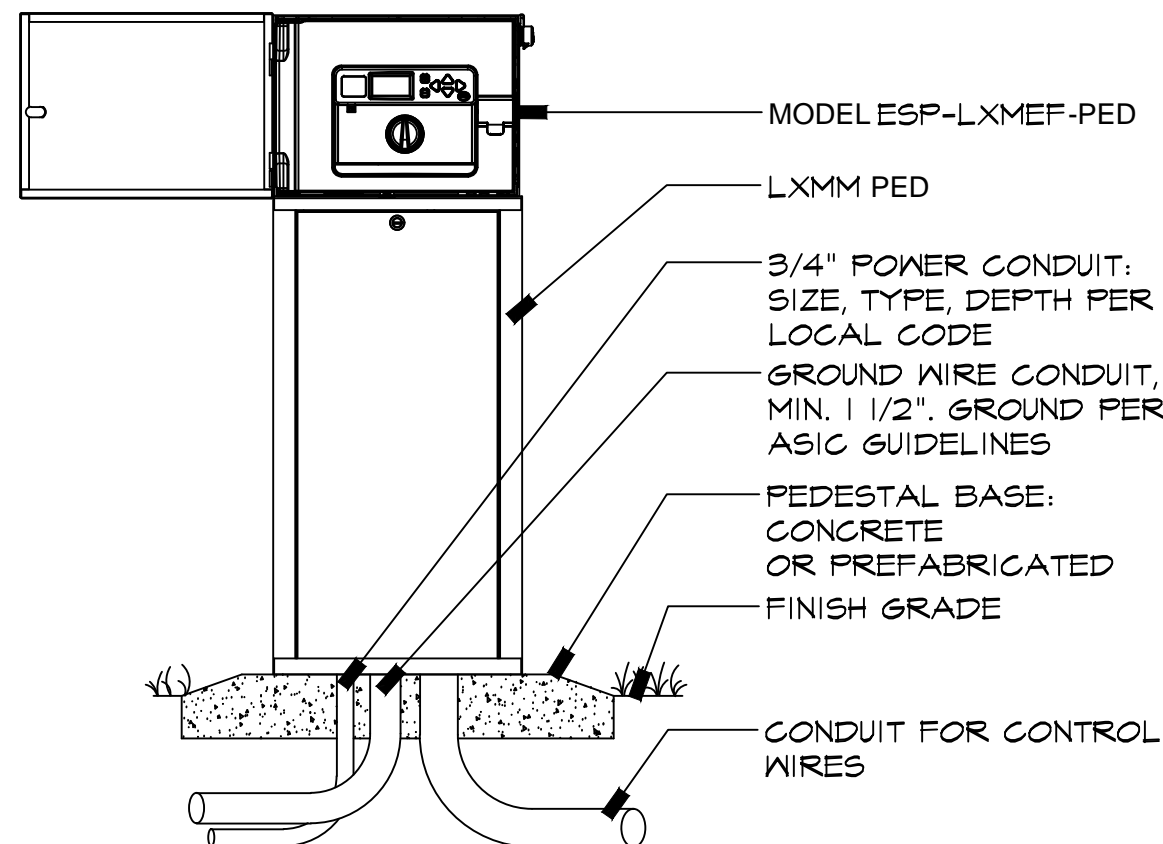


NOTE:  
INSTALL PER LOCAL CODES AND MAUFACTURER'S RECOMMENDATIONS  
INSULATE AS REQUIRED

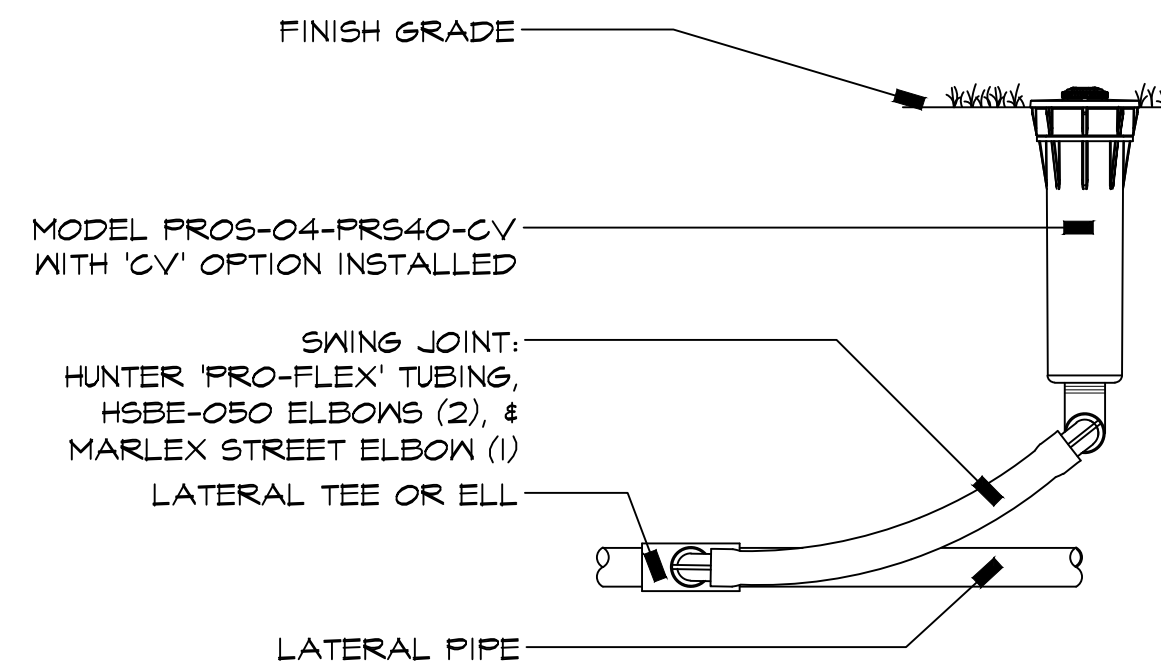
**G** PVB BACKFLOW PREVENTER  
Section NO SCALE



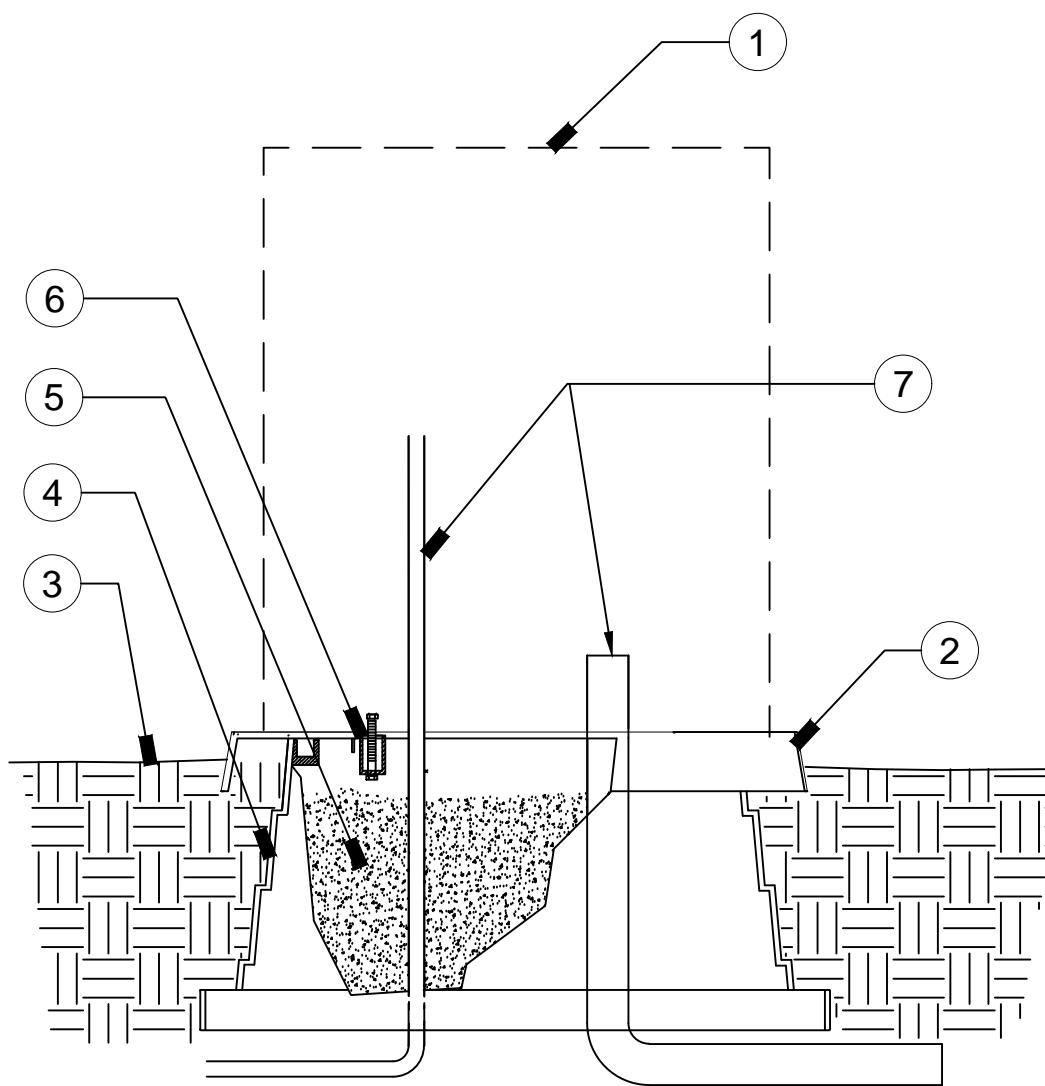
**H** WIRELESS RAIN/FREEZE-CLIK  
NO SCALE



**I** ESPLXMEF CONTROLLER METAL PEDESTAL  
Section NO SCALE



**J** PROS-04-PRS40-CV MP ROTATOR SPRINKLER  
Section NO SCALE



**K** QUICK PAD BASE FOR STRONG BOX PVB BACKFLOW ENCLOSURE  
NO SCALE

- 1 ENCLOSURE FOR BACKFLOW PREVENTER AS SPECIFIED. REFER TO BACKFLOW DETAILS FOR INSTALLATION REQUIREMENTS
- 2 QUICKPAD-3/16" MINIMUM THICKNESS ALUMINUM POWDERCOATED PREFORMED PAD, SEE QUICKPAD TO ENCLOSURE CHART FOR MODEL. INSTALL AS PER MANUFACTURER'S SPECIFICATIONS.
- 3 FINISH GRADE-2" (50MM) BELOW TOP OF QUICKPAD.
- 4 QUICK PAD MOUNTING BASE.
- 5 PEA GRAVEL 3/4 FULL INSIDE OF BASE.
- 6 QUICK PAD MOUNTING BRACE.
- 7 CONDUIT OR PIPING FOR BACKFLOW AS REQUIRED.
- QUICKPAD TO ENCLOSURE CHART  
QUICKPAD FOR STRONG BOX BACKFLOW ENCLOSURES
- |         |         |                      |
|---------|---------|----------------------|
| QF-15BF | SBBC-15 | 19"X16" (480X400MM)  |
| QF-20BF | SBBC-20 | 32"X19" (813X483MM)  |
| QF-30BF | SBBC-30 | 32"X19" (813X483MM)  |
| QF-45BF | SBBC-45 | 49"X19" (1240X483MM) |



212 DAINES STREET  
BIRMINGHAM  
MICHIGAN 48009

P 248 644 3410  
F 248 644 0819

www.mjdul.com

## ADAMS PARK

Adams Rd. @ Ridgedale Ave.  
Birmingham, MI 48009

### PROJECT

## PERGOLA DETAILS

Pergola

### SHEET TITLE



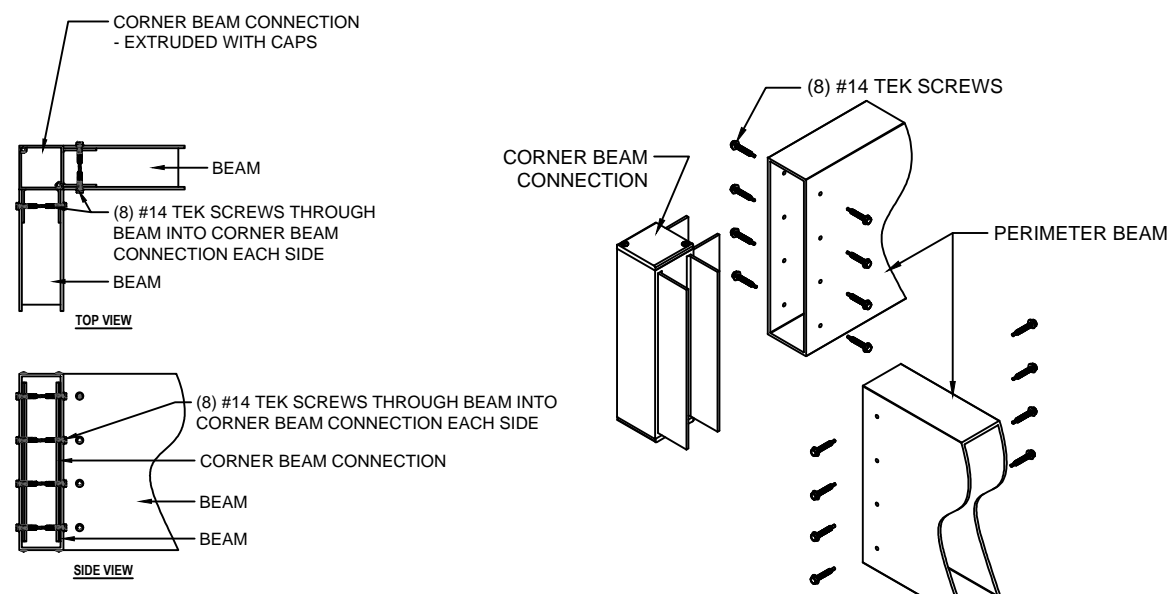
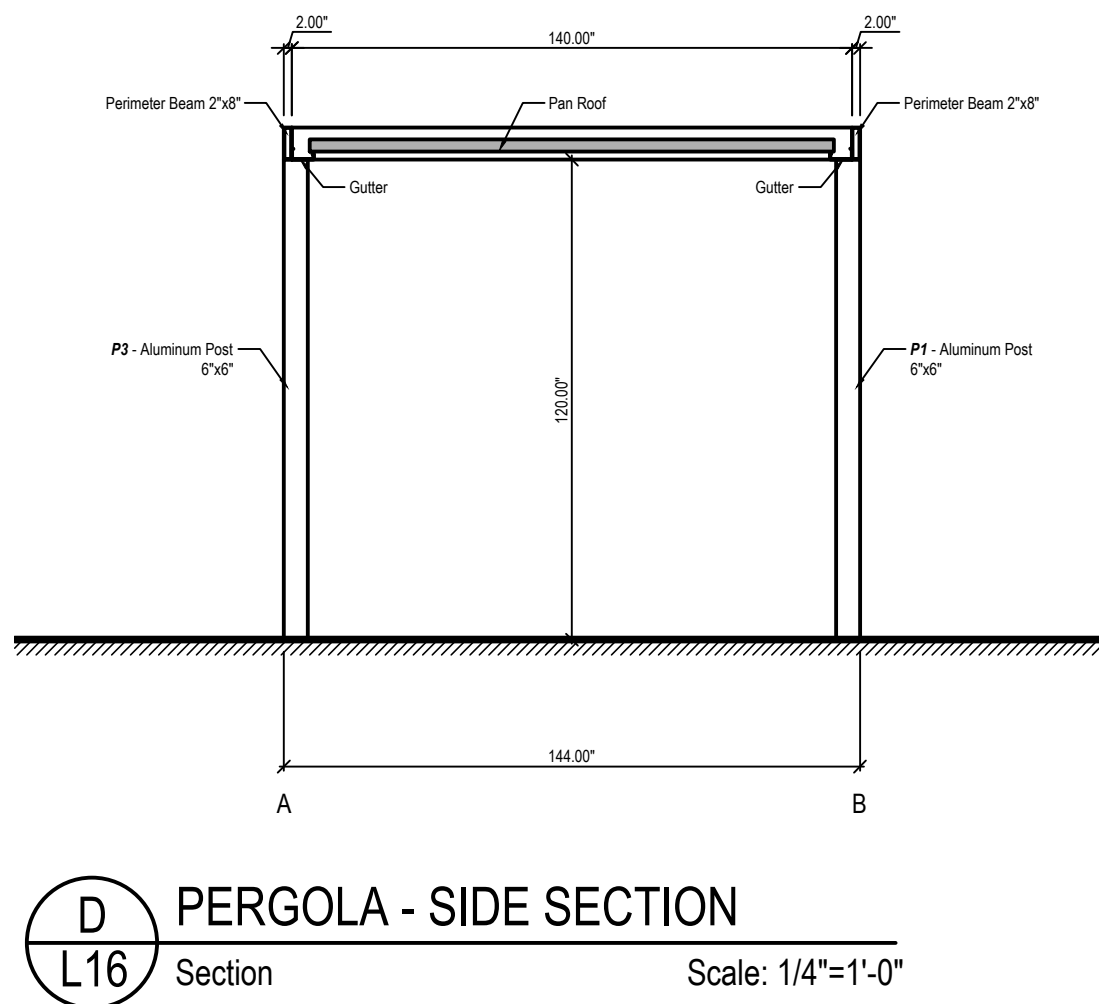
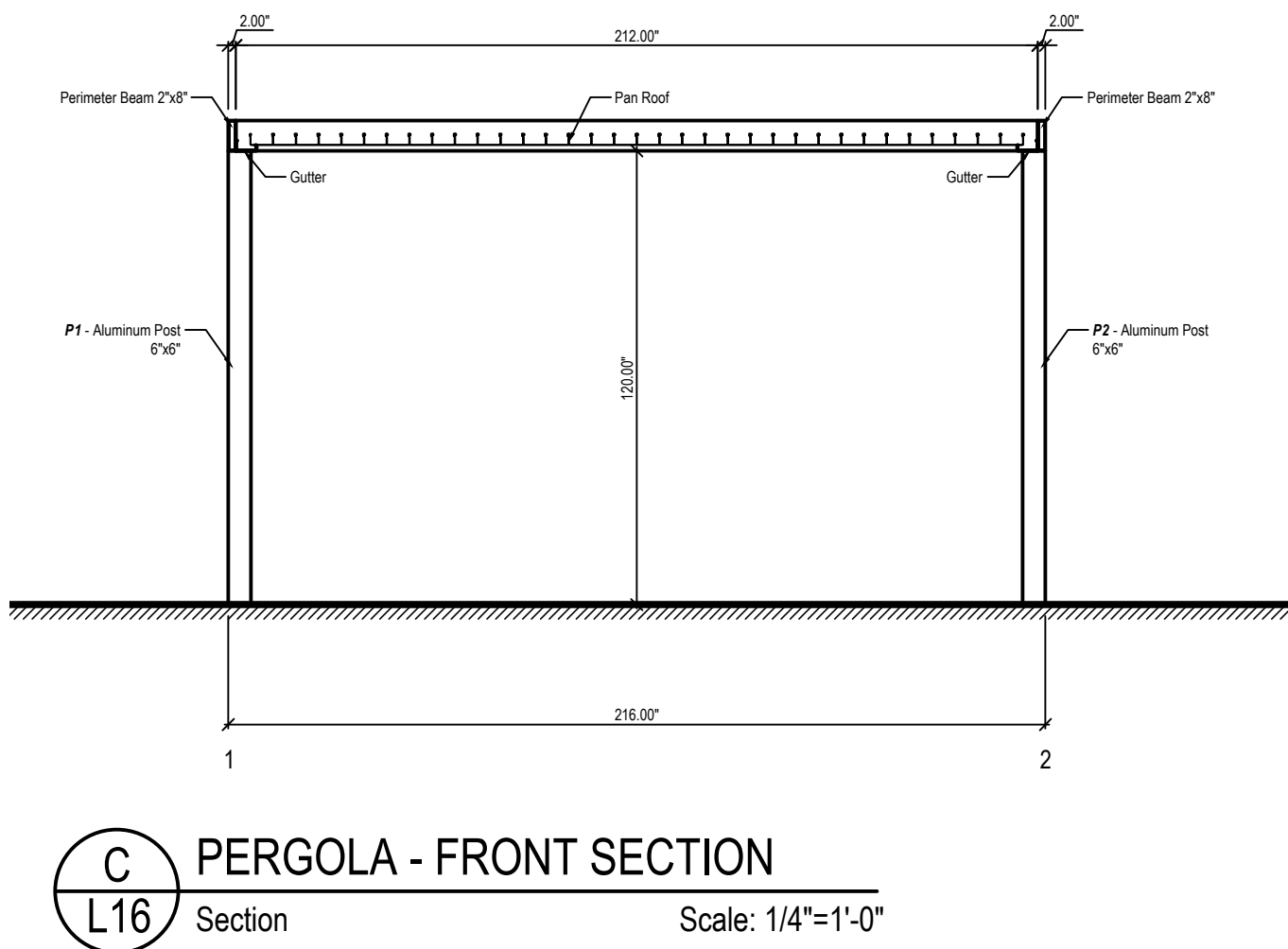
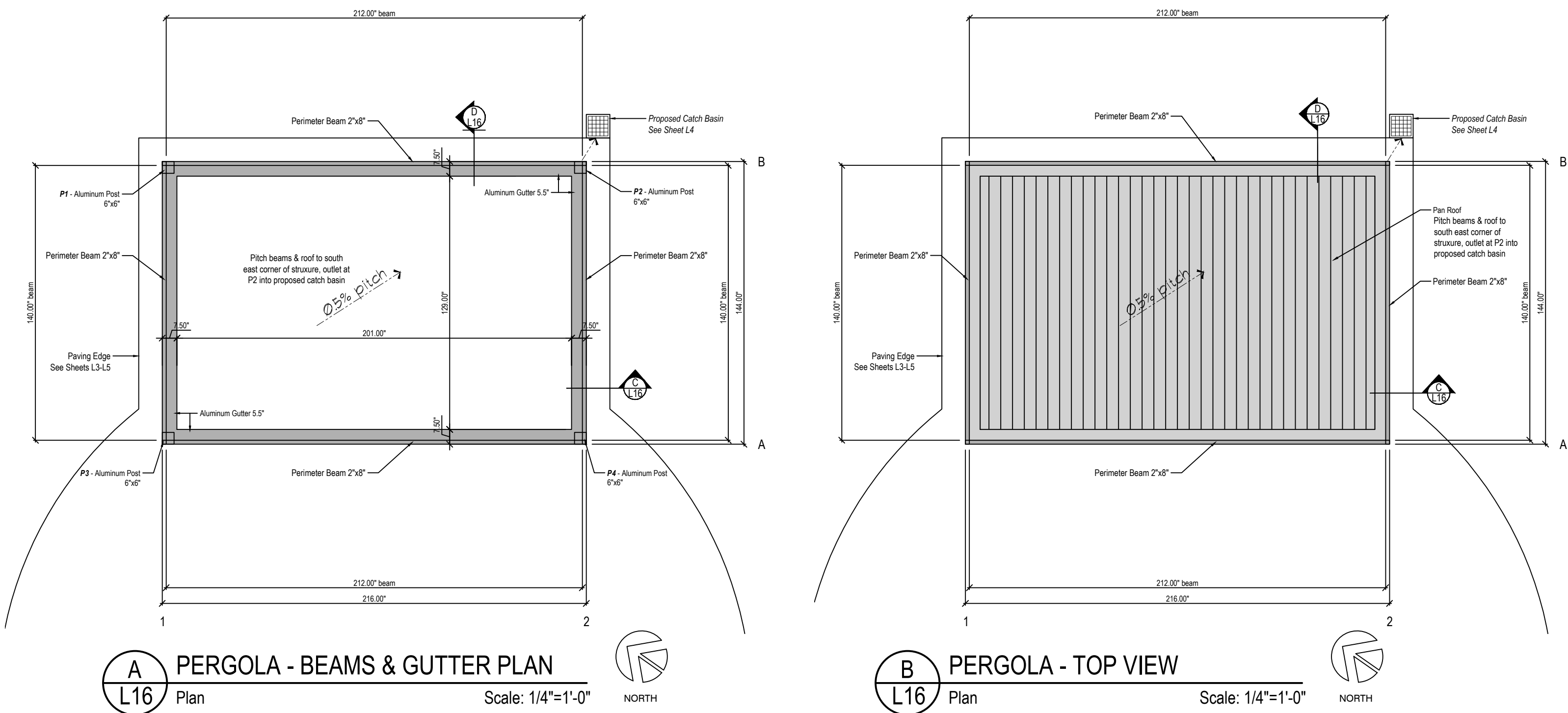
Know what's below.  
Call before you dig.

See Drawings

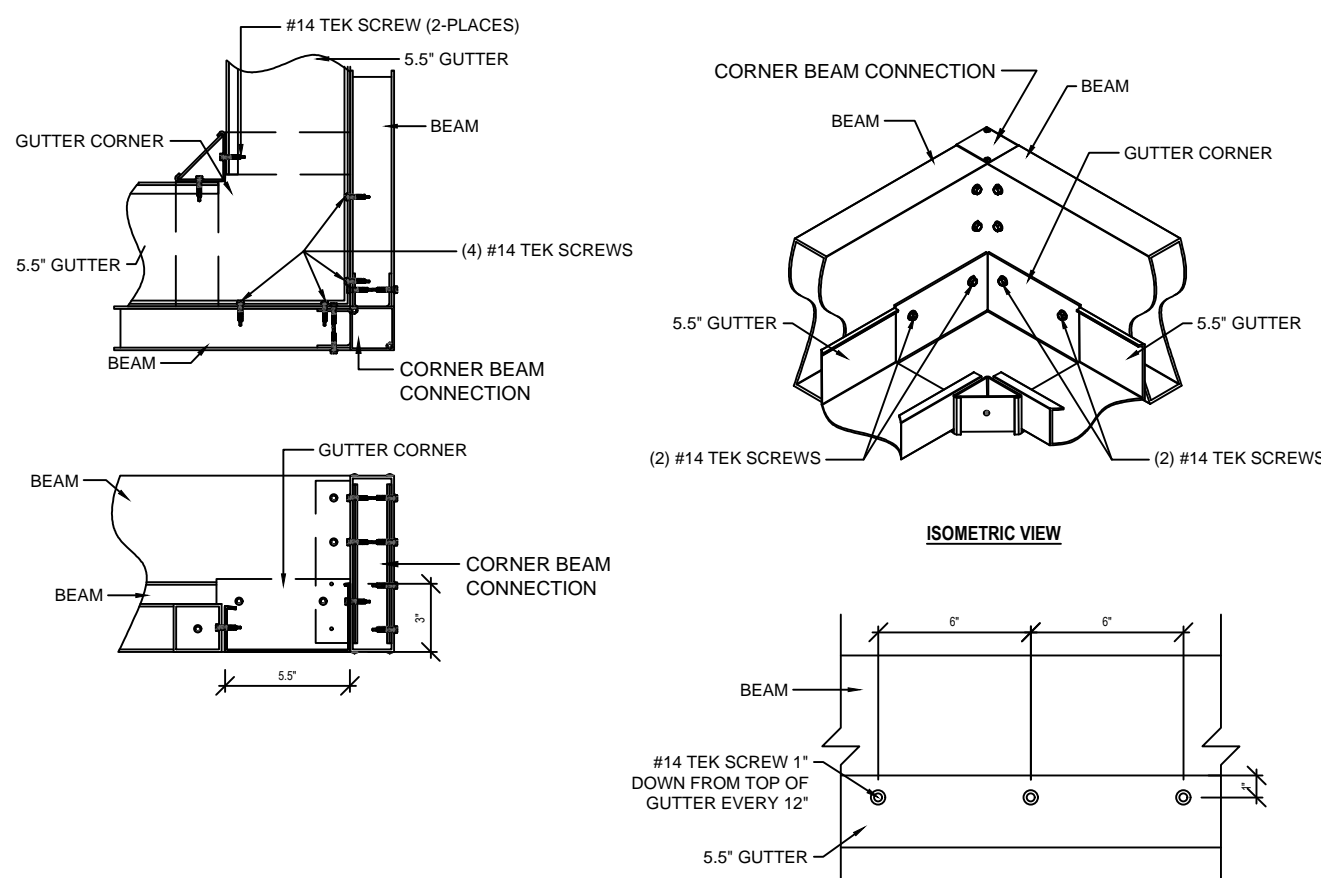
### SCALE

PROJECT NUMBER: 21107

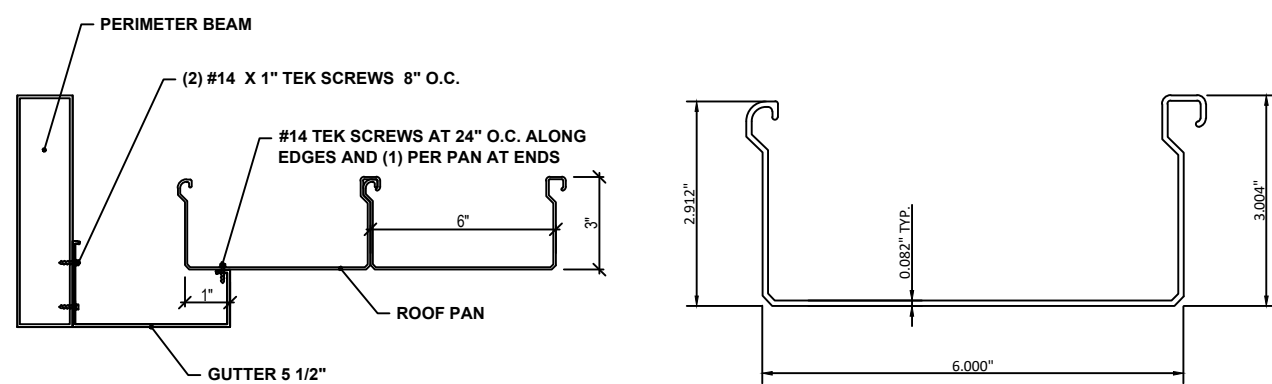
DATE: January 28, 2021  
REVISIONS: February 4, 2022 Issue for Bid



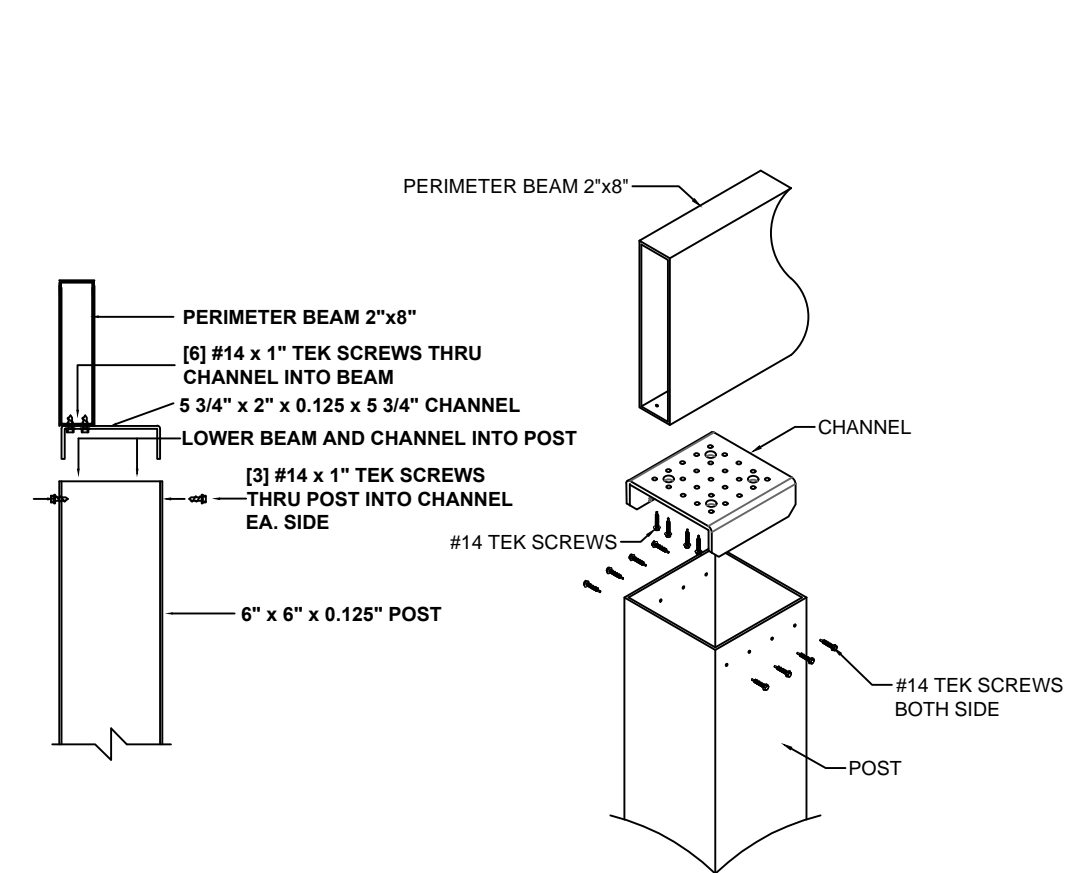
**E TYPICAL CORNER ASSEMBLY**  
L16 Plan, Section, & Isometric Not to Scale



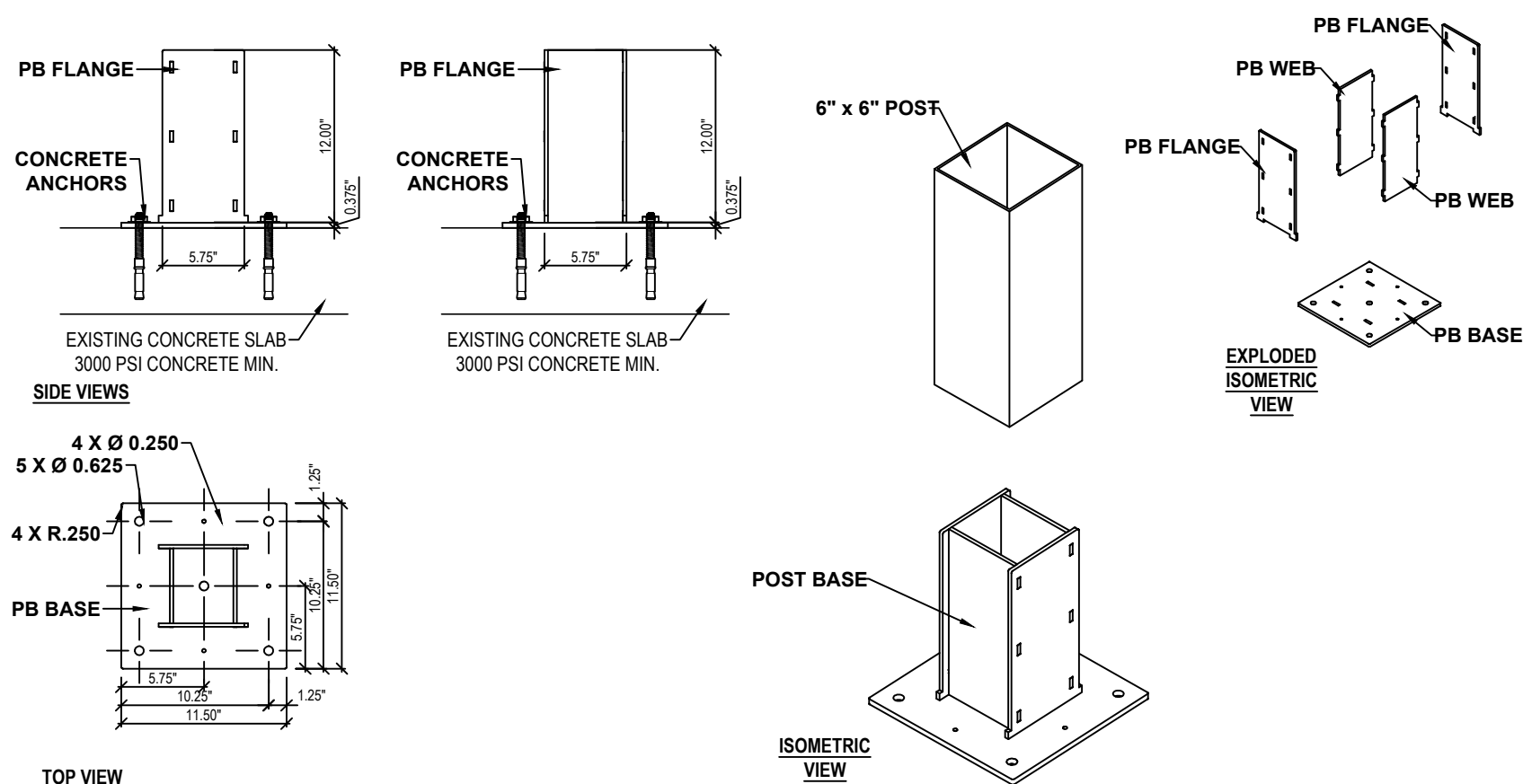
**F TYPICAL GUTTER ASSEMBLY**  
L16 Plan, Section, & Isometric Not to Scale



**G TYPICAL GUTTER ROOF PAN ATTACHMENTS**  
L16 Section Not to Scale



**H TYPICAL POST TO BEAM CONNECTION**  
L16 Plan, Elevation, & Isometric Not to Scale



**I TYPICAL POST TO BASE CONNECTION**  
L16 Plan, Elevation, & Isometric Not to Scale

### PERGOLA NOTES:

- CONTRACTOR TO SUBMIT TO LANDSCAPE ARCHITECT FOR APPROVAL.
- A CITY BUILDING PERMIT WILL BE REQUIRED PRIOR TO INSTALLATION.

**STRUXURE™**

STRUXURE INC.  
154 ETHAN ALLEN Drive  
dahlonega, ga 30533

## **Attachment B**



**ATTACHMENT B - BIDDER'S AGREEMENT**  
**For ADAMS PARK**

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

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

Craig A. Sheffer

2/24/2022

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

**DATE**

President

2/24/2024

**TITLE**

**DATE**

  
**AUTHORIZED SIGNATURE**

craig@buildingfun.com

**E-MAIL ADDRESS**

Michigan Recreational Construction, Inc.

**COMPANY**

1091 Victory Dr. Howell, MI 48843

517-545-7122

**ADDRESS**

**PHONE**

N/A

N/A

**NAME OF PARENT COMPANY**

**PHONE**

N/A

**ADDRESS**

## ATTACHMENT C - COST PROPOSAL

### For ADAMS PARK

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

The undersigned having examined the Bid Documents, RFP, Plans, Drawings, Specifications and being familiar with all conditions affecting this project, including the site, availability of labor and specified materials, hereby proposes to furnish all labor, materials, freight, tools, equipment, utilities, clean-up, taxes, transportation or other facilities and services necessary to perform and complete the construction for the proposed Project in accordance with the Bid Documents and RFP, as modified, augmented or supplemented by the Addenda, for the sum under the conditions as follows:

**Addendum-The undersigned acknowledges:**

Addendum Number: N/A Dated: N/AAddendum Number: N/A Dated: N/A

(If none, so state. Add additional addenda as required.)

**Subcontractors-** The undersigned submits for City approval, the following list of subcontractors, with their subcontractor bids, who shall perform the indicated portions of work. The subcontract sum is included in the Projected Base Bid Sum. The undersigned agrees to be responsible for the work, freight, equipment, and supplies furnished by each of the subcontractors listed.

Firm Name: Alpine Engineering      Specialty: Surveying

Firm Name: Dutton Irrigation Specialty: Irrigation

Firm Name: GFL, INC Specialty: Concrete

Firm Name: Nationwide Construction Group Specialty: Fencing

Firm Name: Goddard Coating Specialty: Court Coating

Firm Name: Munaco Specialty: Landscaping

Firm Name: Northern Integrity Specialty: Electrical

Firm Name: T&M Asphalt Specialty: Asphalt

## ATTACHMENT C - COST PROPOSAL

### For ADAMS PARK

**Projected Base Bid**-The undersigned agrees to the performance of work stated for the Projected Base Bid (based on Information Prices in the following pages) of:

#### DEMOLITION & SITE PREPARATION

Dollars (\$ 102,039.00 ).

#### SITE UTILITIES

Dollars (\$ 23,250.00 ).

#### ASPHALT PAVING

Dollars (\$ 28,186.00 ).

#### CONCRETE CONSTRUCTION

Dollars (\$ 134,807.00 ).

#### FENCING & GATES

Dollars (\$ 64,772.00 ).

#### GRADING & DRAINAGE

Dollars (\$ 53,045.00 ).

#### LANDSCAPE PLANTINGS

Dollars (\$ 186,479.00 ).

#### IRRIGATION SYSTEM

Dollars (\$ 44,670.00 ).

#### SITE AMENITIES

Dollars (\$ 131,265.00 ).

#### ATHLETIC SURFACING

Dollars (\$ 29,590.00 ).

#### PLAY EQUIPMENT & SURFACING

Dollars (\$ 231,873.00 ).

#### **TOTAL BID AMOUNT** (*All Scope Items*)

Dollars (\$ 1,029,976.00 ).

(For the above and following sums, the amount shall be both words and figures with the amount in **figures** governing in event of discrepancy).

## ATTACHMENT C - COST PROPOSAL

### For ADAMS PARK

**Informational Prices-** The undersigned submits the following unit prices, which are included in the Projected Base Bid Sum. The following unit prices shall include all labor, materials, taxes, delivery, permits, inspections (permit fees will be waived by the City), clean-up, etc. All work is to be installed complete and as detailed and specified on the Drawings, Plans, and Specifications. Items may be deducted or added by the City prior to issuance of the contract based on unit prices submitted to adhere to project budget. Final quantities shall be field measured and verified at the completion of the project by the landscape architect. The total contract amount shall be determined by actual quantities submitted in the following unit prices:

Qua.	Item/Description	Unit \$	Total \$
	<b>DEMOLITION &amp; SITE PREPARATION</b>		
1 l.s.	General Conditions	\$ 20,000.00	\$ 20,000.00
250 l.f.	Remove and dispose (off-site) existing 4' high chain link fence-include all posts and footings	\$ 7.30	\$ 1,825.00
460 l.f.	Remove and dispose (off-site) existing 6' high chain link fence-include all posts and footings	\$ 7.30	\$ 3,358.00
50 l.f.	Remove and dispose (off-site) existing 12' high chain link fence-include all posts and footings	\$ 10.50	\$ 525.00
135 l.f.	Remove and dispose (off-site) existing 12" wide concrete wall, include footings (full depth)	\$ 42.00	\$ 5,670.00
6,640 s.f.	Remove and dispose (off-site) existing asphalt paving (full depth)-include aggregate base(s) to earth subgrade	\$ 1.30	\$ 8,632.00
190 s.f.	Remove and dispose (off-site) existing long jump Pit include sand and wood edging (60 l.f.)	\$ 1.20	\$ 228.00
2 ea.	Remove and dispose (off-site) existing basketball hoops-include backboards, rims, posts, and concrete footings	\$ 150.00	\$ 300.00
1 l.s.	Remove and dispose (off-site) existing play equipment including (1) swing set, (1) slide, and (2) climbers, include concrete footings (full depth)	\$ 3,450.00	\$ 3,450.00
2,950 s.f.	Remove and dispose (off-site) existing engineered wood fiber (EWF) and plastic play edging (330 l.f.)	\$ 2.00	\$ 5,900.00
2 ea.	Remove and dispose (off-site) existing benches-include concrete footings	\$ 155.00	\$ 310.00
1 ea.	Grind existing 20" Birch stump a min. 18" below finish grade, remove and dispose (off-site) all grindings	\$ 260.00	\$ 260.00
1 ea.	Grind existing 11" Stump a min. 18" below finish grade, remove and dispose (off-site) all grindings	\$ 235.00	\$ 235.00

Qua.	Item/Description	Unit \$	Total \$
	<b>DEMOLITION &amp; SITE PREPARATION cont...</b>		
1 ea.	Grind existing 8" Elm Stump a min. 18" below finish grade, remove and dispose (off-site) all grindings	\$ 200.00	\$ 200.00
6,675 s.y.	Strip, remove, and dispose (off-site) existing lawn-include R.O.W. lawn around site perimeter	\$ 4.00	\$ 26,700.00
992 l.f.	Supply and install 24" silt fence per OCDCC specifications. Include removal at completion.	\$ 3.50	\$ 3,472.00
992 l.f.	Supply and install 6' high temporary chain link construction fence with green fabric screen, include double 10' wide gates (20' wide total)-with lock. Include removal at completion of project.	\$ 17.00	\$ 16,864.00
640 s.f.	Supply and install min. 12" deep 1 x 3 crushed concrete mud mat. Include removal at completion of project	\$ 2,000.00	\$ 2,000.00
1 ea.	Relocate existing soccer goal to Roeper School	\$ 1,050.00	\$ 1,050.00
265 s.f.	Remove and dispose (off-site) existing specified City Sidewalks, Ramps, Gutters to nearest control/expansion joints, include sawcut (full depth) joints prior to demolition	\$ 4.00	\$ 1,060.00
	<b>DEMOLITION &amp; SITE PREPARATION TOTAL:</b>		<b>\$102,039.00</b>
	<b>SITE UTILITIES</b>		
1 l.s.	Supply and install metered electrical box and panel with required circuit breakers, connect to existing power source per DTE requirements	\$ 5,680.00	\$ 5,680.00
250 l.f.	Excavate, remove and dispose (off-site) min. 18" deep trench for electrical. Supply and install 1" dia. elec. conduit with pull string. Backfill and compact with Class II sand.	\$ 17.00	\$ 4,250.00
1 l.s.	Supply and install 2 separate electrical circuits for Power Stations and Irrigation Controller-include required wiring and circuit breakers	\$ 2,350.00	\$ 2,350.00
2 ea.	Supply and install 120V G.F.I.C. duplex electric outlet with weatherproof bubble cover on a Rocket Post convenience outlet for pergola and for irrigation controller	\$ 760.00	\$ 1,520.00
135 l.f.	Excavate, remove and dispose (off-site) min. 60" deep trench for water supply to irrigation and drinking fountain. Supply and install min. 1" pex pressurized water line with shutoffs. Backfill and compact with Class II sand. Supply and install Meter pit-install meter (meter supplied by City).	\$ 70.00	\$ 9,450.00
	<b>SITE UTILITIES TOTAL:</b>		<b>\$ 23,250.00</b>



Qua.	Item/Description	Unit \$	Total \$
	<b>ASPHALT PAVING</b>		
3,500 s.f.	Excavate, remove, and dispose (off-site) existing subgrade a min. 12" below finish grade	\$ 1.35	\$ 4,725.00
3,500 s.f.	Supply and install a min. 8" compacted 21AA Limestone Aggregate base	\$ 53.00	\$ 8,586.00
3,500 s.f.	Supply and install min. 2" compacted thickness 1100L bituminous asphalt binder course	\$2.25	\$ 7,875.00
3,500 s.f.	Supply and install min. 1-1/2" compacted thickness 36A or 5e3 bituminous asphalt wearing course-separate lift, include surface cleaning/preparation and tackifier	\$ 2.00	\$ 7,000.00
	<b>ASPHALT PAVING TOTAL:</b>		<b>\$ 28,186.00</b>
	<b>CONCRETE CONSTRUCTION</b>		
5,356 s.f.	Excavate, remove, and dispose (off-site) existing subgrade a min. 10" below finish grade	\$ 1.00	\$ 5,356.00
48 s.f.	Excavate, remove, and dispose (off-site) existing subgrade a min. 12" below finish grade	\$ 1.50	\$ 72.00
107 s.f.	Excavate, remove, and dispose (off-site) existing subgrade a min. 24" below finish grade	\$2.00	\$ 214.00
345 l.f.	Excavate, remove, and dispose (off-site) existing subgrade a min. 6" wd. x 22" below finish grade	\$ 2.00	\$ 690.00
5,383 s.f.	Supply and install a min. 6" compacted 21AA Limestone Aggregate base	\$2.00	\$ 10,766.00
2,669 s.f.	Supply and install min. 4" thick rein. concrete flatwork-medium broom finish, sawcut control jts.	\$10.00	\$ 26,990.00
1,219 s.f.	Supply and install min. 4" thick rein. Exposed Aggregate concrete flatwork, sawcut control joints	\$ 12.00	\$ 14,628.00
1,129 s.f.	Powerwash, supply and install Euclid Chemical Co. Super Diamond Clear acrylic sealer all Exposed Aggregate Concrete	\$3.00	\$ 3,657.00
48 s.f.	Supply and install min. 6" thick rein. concrete flatwork-medium broom finish, sawcut control jts., city sidewalk at gates-include inspections w/City	\$ 13.50	\$ 648.00
172 s.f.	Supply and install min. 4" thick rein. concrete flatwork-medium broom finish, sawcut control jts., city sidewalk/ramp/gutter at Adams & Ridgedale-& 2 <sup>nd</sup> ramp just north of this intersection-include inspections w/City and delectable warning plate	\$10.00	\$ 1,720.00
73 s.f.	Supply and install min. 4" thick rein. concrete flatwork-medium broom finish. Complete with Gill Athletics #3741 Aluminum Circle Form and #359 Synthetic Toeboard-install per manufacturers specifications	\$ 90.00	\$ 6,570.00

Qua.	Item/Description	Unit \$	Total \$
	<b>CONCRETE CONSTRUCTION cont...</b>		
1,355 s.f.	Supply and install min. 4" thick rein. concrete flatwork-medium broom finish. Complete with vapor barrier under concrete-no curing compound	\$10.00	\$ 13,550.00
79 s.f.	Supply and install 12" thick x 12" wide rein. concrete perimeter band-medium broom finish. Complete with (4) No. 4 horz. rebar	\$43.00	\$ 3,397.00
171 l.f.	Supply and install 16" deep x 6" wide rein. concrete band-medium broom finish. Complete with (2) No. 4 cont. horz. rebar	\$ 43.00	\$ 7,353.00
174 l.f.	Supply and install 16" deep x 6" wide rein. concrete thickened edge. Complete with (2) No. 4 cont. horz. rebar	\$43.00	\$ 7,482.00
60 l.f.	Supply and install 24" wide x min. 42" deep rein. concrete footing-include required excavation, removal and disposal of soil (off-site). Complete with (4) No. 4 horz. and No. 4 vert. rebar (12" o.c.)	\$ 105.00	\$ 6,300.00
60 l.f.	Supply and install 16-20 1/2" high x 24" wide rein. concrete bench-smooth trowel finish. Complete with (4) No. 4 cont. horz. rebar.	\$ 110.00	\$ 6,600.00
28 l.f.	Supply and install 18" deep x 6" wide rein. radial concrete band-medium broom finish. Complete with (2) No. 4 cont. horz. rebar	\$ 50.00	\$ 1,400.00
28 s.f.	Supply and install 72" long x 48" wide x min. 4" thick concrete ramp to A.D.A. specifications-medium broom finish	\$ 8.00	\$ 224.00
4 ea.	Supply and install 12" dia. x min. 42" deep rein. concrete post footings with sonnet tubes-include required excavation, removal and disposal of all soil (off-site). Set top of footings 4" below finish grade for flatwork to sit on	\$ 315.00	\$ 1,260.00
607 l.f.	Supply and install 1/2" wide premoulded expansion joints-complete with paper, snap cap, and Dow Corning #790 caulk (gray)	\$ 7.00	\$ 4,249.00
13 ea.	Supply and install 4-5' dia. Native Michigan Fieldstone Boulder Rock Outcroppings-embed into grade a min. 1/3. Include in min. 6" compacted 21AA limestone aggregate base	\$ 700.00	\$ 9,100.00
1 ea.	Supply and install 32" sq. x min. 42" deep concrete footing for Tucci umbrella. Include Tucci In-Grade Security Mount-install per manufacturer's specifications	\$ 835.00	\$ 835.00
97 l.f.	Supply and install 4" schedule 40 P.V.C. sleeves	\$18.00	\$ 1,746.00
	<b>CONCRETE CONSTRUCTION TOTAL:</b>		<b>\$134,807.00</b>

Qua.	Item/Description	Unit \$	Total \$
	<b>FENCING &amp; GATES</b>		
247 l.f.	Supply and install 6' high Ameristar MONTAGE Plus-Majestic Style (3 rail) Fence. Color: Black.	\$ 94.00	\$ 23,218.00
468 l.f.	Supply and install 4' high Ameristar MONTAGE Plus-Majestic Style (3 rail) Fence. Color: Black.	\$ 83.00	\$ 38,844.00
1 ea.	Supply and install 4' high x 12' wide Ameristar MONTAGE Plus-Majestic Style (3 rail) Double Gates. Color: Black. Include all hardware and cane bolt for stationary panel-complete with galvanized sleeve min. 18" deep in grade.	\$2,710.00	\$ 2,710.00
	<b>FENCING &amp; GATES TOTAL:</b>		<b>\$ 64,772.00</b>
	<b>GRADING &amp; DRAINAGE</b>		
1 ea.	CB 1: Supply and install 24" dia. x 48" deep HDPE catch basin with (3) specified welded inverts, fully welded bottom, and EJ 4" tall beehive black iron grate (1020 01) with frame	\$ 2,400.00	\$ 2,400.00
1 ea.	CB 2: Supply and install 24" dia. x 48" deep HDPE catch basin with (1) specified welded invert, fully welded bottom, and EJ 4" tall beehive black iron grate (1020 01) with frame	\$ 2,400.00	\$ 2,400.00
1 ea.	CB 3: Supply and install 24" dia. x 64" deep HDPE catch basin with (1) specified welded invert, fully welded bottom, and EJ 4" tall beehive black iron grate (1020 01) with frame	\$2,900.00	\$ 2,900.00
1 ea.	Core specified invert in existing catch basin-include required excavation, engineered backfill per City specifications	\$ 525.00	\$ 525.00
1 ea.	Supply and install 12" sq. NDS catch basin with black plastic grate and all adaptors	\$ 160.00	\$ 160.00
5 ea.	Supply and install 6" dia. HDPE cleanouts-complete with 6" dia. schedule 40 P.V.C. adaptor and screw cap	\$ 210.00	\$ 1,050.00
170 l.f.	Supply and install 6" dia. HDPE (SLCPP), Type SP Perforated Drainpipe (no sock)-complete with all connectors and adaptors. Include a min. 12" wide cont. washed peastone trench with a min. 4" sump. Include all required excavation, removal and disposal of excavated earth.	\$ 14.50	\$ 2,465.00
90 l.f.	Supply and install 6" dia. HDPE (SLCPP), Type S Solid Drainpipe-complete with all connectors and adaptors. Include all required excavation, removal and disposal of excavated earth and backfill with Class II compacted sand all trenches.	\$15.50	\$ 1,395.00



Qua.	Item/Description	Unit \$	Total \$
	<b>LANDSCAPE PLANTINGS</b>		
7 ea.	Supply and install Acer rubrum 'Red Sunset' (3-3-1/2" cal.)-single stems, full heads	\$ 930.00	\$ 6,510.00
2 ea.	Cercis canadensis (8-10' ht.)-multi-stem, min. 3 canes	\$ 750.00	\$ 1,500.00
11 ea.	Supply and install Gleditsia tricanthos inermis 'Skyline' (3-3-1/2" cal.)-single stems, full heads	\$ 950.00	\$ 10,450.00
3 ea.	Supply and install Carpinus betulus 'Frans Fontaine' (3-3-1/2" cal.)-matched specimens	\$ 960.00	\$ 2,880.00
1 ea.	Supply and install Ulmus americana 'Jefferson' (6-6-1/2" cal.) min. 90" mechanical spade. Must be installed prior to seat wall installation-coordinate installation with concrete subcontractor	\$ 5,970.00	\$ 5,970.00
17 ea.	Supply and install Zelkova serrata 'Green Vase' (3-3-1/2" cal.)-single stem, full heads	\$ 1,050.00	\$ 17,850.00
47 ea.	Supply and install Hydrangea paniculata 'Little Lime' (3 gal.)	\$ 115.00	\$ 5,405.00
303 ea.	Supply and install Calamagrostis x acutiflora 'Karl Foerster' (1 gal.)	\$ 34.00	\$ 10,302.00
11 ea.	Supply and install Hibiscus mosheutos 'Midnight Marvel' (3 gal.)	\$ 88.00	\$ 968.00
37 ea.	Supply and install Lobelia x speciosa 'Fan Scarlet' (1 gal.)	\$ 34.00	\$ 1,258.00
20 ea.	Supply and install Pennisetum alopecuroides 'Hameln' (1 gal.)	\$ 34.00	\$ 680.00
74 ea.	Supply and install Perovskia atriplicifolia "Blue Jean Baby" (1 gal.)	\$ 40.00	\$ 2,960.00
37 ea.	Supply and install Rudbeckia fulgida x speciosa 'Goldstrum' (1 gal.)	\$ 34.00	\$ 1,258.00
72 ea.	Supply and install Solidago rugosa 'Fireworks' (1 gal.)	\$ 34.00	\$ 2,448.00
192 ea.	Supply and install Sporobulus heterolepsis (1 gal.)	\$ 34.00	\$ 6,528.00
139 c.y.	Supply and install Custom Planting Mix, include required excavation, removal and disposal (off-site) existing subgrade to accept	\$ 220.00	\$ 30,580.00
93 c.y.	Supply and install Custom Bioswale Mix, include required excavation, removal and disposal (off-site) existing subgrade to accept	\$ 110.00	\$ 10,230.00
31 c.y.	Supply and install Clean Sand layer below Custom Bioswale Mix, include required excavation, removal and disposal (off-site) existing subgrade to accept	\$ 105.00	\$ 3,255.00



Qua.	Item/Description	Unit \$	Total \$
	<b>LANDSCAPE PLANTINGS cont...</b>		
61 c.y.	Supply and install Shredded Hardwood Bark Mulch (seasoned-dark brown, min. double shredded)	\$ 80.00	\$ 4,880.00
436 l.f.	Supply and install J.D. Russell Steel Edging (3/16" x 4")-BLACK	\$ 27.00	\$11,772.00
225 l.f.	Supply and install Hand Dug bed edge	\$4.00	\$ 900.00
5,400 s.y.	Fine grade, fertilize (min. 2 applications), and Hydro-Seed (Evergreen Seed Supply: Overseeding Mixture) on a min. 3" imported, screened, topsoil (min. 450 c.y. topsoil to be included in unit price)	\$ 8.00	\$ 43,200.00
17 s.f.	Supply and install min. 1" compacted decomposed granite fines, washed. Include a min. 3" compacted 21AA limestone aggregate base and all excavation, removal, and disposal of existing subgrade to accept	\$ 30.00	\$ 510.00
1,095 s.f.	Supply and install min. 6" compacted 21AA limestone aggregate base for shotput. Include required 9" deep excavation, removal, and disposal (off-site) of existing subgrade to accept aggregate and 3" topsoil	\$3.00	\$ 3,285.00
225 l.f.	Supply and install 24" high silt fence around perimeter of bioswale, remove and dispose (off-site) after lawn is established	\$4.00	\$ 900.00
	<b>LANDSCAPE PLANTINGS TOTAL:</b>		<b>\$186,479.00</b>
	<b>IRRIGATION SYSTEM</b>		
1 l.s.	Supply and install completely automatic sprinkler irrigation system per plans, details, and specifications. Include all trenching, backfill, equipment, permits, inspections, boring, specified enclosure, adjustment, owner walk through, system turn-on and adjustment, and first season winterization (Fall 2022)	\$ 44,670.00	\$44,670.00
	<b>IRRIGATION SYSTEM TOTAL:</b>		<b>\$44,670.00</b>

Qua.	Item/Description	Unit \$	Total \$
	<b>SITE AMENITIES</b>		
3 ea.	Supply and install Cyclesafe plastisol Classic U Rack #12700 Bike Racks (Traffic Black)-surface mount per manufacturer's specifications, include all required hardware, assembly, and disposal of all packing materials (off-site).	\$650.00	\$ 1,950.00
7 ea.	Supply and install Landscape Forms 'Scarborough' Trash Receptacles (Black), 30 gal. side opening, include 30 gal. liner. Surface mount per manufacturer's specifications, include all required hardware, assembly, and disposal of all packing materials (off-site).	\$ 2,120.00	\$ 14,840.00
2 ea.	Supply and install Landscape Forms 'Scarborough' Trash Receptacles (Black), 30 gal. side opening, include 30 gal. liner and recycling signage option 10 "Recyclable". Surface mount per manufacturer's specifications, include all required hardware, assembly, and disposal of all packing materials (off-site).	\$ 2,360.00	\$ 4,720.00
11 ea.	Supply and install Landscape Forms 'Scarborough' Bench 6' wide, backed. With horizontal strap, surface mount per manufacturer's specifications, include all required hardware, assembly, and disposal of all packing materials (off-site).	\$ 2,900.00	\$ 31,900.00
1 ea.	Supply and install Ultrasite Model 942-SM-V10 Player Bench (Black), 10' wide, backless, perforated. Surface mount per manufacturer's specifications, include all required hardware, assembly, and disposal of all packing materials (off-site).	\$1,980.00	\$1,980.00
2 ea.	Supply and install Landscape Forms 'Charlie' Table (Black) with umbrella hole. Surface mount per manufacturer's specifications, include all required hardware, assembly, and disposal of all packing materials (off-site).	\$7,100.00	\$ 14,200.00
2 ea.	Supply and install Landscape Forms/LeGrand Charging Stations (Black) complete with Area Lights, (2) Two-Gang 20A weather-resistant GFIC outlets and (1) USB-4 Port: BM-CSL-2G. Surface mount per manufacturer's specifications, include all required hardware, assembly, and disposal of all packing materials (off-site).	\$ 3,940.00	\$ 7,880.00

Qua.	Item/Description	Unit \$	Total \$
	<b>SITE AMENITIES cont...</b>		
1 ea.	Supply and install Most Dependable Fountains Drinking Fountain #10145-SMSS (Textured Black) with option pet fountain, include ADA Fountain, Bottle Filler, Misting Head, & Template 10-NS, surface mount- per manufacturer's specifications, include all required hardware, assembly, and disposal of all packing materials (off-site). Connect to pressurized water line.	\$ 9,800.00	\$ 9,800.00
1 ea.	Supply and install Tuuci 'Ocean Master' M1 single cantilever umbrella. Square 10' sq. Polished Titanium mast, Sunflower Yellow canopy	\$ 8,340.00	\$ 8,340.00
1 ea.	Install City Park Sign (supplied by the City) include supply and install 12" dia. x 42" deep concrete post footings	\$ 1,235.00	\$ 1,235.00
1 ea.	Remove existing sign in southeast corner, reinstall in 12" dia. x 42" deep concrete post footings.	\$ 520.00	\$ 520.00
1 ea.	Supply and install 12' wide x 18' long x 9' high Struxure Pergola (Black) with standard pan roof and internal gutter system-pitched to southeast post and 12" catch basin. Assemble and attach to supported slab per manufacturer's specifications	\$ 33,900.00	\$ 33,900.00
	<b>SITE AMENITIES TOTAL:</b>		<b>\$131,265.00</b>
	<b>ATHLETIC SURFACING</b>		
3,500 s.f.	Supply and install Basketball Court: Plexipave-Acrylic, Latex Color Surface-Colors: Court-Pacific Blue, Key & Center-California Red. Complete with Acrylic Resurfacer, and acid etch concrete prior to application of coatings. Include 2" wide Plexi Color White Painted lines (600 l.f.)	\$ 2.60	\$ 9,100.00
1,366 s.f.	Supply and install Long Jump Track: Goddard GTS Tracks Select polyurethane bound rubber granule mat track surface Color: Standard Red. Complete with acid etch concrete prior to application of coatings. Include 2" wide Plexi Color White Painted lines (541 l.f.)	\$ 15.00	\$ 20,490.00
	<b>ATHLETIC SURFACING TOTAL:</b>		<b>\$ 29,590.00</b>

Qea.	Item/Description	Unit \$	Total \$
	<b>PLAY EQUIPMENT &amp; SURFACING</b>		
2 ea.	Supply and install Soccer Goals-Bison, Inc. #SC-1865-PA-44-NT 4" square shootout no-tip Aluminum portable Soccer Goal, 18'-6" wide x 6'-6" tall x 6'-6" deep, include no-tip ballast and competition net	\$2,760.00	\$ 5,520.00
2 ea.	Supply and install Basketball Goals-Bison, Inc. #BA-475-SS Backboard, Rust-Free Aluminum, White powder-Coated with Orange Shooter's square and border, #BA-39-U Goal steel rim with nylon nets. Include embedment in min. 42" deep concrete footing, include all excavation, removal, and disposal (off-site) of existing subgrade.	\$ 1,975.00	\$ 3,950.00
1 ea.	Supply and install Landscape Structures Playbooster Play Structure #1161280-01-01, include required (61) concrete footings and all assembly	\$107,900.00	\$107,900.00
1 ea.	Supply and install Landscape Structures Single Post Frame, 8' Beam Height #177332A, include required (2) concrete footings and all assembly	\$3,570.00	\$ 3570.00
1 ea.	Supply and install Landscape Structures Single Post Frame Additional Bay, 8' Beam Height #177333A, include required (2) concrete footings and all assembly	\$ 2,050.00	\$ 2,050.00
4 ea.	Supply and install Landscape Structures Belt Seat with Chains #174018, include assembly	\$ 205.00	\$ 820.00
1 ea.	Supply and install Landscape Structures Full Bucket Seat with Chains #176038, include assembly	\$ 505.00	\$ 505.00
1 ea.	Supply and install Landscape Structures Molded Bucket Seat (5-12 yrs.) with Harness and Chains #177351, include assembly	\$1,100.00	\$ 1,100.00
1 ea.	Supply and install Landscape Structures Global Motion-Direct Bury Only #218915A, include required (1) concrete footing and all assembly	\$43,900.00	\$43,900.00
1 ea.	Supply and install Landscape Structures Topsy-Turny Spinner-Direct Bury Only #205800A, include required (1) concrete footing and all assembly	\$ 7,450.00	\$ 7,450.00
1 ea.	Supply and install Landscape Structures Seesaw, Two Seat, Direct Bury #148636A include required (1) concrete footing and all assembly	\$ 4,250.00	\$ 4,250.00
1 ea.	Supply and install Landscape Structures Double Bobble Rider-Direct Bury #164075B, include required (1) concrete footing and all assembly	\$ 3,200.00	\$ 3,200.000


Qua.	Item/Description	Unit \$	Total \$
	<b>PLAY EQUIPMENT &amp; SURFACING cont...</b>		
1 ea.	Supply and install Landscape Structures Single Bobble Rider-Direct Bury #164074B, include required (1) concrete footing and all assembly	\$ 1,920.00	\$ 1,920.00
1 ea.	Supply and install Landscape Structures Curva-Spinner-Direct Bury #247179A, include required (1) concrete footing and all assembly	\$ 2,800.00	\$ 2,800.00
1 ea.	Supply and install Landscape Structures Saddle Spinner, 16" height-Direct Bury #152179A, include required (1) concrete footing and all assembly	\$ 1,660.00	\$ 1,660.00
2 ea.	Supply and install Landscape Structures Pod Climber, 10" height-Direct Bury #158997A, include required (2) concrete footings and all assembly	\$ 535.00	\$ 1,070.00
2 ea.	Supply and install Landscape Structures pod Climber, 16" height-Direct Bury #120711A, include required (2) concrete footings and all assembly	\$ 540.00	\$ 1,080.00
2 ea.	Supply and install Landscape Structures Pod Climber, 20" height-Direct Bury #158998A, include required (2) concrete footings and all assembly	\$ 550.00	\$ 1,100.00
2 ea.	Supply and install Landscape Structures pod Climber, 24" height-Direct Bury #120712A, include required (2) concrete footings and all assembly	\$ 550.00	\$ 1,100.00
1 ea.	Supply and install Landscape Structures Welcome Sign Ages 5-12, Direct Bury #182503C, include required (1) concrete footing and all assembly	\$ 150.00	\$ 150.00
1 ea.	Supply and install Landscape Structures Rhapsody Warble Chines-Direct Bury #228214A, include required (4) concrete footings & assembly	\$ 7,200.00	\$ 7,200.00
145 s.f.	Supply and install min. 18" deep Sandbox-Silica Lake Sand by Nugent Sand Co., Inc. (231) 755-1686 on 8 oz. non-woven filter fabric, include required excavation, removal, and disposal (off-site) of existing subgrade to accept	\$ 14.00	\$ 2,030.00
328 s.f.	Supply and install min. 12" deep Long Jump Pit-Silica Lake Sand by Nugent Sand Co., Inc. (231) 755-1686 on 8 oz. non-woven filter fabric, include required excavation, removal, and disposal (off-site) of existing subgrade to accept	\$8.00	\$ 2,624.00



Qua.	Item/Description	Unit \$	Total \$
	<b>PLAY EQUIPMENT &amp; SURFACING cont...</b>		
6,231 s.f.	Supply and install min. 12" deep Engineered Wood Fiber (compacted depth), complete with a min. 4" deep peastone base and (2) layers of 4 oz. non-woven filter fabric, include required excavation, removal, and disposal (off-site) of existing subgrade to accept	\$ 4.00	\$ 24,924.00
	<b>PLAY EQUIPMENT &amp; SURFACING TOTAL:</b>		<b>\$231,873.00</b>
	<b>TOTAL BID AMOUNT (All Scope Items):</b>		<b>\$1,029,976.00</b>

ADDITIONAL CONSIDERATIONS			
	<b>LANDSCAPE PLANTINGS</b> <i>Sod in lieu of Hydroseed</i>		
5,400 s.y.	DEDUCT: Fine grade, fertilize (min. 2 applications), and Hydro-Seed (Evergreen Seed Supply: Overseeing Mixture) on a min. 3" imported, screened, topsoil (min. 450 c.y. topsoil to be included in unit price)	\$ -8.00	\$ -43,200.00
5,400 s.y.	ADD: Fine grade, fertilize (min. 1 application of starter fertilizer), and Sod (Class 'A' Blended Bluegrass) on a min. 3" imported, screened, topsoil (min. 450 c.y. topsoil to be included in unit price)	\$ 11.50	\$ 62,100.00
	<b>SOD UPGRADE TOTAL:</b>		<b>\$ 18,900.00</b>
	<b>LANDSCAPE PLANTINGS</b> <i>1 year warranty in lieu of 2 year warranty</i>		
1 l.s.	DEDUCT: Provide 1 year warranty for all plant and landscape materials in lieu of the specified 2 year warranty	\$ -2,300.00	\$ -2,300.00
	<b>WARRANTY DEDUCT TOTAL:</b>		<b>\$ -2,300.00</b>

Firm Name Michigan Recreational Construction, Inc.

Authorized signature  Date 2/24/2022  
 Craig A. Sheffer, President

**ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM**  
**For ADAMS PARK**

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

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

Craig A. Sheffer	2/24/2022
<b>PREPARED BY</b> (Print Name)	<b>DATE</b>
President	2/24/2022
<b>TITLE</b>	<b>DATE</b>
	craig@buildingfun.com
<b>AUTHORIZED SIGNATURE</b>	<b>E-MAIL ADDRESS</b>
Michigan Recreational Construction, Inc.	
<b>COMPANY</b>	
1091 Victory Dr., Howell, MI 48843	517-545-7122
<b>ADDRESS</b>	<b>PHONE</b>
N/A	N/A
<b>NAME OF PARENT COMPANY</b>	<b>PHONE</b>
N/A	
<b>ADDRESS</b>	
38-3403385	
<b>TAXPAYER I.D.#</b>	

LANDSCAPE  
ARCHITECTURE

**MICHAEL J. DUL**  
& ASSOCIATES, INC

212 DAINES  
BIRMINGHAM, MI 48009  
(248) 644-3410

March 17, 2022

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

PROJECT: Adams Park  
Birmingham, MI 48009

SUBJECT: City of Birmingham Adams Park Renovation General Contractor  
Recommendation

Dear Ms. Wood:

This letter is to update you on Michael J. Dul & Associate's progress in our effort to assist and advise the City of Birmingham in the selection of a General Contractor for the City of Birmingham Adams Park Renovation Project. The City of Birmingham's Public Services Department and Michael J. Dul & Associates (Project Team) solicited and received proposals from five (5) General Contracting firms.

## **SELECTION PROCESS**

On February 8, 2022, RFP documents were formally issued and made available by posting on the MITN website. A Pre-Bid meeting was held on February 17<sup>th</sup>. Six (6) General Contracting firms attended the Pre-Bid meeting and five (5) companies submitted their response to the RFP and bid on February 24<sup>th</sup> by the required bid deadline.

Based on the bid results, the Project Team conducted interviews with Albaugh Masonry Stone and Tile, Inc., WCI Contractors, Inc., Warren Contractors & Development, Inc., and Michigan Recreational Construction, Inc. on March 2, 2022.

## **RECOMMENDATION**

The Project Team recommends the engagement of **Michigan Recreational Construction, Inc.** for this project based on the following:

1. Lowest overall bid, including Project Team's recommended alternates.
2. Experience with similar park construction projects.
3. Experience servicing municipalities.

LANDSCAPE  
ARCHITECTURE

**MICHAEL J. DUL**  
& ASSOCIATES, INC

212 DAINES  
BIRMINGHAM, MI 48009  
(248) 644-3410

March 17, 2022

Ms. Lauren Wood  
City of Birmingham  
Director of Public Services  
Adams Park General Contractor Recommendation  
Page Two

4. Capacity and ability to self-perform a number of the project construction items.
5. Experienced team of subcontractors.
6. Relationship and familiarity with manufacturers, suppliers and construction trades.
7. Michigan based company with facilities in Howell and Detroit.
8. Ability and assurance to meet the project timeline.

The Project Team recommends awarding the General Contractor contract for the Adams Park Renovation Project to Michigan Recreational Construction, Inc. in the amount of \$1,046,576.00. This amount includes the alternates outlined in the attached bid summary.

Should you have any questions regarding this recommendation, please do not hesitate to contact me at 248-703-9999 or [mdul@mjdul.com](mailto:mdul@mjdul.com)

Sincerely,

MICHAEL J DUL & ASSOCIATES, INC

*Michael J. Dul*

Michael J. Dul, RLA, ASLA  
President

ATTACHMENTS: Michigan Recreational Construction, Inc. Bid Proposal 2-24-2022  
General Contractor Bid Summary 2-24-2022

## THE ROEPER SCHOOL

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MIDDLE/UPPER SCHOOL  
1051 OAKLAND AVENUE  
BIRMINGHAM, MICHIGAN 48009-5762  
248.203.7448, -7405

December 30, 2021

Lauren Wood, Director of Public Services  
Carrie A. Laird, Parks & Recreation Manager  
City of Birmingham  
Department of Public Services  
851 S. Eton, Birmingham, MI 48009

Dear Ms. Wood & Ms. Laird,

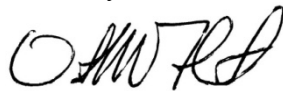
At the Roeper School, we are pleased to continue our participation in the Adams Park Project. As immediately adjacent property owners to the park, we have been involved in the design and analysis of this project since 2015.

The Roeper School is a non-profit institution that understands and has promoted the immense value of Adams Park, not only to the school but to the greater Birmingham neighborhood community. We have participated in the workshops, meetings and plans analysis throughout the development of the final beautiful and practical design.

We are now committed to continue in this process by lending our financial support to the actual construction of the project which is on track to be expedited this Summer of 2022.

Thank you for your efforts in continuing this project to completion.

Sincerely,



David Fluent  
Associate Head of Finance & Operations  
The Roeper School



Brian Wilmers, Architect  
Facilities Planner  
The Roeper School



**DATE:** March 23, 2022

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

**FROM:** Jana Ecker, Assistant City Manager

**SUBJECT:** Public Hearings to consider objections to renewal of Liquor Licenses; Renewal of establishments in compliance

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**INTRODUCTION:**

On February 28, 2022, the City Commission conducted the annual review of all liquor licensed establishments within the City. The City Commission recommended approval of the 13 establishments that were in compliance with all City codes and ordinances. For the establishments that were not in compliance, the City Commission set public hearings for March 28, 2022 to consider whether to file objections with the Michigan Liquor Control Commission for the renewal of licenses held by the owners/operators of the establishments in violation of City codes and ordinances.

**BACKGROUND:**

On February 28, 2022, the City Commission reviewed the results of the annual investigation for each establishment in the City which sells intoxicating liquor for on-premises consumption. Violations pertaining to liquor establishments are outlined in Chapter 10, Sec 10-40 of the Birmingham Code of Ordinances. After consideration of the investigative findings, the Commission approved the renewal for the 2022 licensing period of all Class B, Class C and Microbrewery liquor licenses of the following establishments:

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

Also on February 28, 2022, the City Commission set public hearings for Monday, March 28, 2022 to consider whether the Commission shall file objections with the Michigan Liquor Control Commission for the renewal of the liquor 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               | • Birmingham Pub               |
| • Adachi Restaurant         | • Churchill's Bistro/Cigar Bar |
| • All Seasons of Birmingham | • Daxton                       |
| • Bella Piatti              | • Dick O'Dow's Irish Pub       |
| • Birmingham 8 Theater      | • 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
- Casa Perno

- Phoenicia
- Salvatore Scallopini
- Slice/Shift/Sidecar
- Social Kitchen And Bar
- Tallulah Wine Bar & Bistro
- The Townsend
- Toast
- Townhouse

On March 2, 2022, the City sent letters by first class certified mail to each of the owners/operators of the establishments listed above for which public hearings were set. Individual letters were sent to each establishment to notify owners of the date and time of the scheduled public hearings; of their right to be represented by counsel; their right to present witnesses, evidence and arguments on their behalf; and the right to submit written material to be considered by the City Commission at the public hearing on March 28, 2022.

		Planning Violations Resolved?		Outstanding Fees Resolved?	
Liquor License	Issue(s)	Yes	No	Yes	No
220 Merrill – 220 Restaurant	Clutter, signage, dumpster	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
325 S. Old Woodward – Adachi Sushi	Indoor seats, damaged heaters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
111 Elm – All Seasons	Signage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
167 Townsend – Bella Piatti	Dining platform	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
211 S. Old Woodward – Birmingham 8 Theater	Signage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
555 S. Old Woodward – Birmingham Pub	Outdoor storage, windows, fees owed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
34244 Woodward – Bistro Joes	Signage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
116 S. Old Woodward – Churchill's Cigar Bar and Bistro	Indoor seating, fees owed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Daxton Hotel	Fees owed	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
160 W. Maple – Dick O' Dows	Signage, rear outdoor patio, fees owed – <b>FOLLOW UP REQUIRED</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
575 S. Eton – Griffin Claw	Outdoor storage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
201 S. Old Woodward – Hyde Park Prime	Window coverings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
525 N. Old Woodward – Luxe	Building façade, fees owed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
115 Willits – Mare Mediterranean	Signage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
310 E. Maple – Casa Perno	Eisenglass, heaters, fees owed – <b>FOLLOW UP REQUIRED</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
588 S. Old Woodward – Phoenicia	Clutter, planter, fees owed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
100 Townsend – Rugby Grille	Canvas panel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
505 N. Old Woodward – Salvatore Scallopini	Planters, indoor seating, fees owed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
117 Willits – Shift/Sidecar/Slice (S-Three)	Outdoor storage, signage, fees owed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
225 E. Maple – Social Kitchen & Bar	Signage, dumpster area, fees owed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
155 Bates – Tallulah	Indoor seating, fees owed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
203 Pierce – Toast	Indoor seating, fees owed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
180 Pierce - Townhouse	Fees owed	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2100 E. Maple – Maple Road Taproom	Use change – <b>FOLLOW UP REQUIRED</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Over the past few weeks additional inspections were performed to verify whether the on site issues outlined at the February 28, 2022 meeting had been corrected. Establishments with remaining issues are shown in red on the chart above.

Updated inspection reports are attached, as well as a report from the City Treasurer documenting the fact that all outstanding fees owed have been paid in full.

Accordingly, as of March 23, 2022, the following establishments remain non-compliant and in violation of Chapter 10, Alcoholic Liquors, of the Birmingham Code of Ordinances:

**NON-COMPLIANT AS OF MARCH 23, 2022      \*COMPLIANCE ASSURED**

**Dick O'Dow's Irish Pub  
160 W Maple**

Planning

- Outdoor dining patio in rear extends beyond the approved dimensions
- Operator has agreed to correct the boundary marking and keep seating within approved area when weather permits

**Casa Pernoï  
310 E Maple Rd**

Planning

- Outdoor dining being used with eisenglass enclosure. Eisenglass enclosures are not permitted for outdoor dining.
- Operator has submitted a SLUP Amendment to seek approval for Eisenglass, has agreed not to use outdoor dining area with Eisenglass down until this issue is resolved

**Maple Road Taproom  
2100 E. Maple**

Planning

- Restaurant currently being used as employee break room and storage
  - Operator has submitted a letter stating that the bistro will reopen on May 1, 2022

An updated summary of compliant and non-compliant establishments will be generated for City Commission review on March 28, 2022 at 5:00 pm. Establishments with standing violations as of March 28, 2022 at 5:00 pm will participate in a public hearing before the City Commission, either in person or by written communication, to present witnesses, evidence or arguments on their behalf.

**\*\*NOTE\*\*:** While Toast has resolved all violations noted on February 28, 2022, it is important to note that since Toast opened as a bistro many years ago, there have been ongoing issues with the owners/operators maintaining their interior seat counts at 65 seats or less at all times as required. Accordingly, Toast has provided a signed Memorandum of Understanding to ensure their compliance in the future. Toast has thus been notified again in writing that should they fail to maintain their interior seat counts at 65 seats or less and their exterior seat counts at 65 seats or less, the City will set a public hearing to consider the termination of their Special Land Use Permit.

In addition, while the Rugby Grill at the Townsend Hotel has resolved the violation noted on February 28, 2022, they have also applied to the Planning Board for approval of an outdoor dining deck on the street in addition to their existing sidewalk dining area.

Finally, since the City Commission meeting on February 28, 2022 at which time approval was granted for the renewal of the liquor license for Market North, the Fire Marshall has issued citations for overcrowding and posting of occupant load for an incident that occurred on March 17, 2022.

#### LEGAL REVIEW:

The City Attorney has reviewed the process and finds it in order.

#### FISCAL IMPACT:

During the 2022 liquor license renewal process, a total of \$37,049.83 in outstanding fees was collected by the City. There are no outstanding fees owed for any of the liquor licensed establishments at this time.

#### PUBLIC COMMUNICATIONS:

Establishments were notified by certified mail on Wednesday, March 2, 2022. As of March 11, 2022 the Clerk's office received confirmation that all letters arrived at their intended destination. Each letter contained information on the violation(s) which prevented renewal, notice of the public hearing in front of the City Commission, the establishment's right to present witnesses or otherwise present evidence on their behalf, and how to resolve violations prior to the public hearing. The Community Development department called establishments with planning violations in an attempt to resolve violations and schedule inspections. The Clerk's Department called all establishments with outstanding fees in an attempt to resolve open invoices. All establishments were called on Wednesday, March 23, 2022, as a final attempt to resolve violations and a reminder of the upcoming public hearing regarding their Birmingham Liquor License renewal.

#### SUMMARY:

Twenty-one establishments have resolved their violations since the City Commission meeting on February 28, 2022 and are now recommended for 2022 Liquor License approval by the City Commission. Owners of three establishments continue to have unresolved violations but have assured compliance. A public hearing will be held to discuss these violations before the City Commission on March 28, 2022. The City Commission may direct the City Manager to file an objection with the Michigan Liquor Control Commission regarding each of these establishments' liquor license renewals.

#### ATTACHMENTS:

- City Commission Minutes from February 28, 2022
- Sample letter to establishments regarding public hearing
- Report from Planning Department
- Treasury Report on Fees Paid
- Citation Update from Fire Department
- Memorandum of Understanding for Toast
- Letter on behalf of Maple Road Tap Room in Whole Foods
- Letter on behalf of Casa Pernoi
- Resolutions for Dick O'Dow's, Maple Road Tap Room in Whole Foods and Casa Pernoi

SUGGESTED COMMISSION ACTION:

(1) 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 now in compliance with Chapter 10, Alcoholic Liquors of the City Code:

- The Daxton
- 220 Merrill
- Adachi Restaurant
- All Seasons Of Birmingham
- Bella Piatti
- Birmingham 8 Theater
- Birmingham Pub
- Churchill's Bistro/Cigar Bar
- Griffin Claw Brewing Company
- Hyde Park Prime Steakhouse
- Luxe Bar And Grill
- Mare
- Papa Joe's Gourmet Market Place Birmingham
- Phoenicia
- Salvatore Scallopini
- Slice/Shift/Sidecar
- Social Kitchen And Bar
- Tallulah Wine Bar & Bistro
- The Townsend
- Toast
- Townhouse

(2) Make a motion adopting a resolution to approve the renewal of the liquor license for the 2022 licensing period for Dick O'Dow's Irish Pub, holding a Class B, Class C or Microbrewery Liquor License that is now in compliance with Chapter 10, Alcoholic Liquors of the City Code.

OR

Make a motion adopting a resolution to direct the City Manager to file an objection on behalf of the City with the Michigan Liquor Control Commission by March 31, 2022 regarding Dick O'Dow's Irish Pub at 160 W. Maple, Birmingham, due to the City Commission's findings and a determination that Dick O'Dow's Irish Pub has committed the following violations of Chapter 10, Alcoholic Liquors, Sec 10-40 of the Birmingham City Code of Ordinances:

(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;

(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.

AND

Make a motion adopting a written resolution that the City Commission finds that Dick O'Dow's Irish Pub has failed to follow the Birmingham City Code of Ordinances at section 10-40(3) and (6) and the certified written resolution of the City Commission's finding shall be sent by first class mail to the licensee.

AND



Make a motion adopting a resolution to set a Public Hearing date of April 25, 2022 to consider termination of the Special Land Use Permit for Dick O'Dow's Irish Pub at 160 W. Maple.

(3) Make a motion adopting a resolution to approve the renewal of the liquor license for the 2022 licensing period for Maple Road Tap Room in Whole Foods, holding a Class B, Class C or Microbrewery Liquor License that is now in compliance with Chapter 10, Alcoholic Liquors of the City Code.

OR

Make a motion adopting a resolution to direct the City Manager to file an objection on behalf of the City with the Michigan Liquor Control Commission by March 31, 2022 regarding Maple Road Tap Room in Whole Foods at 2100 E. Maple, Birmingham, due to the City Commission's findings and a determination that Maple Road Tap Room in Whole Foods has committed the following violations of Chapter 10, Alcoholic Liquors, Sec 10-40 of the Birmingham City Code of Ordinances:

(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;

(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.

AND

Make a motion adopting a written resolution that the City Commission finds that Maple Road Tap Room in Whole Foods has failed to follow the Birmingham City Code of Ordinances at section 10-40(3) and (6) and the certified written resolution of the City Commission's finding shall be sent by first class mail to the licensee.

AND

Make a motion adopting a resolution to set a Public Hearing date of April 25, 2022 to consider termination of the Special Land Use Permit for Maple Road Tap Room in Whole Foods at 2100 E. Maple.

(4) Make a motion adopting a resolution to approve the renewal of the liquor license for the 2022 licensing period for Casa Pernoï, holding a Class B, Class C or Microbrewery Liquor License that is now in compliance with Chapter 10, Alcoholic Liquors of the City Code.

OR

Make a motion adopting a resolution to direct the City Manager to file an objection on behalf of the City with the Michigan Liquor Control Commission by March 31, 2022 regarding Casa Pernoï at 310 E. Maple Road, Birmingham, due to the City Commission's findings and a determination that Casa Pernoï has committed the following violations of Chapter 10, Alcoholic Liquors, Sec 10-40 of the Birmingham City Code of Ordinances:

(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;

(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.

AND

Make a motion adopting a written resolution that the City Commission finds that Casa Perno has failed to follow the Birmingham City Code of Ordinances at section 10-40(3) and (6) and the certified written resolution of the City Commission's finding shall be sent by first class mail to the licensee.

AND

Make a motion adopting a resolution to set a Public Hearing date of April 25, 2022 to consider termination of the Special Land Use Permit for Casa Perno at 310 E. Maple.

**Birmingham City Commission Minutes**

**February 28, 2022**

**Municipal Building, 151 Martin**

**7:30 p.m.**

**Vimeo Link: <https://vimeo.com/677514306>**

**02-063-22                      2021 Liquor License Review and 2022 Liquor License Renewal (Part 1)**

CM Markus presented the item.

**MOTION:**                      Motion by Mayor Pro Tem Boutros, seconded by Commissioner Host:  
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
- Lincoln Hills Golf Course
- Mad Hatter
- Market North End
- Springdale Golf Course
- Streetside Seafood
- The Morrie

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

Nays, None

## **02-064-22 La Strada Cafe 2022 Liquor License Renewal**

The Mayor recused herself at 8:52 p.m. citing a business relationship between her spouse and the owner of La Strada Cafe.

The Mayor Pro Tem assumed facilitation of the meeting at 8:52 p.m.

**MOTION:** Motion by Commissioner Baller, seconded by Commissioner Host:  
To approve the renewal of the liquor license for La Strada Cafe for the 2022 licensing period as an establishment that is in compliance with Chapter 10, Alcoholic Liquors of the City Code:

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

Nays, None

## **02-065-22 2021 Liquor License Review and 2022 Liquor License Renewal (Part 2)**

The Mayor resumed facilitation of the meeting at 8:53 p.m. She noted that she had previously had personal interest regarding Adachi Restaurant, Dick O' Dow's and Slice/Shift/Sidecar, but that those personal interests were no longer present and the relevant business relationships have concluded.

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

- Adachi Restaurant
- All Seasons Of Birmingham
- Bella Piatti
- Birmingham 8 Theater
- Birmingham Pub
- Churchill's Bistro/Cigar Bar
- 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

Mayor Pro Tem Boutros and Commissioner Baller asked how the City might resolve more of the outstanding issues with establishments before those issues are brought before the Commission in the future.

CM Markus noted that all of the listed establishments were notified well before the present meeting of their outstanding issues, some of them a number of times. He said that repeatedly addressing enforcement issues with some of these establishments is a poor use of taxpayers' funds that should not have to occur.

Commissioner Haig thanked CM Markus for raising the issue, especially in regards to outdoor dining encroaching into the pedestrian walkway. He said that perhaps establishments should be expected to self-police or that all establishments would lose the privilege of outdoor dining.

Mayor Longe ventured that CA Kucharek would probably have cautions about the legality of Commissioner Haig's proposal.

In reply to additional comments from CM Markus, Commissioner Baller asked whether the City might be able to either mandate or foster a restaurant association that might assist with these issues.

CM Markus said the restaurants would have to make a choice to re-form an association and that mandating it would not likely be effective.

#### Public Comment

Joe Bongiovanni said the City and dining establishments should work together to resolve their issues and should avoid having a contentious relationship.

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

Nays, None

## **02-066-22                    Setting a Public Hearing for 220 Merrill 2022 Liquor License**



The Mayor recused herself at 9:09 p.m., citing a business relationship with 220 Merrill.

The Mayor Pro Tem assumed facilitation of the meeting at 9:09 p.m.

**MOTION:** Motion by Commissioner Haig, seconded by Commissioner Host:  
To adopt a resolution to set a public hearing 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 220 Merrill which is in violation of Chapter 10, Alcoholic Liquors of the City Code:

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

Nays, None

## **02-067-22                    Setting a Public Hearing for the Daxton 2022 Liquor License**

The Mayor resumed facilitation of the meeting at 9:10 p.m.

The Mayor Pro Tem recused himself at 9:10 p.m., citing a business relationship with the Daxton.

**MOTION:** Motion by Commissioner Host, seconded by Commissioner Schafer:  
To adopt a resolution to set a public hearing 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 Daxton which is in violation of Chapter 10, Alcoholic Liquors of the City Code:

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

Nays, None

## **02-068-22                    2021 Liquor License Review and 2022 Liquor License Renewal (Part 3)**

The Mayor Pro Tem rejoined the meeting at 9:11 p.m.

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

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

Nays,   None

**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.

The Commission and the City Manager had a brief discussion regarding how best to further show the City's support for Ukraine.

The Mayor Pro Tem asked if there should be an official motion, and the Mayor noted that there is occasional precedent for the Commission to just have a brief discussion on a topic in this agenda section to provide direction to the City Manager.

Commissioner Schafer said she wanted the Commission to discuss ways to encourage the community to get involved.

Commissioner Haig noted that other communities are likely to be in distress in the future, and recommended the City develop a policy for when and how the City demonstrates solidarity with other communities.

Mayor Pro Tem Boutros concurred.

The Mayor recommended that the City Attorney verify that the City has the ability to do this demonstration of solidarity now, and that the Commission consider possible future policies once that has been clarified.

CM Markus noted that individuals' direct donations and philanthropy to legitimate non-profit organizations tend to have the most direct, positive impact.

The Commission consensus was to direct the City Manager to further explore ways of lighting up City Hall with the colors of the Ukrainian flag to demonstrate Birmingham's solidarity with the Ukrainian people.

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

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

Commissioner Haig cautioned that Russian leadership should not be conflated with the Russian populace when discussing Russia's invasion of Ukraine, and said the same is true of other political conflicts.

The Mayor noted that the proclamation given at the beginning of the meeting stated the City "stand[s] in solidarity with [...] the brave citizens of Ukraine and Russia who are standing up against this assault on democracy," in order to offer exactly the nuance Commissioner Haig was recommending.

- 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

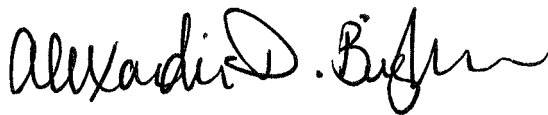
The City Manager presented his report.

- a. Mary Kucharek – Board Appointment Nominations
  - b. Letter to Paul Reagan
4. Mary Kucharek – Regarding ethics and the February 14, 2022 City Commission meeting

#### INFORMATION ONLY

<b>XI. ADJOURN</b>
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Mayor Longe adjourned the meeting at 9:43 p.m.



Alexandria Bingham  
City Clerk



Laura Eichenhorn  
City Transcriptionist



March 2, 2022

220 Restaurant  
220 E. Merrill Street  
Birmingham, MI 48009

**RE: 2022 City of Birmingham Annual Liquor License Renewal**

To Mr. Zaid Elia,

On February 28, 2022, the City Commission considered the annual renewal of all liquor licenses within the City. All liquor licenses are required to be in compliance with Chapter 10, Alcoholic Liquors to qualify for renewal. Section 10-40 of Chapter 10, Alcoholic Liquors outlines the reasons why the City Commission may object to the renewal of a license for consumption of intoxicating liquor on the premises. A detailed review and inspection of your establishment revealed the following areas of non-compliance with Chapter 10, Alcoholic Liquors, section 10-40:

- 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 not fully maintained along Merrill Street

Accordingly, the City Commission set a public hearing date for **Monday, March 28, 2022** to consider whether to file objections with the Michigan Liquor Control Commission for the renewal of your liquor license in light of the above issues. Please be advised that you may appear in person at the hearing or be represented by counsel, and you may present witnesses or written evidence at the hearing or prior to the hearing for consideration by the City Commission.

It is our hope that each of the issues noted above can be corrected prior to the scheduled public hearing on March 28, 2022 to allow the City Commission to approve the renewal of your establishment's liquor license at that time.

Once you have corrected all of the issues, please contact Nick Dupuis, Planning Director at [ndupuis@bhamgov.org](mailto:ndupuis@bhamgov.org) or myself to schedule a re-inspection prior to the March 28, 2022 public hearing. Thank you very much for your diligence in resolving these issues.

Thank you for your continued cooperation,

**Jana L. Ecker**  
Assistant City Manager  
(248) 530-1811  
[jecker@bhamgov.org](mailto:jecker@bhamgov.org)



## MEMORANDUM

Planning Division

**DATE:** March 28, 2022  
**TO:** Alexandria Bingham, City Clerk  
**FROM:** Nicholas Dupuis,  
**SUBJECT:** 2022 Liquor License Renewal Inspections – Planning Division  
(Updates in RED)

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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 - RESOLVED**
  - Clutter/outdoor storage around the building
    - Clutter/outdoor storage has been cleaned up, representative of 220 was spoken to about maintaining the site.
  - A-frame signs without permits (green sticker)
    - Excess signs have been removed, existing permitted sign received new sticker/permit.
  - Dumpster screen gate damaged and in need of repair
    - 220 representative advised me that a contractor has been contacted about repairing the enclosure gate. Follow up will be required.
  - 5 ft. clear walking path does not seem to be fully maintained along Merrill
    - Met with representative on-site with tape measure to confirm 5 ft. clear walking path.
- **325 S. Old Woodward – Adachi Sushi - RESOLVED**
  - Propane heaters damaged and left on the ground in disarray.
    - Heaters were picked up and broken pieces were cleaned up.
  - Minor indoor seating discrepancies (please see attached spreadsheet). Restaurant manager was advised of the issue and assured compliance.
    - Re-inspection met expectations; restaurant is in compliance with approved seating plans. Additional inspections for compliance will occur throughout the year.
- **111 Elm – All Seasons – RESOLVED**
  - Large, unpermitted-frame signs
    - Signs were removed.
- **167 Townsend – Bella Piatti - RESOLVED**
  - Outdoor dining platform appears to be used to store table/chairs/etc.



- Tables/ chairs were removed.
- **211 S. Old Woodward – Birmingham 8 Theater - RESOLVED**
  - A-frame sign without permit (green sticker)
    - A-frame sign was removed and an application for permits has been submitted and approved.
- **555 S. Old Woodward – Birmingham Pub - RESOLVED**
  - Windows on Woodward side are blocked with opaque materials
    - Non-window treatment coverings have been removed. Restaurant manager was spoken to about the blinds on Woodward/Bowers, and was advised that the Planning Board requested that these remain open and engaging. Manager advised that there are times during the day that they are needed for sun relief, but will endeavor to keep them open when possible.
  - Outdoor dining tables/chairs appear to be stacked, stored and unused
    - Tables and chairs were removed.
- **34244 Woodward – Bistro Joes – RESOLVED**
  - Window signage appears to exceed 18 sq. ft. permitted
    - “Now Serving Brunch” window sign was removed. Remaining window signage appears to meet the Sign Ordinance.
- **116 S. Old Woodward – Churchill’s Cigar Bar and Bistro - RESOLVED**
  - Permitted portable sign needs new permit sticker
    - Restaurant manager was given new sticker.
  - Minor indoor seating discrepancies (please see attached spreadsheet). Restaurant manager was advised of the issue and assured compliance.
    - Issue has been resolved. Additional inspections for compliance will occur throughout the year.
- **160 W. Maple – Dick O’ Dows – COMPLIANCE ASSURED – FOLLOW UP REQUIRED**
  - A-frame sign without permit (green sticker)
    - Applicant was given a Sign Permit application to complete for the approval of the temporary portable a-frame sign.
  - Outdoor dining patio in rear may extend beyond the approved dimensions
    - The Planning Division met with Dick O’ Dows ownership and measured the rear patio together. The patio boundary did exceed the approved site plan. The owner understood the issue and assured compliance. A new line will need to be painted, and they plan to do so as soon as the weather permits. The Planning Division furnished a copy of the approved site plans with the measurements listed to the owner. Follow up will be required.
- **575 S. Eton – Griffin Claw – RESOLVED**
  - Barrels and pallet’s stored across parking lot
    - Planning Division spoke with the owner of Griffin Claw. We were advised that pallets and barrels are frequently moved as a part of the brewing process, as well as preparation for seasonal draft offerings. The Planning Division encouraged Griffin Claw to reduce the amount of pallets on site, and to keep storage organized and within the barrel storage building in the back of the property. Follow up will be required.
- **201 S. Old Woodward – Hyde Park Prime – RESOLVED**
  - Blinds closed throughout all hours of the day

- Regional manager was contacted and the Planning Division explained the desire to have open, active storefronts.
- **525 N. Old Woodward – Luxe - RESOLVED**
  - Remnants of temporary COVID-19 outdoor dining enclosure remain on the façade
    - Restaurant owner advised that they plan to embark on the storefront renovation that was approved in 2020 this year, thus remedying the issue. Follow up will be required.
- **115 Willits – Mare Mediterranean - RESOLVED**
  - A-frame sign without permit (green sticker)
    - A-frame sign has been removed. Sign Permit application is in progress.
- **310 E. Maple – Casa Perno – COMPLIANCE ASSURED – FOLLOW UP REQUIRED**
  - Propane heaters stored in via
    - Propane heaters have been removed/relocated.
  - Outdoor dining being used with eisnglass enclosure. Eisnglass enclosures are not permitted for outdoor dining.
    - Perno has submitted a letter (please see attached) stating that the eisnglass will not be used for outdoor dining, and that a Special Land Use Permit applicaton has been submitted seeking full approval of the eisnglass. Follow up will be required.
- **588 S. Old Woodward – Phonecia – RESOLVED**
  - Planters used for outdoor dining being stored in right-of-way near the street
    - Planters have been removed.
  - Back of building appears cluttered
    - Clutter has been removed.
- **100 Townsend – Rugby Grille - RESOLVED**
  - Canvas panel on west side of outdoor dining not approved.
    - Canvas panel has been removed.
- **505 N. Old Woodward – Salvatore Scallopini - RESOLVED**
  - Planters that appear to have been part of the outdoor dining patio stored in right-of-way and blocking bike rack
    - Planters have been moved, bike rack no longer blocked.
  - Minor indoor seating discrepancies (please see attached spreadsheet). Restaurant manager was advised of the issue and assured compliance
    - Issue has been resolved. Additional inspections for compliance will occur throughout the year.
- **117 Willits – Shift/Sidecar/Slice (S-Three) - RESOLVED**
  - A-frame signs without permits (green stickers)
    - A-frame signs have been removed.
  - Outdoor dining furnishing may be being stored in right-of-way
    - Tables/chairs set up for dining and no longer stacked and stored.
- **225 E. Maple – Social Kitchen & Bar – RESOLVED**
  - A-frame sign without permit (green sticker)
    - A-frame sign has been removed.
  - Some clutter in rear dumpster area, linen storage stored outside of screening
    - Clutter and linen receptacle have been cleaned up.
  - Minor indoor seating discrepancies (please see attached spreadsheet). Restaurant manager was advised of the issue and assured compliance

- Issue has been resolved. Additional inspections for compliance will occur throughout the year.
- **155 Bates – Tallulah – RESOLVED**
  - Minor indoor seating discrepancies (please see attached spreadsheet). Restaurant manager was advised of the issue and assured compliance
    - Re-inspection met expectations, restaurant is in compliance with approved seating plans. Additional inspections for compliance will occur throughout the year.
- **203 Pierce – Toast – RESOLVED**
  - Large seat discrepancy observed. Restaurant manager was advised of the issue and assured compliance.
    - Re-inspection met expectations, restaurant is in compliance with approved seating plans. Additional inspections for compliance will occur throughout the year.
- **2100 E. Maple – Maple Road Taproom – COMPLIANCE ASSURED – FOLLOW UP REQUIRED**
  - Restaurant currently being used as employee break room and storage
    - The Maple Road Taproom has submitted a letter (please see attached) indicating that they had been closed due to COVID and have plans to reopen the restaurant on May 1, 2022. Follow up will be required.

Liquour License	Issue(s)	Resolved?		Invoice Paid?	
		Yes	No	Paid	Unpaid
220 Merrill – 220 Restaurant	Clutter, signage, dumpster	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
325 S. Old Woodward – Adachi Sushi	Indoor seats, damaged heaters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
111 Elm – All Seasons	Signage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
167 Townsend – Bella Piatti	Dining platform	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
211 S. Old Woodward – Birmingham 8 Theater	Signage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
555 S. Old Woodward – Birmingham Pub	Outdoor storage, windows	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
34244 Woodward – Bistro Joes	Signage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
116 S. Old Woodward – Churchill's Cigar Bar and Bistro	Indoor seating	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
160 W. Maple – Dick O' Dows	Signage, rear outdoor patio	<input type="checkbox"/>	<input checked="" type="checkbox"/> *	<input checked="" type="checkbox"/>	<input type="checkbox"/>
575 S. Eton – Griffin Claw	Outdoor storage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
201 S. Old Woodward – Hyde Park Prime	Window coverings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
525 N. Old Woodward – Luxe	Building façade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
115 Willits – Mare Mediterranean	Signage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
310 E. Maple – Casa Perno	Eisenglass, heaters	<input type="checkbox"/>	<input checked="" type="checkbox"/> *	<input checked="" type="checkbox"/>	<input type="checkbox"/>
588 S. Old Woodward – Phonedica	Clutter, Planters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
100 Townsend – Rugby Grille	Canvas panel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
505 N. Old Woodward – Salvatore Scallopini	Planters, indoor seating	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
117 Willits – Shift/Sidecar/Slice (S-Three)	Outdoor storage, signage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
225 E. Maple – Social Kitchen & Bar	Signage, dumpster area	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
155 Bates – Tallulah	Indoor seating	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
203 Pierce – Toast	Indoor seating	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2100 E. Maple – Maple Road Taproom	Use change	<input type="checkbox"/>	<input checked="" type="checkbox"/> *	<input checked="" type="checkbox"/>	<input type="checkbox"/>

\*Compliance was assured by operators



## MEMORANDUM

Planning Division

**DATE:** February 22, 2022  
**TO:** Alexandria Bingham, City Clerk Designee  
**FROM:** Nicholas Dupuis,  
**SUBJECT:** 2022 Liquor License Renewal Inspections – Planning Division

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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 pallet's 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





**PERNOI**





**PERNOI**





**DICK O' DOWS**



UNAUTHORIZED  
VEHICLES WILL BE  
TOWED AWAY AT  
OWNER'S EXPENSE  
DICK ADAMS TOWING  
248-644-5000

RESERVED  
FOR  
CONCRETE  
WORK



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" PRODLOTS  
800-647-6130  
ESR - 2514

**DICK O' DOWS**



# MAPLE ROAD TAPROOM





Restaurant	Address	Billed	Paid	Due
BIRMINGHAM PUB	555 S OLD WOODWARD AVE	\$373.62	\$373.62	0.00
BROOKLYN PIZZA	111 HENRIETTA	\$300.02	\$300.02	0.00
CHURCHILL'S	116 S OLD WOODWARD	\$147.54	\$147.54	0.00
DICK O'DOWS	160 W MAPLE	\$110.76	\$110.76	0.00
ELIE'S	263 PIERCE ST	\$2,061.24	\$2,061.24	0.00
FOREST GRILL	735 FOREST AVE	\$290.60	\$290.60	0.00
LA STRADA	243 E MERRILL ST	\$0.00	\$0.00	0.00
LUXE BAR	525 N OLD WOODWARD AVE	\$252.90	\$252.90	0.00
MADHATTER BISTRO	185 N OLD WOODWARD	\$1,151.64	\$1,151.64	0.00
MARKET NORTH	474 N OLD WOODWARD	\$36.95	\$36.95	0.00
MORRIE	260 N OLD WOODWARD AVE	\$138.08	\$138.08	0.00
PHOENICIA	300 HAMILTON ROW	\$512.34	\$512.34	0.00
SALVATORE SCALLOPINI	505 N OLD WOODWARD	\$184.62	\$184.62	0.00
SIDECAR/SLICE/SHIFT	117 WILLITS ST	\$776.62	\$776.62	0.00
SOCIAL KITCHEN	225 MAPLE	\$686.76	\$686.76	0.00
STREETSIDE	273 PIERCE ST	\$2,567.82	\$2,567.82	0.00
TALLULAH	151 -155 S BATES ST	\$13,763.60	\$13,763.60	0.00
TOAST	203 PIERCE	\$11,031.50	\$11,031.50	0.00
TOWNHOUSE KITCHEN	180 PIERCE 5/6	\$2,663.22	\$2,663.22	0.00
		<b>\$37,049.83</b>	<b>\$37,049.83</b>	\$ -

## **Timeline**

### **Joseph BonGiovanni-Zero Nine Two Six LLC, Market North End**

#### **Citations issued for 3-17-22 Incident**

3/18/2022 Citations issued for overcrowding (107.6) and Posting of occupant load (1004.3) for incident that occurred at Market North End on 3/17/22 at approximately 8 PM.

3/17/22 Inspector Scaife was out on detail inspecting crowd capacities at several assembly occupancies during the St. Patrick's Day festivities. At approximately 8 PM Scaife arrived at Market North End at 474 North Old Woodward and seen that the occupancy was very crowded. He found the Manager Ferndando Sanchez and requested to see the occupant load signs for interior and outside dining areas. Mr. Sanchez was unable to locate the signs.

Sanchez then phoned the Owner, Mr. Joseph BonGiovanni and was told that the signs were being laminated. Mr. BonGiovanni informed that they were a Bistro and had seating for 68 interior and 46 outdoor dining "deck". Scaife counted 114 patrons not including staff and informed that the establishment was 27 occupants over on the interior.

Scaife contacted Fire Marshal Pesha. Pesha instructed Scaife to give 1 hour for the Manager to reduce the number of patrons inside by 27 and return for a head count. Pesha also instructed Scaife to inform Ferndandez that citations would be issued for occupant load signs not posted and overcrowding.

Scaife returned one hour later and the occupant limit was met. He then reported his findings to Fire Marshal Pesha.



# Birmingham Fire Department

572 South Adams Road  
Birmingham, MI 48009  
Office (248) 530-1906 Fax (248) 530-1950

**Occupant Name:** Market North End  
**Address:** 474 North Old Woodward Avenue  
**Suite:**

**Inspection Date:** 3/17/2022  
**InspectionType:** Target/ Hazard Inspection

**Inspected By:** Scaife Jeff  
248-530-1913  
jscaife@bhamgov.org

Insp. Result	Location	Code Set	Code
Pass	Floor 1	IFC 2015 Chapter 5 Fire Service Features	505.1 - Address identification.
Fail	Floor 1	IFC 2015 Chapter 10 Means of Egress	1004.3 - Posting of occupant load.

**Inspector Comments:** Upon spot inspection to monitor occupancy, it was noted that this business did not have their occupancy posted in a place for all to see. When the manager was asked it was told to the fire inspector that the business was getting the occupancy card laminated and would be back "probably tomorrow."

Upon initial inspection it was seen that the business appeared to be above occupancy numbers. The manager Fernando Sanchez advised the fire inspector that they should have 68 on the inside, and 46 on the "deck" area. Initial count performed by the fire inspector was approximately 95 inside and 43 outside. Manager was advised to reduce the occupancy to 114 in total in one hour or risk the chance of being shut down for the evening. Manager was advised that the fire inspector would return in one hour for reassessment.

UNLESS OTHER ARRANGEMENTS ARE MADE, AN INSPECTOR WILL RETURN ON 3/17/2022 FOR RE-INSPECTION. YOUR CO-OPERATION IN TAKING CARE OF THE MATTERS LISTED IS APPRECIATED.

**It is hereby ordered by the office of the Fire Marshal:**

**All violations cited in this inspection report must be corrected within ten (10) business days. Unless such a situation prevails where the property owner, landlord, and/or its representative needs additional time due to the scheduling of specialty contractors. In such a case, written notification shall be provided to the Fire Inspector from said contractor that work/parts have been ordered. This notification shall be emailed, faxed, or hand delivered to the Birmingham Fire Department c/o Fire Prevention as soon as possible.**

**Failure to remedy cited violations within ten (10) business days will result in the issuance of a misdemeanor ticket(s) requiring a court appearance and fines.**

Thank you for your cooperation in keeping your business and our community safe!

Ref: 43584

# Birmingham Fire Department

572 South Adams Road  
Birmingham, MI 48009  
Office (248) 530-1906 Fax (248) 530-1950

**Occupant Name:** Market North End

**Address:** 474 North Old Woodward Avenue

**Suite:**

**Inspection Date:** 3/17/2022 (Initial Insp. Date: 3/17/2022)

**InspectionType:** Reinspection #1 (Target/ Hazard Inspection)

**Inspected By:** Scaife Jeff  
248-530-1913  
jscaife@bhamgov.org

Insp. Result	Location	Code Set	Code
Fail - Cleared	Floor 1	IFC 2015 Chapter 10 Means of Egress	1004.3 - Posting of occupant load.

 **Cleared on 3/17/2022**

**Inspector Comments:** Fire Inspector drove by the establishment and found the business to have complied with previous inspection. There appeared to be substantially less patrons within the establishment at time of re-inspection.

**It is hereby ordered by the office of the Fire Marshal:**

**All violations cited in this inspection report must be corrected within ten (10) business days. Unless such a situation prevails where the property owner, landlord, and/or its representative needs additional time due to the scheduling of specialty contractors. In such a case, written notification shall be provided to the Fire Inspector from said contractor that work/parts have been ordered. This notification shall be emailed, faxed, or hand delivered to the Birmingham Fire Department c/o Fire Prevention as soon as possible.**

**Failure to remedy cited violations within ten (10) business days will result in the issuance of a misdemeanor ticket(s) requiring a court appearance and fines.**

Thank you for your cooperation in keeping your business and our community safe!

Ref: 43584-43585

State of Michigan  
Uniform Law Citation

Ticket No. **BC 93021** ☐ Victim Involved

US DOT # \_\_\_\_\_ Incident No. \_\_\_\_\_ Dept. No. \_\_\_\_\_

The People of: ☐ the State of Michigan  
☐ Township ☒ City ☐ Village ☐ County

Local Use/Arrest No. \_\_\_\_\_ Detection Device \_\_\_\_\_

OF: **Birmingham** BAC \_\_\_\_\_

THE UNDERSIGNED SAYS THAT ON: **3 17 22 8:00** ☐ A.M. ☒ P.M. Date of Birth \_\_\_\_\_

State ☐ Oper./Chauff. ☐ CDL Driver License Number \_\_\_\_\_

Race \_\_\_\_\_ Sex \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Hair \_\_\_\_\_ Eyes \_\_\_\_\_ Occupation/Employer \_\_\_\_\_

Name (First, Middle, Last) **Joseph Bongiovanni - Zero Nine Two Six LLK**

Street **583 N. Old Woodward**

City **Birmingham** State **MI.** Zip Code **48009**

E-mail Address **marketbirmingham@gmail.com** Cellular Phone **248-425-4395**

Vehicle Plate No. \_\_\_\_\_ Year \_\_\_\_\_ State \_\_\_\_\_ Vehicle Description (Year, Make, Color) \_\_\_\_\_ Veh. Type \_\_\_\_\_

THE PERSON NAMED ABOVE, in violation of ☐ Local Ordinance ☐ State Law ☐ Administrative Rule  
UPON **474 N. Old Woodward**

AT OR NEAR **MARKET NORTH END**  
WITHIN ☒ CITY ☐ VILLAGE ☐ TOWNSHIP OF **BIRMINGHAM**  
COUNTY OF **OAKLAND** DID THE FOLLOWING

Type	MCL Cite/PACC Code/Ordinance	Description (include any bond amount collected on each charge)	Charge No.
<input checked="" type="checkbox"/> C/I <input type="checkbox"/> Warn <input type="checkbox"/> Authorization pend. <input type="checkbox"/> Misd <input type="checkbox"/> Fug <input type="checkbox"/> Fel <input type="checkbox"/> Waiv	<b>107.6</b>	<b>overcrowding</b>	<b>1</b>
<input checked="" type="checkbox"/> C/I <input type="checkbox"/> Warn <input type="checkbox"/> Authorization pend. <input type="checkbox"/> Misd <input type="checkbox"/> Fug <input type="checkbox"/> Fel <input type="checkbox"/> Waiv	<b>1004.3</b>	<b>Posting of Occupant Lead</b>	<b>2</b>
<input type="checkbox"/> C/I <input type="checkbox"/> Warn <input type="checkbox"/> Authorization pend. <input type="checkbox"/> Misd <input type="checkbox"/> Fug <input type="checkbox"/> Fel <input type="checkbox"/> Waiv			<b>3</b>

TO THE COURT: Do not arraign on a felony charge until an authorized complaint is filed.

Offense Code(s) **1** **2** **3**

Key for Type: C/I=Civil Infraction Misd=Misdemeanor Fel=Felony Warn=Warning Fug=Fugitive  
Waiv=Violation for Which Fines/Costs May be Waived Authorization pend.=Authorization pending

**overcrowding of occupant**

**Occupant lead signs not posted as required**

VIN: \_\_\_\_\_

CHECK IF APPROPRIATE ☐ Damage to Property ☐ Local Court Bond \$ \_\_\_\_\_  
☐ Vehicle Impounded ☐ Injury ☐ License Posted in Lieu of Bond  
☐ Traffic Crash ☐ Death ☐ Appearance Certificate  
Person in Active Military Service ☐ Yes ☐ No ☐ None

SEE DATE BELOW. SEE BACK OF CITATION FOR EXPLANATION AND INSTRUCTIONS  
Appearance Date on or before \_\_\_\_\_ ☐ Contact Court  
Hearing Date (if applicable) on \_\_\_\_\_ ☐ Formal Hearing Required. (Court will Notify)

In the **48TH DISTRICT** Court of **MICHIGAN**  
Court Address & Phone Number **4280 TELEGRAPH RD. BLOOMFIELD HILLS, MI 48302-3200 PHONE (248) 647-1141**

☒ I served a copy of the civil infraction complaint upon the defendant (or owner/occupant by posting if applicable).  
I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.

Complainant's Signature and receipt if applicable \_\_\_\_\_ Month **3** Day **18** Year **22**

Officer's Name (printed) **Jack D. Festa** Officer's No. **99988**

Agency ORI **MI-6325900** Agency Name **BIRMINGHAM POLICE FIRE MARSHAL**

UC-01a, Rev. 10/21 COURT COPY

**Joseph BonGiovanni-Zero Nine Two Six LLC**

**Market North End**

**Citation Explanation**

**Citation #: BC-93021**

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**107.6 Overcrowding**

Overcrowding of occupancy. Found 27 occupants over capacity inside of occupancy.

**1004.3 Posting of Occupant Load**

Occupant load signs not posted in occupancy for interior and outdoor dining.

## **MEMORANDUM OF UNDERSTANDING**

**THIS MEMORANDUM OF UNDERSTANDING** dated March 24, 2022 by and between the **CITY OF BIRMINGHAM**, a Michigan municipal corporation, whose address is 151 Martin Street, Birmingham, MI, 48009 and **TOAST BIRMINGHAM, LLC**, a Michigan limited liability company, whose address is 203 Pierce Street, Birmingham, MI, 48009, hereinafter called the "parties."

### **Background**

A. Toast Birmingham, LLC received a Special Land Use Permit Amendment by the City Commission at its regular meeting held on December 6, 2021.

B. The City Commission granted the Special Land Use Permit with certain promises and assurances.

C. Toast Birmingham, LLC received its Special Land Use Permit with the understanding that the operation will be Monday – Friday: 8:00 a.m. – 3:00 p.m. and Saturday and Sunday: 8:00 a.m. – 4:00 p.m., and there would be no changes to the number or placement of indoor or outdoor seats as it is a bistro.

D. "Bistro" is defined as a restaurant with a full service kitchen with interior seating for no more than sixty-five (65) people and additional seating for outdoor dining of no more than sixty-five (65) people.

### **Mutual Understandings**

It is mutually agreed upon and understood by and among the parties that Toast Birmingham, LLC's application for a Special Land Use Permit and the operation of a bistro demands that it complies with each and every zoning requirement.

### **Termination**

A. The purpose of this Memorandum of Understanding is to memorialize the intent that compliance with the City's Zoning Code is to protect public health, safety and welfare, and as such, Toast Birmingham, LLC acknowledges that the failure to comply with any of the conditions set forth in this Memorandum of Understanding, the Special



Land Use Permit Amendment or the original Special Land Use Permit may result in the termination of the Special Land Use Permit.

B. Toast Birmingham, LLC is acknowledging its agreement and obligation to comply with all of the ordinances of the City of Birmingham, and if there is a revocation of the Special Land Use Permit, the privileges of operating as a bistro, including the liquor license of Toast Birmingham, LLC will cease.

**TOAST BIRMINGHAM, LLC**

By: Regan Bloom  
Its: OWNER Operator

STATE OF MICHIGAN     )  
                                      ) ss:  
COUNTY OF OAKLAND    )

On this 24<sup>th</sup> day of March, 2022, before me personally appeared Regan Bloom, who acknowledged that with authority on behalf of TOAST BIRMINGHAM, LLC to do so he/she signed this Agreement.

Mellie Mackinnon  
Notary Public

Wayne County, Michigan  
Acting in Oakland County, Michigan  
My commission expires: 6/23/26

**CITY OF BIRMINGHAM:**

By: \_\_\_\_\_  
Therese Longe, Mayor  
By: C Woods  
Christina Woods, Deputy Clerk



**APPROVED:**



Jana L. Ecker, Assistant City Manager  
(Approved as to substance)



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



LAW OFFICES

**ADKISON, NEED, ALLEN, & RENTROP**

PROFESSIONAL LIMITED LIABILITY COMPANY

KELLY A. ALLEN  
JESSICA A. HALLMARK  
JOHN W. KUMMER  
GREGORY K. NEED  
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39572 Woodward, Suite 222  
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OF COUNSEL:

PHILLIP G. ADKISON  
KEVIN M. CHUDLER  
KATHERINE A. TOMASIK

March 21, 2022

Via Electronic Mail

Nicholas Dupuis, Planning Director  
City of Birmingham  
151 Martin St.  
Birmingham, MI 48009  
[ndupuis@bhamgov.org](mailto:ndupuis@bhamgov.org)

**Re: Maple Road Tap Room (Whole Foods Market)  
2100 E Maple Rd.  
City Liquor License Review 2022**

Dear Mr. Dupuis:

We represent Whole Foods Market. Whole Foods Market was approved in April 2017 to operate the Maple Road Tap Room inside of the market, pursuant to a Special Land Use Permit. The relevant portions of the SLUP are attached.

At the City Commission's meeting on February 28, 2022, City staff reported that the Maple Road Tap Room was not set up for restaurant service but rather was being used as an employee breakroom.

Whole Foods temporarily suspended the operation of its on-premises service of alcohol due to the Covid-19 pandemic.

The Maple Road Tap Room will be set up and resume regular service on May 1, 2022. The layout will not change, it will be as approved by the City Commission. The hours of operation will be from 2 p.m. to 9 p.m. daily.

I understand that the City must file any objection it has to licensure with the Michigan Liquor Control Commission prior to the scheduled reopening date.

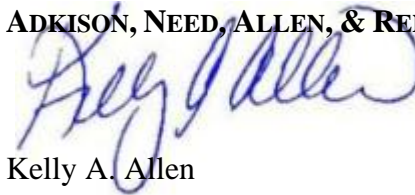
However, since there is a SLUP in place, the City would have the remedy of revoking the SLUP if the licensee is not in compliance. As soon as the restaurant is set up for service, Whole Foods will call for reinspection.

I will attend the City Commission's meeting on March 28, 2022, on Whole Food's behalf if necessary.

Please call me with any questions or concerns you may have.

Very truly yours,

**ADKISON, NEED, ALLEN, & RENTROP, PLLC**



Kelly A. Allen

KAA/kjp  
Enclosures

Cc: Ryan Bissett, Licensing Team (*via electronic mail*)  
Ed Kipella, Store Team Leader (*via electronic mail*)

**WHOLE FOODS BISTRO  
2100 E. MAPLE  
SPECIAL LAND USE PERMIT  
2017**

WHEREAS, Whole Foods Bistro filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a new restaurant as a bistro as defined in Article 9, section 9.02 of Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the south side of E. Maple between Eton and Coolidge Highway;

WHEREAS, The land is zoned B2 (Grocery Store use only), General Business, which permits bistros as an accessory use with a Special Land Use Permit;

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

WHEREAS, The Planning Board on February 22, 2017 reviewed the application for Final Site Plan Review and a Special Land Use Permit and recommended approval with the following conditions:

- 1) The applicant will be required to enter into a contract with the City outlining the nature of the bistro operation;
- 2) Comply with the requirements of City departments; and
- 3) The applicant must provide appropriate restroom facilities to be submitted to staff in the Planning Dept. and approved.

WHEREAS, The applicant has committed to comply with all conditions for approval as recommended by the Planning Board on February 22, 2017;

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

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that Whole Foods Bistro's application for a Special Land Use Permit authorizing the operation of a bistro at 2100 E. Maple in accordance with Chapter 10, Alcoholic Liquors, is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted subject to the following conditions:

1. Whole Foods Bistro shall abide by all provisions of the Birmingham City Code;
-



2. The Special Land Use Permit may be cancelled by the City Commission upon finding that the continued use is not in the public interest;
3. The hours of operation for outdoor dining shall cease at 10:00 p.m. 7 days a week;
4. The use of eisenglass and other enclosure materials on any outdoor dining area shall require approval by the City Commission through a Special Land Use Permit Amendment;
5. Outdoor dining is seasonally permitted from April 1st through November 15<sup>th</sup> only, with an Outdoor Dining Permit. The use of an enclosure system(s) does not allow the outdoor dining season to be extended.
6. Whole Foods Bistro shall provide for the removal of disposable materials resulting from the operation and maintain the area in a clean and orderly condition by providing the necessary employees to guarantee this condition, and by the placement of a trash receptacle in the outdoor seating area;
7. Whole Foods Bistro shall enter into a contract with the City outlining the details of the proposed bistro option, and enter into an outdoor dining license agreement with the City;
8. Whole Foods Bistro shall not increase the number of interior or exterior seats at any time without approval by the City Commission through a Special Land Use Permit Amendment;
9. Whole Foods Bistro shall have a duty of continuing compliance with regards to off-street parking as required in the Zoning Ordinance;
10. Whole Foods Bistro agrees to resolve any future parking issues that may arise, including but not limited to parking overflow and encroachment into residential areas or public parking facilities, to the satisfaction of the City or the Special Land Use Permit may be cancelled by the City Commission; and
11. Whole Foods Bistro is required to have any modifications to the site plan, floor plan or operation of the bistro approved through a Special Land Use Permit Amendment as required in the Zoning Ordinance.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, Whole Foods Bistro and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of Whole Foods Bistro to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, Cherilynn Brown, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on April 24, 2017.

---

Cherilynn Brown, City Clerk





LAW OFFICES

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March 21, 2022

Via Electronic Mail

Nicholas Dupuis, Planning Director  
City of Birmingham  
151 Martin St.  
Birmingham, MI 48009  
[ndupuis@bhamgov.org](mailto:ndupuis@bhamgov.org)

**Re: Casa Pernoï  
310 East Maple**

Dear Mr. Dupuis:

At the City Commission's liquor license review meeting held on February 28, 2022, City staff noted that Casa Pernoï had propane tanks stored in the via and that isinglass was being used to enclose the outdoor dining. Consequently, the matter was set for public hearing for March 28, 2022.

The propane tanks have been removed.

Casa Pernoï has applied to amend its Special Land Use Permit to allow it to use the isinglass. Until the SLUP is amended, Casa Pernoï will not use the outdoor dining in the via when the isinglass is down. The tables and chairs will be stored in place.

When weather permits, outdoor dining in the via will be offered and the isinglass will be raised for use.

Please call me if you have any questions.

Very truly yours,

**ADKISON, NEED, ALLEN, & RENTROP, PLLC**

Kelly A. Allen

KAA/kjp

**CITY OF BIRMINGHAM**  
**RESOLUTION TO OBJECT TO**  
**LIQUOR LICENSE RENEWAL**

At a meeting of the City Commission of the City of Birmingham, Oakland County, Michigan, held on the 28<sup>th</sup> day of March, 2022, at City Hall, 151 Martin Street, Birmingham, MI, 48009.

Moved by:\_\_\_\_\_

Seconded by:\_\_\_\_\_

**WHEREAS**, on February 28, 2022 the Birmingham City Commission conducted its annual review of all liquor license establishments within the City of Birmingham; and,

**WHEREAS**, Dick O' Dow's Irish Pub located at 160 W. Maple, Birmingham, Michigan was found to be in violation of Birmingham's City Ordinance Chapter 10 – Alcoholic Liquors; and,

**WHEREAS**, these violations were found after the City Manager caused the investigation of Dick O' Dow's Irish Pub upon completing inspections in accordance with City Ordinance Chapter 10 – Alcoholic Liquors, Sec. 10-37-Renewals – City Investigation; and,

**WHEREAS**, on February 28, 2022 the Birmingham City Commission set a public hearing on Monday, March 28, 2022 to consider whether the Commission should file an objection with the Michigan Liquor Control Commission for the renewal of the liquor license held by licensee; and,

**WHEREAS**, a notice was provided at least ten (10) days before the public hearing on March 28, 2022, notifying the licensee of the hearing to determine whether or not the establishment is in compliance with City and state laws and, thus, may object for the reasons stated in Sec. 10-40 of the Birmingham City Code; and,

**WHEREAS**, a hearing was conducted with the licensee present; and,

**WHEREAS**, the City Commission heard testimony from members of the administration and/or the public, and the licensee was afforded an opportunity to question those who presented information or other evidence presented to the City Commission; and,

**WHEREAS**, the licensee was given an opportunity to be represented by counsel, and to present witnesses, evidence, and arguments, and was allowed to confront adverse witnesses; and,

**WHEREAS**, the public was afforded a reasonable opportunity to comment upon the issues presented before the City Commission; and,

**WHEREAS**, the City Commission heard all of the aforementioned evidence.

**NOW, THEREFORE, BE IT RESOLVED** that the City Commission has made its findings and has made a determination that Dick O' Dow's Irish Pub has violated the City of Birmingham Ordinances, Chapter 10, Alcoholic Liquors, Sec. 10-40, Standards, specifically at subsection (3) as the licensee maintained a nuisance upon or in connection with the licensed premises including, but not limited to violating subsection (3)a by allowing violations of the Building, Electrical, Mechanical, Plumbing, Zoning, Health, Fire, or other applicable regulatory codes.

**BE IT FURTHER RESOLVED** that the Birmingham City Commission has made its findings and has made a determination that Dick O' Dow's Irish Pub has violated the City of Birmingham Ordinance, Chapter 10, Alcoholic Liquors, Sec. 10-40, Standards, specifically at subsection (6) that the licensee failed to comply with all the standards and plans established and approved by the Birmingham City Commission at the time of the original approval or transfer of the license.

**BE IT FURTHER RESOLVED** that because the licensee failed to comply, the City Commission is recommending that the Michigan Liquor Control Commission does not renew or revokes the licensee's liquor license.

**BE IT FURTHER RESOLVED** that the City Commission shall forward to the State Liquor Control Commission:

- a. A certified copy of the Notice of Hearing sent to the licensee.
- b. A certified copy of this Resolution.
- c. A copy of the Birmingham City Code Chapter 10 – Alcoholic Liquors which will include the date of adoption of Chapter 10.
- d. A Proof of Service demonstrating that the Notice of Hearing was sent to licensee.

Passed, adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

AYES: \_\_\_\_\_  
\_\_\_\_\_

NAYS: \_\_\_\_\_  
\_\_\_\_\_

PRESENT: \_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_  
\_\_\_\_\_

**CERTIFICATION**



I, Alexandria D. Bingham, being the duly appointed and qualified Clerk of the City of Birmingham, Oakland County, Michigan, do hereby certify and declare that the foregoing is a true and correct copy of Resolution, the original of which is on file in my office, adopted by the City of Birmingham Commission at a regular meeting held on March 28, 2022.

---

Alexandria D. Bingham, City Clerk

**CITY OF BIRMINGHAM**  
**RESOLUTION TO OBJECT TO**  
**LIQUOR LICENSE RENEWAL**

At a meeting of the City Commission of the City of Birmingham, Oakland County, Michigan, held on the 28<sup>th</sup> day of March, 2022, at City Hall, 151 Martin Street, Birmingham, MI, 48009.

Moved by:\_\_\_\_\_

Seconded by:\_\_\_\_\_

**WHEREAS**, on February 28, 2022 the Birmingham City Commission conducted its annual review of all liquor license establishments within the City of Birmingham; and,

**WHEREAS**, Maple Road Tap Room in Whole Foods located at 2100 E. Maple Rd., Birmingham, Michigan was found to be in violation of Birmingham's City Ordinance Chapter 10 – Alcoholic Liquors; and,

**WHEREAS**, these violations were found after the City Manager caused the investigation of Maple Road Tap Room in Whole Foods upon completing inspections in accordance with City Ordinance Chapter 10 – Alcoholic Liquors, Sec. 10-37-Renewals – City Investigation; and,

**WHEREAS**, on February 28, 2022 the Birmingham City Commission set a public hearing on Monday, March 28, 2022 to consider whether the Commission should file an objection with the Michigan Liquor Control Commission for the renewal of the liquor license held by licensee; and,

**WHEREAS**, a notice was provided at least ten (10) days before the public hearing on March 28, 2022, notifying the licensee of the hearing to determine whether or not the establishment is in compliance with City and state laws and, thus, may object for the reasons stated in Sec. 10-40 of the Birmingham City Code; and,

**WHEREAS**, a hearing was conducted with the licensee present; and,

**WHEREAS**, the City Commission heard testimony from members of the administration and/or the public, and the licensee was afforded an opportunity to question those who presented information or other evidence presented to the City Commission; and,

**WHEREAS**, the licensee was given an opportunity to be represented by counsel, and to present witnesses, evidence, and arguments, and was allowed to confront adverse witnesses; and,

**WHEREAS**, the public was afforded a reasonable opportunity to comment upon the issues presented before the City Commission; and,

**WHEREAS,** the City Commission heard all of the aforementioned evidence.

**NOW, THEREFORE, BE IT RESOLVED** that the City Commission has made its findings and has made a determination that Maple Road Tap Room in Whole Foods has violated the City of Birmingham Ordinances, Chapter 10, Alcoholic Liquors, Sec. 10-40, Standards, specifically at subsection (3) as the licensee maintained a nuisance upon or in connection with the licensed premises including, but not limited to violating subsection (3)a by allowing violations of the Building, Electrical, Mechanical, Plumbing, Zoning, Health, Fire, or other applicable regulatory codes.

**BE IT FURTHER RESOLVED** that the Birmingham City Commission has made its findings and has made a determination that Maple Road Tap Room in Whole Foods has violated the City of Birmingham Ordinance, Chapter 10, Alcoholic Liquors, Sec. 10-40, Standards, specifically at subsection (6) that the licensee failed to comply with all the standards and plans established and approved by the Birmingham City Commission at the time of the original approval or transfer of the license.

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Passed, adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

AYES: \_\_\_\_\_  
\_\_\_\_\_

NAYS: \_\_\_\_\_  
\_\_\_\_\_

PRESENT: \_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_  
\_\_\_\_\_

**CERTIFICATION**

I, Alexandria D. Bingham, being the duly appointed and qualified Clerk of the City of Birmingham, Oakland County, Michigan, do hereby certify and declare that the foregoing is a true and correct copy of Resolution, the original of which is on file in my office, adopted by the City of Birmingham Commission at a regular meeting held on March 28, 2022.

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

**CITY OF BIRMINGHAM**  
**RESOLUTION TO OBJECT TO**  
**LIQUOR LICENSE RENEWAL**

At a meeting of the City Commission of the City of Birmingham, Oakland County, Michigan, held on the 28<sup>th</sup> day of March, 2022, at City Hall, 151 Martin Street, Birmingham, MI, 48009.

Moved by:\_\_\_\_\_

Seconded by:\_\_\_\_\_

**WHEREAS**, on February 28, 2022 the Birmingham City Commission conducted its annual review of all liquor license establishments within the City of Birmingham; and,

**WHEREAS**, Casa Perno located at 310 E. Maple Rd., Birmingham, Michigan was found to be in violation of Birmingham's City Ordinance Chapter 10 – Alcoholic Liquors; and,

**WHEREAS**, these violations were found after the City Manager caused the investigation of Casa Perno upon completing inspections in accordance with City Ordinance Chapter 10 – Alcoholic Liquors, Sec. 10-37-Renewals – City Investigation; and,

**WHEREAS**, on February 28, 2022 the Birmingham City Commission set a public hearing on Monday, March 28, 2022 to consider whether the Commission should file an objection with the Michigan Liquor Control Commission for the renewal of the liquor license held by licensee; and,

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Passed, adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

AYES: \_\_\_\_\_  
\_\_\_\_\_

NAYS: \_\_\_\_\_  
\_\_\_\_\_

PRESENT: \_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_  
\_\_\_\_\_

### **CERTIFICATION**

I, Alexandria D. Bingham, being the duly appointed and qualified Clerk of the City of Birmingham, Oakland County, Michigan, do hereby certify and declare that the foregoing is a true

and correct copy of Resolution, the original of which is on file in my office, adopted by the City of Birmingham Commission at a regular meeting held on March 28, 2022.

---

Alexandria D. Bingham, City Clerk



## **CITY MANAGER'S REPORT**

March 2022

### **Baldwin Public Library**

#### **Staffing Update**

We have hired Tiffany Griffin and Andrew Forbes as part-time IT Technicians.

#### **Proposed 2022-2023 Budget**

The Library Board met on March 21 for the annual budget hearing and a regular meeting. The Board approved the proposed budget for FY 2022-23 and Director Craft will present the proposed budget to the Commission at the City Budget Hearing on May 7. The Board voted to approve updates to the Americans with Disabilities Act Compliance Policy, Idea Lab User Agreement and Waiver, Financial Policy, and Naming Rights Policy. The policies can be viewed at <https://www.baldwinlib.org/mission/>.

#### **Architectural Design Services**

On March 15, Director Craft held a pre-bid meeting for architectural design services for the expansion and renovation of the front entry and circulation area. Four firms attended the meeting and the RFP is due March 31. The Library Board is expected to interview and 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.

#### **Public Open House**

The Library will hold a public open house on Sunday, May 22 from 2:00 to 4:00 p.m., with remarks to be held at 2:30 p.m. The open house will celebrate the grand reopening of the expanded Youth Room and second floor renovations, honor Doug Koschik's retirement, dedicate Jim Miller-Melberg's Michigan Spring Statue, and commemorate Martha Baldwin's induction into the Michigan Women's Hall of Fame.

### **The Birmingham Museum**

The museum has been hosting second grade local history field trips for many years to coordinate with Birmingham Public Schools' social studies curriculum. With the onset of the pandemic in 2020, and again in 2021, the museum instead provided video-based virtual school tours for our students. This spring, the museum will return to in-person tours with an emphasis on smaller groups of students for the second grade curriculum-

based visits. In addition, the museum will offer a new customized app that parents can use on their cell phones at the museum as an alternative to group tours to recreate the school tour one-on-one with their child.

We are enthusiastic about how these new format options will enhance the experience for students as well as giving parents an alternative to share our history with their youngster in a very personal way.

## **Birmingham Shopping District (BSD)**

### **Farmers Market Employment Opportunities**

The BSD has posted positions for a Farmers Market Manager and Farmers Market Assistants for the 2022 market season.

### **Employee Appreciation Day**

March 4<sup>th</sup> was Employee Appreciation Day. The BSD gave out bags of cookies to business owners to share with their employees and distributed Birmingham Shopping District Discount Cards. More businesses signed up for the program and the BSD staff gave out close to 200 cards for employees.

### **Consumers Energy Sponsorship**

Consumers Energy gave the BSD a \$10,000 sponsorship to boost local shopping with the Birmingham Bucks e-gift card program. The program launched on February 17 and concluded the following week. Customers who purchased an e-gift card received a second one of matching value for free.

### **Merchant Meeting**

The most recent Merchant Meeting was held on Wednesday, March 16 at Work Co. at 280 North Old Woodward. The special guest presenter was Jennifer Llewellyn from Oakland County Workforce Development. She gave a presentation to downtown stakeholders about all of the available public programs that can assist in recruiting and retaining employees.

### **Spring Stroll**

The BSD is planning for the Spring Stroll, scheduled for Saturday April 9, from 11:00 a.m. to 2:00 p.m. The public can visit participating stores to receive gifts for children and to receive a special color marker to complete an Easter-themed coloring page. More information can be found at [allinbirmingham.com](http://allinbirmingham.com)

## **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 February, we processed 255 online permit applications, totaling 745 applications so far in 2022.

## **Commercial Renovations and Build-Outs**

The Building Department has been diligently working to keep up with the recent surge in commercial construction and planning within the City. There are numerous commercial renovations and build-outs for both new and existing tenants that are either in progress or in the review stages of development. The following is a brief status and summary of some of our larger scale projects:

- All Seasons II (219 Elm) - Proposed new 5-story senior living facility adjacent to the existing property. We have received two full sets of plans showing two variations of the project. The original set is approved and ready to issue. The developer did some value engineering and submitted a second set eliminating the basement, rooftop amenities and other internal features. They paid another review fee and the revised plans are currently in the review process. All Seasons is projecting a start date this spring once they decide on a version.
- Restoration Hardware (300 S. Old Woodward) - Core and shell plans have been submitted for this 4-story building and are in the review process.
- 277 Pierce - The new commercial building across from City Hall is in the final stages of construction with two tenant build-outs currently being reviewed. Brilliant Earth is a jewelry and diamond seller that will be located on the 1<sup>st</sup> floor. Schecter Wealth is an investment and wealth management firm that will be occupying the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors.

## **Welcome, Suzanne!**

The Building Department welcomes Suzanne Pedigo as an official member of our team. Her knowledge, experience and relationships with staff and builders make her a welcome addition to Community Development. Congratulations, Suzanne!

## **City Clerk's Office**

### **Staff Update**

Deputy City Clerk Christina Woods attended her first year of Michigan Association of Municipal Clerks (MAMC) Institute the week of March 14. City Clerk Alexandria Bingham attended her second year of the MAMC Institute training the week of March 21. MAMC Institute is a three-year program for clerks to obtain their MiPMC (Michigan Professional Municipal Clerk) credentials and also gives credit towards clerks seeking their CMC (Certified Municipal Clerk) through IIMC (The International Institute of Municipal Clerks).

On March 16, 2022, City Clerk Alexandria Bingham celebrated two years of service with the city.

Congratulations to former Deputy Clerk Abrial Barrett (Hauff) who was promoted to City Clerk in the City of St. Clair Shores. Use this [link](#) to view the related news article.

### **Parade & Hometown Celebration**

The tradition continues in 2022 as the Celebrate Birmingham hometown parade marches back into 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 play 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 a company's 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.

## Elections

The Clerk's Department relies on many election workers to ensure a smooth election. In preparation for the Aug. 2, 2022 primary, we will begin contacting past election workers in May and recruit new election workers in May and June. Election workers will attend training in July, and at that time we will evaluate whether we need to recruit more workers for the Nov. 8, 2022 general election.

## Redistricting

With Michigan's latest political redistricting process complete, final maps have been published. Michigan's congressional, state senate, and house maps are at this [link](#). Oakland County commissioner districts interactive map can be found at this [link](#).

Changes for Birmingham voters include:

- US Congress: The city of Birmingham remains in District 11, no changes
- Michigan Senate: The city of Birmingham remains in District 8, no changes
- Michigan House of Representatives: The entire city was formerly in District 5; now it is split between three state house districts:
  - Birmingham voting precinct 5 is now in District 19
  - Birmingham voting precincts 1, 2, 4, 6, 7, 8 and 9 are now in District 9
  - Birmingham voting precinct 3 is now in District 56
- County Commissioner: The city had been in Oakland County District 19; now it is split between two county districts:
  - Birmingham voting precincts 3 and 9 are now in District 1
  - Birmingham voting precincts 1, 2, 4, 5, 6, 7 and 8 are now in District 19

**\*\* There will not be any changes to the City of Birmingham Voting Precincts. Follow this [link](#) to review Birmingham's precinct map.**

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 on a single application.**
- 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 pm – Last day to request an absentee ballot by mail or at [mi.gov/vote](https://mi.gov/vote)
- Aug 1 at 4:00 pm – Deadline for obtaining an absentee ballot in person at the clerk's office
- Aug 2 – Election Day - Polls are open 7:00 am – 8:00 pm. All absentee ballots due at the clerk's office by 8:00 p.m.

### **Board and Commission Appointments**

The following City of Birmingham [boards and commissions](#) have vacant positions or members with terms expiring soon:

BOARD:	APPLICATIONS DUE:	INTERVIEWS/ APPOINTMENTS:
Advisory Parking Committee	4/20/22	4/25/22
Architectural Review Committee	4/20/22	4/25/22
Board of Zoning Appeals	4/20/22	4/25/22
Brownfield Redevelopment Authority	4/20/22	4/25/22
Housing Board of Appeals	4/20/22	4/25/22
Public Arts Board	*until filled	
Storm Water Utility Appeals Board	*until filled	
Triangle District Corridor Improvement Authority	*until filled	

For details, visit [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities).

### **Cemetery**

#### Future Agenda Topics for Greenwood Cemetery Advisory Board

April 1, 2022 - Meeting in person at City Hall

- Second draft of a policy for approving and installing markers for persons of historical significance
- Continued review of the Greenwood Cemetery operational procedures, conditions and regulations
- Cemetery service provider contract

May 6, 2022 - Meeting in person at City Hall

- Planning for grave stone inventory project
- Preparation for 2021-2022 annual report, goal reflection & setting

June 3, 2022 - Meeting in person at City Hall

- Topics to be determined

### **City Manager's Office**

#### **Setting the Record Straight**

#### **Birmingham Triangle District Corridor Improvement Authority (BTDCIA)**

At the Planning Board meeting held on March 9, 2022 a resident made comments regarding the process and makeup of the BTDCIA board along with the potential impact of rezoning on the neighborhood surrounded by the Triangle District as outlined in the

draft of the 2040 plan. Linked below is a detailed memo and supporting documents that further explain the resident's concerns, specifically in regards to the makeup of the board and the parameters that were passed by resolution # 11-363-08 of the City Commission on November 10, 2008. There have not been any changes to the makeup of this board since it was established in 2008. No alternate positions for the BTDCIA have been created to date by resolution of the City Commission. Most importantly, the board must have a majority of its members identified as persons having an ownership or business interest in property located in the Development Area. Download the [memo regarding this here](#).

Currently the board is comprised of the following members:

- Commissioner Baller
- Two persons having an ownership or business interest in property located in the Development Area
- Two residents of the Development Area as defined in the 2008 resolution

To maintain the requirements of the resolution passed, the board must have:

***Not less than a majority of the members shall be persons having an ownership or business interest in property located in the Development Area***

The City Commission will be seeking applicants who are persons having an ownership or business interest in property located in the Development Area.

### **Accrual of Funds under a Tax Increment Financing Plan ("TIF Plan")**

At the February 28, 2022 meeting, Commissioner Haig asked for further information regarding the accrual of funds under a Tax Increment Financing Plan ("TIF Plan"), specifically asking about what happens to funds collected if there is not a project approved or constructed in accordance with the corresponding Development Plan. Accordingly, City staff provided the following response by email on March 4, 2022:

...once the plan is approved by the local body, any tax incremental growth should be captured and placed in a separate account. A project is not needed for the accrual process to begin. The funds cannot be dispersed until there is an approved project. If the funds are not spent, they must be returned to the individual taxing jurisdictions.

At the March 14, 2022 City Commission meeting, Commissioner Haig expressed concern that City staff had not provided all of the details requested in the email response noted above. To ensure a full and complete response, meeting videos were reviewed from both February 28, 2022 and March 14, 2022 to accurately relay all of the questions asked and to provide detailed responses for the City Commission. The questions posed by Commissioner Haig included the following:

1. Do we have to give it back?
2. Who is accruing when it starts next year?

3. Oakland County accrues?
4. If no project, then how can we have funding?
5. Where does accrual go to get up to \$6,000,000?
6. Who holds money if not us?

The following responses are offered to each of the above questions.

1. **Do we have to give it back?** Assuming "it" refers to any funds collected under a TIF Plan, the answer is that the City collects the funds and uses them to pay for an approved project under the Plan. As stated in the email dated March 4, 2022, if the funds are not spent on an approved project, they must be returned to the individual taxing jurisdictions.
2. **Who is accruing when it starts next year?** Assuming "it" in this question refers to the updated TIF Plan, the majority of funds that would accrue would be from the City's share of property taxes.
3. **Oakland County accrues?** To date, Oakland County has opted out of participating in the plan, and thus no funds can accrue from Oakland County's (or their affiliated agencies) share of property taxes.
4. **If no project, then how can we have funding?** As stated in the email dated March 4, 2022, once the plan is approved by the local body, any tax incremental growth should be captured and placed in a separate account. A project is not needed for the accrual process to begin.
5. **Where does accrual go to get up to \$6,000,000?** As stated in the email dated March 4, 2022, once the plan is approved by the local body, any tax incremental growth should be captured and placed in a separate account. To further clarify, the City of Birmingham would place all captured property taxes (for only those taxing jurisdictions that have not opted out) under the approved TIF Plan in a Special Revenue Fund, and these funds could only be used for an approved project. The reference to \$6,000,000 in this question likely refers to the potential tax capture from Oakland County as shown in the Estimated Tax Capture Table in the updated TIF Plan. A capture from Oakland County, and any negotiated cap, would only come into play however, if the City is successful in negotiating with Oakland County to have them opt into participating in our updated TIF Plan.
6. **Who holds money if not us?** As stated above, the City of Birmingham would place all captured property taxes (for only those taxing jurisdictions that have not opted out) under the approved TIF Plan in a Special Revenue Fund.

It is important to note that the whole purpose of updating our TIF Plan at this time is to attempt to meet the requirements requested by Oakland County in order to encourage them to opt into participating in a tax capture under our TIF Plan to assist us in funding public parking in the Triangle District.

## **Communications**

### **GovPilot Citizen Request Module – Successful Launch**

The communications team is very pleased with the launch of the city's new citizen request module by GovPilot. Our short video explaining how to submit a request via the GovAlert app is available at [www.bhamgov.org/govalert](http://www.bhamgov.org/govalert). City Commissioners are encouraged to contact IT Manager Eric Brunk for assistance with downloading or using the app. Eric can be reached at [ebrunk@bhamgov.org](mailto:ebrunk@bhamgov.org) or 248-530-1885. I would like to thank Jamil Kim, Melissa Fairbairn, Erika Bassett and Eric Brunk who assisted in the selection and launch of this new, convenient service for the community.

### **Spring Birmingham Beat Newsletter Coming Soon**

The spring edition of The Birmingham Beat newsletter will arrive in mailboxes around April 1, 2022. This edition features information about parking structure equipment, Parks & Recreation bond projects, upcoming spring and summer events, the Junior Golf Program, construction projects, pedestrian safety tips and more. Download the [newsletter here](#).

### **Birmingham City Guide**

The communications team is working on the new City Guide brochure that will assist residents and visitors who wish to learn more about Birmingham. Information provided in the guide includes historical information, city map, parks and recreation, resident information, how to get involved and more.

## **Human Resources**

Our new City Engineer, Yunus Patel, will begin on April 11, 2022. This was the last of our key positions needing to be backfilled at the start of 2021. Human Resources is working to fill several seasonal vacancies, including workers for our Ice Arena, Golf Courses, Parks, and Farmers Market. So far, ten candidates have entered our new hire process. Aside from seasonal hiring, the City is also looking to fill two vacancies for Streets Assistant Foreman and one for Plumbing Inspector.

Post-interview selections will soon be made for clerical assistance in the Police and Community Development departments. A new Clerk's Office Intern is anticipated to start in April.

Longtime City employee, Chad Check, has been promoted to the position of Senior Fleet Mechanic, where he will take lead of all City garage activities.



## Staff & Vacancy Update

Department	FT & PT Staff Estimate	Current Vacancies/Hiring	Percentage Staffed	Vacancies Filled Since 2020	Notes
Birmingham Shopping District	5	Seasonal Only	100%	3	Now hiring Seasonal
Clerk's Office	5	None	100%	5	Hiring Intern
Building	17	Secretary A	100%	1	Hire Upcoming
Engineering	8	City Engineer	100.0%	5	Patel -Start Date 4/11
Finance / Treasury	14	Clerical Asst	93%	4	On hold
Fire	35	-	100%	10	
Information Technology	4	-	100%	2	
Maintenance	2	-	100%	1	
Manager's Office / Communications / HR	6	-	100%	6	
Museum	3	-	100%	0	
Parking System	N/A	TBD	TBD	1	
Planning	7	-	100%	4	
Police	71	Clerk/Typist B	100%	9	
Public Services	56	Senior Fleet Mech	TBD	8	Now hiring Seasonal

## City Staff Vaccination Update

### Vaccination Card Tracking

Department	# Received	Total Staff	Percentage
<b>City Staff</b>	194	222	87%
IT	4	4	100%
BSD	4	5	80%
Community Development	30	33	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)	51	61	84%
CM/HR	6	6	100%
DPS (w/o summer seasonals)	44	54	81%

## **Miscellaneous**

### **Senate Bills 597 and 598**

Birmingham Police Chief Mark Clemence recently sent letters to [Senator McMorro](#) and [Representative Manoo](#) concerning Senate Bills 597 and 598. These bills transfer funding from the state's public behavioral health system to private, for profit Medicaid health plans. Follow the links above to read both letters.

## **Department of Public Services**

### **Tree City USA**

Birmingham earned recognition as a Tree City USA in 2021, making it the 44th year as a Tree City USA! Residents of Birmingham should be proud to live in a place that makes the planting and care of trees a priority! We plan to celebrate our Tree City USA status during our Arbor Day Celebration coming up next month. An announcement is forthcoming.

### **Tree Inventory Update**

We've completed the 1st phase of the Tree Inventory Update, collecting a total of 5401 sites in the Northeast Quadrant of the City, approximately 1/4 of the City's total inventoried trees. This inventory update also included phase 1 and 2 of the new downtown streetscape. The next phase will occur in the upcoming fiscal year, 2022-2023.

### **Pickleball Update**

As part of our Pickleball site evaluation process, staff studied the possibility of converting existing tennis courts to pickleball courts. Currently the City maintains 16 tennis courts at 7 locations, with 2 courts at each location with the exception of Kenning Park, having 4. This does not include Seaholm High school (7 courts) or the private courts at Birmingham Racquet Club (6). The National Recreation and Parks Association Guideline recommendation on number of courts to provide within a community is 1 for every 2,000 residents, equaling 10-11 courts for Birmingham.

Although the Parks and Recreation Board, at the December 2021 meeting approved the Kenning Park location for new Pickleball Courts, in consideration of other Parks and Recreation Bond projects and timing, staff is considering the conversion of a tennis court option.

### **Donation Memorial Program**

The City of Birmingham's Parks and Recreation [Donor Policy](#) allows for donations in various categories. The Birmingham Park Gift Donor Program offers opportunities for memorials, and identifies select site amenities such as benches, trees, and the like. The granite benches slated for West Maple Road are outside of our defined park site amenities currently identified in our donor program. These granite benches, along with all granite benches that are currently and planned for in the downtown, would have to be further

evaluated to become part of the current program. This could be an item for a future Parks and Recreation Board meeting for consideration at an appropriate time.

### **Adams Park Artificial Turf Cost Comparison**

Download the [memo from Michael J. Dul & Associates](#) addressing questions raised about artificial turf rather than natural lawn.

## **Engineering Department**

### **Construction Update**

While construction season will be starting up again soon, certain work has been ongoing over the winter as weather conditions allow.

- The Lead Water Service Replacement program is continuing to work at homes that have been scheduled for March and April. With allocation of federal Coronavirus Local Fiscal Recovery Funds (CLFRF) received by the City toward the lead water service replacement program, the program is being implemented at an accelerated pace. The City's engineering consultant, Hubbell, Roth & Clark, has been sending out notices to select, targeted neighborhoods (mainly to improve the contractor's efficiency) providing information about the program. Any resident with a lead water service that has not received a notice yet is welcome to contact us for more information and possibly getting scheduled for the work.
- The 2021 Sewer Rehabilitation program being conducted by DVM Utilities has been ongoing. They have been completing the sewer investigative work on South Old Woodward, as well as working in other areas of the City to complete basic cleaning and inspection of sewer lines, plus specialized rehabilitation/repairs of minor issues that are found in the system. Rehabilitation/repair work in this contract include removal of roots, mineral deposits and protruding taps, and grouting leaking joints.

Coming soon: the City's sidewalk contractor, JB Contracting, will be starting-up in the coming weeks to complete sidewalk slab replacements on streets south of Maple and west of Pierce. The City's asphalt pavement resurfacing contractor, Pamar Enterprises/Al's Asphalt will be starting work on Fairway, Adams, and on Latham in April.

### **Water Infrastructure Task Force:**

The Engineering Department is participating in the Water Infrastructure Task Force being led by SEMCOG. Representatives of governments, utility agencies, and other interested nonprofit organizations throughout southeast Michigan are meeting to discuss issues related to storm water, drinking water, and wastewater infrastructure. The Task Force is focused on the current condition and future resiliency of these systems and the short and long-term actions needed for sustainable water infrastructure systems in Southeast Michigan. The following [press release](#) was issued about this effort. More information can be found on SEMCOG's website at [https://maps.semco.org/nfsem\\_waterinfrastructure/](https://maps.semco.org/nfsem_waterinfrastructure/) or [www.semco.org](http://www.semco.org).

## **Fire Department**

### **Firefighters Resuscitate Premature Baby**

On March 11, 2022, at approximately 1:15 pm, Rescue 2 and Engine 2 responded to a call of a pregnant patient who was in labor in the front passenger seat of a car. Birmingham Paramedics, Nick Soper, Trevor Hulbert, Steve Bonora, and Lieutenant Mike Slack arrived on scene in two minutes to find a newly born baby boy that was blue and unresponsive. The baby was delivered seconds before by a doctor from the OB-GYN office where the car was parked. The crew was handed the unresponsive, premature baby and immediately initiated lifesaving procedures. The crew was able to resuscitate the baby and then transport him priority to Beaumont Hospital – Royal Oak. The newborn baby is doing well. The crew will receive the Birmingham Fire Department lifesaving award. The award plaque will be added to the reward wall at Station 1. I would like to commend the crew on a job well done!

### **FEMA Public Assistance Update**

The Fire Department leads the City's Emergency Management program. During the ongoing Covid-19 pandemic this program, along with amazing help from the City's Finance Department, has applied for over two dozen grants for FEMA Public Assistance. So far, the City has successfully recouped almost \$2.4 million dollars in reimbursements and has an additional \$2 million dollars worth of grants that are currently pending. The City will continue to apply for more FEMA grants for reimbursement until the funds are unavailable. Follow [this link to download a summary of grants](#) related to COVID-19 that have been received or applied for to date. I would like to thank Assistant Finance Director Kim Wickenheiser and Assistant Chief Matt Bartalino for all of their hard work with helping to prepare these grants.

## **Planning Department**

### **Master Plan 2040**

The Planning Board completed 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. At the City Commission meeting on March 28, 2022, the Planning Board will propose that this special joint meeting of the Planning Board and City Commission be held on Monday, April 18, 2022. 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

Overall, the Planning Board is keeping very busy with agendas that are now full through the first meeting in May. The Planning Board recently set a public hearing on April 13, 2022 to finalize the proposed outdoor dining ordinance amendments and forward their recommendation to the City Commission. In addition, there are several ordinance studies that have been waiting for the 2040 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 review was recommended for approval by the Planning Board and Advisory Parking Committee, and will be before the City Commission for final consideration in April 2022.
- 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 will be reviewed at the Planning Board on March 31, 2022 after two postponements.
- 294 E. 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 is scheduled at the Planning Board on March 23, 2022 after a postponement from 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 in April 2022 and will be forwarded to the City Commission for final consideration after receiving a recommendation from the Planning Board and Historic District Commission.
- 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 31, 2022 and will be forwarded to the City Commission for final consideration after receiving a recommendation from the Planning Board, Historic District Commission 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 consideration 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.
- 320 Martin – The historic Birmingham Post Office building is proposed to receive an addition to the rear of the property, which currently contains a parking facility and a modern addition. The new 5-story addition is being reviewed by the Historic District Commission currently, and the Planning Board will be reviewing a Community Impact Study and Preliminary Site Plan Review in April or May of 2022.

### **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. Recently, the City received four responses to the Request for Proposals for new Historic Design Guidelines, which will be reviewed by the Historic District Commission in early April. 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 was reviewed and approved on March 16, 2022.

In addition, the Historic District Commission will be reviewing two new Wall Art applications that have been submitted and reviewed by the Public Arts Board:

- 160 W. Maple – Dick O' Dows is seeking formal approval of their mural at the rear of their building above the overhead garage door.
- 148 Pierce – A new mural is proposed on the rear of the historic Telephone Exchange Building.

## **Public Art**

The Public Arts Board is now beginning its 2022 call for entries. The program affords an opportunity for 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. In addition to public art programs, the Public Arts Board has been reviewing applications for the newly adopted Wall Art application process. Two applications have been reviewed so far, and several more inquiries have been made within the approved Wall Art boundaries. In addition, City Staff has been fielding multiple inquiries for Wall Art along the Woodward corridor, prompting a review of the Wall Art boundary and a possible expansion.

## **Multi-Modal Transportation Board**

The Multi-Modal Transportation Board (MMTB) has taken on the valiant but challenging task that is improving conditions along the Woodward corridor. The MMTB is actively working on the Woodward Avenue Road Diet Checklist, and will be studying various other improvements for Woodward in the near future.

## **Police Department**

### **Congratulations, Officer Whipple**

Officer Jeff Whipple (formally assigned out to the FBI Financial Crimes Task Force) will be receiving an award from the Inspector General of the Department of Labor for his part in the investigation of over \$1.6 million in unemployment fraud. Beginning in May of 2020 and continuing through at least October of 2020 the suspect, with the intent to defraud, successfully submitted applications for unemployment on behalf of individuals in nine different states without their permission. The suspect directed the benefits to be paid out via debit cards and then used these cards to withdraw the funds at ATM's throughout metro Detroit. As a result of the investigation conducted by Ofc. Whipple, the suspect entered a guilty plea and will be required to pay restitution to the victim states in the amount of \$1,611,202.00.

### **Connect to Disconnect (C2D) Campaign**

The police department will be participating in a statewide campaign organized by The Office of Highway Safety Planning. Connect to Disconnect (C2D) is a national distracted driving enforcement and awareness initiative that takes place on April 7, 2022. The goal is to increase driver compliance with state distracted driving laws. The state campaign will continue through April 11, 2022.

### **Farewell, Ellen DeView**

Ellen DeView, Service Coordinator for the police department has been with the department for 30 years. On March 18th, Ellen will officially begin a well deserved retirement. Her expertise and historical knowledge of the City will certainly be missed. Ellen will be moving with her mother to the City of New Orleans.

### **Welcome, Officer Aguilar**

The police department would like to welcome new police officer Agustin Aguilar. Ofc. Aguilar started with our department on March 11th and will be in our Field Training

Program. During this program, training will be conducted under the direction of a Field Training Officer (FTO). FTO's have been selected on the basis of their past experience as patrol officers and their ability to pass their knowledge on to new officers.

### **Police Department/City Hall Assessment and Conceptual Designs for Renovations/Expansion**

The police department has begun the process to evaluate safety and security needs noted by our assessors during the Michigan Association of Chiefs of Police (MACP) accreditation process. While reviewing the noted police department deficiencies, City Hall was also discussed due to its own set of safety and security concerns. As a result, a Request For Proposal (RFP) has been created for a police department and City Hall assessment, including conceptual designs for potential renovations and/or expansions to address these needs. The last major renovation to city hall was completed in 1993. Download the [RFP here](#).

### **Parking Systems Update**

#### **Waitlist**

In October of 2021, the monthly parking waitlist had more than 1,500 people. As of today, Pierce Structure is the only structure with a waitlist, which is under 30 people. All other structures are open for monthly parkers. Park and Peabody have a limited amount of monthly parking available. North Old Woodward and Chester Structures have an abundant amount of passes available.

#### **Occupancy:**

<b>February</b>	
Chester Structure	25%
N.O.W. Structure	36%
Park Structure	44%
Peabody Structure	62%
Pierce Structure	58%

### **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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Planning Division

**DATE:** March 28, 2022

**TO:** Thomas Markus, City Manager

**FROM:** Nicholas Dupuis, Planning Director

**SUBJECT:** Community Development Department/Planning Division Annual Report & Planning Board, Historic District Commission, and Design Review Board Action Lists for 2022-2023

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Please find attached the Planning Division's Annual Report for 2021-2022, including the Planning Board's Action List, the Historic District Commission's Action List, the Design Review Board's Action List and the Public Arts Board's Action List for your review.

**COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ANNUAL REPORT  
AND 2022-2023 ACTION LIST FOR  
THE PLANNING BOARD, HISTORIC DISTRICT COMMISSION, DESIGN REVIEW BOARD, & PUBLIC  
ARTS BOARD**

**PLANNING DIVISION STAFF**

Nicholas Dupuis, Planning Director  
Brooks Cowan, Senior Planner  
Leah Blizinski, City Planner

**PLANNING BOARD**

Scott Clein, Chairperson  
J. Bryan Williams, Vice Chair  
Janelle Whipple Boyce  
Bert Kosek  
Robin Boyle  
Stuart Jeffares  
Daniel Share  
Jason Emerine (Alternate Member)  
Nasseem Ramin (Alternate Member)

**DESIGN REVIEW BOARD**

John Henke, III, Chairperson  
Keith Deyer, Vice Chair  
Patricia Lang  
Julijana Rasaweher  
Michael Willoughby  
Natalia Dukas  
Dustin Kolo  
Samantha Capello (Alternate Member)  
Kristin Kriel (Alternate Member)

**PUBLIC ARTS BOARD**

Barbara Heller, Chairperson  
Monica Neville  
Natalie Bishae  
Anne Ritchie  
Annie VanGelderens  
Jason Eddleston  
Jane Schulak

**HISTORIC DISTRICT COMMISSION**

John Henke, III, Chairperson  
Keith Deyer, Vice Chair  
Patricia Lang  
Michael Willoughby  
Natalia Dukas  
Gigi Debbrecht  
Dustin Kolo  
Cassandra McCarthy (Alternate Member)  
Steven Lemberg (Alternate Member)

**MULTI MODAL TRANSPORTATION  
BOARD**

Doug White, Chairperson  
Thomas Peard, Vice Chair  
Victoria Policicchio  
Anthony Long  
David Hocker  
Joe Zane  
Amanda Fishburn (Alternate)



**PLANNING DIVISION ANNUAL REPORT**  
**PLANNING BOARD, HISTORIC DISTRICT COMMISSION, AND THE DESIGN REVIEW BOARD**

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Each year, the City Commission asks the Planning Division to prepare a report outlining the board and commission activities from the previous year. This report covers the year beginning **April 1, 2021 and ending March 31, 2022**. In preparing the report, the Planning Board, the HDC, and the DRB have the chance to review their goals and objectives for the upcoming year.

The report is separated into two distinct parts: 1) Accomplishments and 2) Goals. The accomplishments section cites in narrative form the activities conducted by each board. This narrative will include a list of public hearings, studies and reviews.

The Goals section lists the items from the Planning Board's 2022-2023 Action List, the HDC's 2022-2023 Action List, and the DRB's 2022-2023 Action List and speaks to the action taken on each item. From this list, each board, as well as the City Commission, has the opportunity to evaluate their goals and objectives, and make any needed amendments.

## SECTION ONE: ACCOMPLISHMENTS

### PLANNING BOARD

The Planning Board, which meets the second and fourth Wednesdays of each month, sets aside their first meeting of the month for discussion or study items and their second meeting of the month for site plan reviews.

#### **Site Plan & Design Reviews**

The following list includes all the site plans reviewed from **April 1, 2021 to March 31, 2022**. It should be noted that each site plan may have been reviewed more than once:

1. 720 N. Old Woodward – Vinewood Bistro
2. 300 & 394 S. Old Woodward, and portions of 294 E. Brown – Restoration Hardware
3. 239 N. Old Woodward - Bloom Bistro
4. 115 Willits Street – Mare Mediterranean
5. 176 S. Old Woodward – Sushi Japan
6. 35001 Woodward – The Maple
7. 34745 Woodward Avenue – Jax Car Wash
8. 501 S. Eton – Whistle Stop
9. 135 Pierce Street – Planthropie
10. 325 S. Old Woodward – Adachi Restaurant
11. 2425 E. Fourteen Mile Road – Clover Hill Cemetery
12. 525 E. Brown – Birmingham Roast
13. 460 N. Old Woodward – Parkview
14. 260 N. Old Woodward – The Morrie
15. 160 W. Maple – Dick O’ Dows
16. 300 Hamilton Row – Commonwealth
17. 245 – 325 S. Eton Street – District Lofts Phase III
18. 210 S. Old Woodward – Zana
19. 203 Pierce St. – Toast
20. 211 Hamilton Row – Sybil
21. 770 S. Adams
22. 100 Townsend – Townsend Hotel
23. 159 N. Eton – Canelle
24. 294 E. Brown St.
25. 2225 E. 14 Mile – Our Shepherd
26. 36877 Woodward – Gasow
27. 191 N. Chester – OneStream
28. 220 Merrill – 220 Restaurant

#### **Special Land Use Permits**

The Planning Board reviewed the following special land use permits (SLUPs):

1. 720 N. Old Woodward – Vinewood Bistro
2. 300 & 394 S. Old Woodward, and portions of 294 E. Brown – Restoration Hardware
3. 239 N. Old Woodward - Bloom Bistro
4. 115 Willits Street – Mare Mediterranean

5. 176 S. Old Woodward – Sushi Japan
6. 501 S. Eton – Whistle Stop
7. 325 S. Old Woodward – Adachi Restaurant
8. 260 N. Old Woodward – The Morrie
9. 160 W. Maple – Dick O’ Dows
- 10.300 Hamilton Row – Commonwealth
- 11.210 S. Old Woodward – Zana
- 12.203 Pierce St. – Toast
- 13.211 Hamilton Row – Sybil
- 14.100 Townsend – Townsend Hotel
- 15.2225 E. 14 Mile – Our Shepherd
- 16.220 Merrill – 220 Restaurant

### **Community Impact Statements**

For proposed construction over 20,000 square feet, the developer must provide a Community Impact Statement (CIS), which addresses planning, zoning, land use and environmental issues, as well as public service and transportation concerns.

1. 300 & 394 S. Old Woodward, and portions of 294 E. Brown – Restoration Hardware
2. 245 – 325 S. Eton Street – District Lofts Phase III
3. 770 S. Adams
4. 294 E. Brown St.

### **Rezoning Applications**

Over the past year, there were 2 requests for rezoning/zoning amendments on property within the City of Birmingham.

1. 300 & 394 S. Old Woodward, and portions of 294 E. Brown – Restoration Hardware

**Pre-Application Discussions**, as suggested in the DB2016 Report, are recommended for new construction. This type of discussion is beneficial to both the applicant and the Planning Board, giving both the opportunity to informally discuss proposals. However, the placement of the discussion, at the end of a site plan review meeting, often precludes all issues from being discussed. The following Pre-Application discussions occurred from April 1, 2020 to March 31, 2021

1. Gasow Veterinary Hospital
2. Sweet Green
3. 100 N. Old Woodward

### **Courtesy Reviews**

1. Old Woodward Reconstruction Project, Phase 3

### **Study Sessions/ Discussions**

The Planning Board also engaged in many study sessions and discussions with regard to the following topics. It should be noted that these topics are often discussed at multiple meetings:

### **Study Sessions**

1. Solar Panel Regulations
2. Glazing Standards
3. Public Notice Signs
4. Outdoor Dining
5. Wall Art
6. The Birmingham Plan 2040

### **Public Hearings/ Zoning Amendments**

Public hearings held by the Planning Board to ensure public participation at various stages in the planning process. The following ordinances were reviewed at public hearings by the Planning Board:

1. Article 4, Section 4.09 (Essential Services) to remove Roof Mounted Solar Electric Systems
2. Article 4, Section 4.88 (Alternative Energy) to add amended Roof Mounted Solar Electric Systems language
3. Article 3, Section 3.04 (Specific Standards) to amend the Architectural Standards
4. Article 4, Section 4.90 (Window Standards) to amend storefront window requirements
5. Article 9, Section 9.02 (Definitions) to redefine clear glazing and eliminate lightly tinted glazing
6. Article 7, Section 7.01 (General) to add general public notice requirements
7. Article 7, Section 7.29 (Site Plan Review: Hearing on Review; Notice) to remove and relocate public notice requirements
8. Article 7, Section 7.41-7.46 – Processes, Permits, and Fees & Article 9, Section 9.02 Definitions of the Zoning Ordinance to Create a Wall Art Definition and Review Process
9. 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

## **HISTORIC DISTRICT COMMISSION, AND THE DESIGN REVIEW BOARD**

Both the HDC (Historic District Commission) and the DRB (Design Review Board) meet on the first and third Wednesdays of each month, with a limit of 4 regular reviews per meeting, and up to 8 reviews without formal presentation. Limiting reviews in this way allows the HDC & DRB time to conduct public hearings and discuss study session items.

### **Design Reviews**

The following businesses requested design reviews by the DRB to alter the appearance of their buildings:

1. 210 S. Old Woodward – The Plaza
2. 255 S. Old Woodward – Cosmo Salon Studios
3. 160 W. Maple – Dick O' Dows
4. 271 W. Maple – Tender
5. 210 S. Old Woodward – Zana
6. 255 S. Old Woodward
7. 325 S. Eton – District Lofts Phase 3
8. 100 Townsend – Townsend Hotel
9. 825 Bowers – Todd's Room
10. 33233 Woodward – Birmingham Colonial
11. 33101 Woodward – Comerica Bank
12. 34164 Woodward – Sun Medical
13. 35106 Woodward – Whole Dental Wellness
14. 201 Southfield - Multi Tenant Apartment Building
15. 2006 Cole St.

### **Historic Reviews**

The following historic buildings proposed changes that required review by the HDC:

1. 142 S. Old Woodward – The Shade Store
2. 100 S. Old Woodward – Parks/Maplewood Building
3. 743 W. Frank – King-Argus House
4. 239 N. Old Woodward – Bloom Bistro
5. 239 N. Old Woodward – Huston Building
6. 138 S. Old Woodward – D.U.R. Waiting Room
7. 129-135 E. Maple – Maplewood East
8. 320 Martin St. - United States Post Office

### **Sign Reviews**

The following businesses requested sign reviews:

1. 166 W. Maple - Relay
2. 34100 Woodward – Loan X Mortgage

### **Courtesy Reviews**



1. 300 W. Merrill – Baldwin Public Library

**Pre-Application Discussions**

1. 100 N. Old Woodward – Parks/Wooster Building
2. 464 Townsend – Toms-Dickinson House
3. 33233 Woodward – Hands-On Physical Therapy

**Study Session Discussions:**

1. NAPC CAMP Commissioner Training
2. Promoting Historic Preservation
3. CLG Grant – Historic Design Guidelines
4. Bates St. Historic District Signage
5. Wall Art
6. Sign Ordinance Update

## **MULTI-MODAL TRANSPORTATION BOARD**

The Multi-Modal Transportation Board (MMTB) meets on the first Thursday of every month and reviews all transportation-related projects and issues.

### **Pedestrian Improvements**

1. Resolution in support of a road diet for Woodward Avenue.
2. Phase III Downtown Improvements – S. Old Woodward, Brown to Lincoln
3. Sidewalk network prioritization
4. Sidewalk review for Latham, Ravine, Ferndale

### **Signage and Signal Requests**

1. Park/Peabody/Maple Intersection Improvements
2. Oakland & Park signal
3. Oak Street at Lakeside and Lakeview

### **Bicycle**

1. Neighborhood Bike loop PDF maps and online map posted online.
2. Board member bike loop bike ride
3. S. Eton bike lane before & after review

### **Other**

1. Regional Transportation Authority's Mobility Oriented Development Plan review
2. Board Training – Pedestrian Crossings, Bicycle Facilities and Traffic Calming
3. 2021 Construction Project Review
4. Board Training – Mobility Oriented Development, Woodward Avenue Issues and Opportunities
5. Parking permit requests for Bird Ave and Greenwood Ave

## **PUBLIC ARTS BOARD**

The Public Arts Board meets every 3<sup>rd</sup> Wednesday of the month and discusses matters related to public art in Birmingham.

### **Art Installations**

1. The Public Arts Board finalized a call for entry to recruit sculptures for 5 locations throughout the City and provide a \$2,000 stipend to artists for approved work. The Public Arts Board received applications for over 20 works of art which occupied most of the agenda items for 2021. The Board recommended 5 sculptures, 3 of which have been installed.
4. *Pyramid Earth* by Kegham Tazian was installed as a sculpture donation to the City at Linden Park.
5. *Dynamic Tension* by Lois Teicher was installed as a sculpture donation to the City at Henrietta and W. Maple.
6. *Steel Horse* by Barry Harrison was installed as a sculpture on loan to the City at Poppleton Park.
7. *Weathered* by Helen Hierta was recommended as a sculpture on loan to be installed at the intersection of Lincoln Street and Fairway Trail.
8. *Astral Projection* by Ray Katz was recommended as a sculpture on loan to be installed at Crestview Park.
9. *Untitled #1 & Untitled #2* by Hank Marx were considered for donations to the City with locations to-be-determined by the Public Arts Board.

### **Study Sessions**

1. The Public Arts Board initiated a review process for murals and wall art to be allowed in the City. Ordinance language began with the Public Arts Board and was then reviewed and improved by the Design Review Board and Public Arts Board. Murals and wall art are now permitted in the City of Birmingham.
2. The Public Arts Board discussed ways to enhance their relationship with the Cultural Council of Birmingham Bloomfield.

### **Public Engagement**

1. The Public Arts Board volunteered at 4 Farmers Markets in 2021 handing out arts & crafts packages with pamphlets about Birmingham's Art in Public Spaces program.

## **SECTION TWO: GOALS**

The Planning Division boards and commissions set specific goals and priorities each year as part of the annual report. The formulation of these goals comes from the City Commission, Planning Board, HDC, DRB, and City Staff. Upon review of the items noted on the action lists that follow (see attached), the Planning Board, the HDC, and the DRB will make recommendations to the City Commission, as they deem important and necessary.

## Planning Board Action List – 2022-2023

Topic	General Goals	City Commission Directive?	Quarter	Status	
				In Progress	Complete
2040 Master Plan	Adopt a new comprehensive master plan.	<input checked="" type="checkbox"/>	Ongoing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Outdoor Dining	Study the Outdoor Dining Ordinance re: enclosures, expansions, etc.	<input checked="" type="checkbox"/>	1 <sup>st</sup> (January-March)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Window Standards (Glazing)	Update window standards to help support building renovation and the Energy Code requirements.	<input type="checkbox"/>	1 <sup>st</sup> (January-March)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Barrier-Free Ramps	Reduce unintentional restrictions on handicap ramps in the front setbacks.	<input type="checkbox"/>	2 <sup>nd</sup> (April-June)	<input type="checkbox"/>	<input type="checkbox"/>
Side Yard A/C	Update the ordinance to address issues with side yard a/c units.	<input type="checkbox"/>	2 <sup>nd</sup> (April-June)	<input type="checkbox"/>	<input type="checkbox"/>
Front Setback Rules	Consider revisions to the setback ordinances in R1-R3 to address 200 ft. calculations rule.	<input type="checkbox"/>	3 <sup>rd</sup> (July-September)	<input type="checkbox"/>	<input type="checkbox"/>
Lighting Standards	Remove conflicting regulations regarding photometric plans.	<input type="checkbox"/>	3 <sup>rd</sup> (July-September)	<input type="checkbox"/>	<input type="checkbox"/>
Impervious Surface Definition	Clarify definition to promote the infiltration of storm water.	<input type="checkbox"/>	4 <sup>th</sup> (October-December)	<input type="checkbox"/>	<input type="checkbox"/>
Health Club/Studio Use	Consider allowing health/fitness type activities in more areas of the City.	<input type="checkbox"/>	4 <sup>th</sup> (October-December)	<input type="checkbox"/>	<input type="checkbox"/>



## Next Up...

Topic	General Goals	City Commission Directive?	Quarter	Status	
				In Progress	Complete
Dumpster Enclosures	Expand the materials permitted/not permitted in dumpster enclosures.	<input type="checkbox"/>	-	<input type="checkbox"/>	<input type="checkbox"/>
Balcony/Terrace Enclosures	Clarify and add regulations for the enclosure of outdoor living space.	<input type="checkbox"/>	-	<input type="checkbox"/>	<input type="checkbox"/>
Lot Combination Process	Review the process for lot combinations to add clarity to approval standards.	<input type="checkbox"/>	-	<input type="checkbox"/>	<input type="checkbox"/>
Mixed Use Requirements	Consider changing the requirements for the stacking of mixed uses.	<input type="checkbox"/>	-	<input type="checkbox"/>	<input type="checkbox"/>
Review Processes for Public Projects	Clarify review process for projects on public property.	<input type="checkbox"/>	-	<input type="checkbox"/>	<input type="checkbox"/>
SLUP Application Process	Clarify the SLUP process in terms of the order of board/commission review.	<input type="checkbox"/>	-	<input type="checkbox"/>	<input type="checkbox"/>
Retail Definition	Revisit the retail definition to address any concerns about first floor uses.	<input type="checkbox"/>	-	<input type="checkbox"/>	<input type="checkbox"/>
Medical Marijuana & CBD	Update the Zoning Ordinance to help regulate Medical Marijuana and CBD through ordinance language.	<input type="checkbox"/>	-	<input type="checkbox"/>	<input type="checkbox"/>
Sustainability Initiatives	Prepare a sustainability agenda to increase Birmingham's resilience.	<input type="checkbox"/>	-	<input type="checkbox"/>	<input type="checkbox"/>
Lighting Standards	Review lighting standards for residential districts to reduce light pollution and nuisance.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Landscaping Standards	Consider amendments to permit synthetic planting materials.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Social Districts	Study the state regulations and the City to help draw district boundaries.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Food Trucks	Study the application of food trucks in the City in terms of locations, restrictions, etc.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

**Historic District Commission Action List – 2022-2023**

<b>Historic District Commission</b>	<b>Quarter Goals</b>	<b>In Progress</b>	<b>Complete</b>
Schedule Training Sessions for HDC and Community	1 <sup>st</sup> (January-March)	<input type="checkbox"/>	<input type="checkbox"/>
Draft Recommendations for Bates St. Historic District Signage	1 <sup>st</sup> (January-March)	<input type="checkbox"/>	<input type="checkbox"/>
Begin Historic Design Guidelines Project	2 <sup>nd</sup> (April-June)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Historic Plaque for Community House	2 <sup>nd</sup> (April-June)	<input type="checkbox"/>	<input type="checkbox"/>
Develop Resources for the Michigan Historic Preservation Tax Credit	3 <sup>rd</sup> (July-September)	<input type="checkbox"/>	<input type="checkbox"/>
Historic District Ordinance Enforcement	4 <sup>th</sup> (October-December)	<input type="checkbox"/>	<input type="checkbox"/>
First Draft – Historic Preservation Master Plan	4 <sup>th</sup> (October-December)	<input type="checkbox"/>	<input type="checkbox"/>

**Design Review Board Action List – 2022-2023**

<b>Design Review Board</b>	<b>Quarter</b>	<b>In Progress</b>	<b>Complete</b>
Signs vs. Designs	1 <sup>st</sup> (January-March)	<input type="checkbox"/>	<input type="checkbox"/>
Update Sign Ordinance	2 <sup>nd</sup> (April-June)	<input type="checkbox"/>	<input type="checkbox"/>
Create New Informational Artwork for Sign Ordinance	3 <sup>rd</sup> (July-September)	<input type="checkbox"/>	<input type="checkbox"/>
Sign Ordinance Enforcement	4 <sup>th</sup> (October-December)	<input type="checkbox"/>	<input type="checkbox"/>



## **OSHA COVID-19 Preparedness and Response Plan**

The City of Birmingham has prepared this COVID-19 Preparedness and Response Plan in compliance with Occupational Safety & Health Administration (OSHA) and the Center for Disease Control (CDC) recommendations. The City will continue to proactively monitor and respond to the public health emergency in a calm and rational manner, and in compliance with Federal, State, and County orders and other guidance.

City employees will also continue to work diligently and tirelessly to maximize public health and safety while minimizing the social and economic impacts of the emergency. Ensuring that critical infrastructure is maintained and operational, the City's finances remain in excellent order, and planning and preparation for future projects and initiatives to continue forward is also a high priority as the City strives to emerge from the pandemic.

This Plan is a living document and is subject to change as the COVID-19 emergency continues to evolve. New Federal, State, and County orders and guidance, including but not limited to OSHA and CDC recommendations and other pertinent orders, will be considered as part of this plan as they are issued.

### **I. General Information / Proper Hygiene**

#### **A. The most common symptoms for COVID-19 infected persons include:**

1. Fever or Chills
2. Cough
3. Shortness of Breath or Difficulty Breathing
4. Fatigue
5. Muscle or body aches
6. Headache
7. New loss of taste or smell
8. Sore throat
9. Congestion or running nose
10. Nausea or vomiting
11. Diarrhea

#### **B. Precautions that individuals can take to help stop the spread of the virus have been promulgated by the Centers for Disease Control and Prevention (CDC) and the Occupational Safety and Health Administration (OSHA) and include:**

1. Staying home when sick.

2. Frequently washing your hands with soap and warm water for at least 20 seconds. Help young children. When soap and running water are unavailable, use an alcohol-based hand rub with at least 60% alcohol.
3. Avoiding touching your eyes, nose, or mouth with unwashed hands.
4. Covering your nose and mouth with a tissue when you cough or sneeze, or cough/sneeze in your upper sleeve. Immediately throw away used tissues in the trash, and then wash hands.
5. Avoid sharing a ride with people outside your household.
6. Avoiding close contact, sharing cups, or sharing eating utensils.
  - a. Cleaning and disinfecting frequently touched surfaces, such as toys, counters, handrails, and doorknobs.
  - b. Avoiding close contact with people who are sick.
  - c. Practicing good health habits. Get plenty of sleep, be physically active, manage your stress, drink plenty of fluids, and eat nutritious food.
7. Being prepared with the following supplies:
  - i. Maintaining a two-week supply of water and food at home;
  - ii. Routinely checking your regular prescription drugs to ensure that you won't run out;
  - ii. Keeping non-prescription drugs and other health supplies on hand;
  - iii. Getting copies and maintaining electronic versions of health records;
  - iv. Talking with family members about how they would be cared for if they got sick and what would be needed to care for them in your home.

#### C. Positive Diagnosis or Symptoms of COVID-19

If you test positive for COVID-19, or think you might have COVID-19, follow the recommendations of the CDC as follows:

1. Stay home except to get medical care:
  - a. Most people with COVID-19 have mild illness and are able to recover at home without medical care. Do not leave your home, except to get medical care. Do not visit public areas.
  - b. Stay in touch with your doctor. Call before you get medical care. Be sure to get care if you have trouble breathing, or have any other emergency warning signs, or if you think it is an emergency.
  - c. Avoid public transportation: Avoid using public transportation, ride-sharing, or taxis.
2. Separate yourself from other people in your home, which is known as home isolation: Stay away from others: As much as possible, stay away from others. You should stay in a specific "sick room" if possible, and away from other people in your home. Use a separate bathroom, if available.



## II. City Hall and Public Buildings (All Occupants)

- A. While City offices continue to serve the public, access to all municipal buildings is limited to staff only, except for the lobby of City Hall and the Commission room for meetings, until further notice. Social distancing guidelines remain in place for staff to minimize public contact and provide the safest environment possible for our employees. The public is encouraged to contact any department requiring assistance via phone or email. Visit [www.bhamgov.org/contacts](http://www.bhamgov.org/contacts) to view a list of departmental contact numbers for services needed.
- B. Mail and other deliveries are accepted at designated outside entrances only. Essential City contractors may be allowed in City buildings for needed building repairs, by appointment only, and are required to follow established entry and social distancing protocols in effect for City staff.
- C. In-person meetings between the employees of City Hall and the public will be allowed at a table in the west hallway of the first floor of City Hall.
- D. High touch point areas, including but not limited to door knobs, handrails, countertops, lunchrooms, restroom stalls and sinks, shall be cleaned and disinfected daily by Signature Cleaning Company.
- E. Hand sanitizers are placed in multiple conspicuous locations in each occupied City building, and shall be kept filled.
- F. Guidance posters promoting proper hand hygiene, cough and sneeze etiquette, and staying home when sick, have been placed in multiple conspicuous locations in each occupied City building.
- G. Maintenance personnel shall ensure that all lavatories have adequate soap and towels to accommodate increased use.
- H. Building offices and common areas are fogged with disinfectant on Tuesday and Thursday evenings by the City of Birmingham Facilities Maintenance Superintendent or designee utilizing an electrostatic sprayer with a CDC-approved cleaning solution that kills COVID-19.
- I. Engineering Controls
  - 1. Plexiglass partitions have been installed at all public counters to protect staff and customers while allowing transactions with full visibility.
  - 2. Plexiglass partitions have been installed in offices where desks are in close proximity.
  - 3. Interior doors should be left open during working hours to promote airflow.
  - 4. High-efficiency filters have been installed in each City building HVAC system. Air handling unit fans are set to run continuously and with fresh air inlets open.
  - 5. City Hall elevator occupancy will be limited to one person at a time, with appropriate signage.
  - 6. Visual indicators of six-foot spacing have been placed outside designated building entrances.
  - 7. City employees may now use any entrance or exit of City Hall.
  - 8. Portable air cleaners have been placed in high-density areas to provide additional filtration.

## III. Public Meetings and City Programs

- A. Effective July 1<sup>st</sup>, 2021, the City will hold hybrid virtual/in-person board and Commission meetings. Staff have been encouraged to also conduct all non-public meetings through virtual means to minimize face-to-face contact.
  - a. Signs are posted at the doors of the Commission and conference rooms to **recommend** that all attendees wear a CDC approved face mask.
  - b. Signs will be posted at the doors of the Commission and conference rooms to remind attendees not to enter if they are exhibiting any COVID-19 symptoms.
  - c. HVAC controls will be set to circulate air continuously and portable air purifiers will be placed in the Commission and conference rooms to help clean and circulate room air.
  - d. Signs will be placed on seats in the Commission room to ask participants to maintain social distance.
  - e. The City Commission room will be cleaned before and after any meeting with an electrostatic sprayer using an EPA approved solution.

#### IV. Mandatory COVID 19 Vaccination Requirement

All Full-Time and Part-Time City Employees; (Seasonal City employees that exclusively work outdoors are exempt from vaccination and weekly testing).

The COVID-19 pandemic is continuing to affect the health and safety of our residents and personnel. The FDA-approved Pfizer COVID-19 vaccine is a safe and effective preventative measure to protect against serious, long-lasting health effects and death. It is mission critical to take all available precautions to prevent the spread of this contagious virus to co-workers, citizens, family members, and friends.

Per OSHA and CDC COVID-19 guidance, all personnel should be fully vaccinated against COVID-19. The City is mandating vaccination against COVID-19 for all employees. Personnel must have a vaccine card on file with the City by December 1, 2021. The vaccine mandate began on September 2, 2021 for the fire department, September 20, 2021 for the police department and November 1, 2021 for all other City employees.

Employees that wish to get vaccinated on City time will be allowed up to 4-hours paid time off to receive the COVID-19 vaccination and boosters. Additionally, up to two days paid time off will be allowed, from the appropriate leave time bank, for any adverse reactions from the vaccine.

Exceptions to becoming and considered fully vaccinated are as follows:

- A. Non-vaccinated personnel must consent to regular weekly COVID-19 testing.

- 1. Testing procedures:

- a. Department designated supervisors will supervise and conduct the tests weekly to their respective personnel. Current FDA Emergency Use Authorization (EUA) antigen over the counter (OTC) test kits

- require the nasal passage to be swabbed once on day one at the beginning of a shift and a second nasal swab test administered 24 to 36 hours later (2 swabs weekly). The non-vaccinated employee will swab their own nasal passages in accordance with the test directions and under supervision.
- b. The employee and test supervisor shall fill out the COVID-19 testing consent form and turn it into Human Resources for recordkeeping.
  - c. All personnel with rapid test results that are positive for COVID-19 will remain off duty for at least 7 full days.
  - d. Non-vaccinated personnel shall be responsible for ensuring their weekly test is performed on time. Tests will be witnessed and documented by the designated supervisor.
  - e. Test kit information is available upon request.
  - f. Testing commencement, testing frequency, and termination of testing will be determined by the City.
- 2. Employees who object to City provided nasal swab testing for medical reasons shall provide a weekly negative alternative FDA EUA test at the employee's expense and time since this is an alternative to a mandatory vaccine requirement. Over the counter test kits may be allowed for reimbursement at a later date.
  - 3. Employees that are unvaccinated but have been diagnosed with COVID-19 in the last 90 days, do not get tested weekly.
  - 4. Training for administering the OTC COVID-19 test for unvaccinated employees will be provided by a Birmingham Fire Department paramedic. After the initial swab collection (by the unvaccinated employee) a few timed steps are needed to ensure the accuracy of the test which will be performed by the supervisor.
  - 5. For confidentiality, test results and vaccination status will only be shared with pertinent supervisors and HR.
  - 6. Test results will be provided to the employee upon request and all records will be kept per HIPAA.

V. Employees / Workplace (Exposure Determination and Preventative Measures)

A. Essential Workers

City employees have been deemed essential in support of the specified exemptions of critical infrastructure as well as our first responders. As such, employees are expected to report to work at their regular starting times. However, the City is maximizing the use of appropriate and feasible remote work in continuing to re-evaluate our service level needs and essential functions, and our employees' role in meeting these needs as they evolve during this crisis.

The City of Birmingham has evaluated routine and reasonably anticipated tasks and procedures for all employees to determine whether there is actual or reasonably

anticipated employee exposure to COVID-19. Department Heads, along with the Fire Chief/Emergency Manager, are responsible for the exposure determination.

The City has determined that its employees' jobs (excluding the Fire Department and Police Department) fall into only the medium exposure risk categories as defined by the MIOSHA Guidance on Preparing Workplaces for Covid-19.

Job/Task	Exposure Risk Determination (Lower or Medium)	Qualifying Factors (Ex. No Public Contact, Public Contact)
Office/Clerical (City Hall)	Medium	Public Contact
Inspection/Code Enforcement (City Hall)	Medium	Public Contact
Office/Clerical (Library)	Medium	Public Contact
Office/Clerical (Museum)	Medium	Public Contact
Office/Clerical (Ice Arena)	Medium	Public Contact
Water/Sewer/Roads/Parks (DPS)	Medium	Per DPS Policies / Protocols
Firefighting/EMS (Fire)	High	Per Fire Policies / Protocols
Office/Clerical – City Hall (Police)	High	Public Contact
Patrol (Police)	High	Per Police Policies / Protocols

#### B. Employee and Workplace Safety (Health Surveillance)

1. Prior to leaving home for work, all employees must self-answer the COVID-19 screening questions along with taking their temperature. Employees who do not have a thermometer should contact their department head and a thermometer will be issued to them. If an employee has a temperature at or greater than 100.4°F or is positive for any COVID-19 symptoms, they shall not come to work and they must contact their direct supervisor immediately.
2. Pursuant to CDC guidance, employees who are feeling ill have been encouraged to stay at home and take the appropriate measures to become well. At the workplace, employees have been strongly encouraged to social distance by at least six feet and follow all personal hygiene recommendations including those listed in Section I (B) above, in order to help keep each other healthy.
3. Employees shall be provided with cleaning and disinfectant supplies and shall be required to wipe down their workstations at least twice daily.
4. Cloth reusable face masks are allowed, but must follow CDC recommendations:
  - a. A proper fit over your nose and mouth to prevent leaks;
  - b. At least three layers of material;
  - c. A nose wire so that the mask conforms tightly around the nose
5. Face masks that are not allowed shall include the following:
  - a. Masks that do not have a nose wire;
  - b. Masks with-fewer than three layers of material;
  - c. Masks that do not fully cover the nose and mouth;
  - d. Neck "gaiters";

- e. Masks with exhalation valves; and
  - f. Neckerchiefs.
6. Face masks shall be worn by all City employees, board members, Commissioners, contractors whether they are vaccinated or unvaccinated when social distancing of 6-feet cannot be maintained. Examples include: while in restrooms or elevators, while sharing a phone, computer screen or vehicle, in small closed door meetings, while seated at the Commission dais, etc.
  7. Face masks for Commissioners and Board Members continue to be required due to:
    - i. The unknown vaccination status of members of boards
    - ii. The small size of City Hall conference rooms
    - iii. The design and age of the Commission room ventilation system
    - iv. The Commission room dais being unable to support 6-feet of social distancing between members
    - v. Continuing to protect essential government operations and functions against new easily transmissible COVID-19 variants
  8. Suspected violators of the City's mask policy will be reported to their Department Head and the City Manager, with corrective action to follow from HR.
  9. Employees need to adhere to the CDC Close contact definition so that they do not infect others or themselves. [https://www.cdc.gov/coronavirus/2019-ncov/downloads/daily-life-coping/COVID-19\\_How-to-Determine-Close-Contacts-HTML.pdf](https://www.cdc.gov/coronavirus/2019-ncov/downloads/daily-life-coping/COVID-19_How-to-Determine-Close-Contacts-HTML.pdf)
  10. When two or more employees must occupy a City vehicle, the occupants must wear a KN95 or N95 respirator if the windows are up. Employees may wear a triple-layer mask if the windows are down for better circulation.
  11. Face shields and N95 respirators will be required and shall be provided when employees cannot consistently maintain three feet of separation from other individuals in the workplace.
  12. Non-medical grade disposable "procedure" face masks and KN95 respirators will be provided to employees.
  13. Reusable 3 layered cloth mask with a nose wire will be provided to City employees; replacements are available for a one-for-one exchange.
  14. In the event of a known, positive COVID-19 case in the workplace involving either an employee or visitor, the immediately affected area will be deep cleaned and disinfected by the City of Birmingham Facilities Maintenance Superintendent or designee. The area will remain temporarily closed and evacuated until cleaning and disinfection are completed. Cleaning may include a combination of fogging, surface wiping, and electrostatic spraying with a CDC-approved cleaning solution that kills COVID-19. Employees working in those areas will be temporarily reassigned unless self-quarantining is necessary due to close contact with the infected individual.
  15. The City will notify employees upon learning that an individual such as a customer, supplier or visitor with a confirmed case of COVID-19 has visited the workplace. No protected health information will be released.
  16. Indoor City-sponsored social gatherings that do not allow for physical distancing of six feet or more are prohibited.

17. Employee sharing of phones, computers, equipment, and food is prohibited.
18. Department Heads are responsible for ensuring compliance with this plan. Each Department Head shall appoint one or more workplace COVID-19 coordinator(s) to implement, monitor, and report to them on the COVID-19 control strategies contained in this plan. The supervisor shall remain on-site at all times when employees are present, and an on-site employee may be designated to perform in this role. Department Heads shall provide the names of their respective worksite supervisors to HR.
19. In accordance with the City's Employee Handbook, employees are obligated to report to their supervisor any condition that might be hazardous to the safety of City employees or the public. This may be in writing or verbally.
20. Any employee who believes that a safety issue exists that has not been addressed by the City in a timely matter can contact MIOSHA at (800) 866-4674 or online at <https://safetyhealthhazards.apps.lara.state.mi.us>.
21. Employees who are experiencing suspected COVID-19 symptoms or who have received a suspected or confirmed diagnosis of COVID-19 shall so notify their Department Head. In-person notification is not required, and is in fact discouraged for safety reasons. Upon notification by an employee, the Department Head shall notify HR and the Emergency Manager.
22. Employees who are symptomatic are not required to physically visit their doctor's office for medical documentation, but rather shall contact their doctor to have such documentation sent to HR. Employees requesting the use of time under the Families First Coronavirus Response Act (FFCRA) shall complete and submit the City's Leave Request Form, per City policy (see below).
23. Employees who are self-quarantining in order to care for a sick individual at home will be required to adhere to CDC guidelines while in quarantine and to wear a face mask for one week upon return to work provided they are medically able to tolerate a face mask
24. Training: Below are education publications that each employee is to be aware of and review.

[https://www.cdc.gov/coronavirus/2019-ncov/vaccines/effectiveness.html?s\\_cid=10493:us%20vaccine:sem.ga:p:RG:GM:gen:PTN:FY21](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/effectiveness.html?s_cid=10493:us%20vaccine:sem.ga:p:RG:GM:gen:PTN:FY21)

**Penalties for Knowingly Supplying False Information**

<https://www.osha.gov/sites/default/files/publications/OSHA4157.pdf>

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/types-of-masks.html>

- a. Training shall also include weekly department head staff meeting discussions of COVID-19 updates as provided by City staff.

**25. Recordkeeping:**



- a. The Human Resources Department and Assistant to the City Manager will maintain records of the following requirements:
  - i. Training
  - ii. Screening Protocols
  - iii. Vaccination status
  - iv. COVID-19 test results
  - v. Quarantine employee memos
  - vi. Isolation employee memos
  - vii. Confirmed Covid-19 cases; to include the following:
    - a. Date on which the Oakland County Health Department was notified of positive case; and
    - b. List of co-workers, contractors, and suppliers who may have had close contact with the positive COVID-19 case.

#### C. Remote Work/Staggered Shifts/Alternative Workspaces

In accordance with CDC recommendations and MDHHS/OSHA recommendations, temporary remote work has been offered to exempt and non-exempt employees on a full or partial week basis in order to reduce building occupancy while continuing to maintain operations and perform essential functions. Employees approved for remote work are required to read and sign the City's COVID-19 Remote Work Policy and Notice inclusive of the approved remote work schedule, and to submit a weekly log and attestation of the job tasks performed remotely. The completed and approved weekly log and attestation must be received by HR no later than Noon on the Monday following the remote work week in order to process payroll hours and compensation for that week. Employees will not be paid for remote work that is not properly documented and reported on time. Additionally, each department shall stagger daily shifts and breaks to ease congestion in break rooms, locker rooms, and employee entrances, as well as utilize alternative unused City building workspaces, where available.

#### D. Employee Leave

As explained in the COVID-19 Leave Policy for Staff, the City has provided an additional COVID-19 Leave Bank of 64 hours and 32 hours, respectively, for full and part-time employees. This bank of time, which is in addition to other paid leave time, is available for COVID-19 related purposes utilizing the eligibility criteria contained in the Federal Emergency Paid Sick Leave Act (EPSLA). COVID Leave remains available for use until December 31, 2021.

On January 1, 2022, all remaining COVID-19 and EPSL bank time for non-vaccinated personnel will be zeroed out if a current COVID-19 vaccine card is not on file with the City. **Additionally, all City employees must have had the CDC and FDA recommended booster shot within one month of eligibility to keep the current COVID-19 and EPSL bank.**

Fully vaccinated (including recommended boosters) personnel's COVID-19 and EPSL banks will be extended through December 31, 2022. Employees with verified medical exemptions for not becoming fully vaccinated that are provided by their personal medical doctor and verified by the City, will also have their COVID-19 leave banks added to and extended in the same manner. In addition, the COVID-19 Leave Policy also details the City's implementation of the FFCRA, inclusive of the EPSLA and Emergency Family and Medical Leave Expansion Act (EFMLEA), which is available to all employees who have been employed for at least thirty (30) calendar days.

#### E. Temporary Medical Plan Amendments Related to COVID-19

As part of the City's continued efforts to meet the health and wellness needs of employees and covered dependents, the City has enhanced medical plan coverage for care related to the diagnosis and testing of COVID-19.

Effective March 15, 2020, through June 30, 2022, the City has waived deductibles and copays for provider office visits, and urgent care visits related to **symptomatic** COVID-19 testing for all members enrolled in the City of Birmingham medical plan.

The following medical plan coverage will apply during this period:

1. Virtual care is highly encouraged as a way to help avoid germs and lessen the burden on emergency departments. Effective April 1, 2020, the City has added the Teladoc virtual care service at 100% with no cost to members for any of the services provided. Please use Teladoc virtual care for online visits at [www.teladoc.com](http://www.teladoc.com). You may also download the Teladoc app to your mobile device. For questions, please call 1-800-Teladoc.
2. Office visit copays as well as urgent care and emergency room visit copays related to COVID-19 will be covered at 100%.
3. Laboratory charges directly related to COVID-19 testing for symptomatic employees will be covered with no member deductibles or copays, regardless of whether the testing occurs at a physician's office, clinic, urgent care or emergency department.
4. There are no prior authorization requirements for members to receive COVID-19 testing or treatment. This authorization waiver includes any inpatient hospitalization related to COVID-19.
5. Emergency department visits will continue to be covered under the current schedule of benefits. Members will be encouraged to contact their primary care provider for care direction and guidance to help minimize the burden on Emergency Room staff and facilities.
6. Charges associated with treatment, hospitalization, or other care will continue to be covered according to the member's current medical plan.
7. For free at-home COVID-19 tests, please visit: <https://www.covidtests.gov/>  
After January 15, 2022 the City's insurance will reimburse for purchased at-home rapid COVID-19 tests. Please keep any receipts for testing kits purchased. The

amount of kits to be reimbursed and the reimbursement process has not been finalized yet.

#### F. Exposure to COVID-19

Please refer to Section I (C) above if you have COVID-19 symptoms.

1. Non-vaccinated City employees that are exposed to COVID-19 must report the exposure to their department head immediately to determine quarantine time. Exposed non-vaccinated employees will be quarantined from work for a minimum of 7 days. Employee quarantine memos directing the employees quarantine time must be signed and returned to the Assistant to the City Manager and Fire Chief within 24 hours of issuance.
2. Vaccinated City employees that are exposed to COVID-19 do not need to be quarantined or report an exposure. Per CDC, you should get tested 5 days after the exposure, wear a face mask for 10 days, and continue monitoring symptoms after the exposure.
3. Any employee who experiences COVID-19 symptoms, regardless of vaccination status, must get a NAAT test (such as a PCR test) or an over the counter rapid test for COVID-19 prior to returning to work. Test results are to be sent to the Assistant to the City Manager, HR, and the Fire Chief. COVID-19 positive asymptomatic employees must be isolated and cannot return to work for 7 days from a positive COVID-19 test or 7 days for symptomatic employees. Employees must also have improved symptoms and be fever free for 24 hours without fever reducing medication prior to returning to work.

Exposed & Vaccinated (non-symptomatic with booster)	No quarantine needed, but an in-house negative COVID test after 5 days will be required. Medical-grade mask wearing at all times for 10 days is also required.
Exposed & Not Fully Vaccinated	Quarantine for 7 days, a negative COVID test after 5 days will be required, followed by 5 days of medical-grade mask wearing.
Positive & Vaccinated Positive & Unvaccinated	Isolation for 7 days, followed by 5 days of medical-grade mask wearing.

## VI. Emergency Command and Operations

#### A. Emergency Operations Center (EOC)

Under the City's Emergency Response Plan (ERP), the City has activated the EOC which is staffed by the City Manager and representatives of all City Departments. The purpose of the EOC is to plan, implement, and coordinate the City's response to the COVID-19 emergency. Virtual EOC meetings are held as needed. The Fire Chief serves as the City's Emergency Manager under Michigan Public Act 390 of 1976, and the City's ERP.



Alex Bingham <abingham@bhamgov.org>

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## Fwd: Payment question

2 messages

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**Tom Markus** <tmarkus@bhamgov.org>

Thu, Mar 17, 2022 at 2:02 PM

To: City Commission <city-commission@bhamgov.org>, DepartmentHeads  
<departmentheads@bhamgov.org>

----- Forwarded message -----

From: **Mark Gerber** <Mgerber@bhamgov.org>

Date: Thu, Mar 17, 2022 at 1:55 PM

Subject: Re: Payment question

To: Brad Host <bhost@bhamgov.org>

Cc: Tom Markus <tmarkus@bhamgov.org>

Commissioner Host:

The City bills approximately \$15M worth of utility bills in a fiscal year. If we assume that 50% of the customers would use credit cards if it were free of charge (which I think it would be much higher than that) and that the credit card processing fee is approximately 2.5%, that would equate to \$187,500. That cost would have to be made up somehow. If it is funded through user fees, that would increase the combined water and sewer rate by \$.23 and would distribute this cost to all users of the system whether you pay by credit card or not. Could you pay for it by cost savings? This amount of money represents the wages and fringes of over 2 full-time treasury employees. Clearly you are not eliminating 2 full-time treasury positions worth of work by just switching utility payments over to credit cards.

This topic has been discussed in the municipal finance world for the past 15 years. No community I know of has permanently absorbed the credit card fee. Those that have tried it, soon regret it from a cost standpoint. As far as including it in the rate, I think you run into a fairness issue. This is not a cost that is required for the utility system to function. This is a personal payment choice. Those that like the convenience of paying for their service using a credit card should pay the cost of it so it doesn't get pushed to the individual that chooses not to use a credit card. We have many other low cost or no cost options for people to make payments. For example, we have an e-check payment option which costs only \$3 per transaction regardless of the amount which is deducted from a person's checking account. We

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have a lockbox option which, depending on your bank, will send an electronic payment from your bank to the City at no cost. You can sign up for our ACH payment which will automatically deduct the amount due from your checking account. Then we have a dropbox option which you can drop off your payment at your convenience. I personally use that option in my township as I don't want to pay the credit card fee nor do I want to have to take time off to go to the township office during business hours to pay.

I hope this answers your question and gives you a little bit of background on this issue.

On Thu, Mar 17, 2022 at 11:59 AM Brad Host <[bhost@bhamgov.org](mailto:bhost@bhamgov.org)> wrote:

Gentlemen:

David Hocker has a thought...

It just occurred to me when I dropped off my water payment we might be missing the boat on streamlining our payment process. It's great that we can make payments electronically or charge them but these features all carry additional charges. If we waived the additional fees, we might get more folks utilizing these features which reduces the workload on the treasury department and in turn those resources could be redeployed to more analytical activities. This might also offset incremental headcount requirements.

Just a thought...

Best safe wishes,

Brad

Sent from my iPhone

--

Mark Gerber, CPA  
Finance Director/Treasurer  
City of Birmingham  
151 Martin Street  
PO Box 3001  
Birmingham, MI 48012-3001  
(248) 530-1814 phone  
(248) 530-1090 fax

\*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).

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"DepartmentHeads" group.

To unsubscribe from this group and stop receiving emails from it, send an email to [departmentheads+unsubscribe@bhamgov.org](mailto:departmentheads+unsubscribe@bhamgov.org).

To view this discussion on the web visit <https://groups.google.com/a/bhamgov.org/d/msgid/departmentheads/CALPLqCiotxxk0QsGsHBw0GOk71RhFeMpPU5yW0-n5jTpvd5Y7Q%40mail.gmail.com>.

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PAMELA J. MONVILLE  
Deputy Court Administrator

# State of Michigan



MARY SCHUSTERBAUER  
Chief of Youth Assistance  
(248) 858-0055  
FAX (248) 858-1493

## The Circuit Court for The Sixth Judicial Circuit- Family Division County of Oakland

Winter 2022

Dear School Board and Municipal Elected Officials, Volunteers, Community Supporters,  
and Youth Assistance Staff:

We know that our children and families need our support now more than ever. Together, through the unique model of tri-sponsorship, we are positioned to collaborate in order to achieve the Youth Assistance mission *to strengthen families and reduce the incidence of delinquency, neglect, and abuse through community involvement.*

We want to take this opportunity to thank you for joining with the Circuit Court – Family Division in providing this unique and award-winning program that has been serving Oakland County since 1953. Your contribution, whether it is to refer for Casework Services; to provide individualized treatment plans; or deliver community-based prevention programming is key to preventing young people and their families from penetrating the juvenile justice system.

Together, we make Oakland County a safer place to live, work, and play.

Thank you!

HON. JEFFERY S. MATIS  
Chief Judge of the Circuit Court

HON. JACOB JAMES CUNNINGHAM

HON. LISA GORCYCA

HON. JULIE A. MCDONALD

HON. MARY ELLEN T. BRENNAN  
Presiding Judge of the Family Division

HON. KAMESHIA D. GANT

HON. LISA LANGTON

HON. LORIE N. SAVIN

INFORMATION ONLY

From: **Bruce Johnson** <[Bjohnson@bhamgov.org](mailto:Bjohnson@bhamgov.org)>

Date: Mon, Mar 21, 2022 at 11:51 AM

Subject: AirBNB Question

To: Elaine McLain <[emclain@bhamgov.org](mailto:emclain@bhamgov.org)>

CC: Tom Markus <[tmarkus@bhamgov.org](mailto:tmarkus@bhamgov.org)>

Hi Elaine,

Tom forwarded your question regarding if we have/allow AirBNB in the City. Yes, we do have some short term rentals (STR's) such as AirBNB in the City. They are treated the same as any other rental dwelling unit and must be registered in accordance with our rental ordinance regulations found in Chapter 22, Division 4 of the City Code. STR's are not tracked separately, but out of the approximately 2,140 registered dwelling units in the City there are probably [35-40 STR's](#). Please let me know if there is anything else you need.

Best regards,

Bruce

--

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Bruce R. Johnson  
Building Official  
City of Birmingham  
151 Martin Street  
Birmingham, MI 48009  
(248) 530-1842 Office  
(248) 530-1292 Fax

**INFORMATION ONLY**



(<https://www.candgnews.com/FishFryFridays2022>)

## Golf is rejuvenated at local courses

By: Mary Genson (/reporterbio/mary-genson) | **Birmingham - Bloomfield Eagle**  
(<https://www.candgnews.com/newspaper/birminghambloomfieldeagle>) |  
**Published March 14, 2022**

BIRMINGHAM — Local golf courses have reported a record year for profit and participation in 2021.

This is consistent with nationwide records that suggest that golf's popularity has surged due to the pandemic.



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The number of rounds played in 2020 and 2021 each reached over 64,000, marking the highest number of yearly rounds since 2003. This number includes the combined rounds at Springdale Golf Course in Bloomfield Hills and Lincoln Hills in Birmingham. (https://www.candgnews.com/admin/articles/temp-image/9d323f8203d81141077c842f14df6f3b.png) **Shutterstock image**

Birmingham Public Services Director Lauren Wood said rounds are up about 29% since 2019.

“I think it is rejuvenating the game. I think people want to be outdoors and doing outdoor activities so they feel safe,” Wood said. “All outdoor activities have been increased citywide, such as the use of parks, use of public spaces, and of course, the golf course, because it is a recreational venue.”

In addition to an increase in rounds, profits have gone up 46% and annual memberships have gone up 12% since 2020.

Wood said that they have been seeing more golfers at the course partake in more recreational play rather than following rigid rules.

A round of golf can offer players benefits beyond the bounds of the sport. Social connection can be one of the primary pulls of playing a round or buying a membership, especially during the pandemic, when there was a shortage of opportunities to connect in person.

The social element of golf is something that Wood said has been especially prevalent at the courses recently.

This rise in recreational play could be caused by the increase in golfers who are new to the game. The National Golf Foundation reports 3.2 million beginner golfers this year.

Jacky Brito, the golf manager at the Lincoln Hills and Springdale golf courses, said, “It is our objective to keep these golfers playing for a lifetime by creating a fun, stress-free and safe environment within their community.”

The course typically has to advertise for club events and activities; however, members have been participating more than ever the last two years. Events such as Nite Golf at Springdale, Dueling Pianos at Lincoln Hills and the annual Turkey Shoot were all sold out in 2021.

There was also a spike in women golfers in the last year. The NGF reported that the number of women golfers went up 2.5% in the last year, with women comprising 25% of golfers.

This national rise in women golfers is consistent with reports from the local courses. Wood said they have been seeing many more women members in the last year.

With the increase in revenue will come more improvements to the courses. Some improvements to Lincoln Hills are already underway, such as the repair on the drainage issues on holes four and five.

“The earnings from the golf courses are reinvested in the golf courses, so we will be able to continue to make the improvements that they need at absolutely no cost to taxpayers,” Mayor Therese Longe said.

In the coming years, Lincoln Hills is working towards getting a new fairway bunker for hole one, an increased putting surface on the practice green and renovations to hole one’s tee box. Installations to an additional cart path on hole six and new landscaping will also be added.

Among cart and cart path repairs, a big project ahead of Springdale in the next few years is installing a new irrigation system. Springdale also plans to install a cement bathroom on the course and additional erosion control along the river.

Longe said that the dedication from the Department of Public Services, the golf course staff and the Parks and Recreation board are another reason why the courses have been successful recently.

“They’ve had a years-long plan to invest in programming and amenities to make the golf courses the optimal resource that they can be for the community and to make them more family friendly,” Longe said.



## 2 Comments

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### Jamal Nasir

I am making over \$13k a month working part time. I kept hearing other people tell me how much money they can make online so I decided to look into it. Well, it was all true and has totally changed my life.last month my pay check was \$14593 just working on the laptop for a few hours.Simply go to this website and follow instructions to start earning....Have a good Day..

HERE ----->> [Www.HugePay8.Com](http://Www.HugePay8.Com)Δ

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### Pooja Roy

I get over \$15k a month working part time. I kept hearing other people tell me how much money they can make online so I decided to look into it. Well, it was all true and has totally changed my life...This is what I do

HERE→ [Www.Salary23.Com](http://Www.Salary23.Com)Δ

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# 2 Dead, 9 Injured After Car Crashes Into Outdoor Dining Area at D.C. Restaurant

The driver, an elderly man who “lost control” of the vehicle, remains cooperative with the Metropolitan Police Department as they investigate the crash

By Glenn Garner

March 11, 2022 10:50 PM



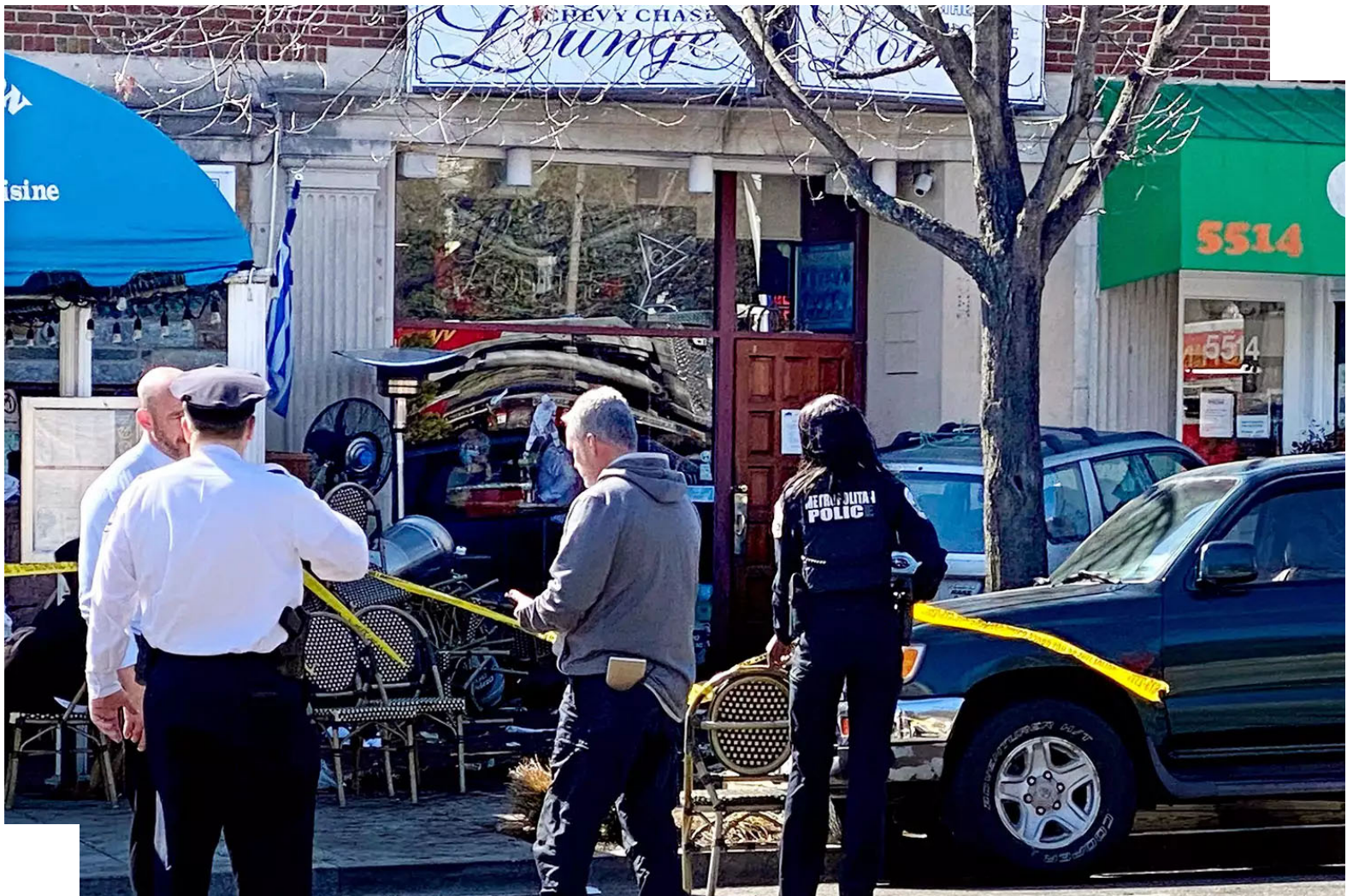
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CREDIT: CAROLE FELDMAN/AP/SHUTTERSTOCK

## INFORMATION ONLY

Two women died and at least nine others were injured Friday when a car crashed into an outdoor dining area at the Parthenon restaurant in Washington, D.C.,

authorities say.

The accident took place at around 12:15 p.m. when an elderly man driving north on Connecticut Avenue "lost control" of his SUV, according to Commander Duncan Bedlion of the Metropolitan Police Department (MPD).

Eight people were transported to nearby hospitals, including the two who died. Three of those people are in critical condition, while the other three sustained non life-threatening injuries. Three more people were treated for injuries at the scene.

RELATED: [Hero Who Saved Several Lives in 2018 Thousand Oaks Mass Shooting Dies in Car Crash](#)

"This is rare," said DC Fire and EMS Chief John A. Donnelly, according to [WUSA9](#). "This isn't the type of call — we haven't had an incident like this in many years. A car hitting a crowd of people is a very serious event and obviously, we see it's a tragedy and results in a lot of serious injuries."

The driver, who was alone in the vehicle, was also treated for injuries at the scene and remains cooperative as MPD's Major Crash Investigations Team looks into the crash.

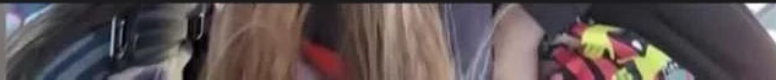
"All indications are that this was truly accidental," Bedlion said during a press conference. "There was no indication this was intentional."

RELATED VIDEO: Teen Volleyball Player Dies, 3 Families Injured in 'Tragic' Crash While Traveling to Texas Tournament





## TEEN KILLED ON WAY TO VOLLEYBALL TOURNAMENT



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Michael Harrison, a manager at the restaurant, told The Washington Post that the driver "looked like he was confused as to why he couldn't stop," adding: "I saw the car hop the curb and start plowing everything in its way."

Bedlion thanked the civilians who alerted officers that were just block away by honking their horns and flagging them down. "We were able to get here right away and secure a scene," he said, noting that many people have lunch in the populated area of the crash.

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