### BIRMINGHAM CITY COMMISSION AGENDA JUNE 27, 2022 MUNICIPAL BUILDING, 151 MARTIN 7:30 P.M.

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

Therese Longe, Mayor

### II. ROLL CALL

Alexandria Bingham, City Clerk

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

### ANNOUNCEMENTS

- COVID-19 Update: Per the CDC, Oakland County has a COVID-19 transmission level of HIGH. The City continues to recommend the public wear masks while attending City meetings per CDC guidelines. All City employees, commissioners, and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. This is to ensure the continuity of government is not affected by an exposure to COVID-19 that can be prevented by wearing a mask. The City continues to provide KN-95 respirators and triple-layered masks for all in-person meeting attendees.
- The Clerk's office would like to remind voters to turn in an absentee ballot application if they wish to vote by mail for the August 2, 2022 State Primary Election. Return your absentee ballot to the clerk's office as soon as possible via drop box or mail. To review your specific voting information and preview your ballot visit mi.gov/vote. The online and mail voter registration deadline is July 18th. After July 18th new voters must register in person at the clerk's office.
- Upcoming In The Park Summer Concert Series in Shain Park on Wednesday starting at 7 pm. June 29th is the Birmingham Concert Band (Orchestra) and July 6th is Lisa Mary (Country). Please join us in the park!
- Nominations are being accepted for the 2022 Birmingham Bloomfield cultural arts awards by the Cultural Council of Birmingham/Bloomfield. To download the nomination form, see a list of former honorees and see nomination criteria, visit: <u>https://culturalcouncilbirminghambloomfield.org</u>

### **APPOINTMENTS**

- A. Appointment for Historic District Study Committee
  - 1. Andrea Prena
  - 2. Jenny Roush
  - 3. Thomas Loafman

To appoint \_\_\_\_\_\_as a regular member to the Historic District Study Committee to serve a three-year term to expire June 25, 2025

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- B. Appointment for Board of Ethics
  - 1. Jim Robb

To appoint \_\_\_\_\_\_ as a regular member to the Board of Ethics to serve a three-year term to expire June 30, 2025.

- C. Appointment for Museum Board
  - 1. Patrick J. Hughes

To confirm the City Manager's appointment of \_\_\_\_\_\_ to the Museum Board as a regular member who is a business owner to serve a three-year term to expire July 5, 2025.

2. Judith Keefer

To appoint \_\_\_\_\_\_ to the Museum Board as a regular member to serve a three-year term to expire July 5, 2025.

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

### V. CONSENT AGENDA

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

\*Minutes from the June 20, 2022 Joint City Commission & Planning board meeting will be available at the July 11, 2022 meeting.

- A. Resolution to approve the City Commission workshop meeting minutes of June 13, 2022.
- B. Resolution to approve the City Commission meeting minutes of June 13, 2022.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated June 15, 2022, in the amount of \$657,037.54.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated June 22, 2022, in the amount of \$929,872.69.
- E. Resolution to approve a request by the Birmingham Museum to hold the Underground Railroad Commemoration special event on September 17, 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.
- F. Resolution designating Deputy Treasurer Jack Todd, Assistant Finance Director Kim Wickenheiser, DPS Director Lauren Wood, Building Official Bruce Johnson, Assistant Building Official Mike Morad, Birmingham Museum Director Leslie Pielack, and Police Chief Mark Clemence as proxy representatives of Election Commissioners Mayor Therese Longe, Mayor Pro Tem Pierre Boutros, Commissioner Clinton Baller, Commissioner Brad Host,

Commissioner Andrew Haig, Commissioner Elaine McLain, and Commissioner Katie Schafer, for the purpose of conducting the Public Accuracy Tests of the electronic tabulating equipment which will be used to count votes cast at the August 2, 2022 election.

- G. Resolution appointing election inspectors, absentee voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the August 2, 2022 State Primary Election pursuant to MCL 168.674(1), and further grant the City Clerk the authority to make emergency appointments of qualified candidates should circumstances warrant in order to maintain adequate staffing in the various precincts, counting boards and receiving boards. And further, to increase Election Inspectors rate of pay to the proposed amounts, budgeted in account 101.262-000.815-0100, as presented in the staff report.
- H. Resolution to approve the Birmingham City Commission 2023 Meeting Schedule as submitted.
- I. Resolution to direct the City Manager to encourage all City sponsored special events to include the use of local food trucks within the event area when and where appropriate;

AND

To request that the Birmingham Shopping District consider including the use of local food trucks in all BSD sponsored special events;

AND

To request the Birmingham Shopping District to consider organizing and sponsoring a rotation of special events to be held on days or evenings on streets closed off to vehicular traffic.

- J. Resolution to approve the Indemnification and Hold Harmless Agreement between Canelle Patisserie licensee Canelle, LLC, 159 N. Eton property owner Beach Escape, LLC, and the City of Birmingham.
- K. Resolution to set a public hearing date of July 25th, 2022 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 1160 Grant St. Ortiz Educare.
- L. Resolution to set a public hearing date of July 25th, 2022 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 36877 Woodward Ave Gasow Veterinary Clinic.
- M. Resolution to set a public hearing date of July 25, 2022 to review the outdoor dining at 220 Merrill 220 Restaurant for compliance.
- N. Resolution to approve an agreement with Johnson Sign Co. for the fabrication and installation of via wayfinding signs in the amount not to exceed \$19,200. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for this project has been budgeted in account # 101-721.000-825.0100.
- O. Resolution to amend the Schedule of Fees, Charges, Bonds and Insurance for changes in sewer and storm water rates effective for bills with read dates on or after July 1, 2022 as recommended in this report, contingent on the Oakland County Water Resources

Commissioner adopting the revised Great Lakes Water Authority rates at their June 28th meeting.

- a. Letter from Oakland County dated June 9, 2022 re: GLWA
- P. Resolution to approve the outside agency service agreements for services described in Attachment A of the agreement for fiscal year 2022-23 with Birmingham Bloomfield Community Coalition in the amount of \$3,000, Birmingham Youth Assistance in the amount of \$18,000 and Common Ground in the amount of \$1,500. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding has been budgeted for these agreements in account #101-301.000.-811.0000
- Q. Resolution to approve an agreement with Etna Supply Company located at 2158 Gratiot Avenue, Detroit, MI 48207, for the purchase of Sensus Meter replacement parts, in the amount of \$71,665. Funds for this purchase are available in the FY 2021-2022 Water Supply System Fund, account #591-537.001-747.0000; and further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

### VI. UNFINISHED BUSINESS

### VII. NEW BUSINESS

- A. Public Hearing To consider the removal of Aaron Black from the Advisory Parking Committee
  - 1. Resolution to accept the resignation letter of Aaron Black from the Advisory Parking Committee.
- B. Public Hearing 588 S. Old Woodward Phoenicia Special Land Use Permit, Final Site Plan and Design Review
  - 1. Resolution to APPROVE the Special Land Use Permit, Final Site Plan and Design Review application for 588 S. Old Woodward – Phoenicia with the following condition:
    - The applicant submit a signed parking lease agreement for 20 parking spaces or obtain a variance for required parking spaces from the BZA.
- C. Resolution to adopt the Crosswalk Installation Guidelines for pedestrian crosswalk installation as depicted in the flowchart "Exhibit A".
- D. Resolution to approve the reduction of vehicular travel lanes on eastbound Brown Street between Peabody Street and Woodward Ave from two lanes down to one lane;

### AND

To direct the Multi-Modal Transportation Board to evaluate permanent road designs incorporating one eastbound vehicular travel lane for Brown Street from Peabody Street to Woodward Ave to recommend to City Commission at a later date.

E. Resolution to direct the Engineering Department to proceed with final design of the Westwood, Raynale & Oak Street Project to include the planned improvements to the sewer and water systems, and the full reconstruction of the streets within the project area that will meet the City standards for an improved street;

Resolution to direct the Engineering Department to proceed with final design of the Westwood, Raynale & Oak Street Project to include the planned improvements to the sewer and water systems, and the replacement of pavement surfaces disturbed by the utility construction with a full cape-seal treatment to be completed upon the conclusion of the other construction;

Or

Or

Resolution to direct the Engineering Department to postpone further design of the Westwood, Raynale & Oak Street Project until such a time when the property owners in the project area present a petition requesting the City Commission consider improving their streets or unless emergency conditions arise necessitating repair and/or replacement of the water or sewer utilities in the project area.

- F. Resolution to approve a 4.5% salary range adjustment and in-range adjustments based upon performance for full-time and part-time employees in the Department Head and Administrative/Management classifications effective July 1, 2022 and approving a 2.5% performance increment through June 30, 2023 with individual eligibility to be in accordance with the attached merit increase guidelines. Further, to authorize the budget amendments from the wage adjustment account 101-299.000-709.0000 to the appropriate departments.
- G. Resolution to approve a 1 year agreement with Lew Bender for strategic planning services in the amount not to exceed \$14,500. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for this project has been budgeted in account 101-101.000-962.00.
- H. Resolution to meet in closed session to discuss pending litigation pursuant to MCL § 15.268 Sec. 8(e) of the Open Meetings Act regarding John Reinhart, et al the v City of Birmingham; U.S. District Court Case No.: 2:22-cv-11074-MAG-DRG and Privilege Underwriters Reciprocal Exchange/ A foreign Company a/s/o Patrick Carroll v City Of Birmingham/ a Michigan Municipal Corporation Case No.: 2019-173450-ND.

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

- I. 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.
- J. Commission discussion on items from prior meeting
  - 1. Discussion on Meeting Start/End Times Baller
  - 2. Discussion re Sustainability Board Schafer

### 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. Lead Water Service Replacement Program Update

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: <a href="https://zoom.us/j/655079760">https://zoom.us/j/655079760</a> Meeting ID: 655 079 760</a> 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 <u>(248) 530-1880</u> por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).



## NOTICE OF INTENTION TO APPOINT TO HISTORIC DISTRICT STUDY COMMITTEE

At the regular meeting of Monday, June 27, 2022, the Birmingham City Commission intends to appoint three regular members to the Historic District Study Committee to serve three-year terms to expire June 25, 2025.

The goal of the Historic District Study Committee is to conduct historical research regarding the proposed designation of historic landmarks or districts in the City of Birmingham.

A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation, although city residency is not required if an expert on the potential historic district topic is not available among city residents. The committee shall include representation of at least one member appointed from one or more duly organized local historic preservation organizations. The meetings are held by resolution of the City Commission.

Interested parties may submit an application available at the City Clerk's Office on or before noon on Wednesday, June 22, 2022. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

Applicant(s) Presented For City Commission Consideration:

Applicant Name	<b>Criteria/Qualifications</b> Shall have a clearly demonstrated interest in or knowledge of historic preservation.
Andrea Prena	Public sector consultant, interest in/knowledge of historic preservation
Jenny Roush	current HDSC member; interior design and historic preservation degree
Thomas Loafman	current HDSC member; interest in historic preservation

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

### SUGGESTED COMMISSION ACTION:

To appoint\_\_\_\_\_, as a regular member to the Historic District Study Committee to serve a threeyear term to expire June 25, 2025.

To appoint\_\_\_\_\_, as a regular member to the Historic District Study Committee to serve a threeyear term to expire June 25, 2025.

To appoint\_\_\_\_\_, as a regular member to the Historic District Study Committee to serve a threeyear term to expire June 25, 2025

### **3A**



### HISTORIC DISTRICT STUDY COMMITTEE

Goal: To conduct historical research regarding the proposed designation of historic landmarks or districts in the City of Birmingham.

The committee shall consist of seven members in addition to a city appointed liaison. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation, although city residency is not required if an expert on the potential historic district topic is not available among city residents. The committee shall include representation of at least one member appointed from one or more duly organized local historic preservation organizations. Terms: three years

Meetings are held by resolution of the City Commission.

Last Name Home Address	First Name	Home Business		
Home Address		E-Mail	Appointed	Term Expires
Beshouri	Paul	(248) 895-4576	12/12/2016	6/25/2022
1740 Grant				
		beshouri24@gmail.con	7	
Cantor	Јоу	(248) 752-7773	8/24/2020	6/25/2023
636 Lakeview Ave	e			
		Joycantor@me.com		
German	Jacob	(734) 934-9051	1/14/2019	6/25/2024
475 S. Adams #1	.8			
		jake@dunaskiss.biz		
Loafman	Thomas	(248) 840-6678	9/20/2021	6/25/2022
580 Oakland				
		thosloafman@gmail.co	om	

Last Name Home Address	First Name	Home Business									
		E-Mail	Appointed	Term Expires							
McGough	Colleen	(248) 808-4410	1/14/2019	6/25/2024							
543 Watkins											
		mcgough88@comcast.r	mcgough88@comcast.net								
Roush	Jennifer	(248) 736-2801	8/10/2020	6/25/2022							
2010 Buckingha	m										
		jennygwtw@comcast.n	et								
Xenos	Michael	(248) 496-8983	2/22/2016	6/25/2023							
608 W. Lincoln			Nat'l Trust for Historic Preservat								
		mxenos@comcast.net									

Name of Board: Historic District Study Committee

Year: 2020

Members Required for Quorum:

MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	ОСТ	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Paul Beshori	NM	Р	NM	NM	NM	NM	NM	NM	NM	NM	NM	NM			1	0	100%
Jonathan DeWindt	NM	Α	NM	NM	NM	NM	NM	NM	NM	NM	NM	NM			0	1	0%
Jacob German	NM	Р	NM	NM	NM	NM	NM	NM	NM	NM	NM	NM			1	0	100%
Colleen McGough	NM	Р	NM	NM	NM	NM	NM	NM	NM	NM	NM	NM			1	0	100%
Michael Xenos	NM	Р	NM	NM	NM	NM	NM	NM	NM	NM	NM	NM			1	0	100%
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															0	0	#DIV/0!
ALTERNATES																	
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															0	0	#DIV/0!
															0	0	#DIV/0!
															0	0	#DIV/0!
Present or Available	0	4	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

4

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** 

	Name of Board:		d:	HISTORIC DISTR		STRICT STUDY COMMITTEE Y		Year:	2021								
	Members Required for Quorum:					4	]										
MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	ост	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS								8/24									
Paul Beshouri	NM	NM	NM	NM	NM	СР	СР	Р	NM	NM	NM	NM			1	0	100%
Jacob German	NM	NM	NM	NM	NM	CA	CA	Р	NM	NM	NM	NM			1	2	33%
Colleen McGough	NM	NM	NM	NM	NM	CA	CA	Р	NM	NM	NM	NM			1	2	33%
Michael Xenos	NM	NM	NM	NM	NM	CP	CP	Р	NM	NM	NM	NM			1	0	100%
Jennifer Roush	NM	NM	NM	NM	NM	CA	СР	Р	NM	NM	NM	NM			1	1	50%
Joy Cantor	NM	NM	NM	NM	NM	СР	CA	Α	NM	NM	NM	NM			0	2	0%
															0	0	#DIV/0!
ALTERNATES																	
															0	0	#DIV/0!
															0	0	#DIV/0!
															0	0	#DIV/0!
															0	0	#DIV/0!
TOTAL	0	0	0	0	0	0	0	5	0	0	0	0	0	0			

A = Member absent KEY:

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**Department Head Signature** 

	Name of Board: HISTORIC DIS		STRICT	STUDY	COMM	TTEE	Year:	2022									
	Members Required for Quorum:					4											
MEMBER NAME	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	ост	NOV	DEC	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS		2/10		4/26													
Paul Beshouri	NM	Α	NM	Α	NM	NM									0	2	0%
Jacob German	NM	Р	NM	Р	NM	NM									2	0	100%
Colleen McGough	NM	Α	NM	Р	NM	NM									1	1	50%
Michael Xenos	NM	Р	NM	Р	NM	NM									2	0	100%
Jennifer Roush	NM	Р	NM	Р	NM	NM									2	0	100%
Joy Cantor	NM	Р	NM	Р	NM	NM									2	0	100%
Thomas Loafman	NM	Р	NM	Р	NM	NM									2	0	100%
ALTERNATES																	
															0	0	#DIV/0!
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															0	0	#DIV/0!
															0	0	#DIV/0!
TOTAL	0	5	0	6	0	0	0	0	0	0	0	0	0	0			

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**NA** = Member not appointed at that time

**NM** = No meeting scheduled that month

**CM** = Meeting canceled for lack of business items

**Department Head Signature** 



Ann Tappan <atappan@bhamgov.org>

### **Birmingham Historic District Study Committee term expiration**

Paul Beshouri <br/>beshouri24@gmail.com><br/>To: Ann Tappan <atappan@bhamgov.org><br/>Cc: Christina Woods <cwoods@bhamgov.org>

Fri, Jun 17, 2022 at 5:27 PM

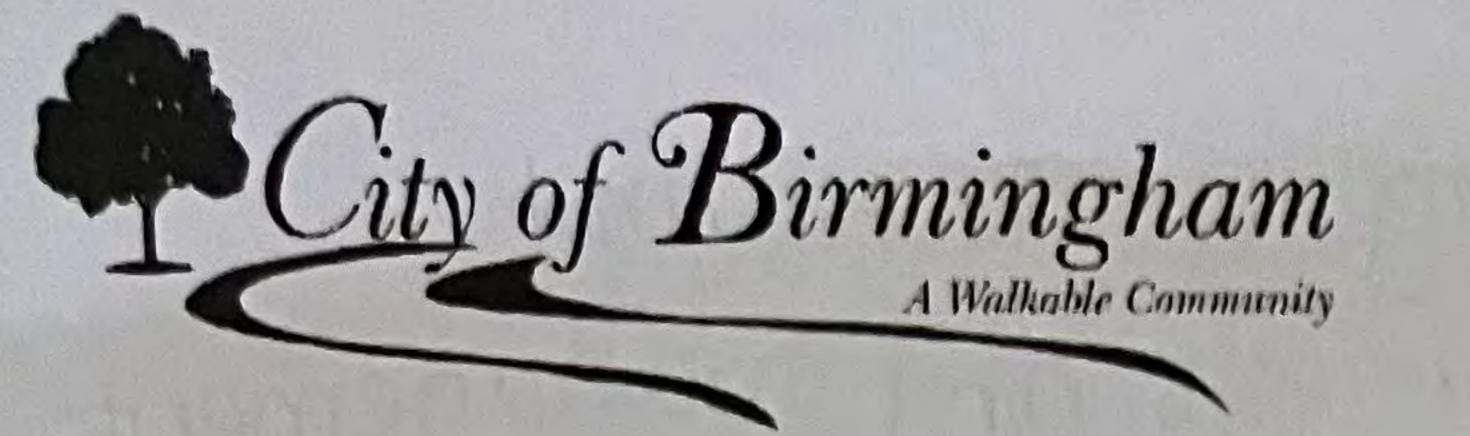
Hello Ann,

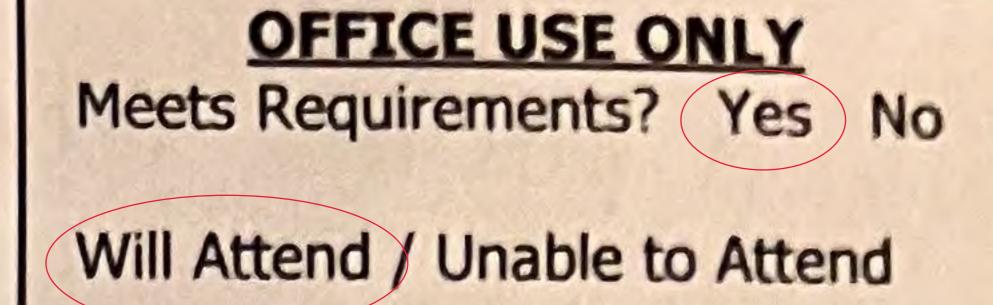
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I will not be seeking another term on the HDSC.

Thanks — Have a good weekend. [Quoted text hidden]

Paul Beshouri | Beshouri24@gmail.com | 248.895.4576





# **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 <a href="http://www.bhamgov.org/boardopportunities">www.bhamgov.org/boardopportunities</a>.

(Please print clearly)

 Board/Committee of Interest D/USPUM BUARD OR HISTORIC DISTRICT Study Commission

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

 Name Andrea CK Prena

 Residential Address 1524 villa Road

 Residential City, Zip Burning hour, 48009

 Business Address N/A

 Business City, Zip NIA

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

# please see reverse for my statement

# List your related employment experience Senior Public Sector Consultant @ Crave (aven Special Phyjects Fellow @ City of Bloomington DPW (2017-2019) List your related community activities Mone at this time

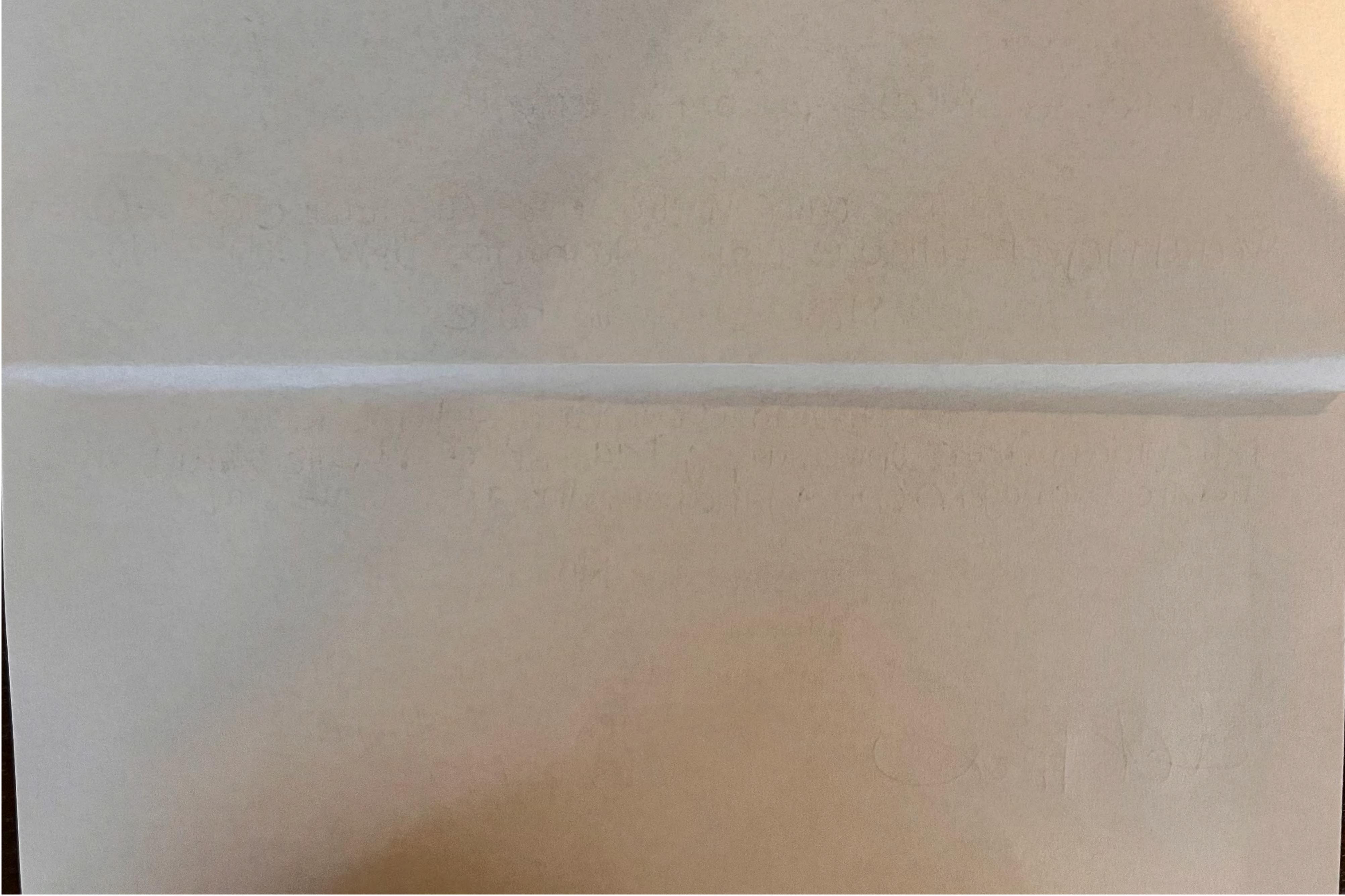
List your related educational experience BA in Public Policy & Public Relations, Michigan State University, Haster of Public Affairs in

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? MO.

Are you an elector (registered voter) in the City of Birmingham? <u>Jes</u>, <u>As</u> of 04/02/2022

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 Clerk@bhamgov.org or 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 As a public sector consultant specializing in state and local governments, I understand the strategies and management practices that devate local governments and communities, including the imparance of historic austricts and historic preservation as it relates to properly values and economic positioning. As a new city resident and passionate stratent of history, I am poised to provide the board or committee with thoughtful, grawthe minded policies that noner history, promote community values, and respect the data related to these community policy areas.





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

### APPLICATION FOR CITY BOARD OR COMMITTEE RCVD6/20/22

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).

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(Please print clearly)

Board/Committee of Interest Historic District	Study Committee
Specific Category/Vacancy on Board	(see back of this form for information)
Name Jenny Roush	Phone 2467362801
Residential Address _ 2010 Buckingham_	Email * Jennygistispional not
Residential Address <u>2010 Buckingham</u> Residential City, Zip <u>Birningham</u> <u>48009</u>	Length of Residence
Business Address	Occupation Interior Designer
Business City, Zip	
Reason for Interest: Explain how your background and skills will	enhance the board to which you have applied
re-application	
List your related employment experience	
List your related community activities	
List your related educational experience	
To the best of your knowledge, do you or a member of your relationships with any supplier, service provider or contractor o direct compensation or financial benefit? If yes, please explain:	f the City of Birmingham from which you or they derive
N	
Do you currently have a relative serving on the board/committee	to which you have applied?
Are you an elector (registered voter) in the City of Birmingham? Signature of Applicant Return the completed and signed application form to: City of Birmingham, Cit	um 22
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



OFFICE USE ONLY Meets Requirements? Yes No

Will Attend / Unable to Attend

### APPLICATION FOR CITY BOARD OR COMMITTEE

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

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

(Please print clearly)
Board/Committee of Interest Historic District Committee
Specific Category/Vacancy on Board Regular Measur (see back of this form for information)
Name Thomas Loatman Phone 248 840-6678
Residential Address 580 Da Hand Ave Email * THOSLOAFMAN COM
Residential City, Zip Birming han 48008 Length of Residence / year
Business Address Occupation
Business City, Zip
Reason for Interest: Explain how your background and skills will enhance the board to which you have applied
I am a life long amateor historica. I am an avid
I am a life long amateor historica. I am an avid geneologist. I believe our heritge is something to be treasured.
List your related employment experience <u>Recently</u> refired a Chief Rocoremont
Officer of Voltswagen.
List your related community activities I am anyious to serve my Birningham
community
List your related educational armariance That eviden university dances in
List your related educational experience I took extra University dasses in history - Russia, Anerica, European
To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive
direct compensation or financial benefit? If yes, please explain:
Do you currently have a relative serving on the board/committee to which you have applied?
Are you an elector (registered voter) in the City of Birmingham?
Tosuca Josppune 27 Aug. 2021
Signature of Applicant C Date Date C 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 Updated 11/18/2020 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.

### Sec. 127-4. Historic district study committee and the study committee report.

- (a) The city commission shall appoint a standing committee to serve as the historic district study committee. The committee shall consist of seven members in addition to a city appointed liaison. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation, although city residency is not required if an expert on the potential historic district topic is not available among city residents. Members shall be appointed for a term of three years, except the initial appointments of three members for a term of two years and two members for a term of one year. Subsequent appointments shall be for three-year terms. Members shall be eligible for reappointment. In the event of a vacancy on the committee, interim appointments shall be made by the city commission within 60 calendar days to complete the unexpired term of such position. The committee shall include representation of at least one member appointed from one or more duly organized local historic preservation organizations.
- (b) The business that the committee may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended. Public notice of the date, time, and place of the meeting shall be given in the manner required by Public Act 267. A meeting agenda shall be part of the notice and shall include a listing of each potential district to be reviewed or considered by the committee.
- (c) When directed by a resolution passed by the city commission, the standing historic district study committee shall meet and do all of the following:
  - (1) Conduct a photographic inventory of resources within each proposed historic district following procedures established by the state historic preservation office of the state historical center.
  - (2) Conduct basic research of each proposed historic district and historic resources located within that district.
  - (3) Determine the total number of historic and non-historic resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the committee shall be guided by the criteria for evaluation issued by the United States secretary of the interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 CFR Part 60, and criteria established or approved by the state historic preservation office of the state historical center.
  - (4) Prepare a preliminary historic district study committee report that addresses at a minimum all of the following:
    - a. The charge of the committee.
    - b. The composition of committee membership.
    - c. The historic district(s) studied.
    - d. The boundaries of each proposed historic district in writing and on maps.
    - e. The history of each proposed historic district.
    - f. The significance of each district as a whole, as well as the significance of sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.
  - (5) Transmit copies of the preliminary report for review and recommendations to the city planning board, the state historic preservation office of the Michigan Historical Center, the Michigan Historical Commission, and the state historic preservation review board.
  - (6) Make copies of the preliminary report available to the public pursuant to Section 399.203(4) of Public Act 169 of 1970, as amended.

- (7) Not less than 60 calendar days after the transmittal of the preliminary report, the historic district study committee shall hold a public hearing in compliance with Public Act 267 of 1976, as amended. Public notice of the time, date and place of the hearing shall be given in the manner required by Public Act 267. Written notice shall be mailed by first class mail not less than 14 calendar days prior to the hearing to the owners of properties within the proposed historic district, as listed on the most current tax rolls. The report shall be made available to the public in compliance with Public Act 442 of 1976, as amended.
- (8) After the date of the public hearing, the committee and the city commission have not more than one year, unless otherwise authorized by the city commission, to take the following actions:
  - a. The committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the city planning board and the historic district commission, to the city commission as to the establishment of a historic district(s). If the recommendation is to establish a historic district(s), the final report shall include a draft of the proposed ordinance(s).
  - b. After receiving a final report that recommends the establishment of a historic district(s), the city commission, at its discretion, may introduce and pass or reject an ordinance(s). If the city commission passes an ordinance(s) establishing one or more historic districts, the city shall file a copy of the ordinance(s), including a legal description of the property or properties located within the historic district(s) with the register of deeds. The city commission shall not pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed historic district, as listed on the tax rolls of the local unit, have approved the establishment of the historic district pursuant to a written petition.
- (9) A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function of the historic district commission should be made available to the public in compliance with Public Act 442 of 1976, as amended.

(Ord. No. 1880, 7-24-06; Ord. No. 2154, 6-29-15)



### NOTICE OF INTENTION TO APPOINT TO THE BOARD OF ETHICS

At the regular meeting of Monday, June 27, 2022, the Birmingham City Commission intends to appoint one regular member to the Board of Ethics to serve a three-year term to expire June 30, 2025.

Board members are to serve as an advisory body for the purposes of interpreting the Code of Ethics. The board consists of three members who serve without compensation. The members shall be residents and have legal, administrative or other desirable qualifications.

Interested citizens may submit an application available at the City Clerk's office or online at <u>www.bhamgov.org/boardopportunities.</u> Applications must be submitted to the City Clerk's office on or before noon on Wednesday, June 22, 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.

Applicant(s) Presented For City Commission Consideration:

Applicant Name	<b>Criteria/Qualifications</b> Applicants shall be residents and have legal,								
	administrative or other desirable qualifications.								
James D. Robb	Resident, attorney-at-law., Board of Ethics member since 2003								

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

SUGGESTED COMMISSION ACTION:

To appoint \_\_\_\_\_\_ as a regular member to the Board of Ethics to serve a three-year term to expire June 30, 2025.



151 Martin Street • P.O. Box 3001 • Birmingham, MI 48012-3001 (248) 530-1800 • Fax (248) 530-1080 • www.bhamgov.org



### **BOARD OF ETHICS**

Ordinance 1805 (Birmingham Code of Ordinances Sec. 2-320 through 2-326) The board shall serve as an advisory body for purposes of interpreting the Code of Ethics. The board consists of three members who serve without compensation. The members shall be residents and have legal, administrative, or other desirable qualifications.

Last Name Home Address	First Name	Home Business								
		E-Mail	Appointed	Term Expires						
Fierro-Share	Sophie	(248) 642-7340	7/14/2003	6/30/2023						
1040 Gordon La	ne									
		Sfierro-share1@com	Sfierro-share1@comcast.net							
Robb	James	(517) 712-3469	8/11/2003	6/30/2022						
1533 Pleasant C	t									
		jamesdrobb55@gma	ail.com							
Schrot	John	(248) 646-6513	7/14/2003	6/30/2024						
1878 Fairway		jschrot@berrymoorn	nan.com							

Name of Board:		of Ethic	S	2019			
Members Required for	Quorui	n:	2		Total		Percent
MEMBER NAME	1/23	6/12	6/19		Mtgs. Att.	Total Absent	Attended Available
REGULAR MEMBERS							
Sophie Fierro-Share	Р	р	р		3	0	100%
James Robb	Р	р	р		3	0	100%
John Schrot	Р	р	р		3	0	100%
Reserved							
Reserved							
Present or Available	3	3	3	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 qu

**NA** = Member not appointed at that time

NM = No meeting scheduled that month

Name of Board:Board of EthicsMembers Required for Quorum:2					Year:	2020			
MEMBER NAME	9/1	9/11	11/20				Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS									
Sophie Fierro-Share	Р	р	р				3	0	100%
James Robb	Р	р	р				3	0	100%
John Schrot	Р	р	р				3	0	100%
Reserved									
Reserved									
Present or Available	3	3	3			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

Name of Board: Members Required for	Board of Ethics Quorum: 2				Year:	2021			
MEMBER NAME	2/15	2/22	3/15	3/29	11/16		Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS									
Sophie Fierro-Share	Р	р	р	р	р		5	0	100%
James Robb	Р	р	р	р	р		5	0	100%
John Schrot	Р	р	р	р	р		5	0	100%
Reserved									
Reserved									
Present or Available	3	3	3	3	3	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

Name of Board: Members Required for		of Ethic n:	s 2	Year:	2022			
MEMBER NAME	6/15					Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS								
Sophie Fierro-Share	Р					1	0	100%
James Robb	Р					1	0	100%
John Schrot	Р					1	0	100%
Reserved								
Reserved								
Present or Available	3				0			

**KEY:** A = Member absent

**P** = Member present or available

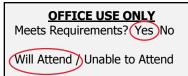
**CP** = Member available, but meeting canceled for lack of quorum

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





### **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 <a href="http://www.bhamgov.org/boardopportunities">www.bhamgov.org/boardopportunities</a>.

(Please print clearly)

Board/Committee of Interest Board of Ethics

Specific Category/Vacancy on Board Incumbent	_ (see back of this form for information)			
Name James D. Robb	Phone (517) 712-3469			
Residential Address 1533 Pleasant Court	Email jamesdrobb55@gmail.com			
Residential City, Zip Birmingham, 48009	Length of Residence <u>50+ years</u>			
Business Address 2000 Brush Street	Occupation Counsel and Director of Contracts			
Business City, Zip Detroit, MI 48226				
Reason for Interest: Explain how your background and skills will enha	ance the board to which you have applied			

I wish to continue my work on educating and providing guidance to city officials on how to conduct themselves in

Conformity with the citiy's code of ethics. Served on the Board of Ethics since its inception in 2003.

List your related employment experience <u>Counsel, Jack Morton Worldwide, Inc (2020-present); General Counsel & Assoc.</u> Dean, Western Michigan University Thomas M. Cooley Law School (2002-2019); Asst. Dean and Adjunct Professor of Law, Wayne State University Law School (1994-2002); Associate and Partner, Miller Canfield Paddock and Stone (1984-94).

List your related community activities City of Birmingham Board of Ethics, 2003-present.

City of Birmingham Board of Election Canvassers, 1987-2003

Holy Name Parish Choir

List your related educational experience J.D., cum laude, Wayne State University Law School, 1983

B.A., University of Michigan, Ann Arbor, 1978

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: <u>No.</u>

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

<u>June 22, 2022</u> 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 or by fax to 248.530.1080. Updated 3/24/2021

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 receive these messages, you may unsubscribe at any time.

### ARTICLE IX. ETHICS<sup>1</sup>

### Sec. 2-320. Public policy.

Public office and employment are public trusts. For government to operate properly, each city official, employee, or advisor must earn and honor the public trust by integrity and conduct.

The city hereby declares that all city officials and employees must avoid conflicts between their private interests and the public interest. Public officials and employees must:

- (1) Be independent, impartial and responsible to the people;
- (2) Make governmental decisions and policy in the proper governmental channels;
- (3) Not use public office for personal gain.

To enhance public trust, the city must provide its officials and employees with adequate guidelines for separating their roles as private citizens from their roles as public servants.

This Code sets minimum standards of ethical conduct for all city officials and employees, elected or appointed, paid or unpaid. It proscribes actions incompatible with the public interest and directs disclosure of private financial or other interests in matters affecting the city.

(Ord. No. 1805, 4-28-03; Ord. No. 1810, 5-19-03; Ord. No. 1819, 1-12-04)

### Sec. 2-321. Responsibilities of public office.

City officials and employees are bound to uphold the Constitution of the United States and the Constitution of the State and to carry out impartially and comply with the laws of the nation, state, and the city. City officials and employees must not exceed their authority or breach the law or ask others to do so. City officials and employees are bound to observe in their official acts the highest standards of ethical conduct and to discharge the duties of their offices faithfully, regardless of personal consideration, recognizing that their official conduct should be above reproach.

All city officials and employees shall safeguard public confidence by being honest, fair and respectful of all persons and property with whom they have contact, by maintaining non-partisanship in all official acts, and by avoiding official conduct which may tend to undermine respect for city officials and employees and for the city as an institution.

(Ord. No. 1805, 4-28-03; Ord. No. 1810, 5-19-03; Ord. No. 1819, 1-12-04; Ord. No. 2177, 3-28-16)

### Sec. 2-322. Definitions.

*City official* or *employee* means a person elected, appointed or otherwise serving in any capacity with the city in any position established by the City Charter or by city ordinance which involves the exercise of a public power,

<sup>&</sup>lt;sup>1</sup>Editor's note(s)—Ord. No. 1810, adopted May 19, 2003, states that the provisions of this article shall become effective July 21, 2003.

trust or duty. The term includes all officials and employees of the city, whether or not they receive compensation, including consultants and persons who serve on advisory boards and commissions. The term does not include election inspectors and student representatives appointed to city boards or commissions.

*Consultant* means a person who gives professional advice or services regarding matters in the field of his or her special knowledge or training.

*Compensation* means any money, property, thing of value or benefit conferred upon or received by any person in return for services rendered or to be rendered to himself or herself or any other party.

Financial interest means any interest in money, property or thing of value or benefit.

*Immediate family* means a city official or employee, his or her spouse, parents or children.

*Official duties* or *official action* means a decision, recommendation, approval, disapproval or other action or failure to act, which involves the use of discretionary authority.

Personal interest means an interest arising from blood or marriage relationships or any business association.

Private gain means any interest or benefit, in any form, received by a city employee or official.

Substantial shall mean considerable in quantity or significantly great.

(Ord. No. 1805, 4-28-03; Ord. No. 1810, 5-19-03; Ord. No. 1819, 1-12-04)

#### Sec. 2-323. Intention of code.

It is the intention of section 2-324 below that city officials and employees avoid any action, whether or not specifically prohibited by section 2-324, which might result in, or create the appearance of:

- (1) Using public employment or office for private gain;
- (2) Giving or accepting preferential treatment, including the use of city property or information, to or from any organization or person;
- (3) Losing complete independence or impartiality of action;
- (4) Making a city decision outside official channels; or
- (5) Affecting adversely the confidence of the public or the integrity of the city government.

The code of ethics is intended to be preventative and not punitive. It should not be construed to interfere with or abrogate in any way the provisions of any federal or state statutes, the City Charter, the city ordinances, or any rights and/or remedies guaranteed under a collective bargaining agreement.

This declaration of policy is not intended to apply to contributions to political campaigns, which are governed by state law.

(Ord. No. 1805, 4-28-03; Ord. No. 1810, 5-19-03; Ord. No. 1819, 1-12-04)

### Sec. 2-324. Promulgation.

- (a) Conflict of interest—General.
  - (1) No official or employee of the city shall divulge to any unauthorized person, confidential information acquired in the course of employment in advance of the time prescribed for its authorized release to the public.
  - (2) No official or employee of the city shall represent his or her personal opinion as that of the city.

- (3) Every official or employee of the city shall use personnel resources, property and funds under his or her official care and control solely in accordance with prescribed constitutional, statutory and regulatory procedures and not for personal gain or benefit.
- (4) No official or employee of the city shall directly or indirectly, solicit or accept any gift or loan of money, goods, services or other thing of value for the benefit of any person or organization, other than the city, which tends to influence the manner in which the official or employee or any other official or employee performs his or her official duties.

Gratuities do not include fees for speeches or published works on legislative subjects and, except in connection therewith reimbursement for expenses for actual expenditures for travel, and reasonable subsistence, for which no payment or reimbursement is made by the city, invitations to such events as ground breakings, grand openings, charitable or civic events, or inconsequential gifts from established friends.

- (5) No official or employee of the city shall engage in a business transaction in which he or she may profit because of his or her official position or authority or benefit financially from confidential information which he or she has obtained or may obtain by reason of such position or authority.
- (6) No official or employee of the city shall engage in or accept employment or render services for any private or public interest when that employment or service is incompatible or in conflict with the discharge of his or her official duties or when that employment may tend to impair his or her independence of judgment or action in the performance of his or her official duties.

This section shall not prohibit a part-time elected or appointed city official from engaging in private employment or business on his or her own time as a private citizen and where city business is not involved, subject to his or her disclosing such private employment or business on the public record for any matter on which he or she may be called upon to act in his or her official capacity, in accordance with Section 5 B below. He or she shall refrain from voting upon or otherwise participating in debate on any such matter.

- (7) No official or employee of the city shall participate, as an agent or representative of the city, in the negotiation or execution of contracts, granting of subsidies, fixing of rates, issuance of permits or certificates, or other regulation or supervision, relating to any business entity in which he or she has, directly or indirectly, a financial or personal interest.
- (8) No official or employee of the city shall use, or attempt to use, his or her official position to secure, request or grant unreasonably any special consideration, privilege, exemption, advantage, contract or preferential treatment for himself, herself, or others, beyond that which is available to every other citizen.
- (9) It is recognized that various boards and committees are part of the plan of government for the city. As such, it is further recognized that by virtue of the various requirements for membership of the board, a member may be placed in the position of participating in a decision that may directly or indirectly affect his or her financial or personal interests. Therefore, those members of the various boards and committees in the city, as they may be established from time to time, may participate in such decisions provided that they act:
  - a. In furtherance of the public good;
  - b. In compliance with the duties of their respective boards; and,
  - c. In a manner consistent with subsection (8) of this section.
- (10) Determination of conflict of interest. A conflict of interest exists if:

- a. The city official or employee has any financial or personal interest, beyond ownership of his or her place of residence, in the outcome of a matter currently before that city official or employee, or is associated as owner, member, partner, officer, employee, broker or stockholder in an enterprise that will be affected by the outcome of such matter, and such interest is or may be adverse to the public interest in the proper performance of said official's or employee's governmental duties, or;
- b. The city official or employee has reason to believe or expect that he or she will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his or her official activity, or;
- c. The public official has any other prohibited interest as defined by state statutes relating to conflicts of interest.
- (11) Subsequent conflict of interest. No official or employee of the city shall acquire any financial interest in or accept any employment concerning any project which has been granted approval by the city or any commission, board, department or employee thereof within one year of the official's or employee's participation in any manner in considering or recommending the approval or disapproval of said project.
- (b) Full disclosure.
  - (1) Responsibility to disclose. It shall be the responsibility of the official or employee to disclose the full nature and extent of his or her direct or indirect financial or personal interest in a matter before him or her.

No official or employee of the city shall participate, as an agent or representative of the city, in approving, disapproving, voting, abstaining from voting, recommending or otherwise acting upon any matter in which he or she has directly or indirectly a financial or personal interest. The official or employee shall, in such circumstances, recuse himself or herself from the matter before him or her.

- (2) Disclosure of conflict of interest and disqualification.
  - a. Any city official or employee who has a conflict of interest, as defined herein, in any matter before the city shall disclose such fact on the appropriate record of the city prior to discussion or action thereon and shall refrain from participating in any discussion, voting or action thereon, as follows, provided that such exceptions shall be observed as are permitted by law:
    - 1. A city commissioner shall disclose any conflict of interest and the nature and extent of such interest on the record of the city commission;
    - 2. A member of any city board, commission or committee shall disclose any conflict of interest and the nature and extent of such interest on the records of said board, commission or committee;
    - 3. A city employee who has a financial or other interest in a matter before the city commission or any city board, commission or committee and who participates in discussion with, or gives an official opinion to the city commission, or to such other city board, commission or committee relating to such matter, shall disclose on the records of the city commission or such other city board, commission or committee, as the case may be, any conflict of interest and the nature and extent of such interest.
    - 4. Otherwise, any appointed city official or employee shall address such a disclosure to the supervisory head of his or her department, and any elected city official shall address such a disclosure to the general public.

- b. If a city official, commissioner or employee who has a conflict of interest, as defined herein, in any matter before the city, and who discloses that conflict on the appropriate records but who refuses to refrain from discussion, deliberation or voting thereon, the matter under consideration shall be immediately referred to the board of ethics for a final determination as to the conflict in question and whether the official, commissioner or employee must refrain from discussion, deliberation, action or voting thereon.
- c. Within 20 days after election, employment, appointment, or the effective date of this ordinance, or any change in the facts set forth in the city official's or employee's previously filed disclosure statement, each city official and employee shall file with the city clerk an affidavit and disclosure statement. The city clerk shall provide each city official or employee with the required affidavit and disclosure statement form immediately upon his or her election, employment or appointment. The affidavit and disclosure statement does not apply to part-time and temporary employees of the city. Additionally, the disclosure requirements on this section do not apply to regular full-time employees below the level of assistant department head, except at the discretion of the city manager.
- d. The effective date for this ordinance shall be July 21, 2003.

(Ord. No. 1805, 4-28-03; Ord. No. 1810, 5-19-03; Ord. No. 1819, 1-12-04)

### Sec. 2-325. Violation, enforcement and advisory opinions.

- (a) Board of ethics.
  - (1) The city commission shall appoint a board of ethics, consisting of three members, as an advisory body for the purpose of interpreting this code of ethics.
  - (2) The initial three members of the board of ethics shall be appointed for one-, two-, and three-year terms of office respectively, which shall begin on July 1, 2003. If appointed prior to July 1st, they shall begin their terms of office immediately and their terms shall include the additional time prior to July 1st. Terms of office shall expire on June 30th of the respective years.

Thereafter, all members shall be appointed to three-year terms, beginning July 1, so that only one member's term expires each year. A member shall hold office until his or her successor is appointed. The city commission shall fill a vacancy by an appointment for the unexpired term only.

- (3) The board of ethics shall be made up of residents of the city who have legal, administrative or other desirable qualifications.
  - a. The members of the board of ethics shall serve without compensation, and shall not be elected officials, persons appointed to elective office, full-time appointed officials or city employees, nor shall they be currently serving on any other city board or commission.
  - b. The board shall select its own presiding officer from among its members.
  - c. The board shall establish such procedures it deems necessary or appropriate to perform its functions as set forth in this article.
- (b) Functions of the board of ethics. When there is a question or a complaint as to the applicability of any provision of this code to a particular situation, that question or complaint shall be directed to the board of ethics. It shall then be the function of the board of ethics to conduct hearings and/or issue an advisory opinion, as applicable.
  - (1) Hearings. The board of ethics shall follow the following hearing procedure:

- a. The board shall, within seven days after any matter is brought to its attention, set a date certain for hearing said matter.
- b. The board shall, at least 28 days before the hearing date, send notice of such hearing, accompanied by a concise statement of the alleged breach of this code of ethics, to any person requested to appear before them, by certified mail, return receipt requested, to addressee only.
- c. Any person requested to appear before a board of ethics hearing may request one extension for a period not to exceed 28 days. Extensions thereafter will be granted only under extreme circumstances.
- d. Any person requested to appear before a board of ethics hearing may be accompanied by his or her attorney.
- e. All hearings at which any person shall be requested to appear shall be subject to the Open Meetings Act.
- f. All findings of board hearings shall be published in permanent form and communicated to the city commission and the public, subject to the requirements of the Open Meetings Act.
- (2) Advisory opinions. All advisory opinions so issued shall also be published in permanent form and communicated to the city commission and the public, subject to the requirements of the Open Meetings Act.
- (3) After the board of ethics' advisory opinions and/or hearing findings have been published:
  - a. The city commission shall be responsible for imposing any sanction for a violation of this Code on one of its members or any person appointed by the commission to any city board.
  - b. If it becomes necessary to seek the removal of a city official after the board of ethics' advisory opinion and/or hearing findings, the city shall follow the requirements for removal of a public official in accordance with the laws of the state.
  - c. The city manager shall be responsible for imposing any discipline for a violation of this Code on any employee of the city.

(Ord. No. 1805, 4-28-03; Ord. No. 1810, 5-19-03; Ord. No. 1819, 1-12-04)

### Sec. 2-326. Affidavit and disclosure statement.

Immediately following an election, employment or appointment of a city official or employee, the city clerk shall provide the individual with an affidavit and disclosure statement form. Within 20 days after election, appointment, employment or any change in the facts set forth in the city official's or employee's previously filed affidavit and disclosure statement, all city officials or employees shall file with the city clerk an affidavit and disclosure statement including the following:

- A. A disclosure statement responding in detail to the following questions:
  - 1. To the best of your knowledge, do you or any members of your immediate family own any interest in real property located within the City of Birmingham, in land contiguous to the City of Birmingham, or in any area covered by a 425 Agreement to which the City of Birmingham is party?
  - 2. If your answer to question 1. is affirmative, to the best of your knowledge state the following information for each such interest owned:
    - (a) The nature of your interest in the real property;

- (b) The location of the real property (for improved property, provide the street address; for unimproved property state its location in relation to existing streets), and;
- (c) The property's permanent real estate tax identification number.
- 3. To the best of your knowledge, do you or members of your immediate family own five percent (5%) or more of any business entity located in the City of Birmingham?
- 4. If your answer to question 3. is in the affirmative, state the following, to the best of your knowledge:
  - (a) The name of the entity;
  - (b) The address of the entity;
  - (c) The nature of your relationship to the entity, and;
  - (d) The date relationship commenced.
- 5. To the best of your knowledge, do you or any members of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit that is not reported in the prior answers.
- 6. To the best of your knowledge, have you or any members of your immediate family given or received any gifts, other than from immediate family members, the value of which exceeds \$50.00, within the last year, or since the effective date of this code, whichever time period is shorter, to or from any person or business or other legal entity doing business with the City, other than legal campaign contributions? If so, list the names and addresses of each donor or donee of each such gift and the date upon which it was made and the nature of the gift.
- B. An affidavit in which the City official or employee states: "I have read and I understand the Code of Ethics of the City of Birmingham and, to the best of my knowledge, I am not in conflict with its provisions."

Dated:		
Subscribed and sworn to before me this	day of, :	20
Notary Public		

County, Michigan

My Commission Expires:\_\_\_\_

(Ord. No. 1805, 4-28-03; Ord. No. 1810, 5-19-03; Ord. No. 1819, 1-12-04)



### NOTICE OF INTENTION TO APPOINT TO THE MUSEUM BOARD

At the regular meeting of Monday, June 27, 2022, the Birmingham City Commission intends to confirm the City Manager's appointment of one regular member who is the owner of a business located in Birmingham to the Museum Board to serve a three-year term to expire July 5, 2025, and to appoint one regular member to the Museum Board to serve the remainder of a three-year term to expire July 5, 2025.

Interested parties may submit an application available at the City Clerk's office on or before noon on Wednesday, June 22, 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 Name	<ul> <li>Criteria/Qualifications</li> <li>Shall be qualified electors of the City and members of the Friends of the Birmingham Museum</li> </ul>
Patrick J. Hughes	Owner of a business located in Birmingham; current Museum Board member; resident and Friends of the Birmingham Museum member *applying as regular member who is a business owner as recommended by the City Manager
Judith Keefer	Current Museum Board member; resident; Friends of the Birmingham Museum member ** applying as a regular member

<u>Applicant(s) Presented For City Commission Consideration:</u>

### SUGGESTED COMMISSION ACTION:

\*To confirm the City Manager's appointment of \_\_\_\_\_\_ to the Museum Board as a regular member who is a business owner to serve a three-year term to expire July 5, 2025.

\*\*To appoint \_\_\_\_\_\_ to the Museum Board as a regular member to serve a three-year term to expire July 5, 2025.



**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 Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Barrett 915 Harmon St	Kristy Hull	(248)504-1981	4/2/2022 Regular Member	7/5/2023
		kristybarrett1@yahoo	p.com	
<b>Erickson</b> 1841 Maryland	Bev	(248) 561-4178	7/26/2021 Regular Member/	7/5/2024 BHS/Friends
		beverickson@comcas	t.net	
Harris 2600 Buckingha	<b>Alexandria</b>	(248) 686-4077	7/26/2021 Alternate	7/5/2023
-		akharrisart@gmail.co	т	

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

Friday, June 17, 2022

Page 1 of 2

Last Name Home Address	First Name	Home Business			
		E-Mail	Appointed	Term Expires	
Hughes	Patrick J.	(248) 417-0470	9/23/2019	7/5/2022	
915 Kennesaw			Regular Member/I	Business owner	
		phughes@brickstory.com	m		
Keefer	Judith	(248) 249-0996	7/11/2016	7/5/2022	
505 E. Lincoln, #4	ł		Regular Member/I	3HS/Friends	
		jlwk2014@gmail.com			
Logue	Marty	(248) 649-4921	9/26/2011	7/5/2023	
2010 Buckingham			Regular Member/BHS/		
		gtfieros@comcast.net			
Rosso	Caitlin	(248) 229-4227	9/21/2015	7/5/2023	
355 Columbia			Regular Member/I	BHS/Friends	
		caitlinrosso@maxbroock	k.com		
Shell	Jay R.	(248) 890-6333	8/9/2021	7/5/2024	
1121 Northlawn			Regular Member/I	3HS/Friends	
		jay.shell@gmail.com			
Snyder	Jordan		2/28/2022	12/31/2022	
Seaholm High Sch	ool		Student represent	ative	

BIRMINGHAM HISTORICAL MUSEUM & PARK, 556 West Maple, Birmingham, MI 48009 phone: 248.530.1928 fax: 248.530.1685 www.bhamgov.org/museum Leslie Pielack, Museum Director: <u>lpielack@ci.birmingham.mi.us</u>

Friday, June 17, 2022

Page 2 of 2

### **CITY BOARD/COMMITTEE ATTENDANCE RECORD**

Birmingham Museum Board Year: 21-22 4 Total | Total | Percent 2021 2022 SPEC SPEC Mtgs. Absen Attend MTG MEMBER NAME JULY AUG SEPT OCT NOV DEC JAN FEB MAR APR MAY JUNE MTG Att. ed t **REGULAR MEMBERS** Patt, Jacquie Ρ Ρ NA 3 0 100% Dixon, Russ 0 0 #DIV/0! \*P NA 75% Keefer, Judith Ρ Ρ Ρ Ρ Ρ Ρ Ρ Ρ Ρ Α 9 3 Α Α Krizanic, Tina NA 0 1 0% А Logue, Marty Ρ Ρ Ρ Ρ Ρ Ρ Ρ Ρ Ρ Ρ Ρ Ρ 12 0 100% Rosso, Caitlin Ρ 50% Ρ Ρ Ρ Ρ Α Ρ Α Α 6 6 Α Α Α Erickson, Bev Ρ NA Ρ Ρ Ρ Ρ Α Ρ Α Α Ρ Α 7 4 64% 7 5 58% Hughes, Pat Ρ Α Α Ρ Ρ Ρ Ρ Α Ρ Ρ Α Α Shell, Jay NA NA Ρ Ρ Ρ Ρ Ρ Ρ Α Ρ Ρ Α Barrett, Kristy NA NA NA NA NA NA NA Ρ Ρ NA NA NA ALTERNATE MEMBER 100% Harris, Alexandra Ρ Ρ Ρ Ρ Ρ Ρ 11 0 NA Ρ Ρ Ρ Ρ Ρ Present or Available 5 5 6 7 5 6 6 4 4 6 6 4 0 0

KEY:

\* Meeting was held on July 1, 2021. Retiring members still considered in FY 20-21 until AFTER July 1. Therefore attendance for FY 21-2

## CITY BOARD/COMMITTEE ATTENDANCE RECORD

					Year:	)20-20	21										
	4									-	-						
MEMBER NAME	2020 JULY	AUG	SEPT	ост	NOV	DEC	2021 JAN	FEB	MAR	APR	MAY	JUNE	SPEC MTG	SPEC MTG	Total Mtgs. Att.		Percent Attend ed
REGULAR MEMBERS																	
Patt, Jacquie	NA	NA	NA	NA	NA	NA	NA	NA	NA	Р	Р	Р			3	0	100%
Dixon, Russ	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р			12	0	100%
Keefer, Judith	Р	Р	Р	Р	Р	Р	Α	Р	Р	Р	Α	Р			10	2	83%
Krizanic, Tina	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р			12	0	100%
Logue, Marty	Р	Р	Р	Α	Р	Р	Р	Р	Р	Р	Р	Р			11	1	92%
Rosso, Caitlin	Α	Р	Α	Α	Р	Р	Α	Р	Р	Р	Р	Α			7	5	58%
Haugen, Dan	Α	Р	Р	Р	Α	NA	NA	NA	NA	NA	NA	NA			3	2	60%
Hughes, Pat	Α	Р	Р	Р	Р	Р	Р	Α	Р	Р	Р	Р			10	2	83%
Present or Available	4	7	6	5	6	6	4	5	6	7	6	6	0	0		-	

KEY:



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).

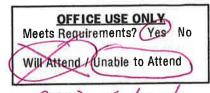
Information on various Boards and Committees and a list of current openings can be found on the City website at <a href="http://www.bhamgov.org/boardopportunities">www.bhamgov.org/boardopportunities</a>.

(Please plant cleany)	
Board/Committee of Interest MUSEUM BOARD	
Specific Category/Vacancy on Board <u>BEACWAL of CUNKENT SEAT</u>	see back of this form for information)
Name PATRICK J. HUGHES	Phone 248, 417, 0470
Residential Address 915 KEWNESAW	Email * phughese BrickStory.com
Residential City, Zip BIRMINGHAM, MI 48009	Length of Residence 12 Yrs
Business Address 915 KENNESAW	Occupation <u>CEO</u> /Software
Business City, Zip BIRMINGHAM, MI 48009	
Reason for Interest: Explain how your background and skills will enhance	e the board to which you have applied
LOVE FOR LOCAL HISTORY, EXECUTIVE BUSINESS	EXPERIENCE
List your related employment experience WROTE/PROUCED HISTORY, FOUNDER OF BRICKSTORY. COM List your related community activities MUSEUM BOARD, C YOUTH SOFTBALL ASST. COACH	YO BASKETBALL COACH.
List your related educational experience <u>B.S. MATH</u> , <u>MIRURS</u>	IN GLON & SIALS
To the best of your knowledge, do you or a member of your immedi relationships with any supplier, service provider or contractor of the Ci direct compensation or financial benefit? If yes, please explain:	iate family have any direct financial or business ty of Birmingham from which you or they derive
Do you currently have a relative serving on the board/committee to whic	h you have applied?
Are you an elector (registered voter) in the City of Birmingham?	

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 Updated 11/18/2020 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.





APPLICATION FOR CITY BOARD OR COMMITTEE RCVD Ce/20

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

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

(Please print clearly)	/
Board/Committee of Interest MUSEUM BOAR	d
Specific Category/Vacancy on Board My RENEWAL	_ (see back of this form for information)
Name Judith Keefer	Phone 248 249-0494
Residential Address 505 E LinColn H	Email * JLW K2014 DgMAI
Residential City, Zip Birmingham Mi48009	Length of Residence <u>15 YPARS</u>
Business Address	Occupation <u>Retired</u> <u>Speech</u> pathologist + AN+igues dealer
Business City, Zip	dealer
Reason for Interest: Explain how your background and skills will enha	nce the board to which you have applied
I'M RENEWING MY PLACE ON t.	he board, hoping to
CONTINUE CONTRIBUTING to OUR	MASCUM5 EVOLUTION
List your related employment experience <u>ANZiqUES</u> a	LERIER FOR OVER 30 YEARS
List your related community activities <u>Birmingham</u> election poli worker	Citizens Academy
List your related educational experience $\underline{PhC}$ $\underline{M}dM$	
To the best of your knowledge, do you or a member of your imm relationships with any supplier, service provider or contractor of the direct compensation or financial benefit? If yes, please explain:	City of Birmingham from which you or they derive
Do you currently have a relative serving on the board/committee to w	hich you have applied? NO
Are you an elector (registered voter) in the City of Birmingham?	112122

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 Updated 11/18/2020 clerk@bhamgoy.org or 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

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'

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

Birmingham, Michigan, Code of Ordinances (Supp. No. 45)

Created: 2022-01-18 11:23:38 [EST]

<sup>&</sup>lt;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.

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

(Supp. No. 45)

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.

## Birmingham City Commission Special Meeting Minutes Workshop Monday, June 13, 2022 6:00 p.m.

### Vimeo Link: https://vimeo.com/722674767

#### **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 interview facilitators for Strategic Planning.

### I. Call to Order

Therese Longe, Mayor

## II. Roll Call

Alexandria Bingham, City Clerk, called the roll.

Present:	Mayor Longe Mayor Pro Tem Boutros Commissioner Haig Commissioner Host Commissioner McLain Commissioner Schafer
Absent:	Commissioner Baller
Administration:	Assistant to the City Manager Fairbairn, City Manager Markus, City Clerk Bingham, City Attorney Kucharek

III. Presentation & Discussion

ACTM Fairbairn introduced the topic and described the interview procedure.

ACTM Fairbairn then interviewed Jeremy Stephens of Managing Results, LLC (MR).

In reply to ACTM Fairbairn, Mr. Stephens explained:

- MR focuses its strategic planning on what the community will receive instead of on what the City will do;
- His review of MR's process for strategic planning would be coming from page 14 of their submittal, as available in the workshop's agenda packet;
- While MR facilitates the process of strategic planning, the Birmingham community's input provides the content and goals;
- MR recently worked with a municipality with a split Commission. He said that after interviewing all the

stakeholders and summarizing their preferences and concerns, the Commission was able to agree on four strategic priorities and 17 date-specific and measurable strategic goals;

- MR recently worked with Clackamas County, Oregon, that had a list of about 90 goals they wanted to achieve. MR explained to the county that trying to focus on all of those objectives at once was not strategic. Some of the goals were then pushed down to appropriate departments, and the list was focused down to ten strategic goals. Since then the county has achieved one of its long-term goals, which was reducing homelessness among Veterans;
- MR worked with a county during the beginning of Covid-19, and they were able to collaborate and finish their work together because both parties remained in consistent communication; and,
- MR is different from other consultants because of its exclusive focus on strategic planning, its 23 year tenure in the field, its results- and community-oriented focus, and its personal approach to working with clients.

In reply to Commission inquiry, Mr. Stephens explained:

- The 'base' of a strategic plan for a public entity has to be focused on the issues and challenges facing the community;
- Parts of the master, area, parks or other plans may end up being integrated into the strategic planning process depending on the goals of the community;
- Government departments and commissions must align their operations where relevant with the strategic plan;
- 'Customers' means anyone that receives or experiences City services; and,
- They have gone through their process with small municipalities in addition to having worked with larger municipalities or counties.

Commissioner McLain cited her previous experience in helping create a municipal strategic plan. She agreed with Mr. Stephens that a strategic plan must have measurable goals, be results-oriented, and be collaboratively implemented.

Mr. Stephens said a strategic plan must be where planning, budgeting, funding, managing, and reporting begins in the City. He said that telling the community's story via strategic challenges and achievements is essential to being successful.

ACTM Fairbairn then interviewed Heather Branigin and David Beurle of Future IQ (FIQ).

In reply to ACTM Fairbairn, Ms. Branigin and Mr. Beurle explained:

- FIQ is future-oriented, people-focused, and data-driven;
- FIQ seeks to educate stakeholders in addition to gathering information about their concerns and goals;
- The use of data analysis in the process allows for the creation of a defensible plan;
- FIQ solicits and integrates feedback from a wide range of stakeholders;
- Discussions about future goals for communities began getting more contentious about five years ago, and that has been noticeable in FIQ's work with communities. Broadly, there is usually a group who believes that the community should continue as-is, and then there is a group with more appetite for change. Utilizing data to support goals and recommendations often helps clarify in how a community

should proceed;

- Talking through the specific implications of certain policies can also help build a shared understanding and prioritization among stakeholders;
- FIQ's emphasis on emergent and future trends is its primary strength and what sets it apart from other consultants. This allows the entities it works with to evolve in a smart and thoughtful manner. He noted that successful communities in particular need to be able to continue to offer community members what they want as those desires shift. FIQ also works internationally, and brings that diversity of perspectives to its work with communities;
- FIQ has also done a lot of community planning with successful communities of Birmingham's size throughout the United States; and,
- FIQ has experience in working with communities like Birmingham that are thoughtful, well-educated, and engaged, which tends to take a bit more work because these communities strive for the best.

In reply to Commission inquiry, Ms. Branigin and Mr. Beurle explained:

- FIQ is successful with engagement because their emphasis on authentic conversations means stakeholders understand that their input is valued and can have an impact on the community;
- In addition, FIQ is skilled in narratively communicating the strategic planning process and outcomes to stakeholders;
- FIQ creates a project portal during the strategic planning process where stakeholders can participate and see data in a number of ways;
- Similar to MR, FIQ staff works directly with stakeholders. Mr. Beurle would be interacting with the community as Project Lead and likely one or two other FIQ staff members would be interacting with the public, with the rest of FIQ staff serving in a support role; and,
- They find that keeping the community-facing FIQ staff consistent allows stakeholders to feel more confident in engaging in the process.

ACTM Fairbairn then interviewed Lew Bender.

In reply to ACTM Fairbairn, Dr. Bender explained:

- His approach to strategic planning is Commission-centric, do-able, and flexible. Commissioners likely to best know the community's strengths, weaknesses, opportunities, and challenges. Then, he would ask the Commission to break into two groups and describe what kind of tour they would give Dr. Bender if he were to visit Birmingham in three to five years, with an explanation of not just facilities but things like programs, staffing, and/or inter-government collaborations;
- Then he would ask Staff what the City's strengths, weaknesses, opportunities, and challenges are, and what input they would want to give the Commission regarding the City's strategic plan;
- Then the Commission would host an evening of community discussion, where residents could attend and give input in small groups;
- While a survey would be possible, he has never seen a survey reflect a different outlook than the one reported by Commissioners and Staff;
- Then there is a final evening to pull it all together, where the Commission selects three to five goals based off of their initial tour designs, the feedback from Staff, and the feedback from residents;
- Then they work to determine the key objectives supporting each goal area, and instead of focusing on

'priorities', he asks what is doable in each goal area in one year;

- He would then write that up in a report, which would be submitted to the City Manager, who would review the report with his leadership team to ensure it aligns with the Commission's direction. Finally, there would be a process of revision and adoption;
- He generally recommends that a City's Commission discuss some aspect of the strategic once a month;
- Once adopted, a strategic plan has to be engaged with and implemented by the Commission and by Staff;
- The strategic plan process will be tailored to Birmingham because the emphasis will be on ensuring that the City takes ownership of the process. He would provide guidance but it would be entirely informed by the City's elected and appointed leaders;
- The challenges tend to be scheduling and getting public input. The Commission and Staff would have to actively promote the process to the community in order to receive input. Providing dinner and childcare are two ways that he has been able to help increase public turnout at the community discussion; and,
- He is set apart from other consultants because he has been doing strategic planning for about 40 years, because he is very familiar with local government, and because he is largely Michigan-focused in his work.

In reply to Commission inquiry, Dr. Bender explained:

• Commissioners could promote public attendance at the community discussion by giving a brief presentation on the strategic planning process at other meetings in the community and extending an invitation. Another way is through social media, City billing, and other City communications.

In reply to Dr. Bender, the Mayor explained the Commission was interested in strategic planning because:

- The City is continuing to go through change, including a new City Manager in the near future, and the Commission wants to have a road map for the City; and,
- Some on the Commission were frustrated that the City's current budgeting and long-range planning are largely operational in focus, and leave little room for visioning or priority-setting.

In conclusion, ACTM Fairbairn asked the Commissioners to submit their evaluations of the candidates at their earliest convenience and said she hoped to return with a proposed contract at the June 27, 2022 Commission meeting.

IV.	Public Comment	

Mayor Longe adjourned the meeting at 7:18 p.m.

Adjourn

V.

Ø \_ 0

Laura Eichenhorn City Transcriptionist

#### Birmingham City Commission Minutes DRAFT June 13, 2022

## Municipal Building, 151 Martin

7:30 p.m.

Vimeo Link: https://vimeo.com/722674767

## I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

## II. ROLL CALL

Alexandria Bingham, City Clerk, called the roll.

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

Absent: Commissioner Baller

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

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

### Announcements

Per the CDC, Oakland County has a COVID-19 Community level and transmission level of **HIGH**. The City continues to highly recommend the public wear masks while attending City meetings per CDC guidelines. These precautions are due to COVID-19 transmission levels remaining high in Oakland County that have led to an increase in infections of City employees and board members. All City employees, commissioners, and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. This is to ensure the continuity of government is not affected by an exposure to COVID-19 that can be prevented by wearing a mask. The City continues to provide KN-95 respirators and triple-layered masks for all in-person meeting attendees.

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

Daniel Teahan of Hall & Hunter reiterated his request that vehicles coming from Ann Street north of Frank be allowed to either turn right on Frank or to continue south on Ann, and described his interactions with Staff regarding the matter since he spoke at the Commission's May 23, 2022 meeting.

State Senator Marshall Bullock stated he remained committed to serving Birmingham in the State Senate.

Dan Marsh, Executive Director of the Birmingham YMCA, updated the Commission on current Birmingham YMCA programming.

### 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.

#### 06-152-22 Consent Agenda

The following items were pulled from the Consent Agenda:

Commissioner McLain:

Item K – Gap Funding for the CoRe Program and Support for a "Letter of Commitment" from Oakland County Health Network and CoRe Member Agencies to Expand the CoRe Program

Commissioner Haig: Item M – Set Public Hearing to amend Article 4, Section 4.30, Open Space Standards, to add language to permit accessibility ramps in the required open space.

Item P – Special Event: 2022 Birmingham Cruise Event

**MOTION:** Motion by MPT Boutros, Commissioner Host: To approve the Consent Agenda excluding Items K, M, and P.

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

Nays, None

- A. Resolution to approve the City Commission meeting minutes of May 23, 2022.
- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated May 25, 2022, in the amount of \$1,373,431.15.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated June 1, 2022, in the amount of \$1,399,577.65.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated June 8, 2022, in the amount of \$711,825.41.
- E. Resolution to approve the purchase of a complete set of Holmatro extrication tools and accessories from West Shore Fire in the amount not to exceed \$59,459.63 from Fire Department Machinery and Equipment fund #101-336.000-971.0100 subject to the approval of the annual FY 2022-2023 budget. In addition, to authorize the Mayor, City Clerk, City Manager, City Attorney, Finance Director, and Fire Chief to sign the purchase agreement on behalf of the City.
- F. Resolution to approve the purchase of a MAKO BAM06H Breathing Air Module and SSCFS3-4HP MAKO Three Position SCBA/SCUBA Containment Fill Station from West Shore Fire in the amount not to exceed \$50,637.35 from Fire Department Machinery and Equipment fund #101-336.000-

971.0100 subject to the approval of the annual FY 2022-2023 budget. In addition, to authorize the Mayor, City Clerk, City Manager, City Attorney, Finance Director and Fire Chief to sign the agreement on behalf of the City.

- G. Resolution to approve the purchase of a QuantiFit2 Respirator Fit Test System from OHD, LLLP in the amount not to exceed \$8,920.00 from Fire Department Machinery and Equipment fund #101-336.000-971.0100 subject to the approval of the annual FY 2022-2023 budget. In addition, to authorize the Fire Chief to approve the purchase order on behalf of the City.
- H. Resolution to purchase thirteen (13) APX6000 portable radios with required accessories from Motorola in the amount of \$87,732.00 from the State of Michigan MI Deal purchasing contract #19000001544 and \$6,250 for licensing rights from Michigan Public Safety Communication System (MPSCS) not to exceed a total of \$93,982.00 from Fire Department Machinery and Equipment fund #101-336.000-971.0100 and Emergency Management Miscellaneous fund #101-337.000-962.0000 subject to the approval of the annual FY 2022-2023 budget. In addition, to authorize the Fire Chief to approve the purchase order on behalf of the City.
- I. Resolution to approve an agreement with L.G.K. Construction, Inc., for Birmingham Museum-Allen House Visitor Doors Refinishing Project in the amount not to exceed \$12,850. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for this project has been budgeted in account #101-804.002-811.0000.
- J. Resolution approving a one-year contract between the City and Oakland County for assessing services for the period of July 1, 2022 through June 30, 2023 and authorize the mayor and the City clerk to sign the agreement on behalf of the City.
- L. Resolution to set a public hearing date of July 11, 2022 to amend Article 2, Sections 2.04, 2.06, 2.08 and 2.10 of the Zoning Ordinance to modify the minimum front yard setback requirement.
- N. Resolution to set a public hearing date of July 11th, 2022 to consider the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 185 N. Old Woodward – Bell Bistro – to allow for interior and exterior renovations at an existing bistro and the addition of a new outdoor dining area on public/private property on N. Old Woodward.
- O. Resolution to set a public hearing date of July 11th, 2022 to consider the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 310 E. Maple Casa Pernoi to allow for the expansion of the outdoor seating arrangement.
- Q. Resolution to approve a request by the Birmingham Shopping District to hold the 2022 Santa House special event beginning the weekend of November 26, 2022 through December 24, 2022 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
- R. Resolution to approve a request from the Birmingham Shopping District to hold the 2022 Winter Markt special event on Friday, December 2 Sunday, December 4, 2022 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
- S. Resolution to authorize the Mayor to sign the National League of Cities Open Letter to Congress on Gun Violence Prevention.

## 06-153-22 (Item K) Gap Funding for the CoRe Program and Support for a "Letter of

#### Commitment" from Oakland County Health Network and CoRe Member Agencies to Expand the CoRe Program

Commissioner McLain said she was pleased the City continued to participate in the CoRe Program and said she was glad the program would be expanded with the addition of the City of Rochester. She said the CoRe Program is critical.

Commissioner Host concurred with Commissioner McLain.

The Mayor added her support for the resolution, saying it was an excellent idea.

CM Markus provided a brief summary of the CoRe Program.

**MOTION:** Motion by Commissioner McLain, seconded by MPT Boutros: To provide gap funding in the amount of \$18,667.00 to support the continuation of the CoRe program from April 1, 2022 through September 30, 2022. Sufficient funds are available in the police department's salaries and wages account (account# 101-301.000-702.0001) in both the 2021-2022 budget and the 2022-2023 budget to cover this cost

And

To support the City of Birmingham's commitment to allocate and dedicate the resources necessary for the continuation and expansion of the CoRe program subject to the additional funding from the "Community Projects" grant as part of the American Rescue Plan Act (ARPA) as detailed in the OCHN "Letter of Commitment". This plan includes an additional OCHN full time mental health clinician and the addition of the City of Rochester, MI to the CoRe team. Furthermore, to authorize the Chief of Police to sign the "Letter of Agreement" agreement on behalf of the City.)

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

Nays, None

#### 06-154-22 (Item M) Set Public Hearing to amend Article 4, Section 4.30, Open Space Standards, to add language to permit accessibility ramps in the required open space.

In reply to Commissioner Haig, PD Dupuis confirmed the public hearing would include consideration of the phrase 'and width' as shown on page 190 of the evening's agenda packet.

Commissioner Host voiced his support for the proposed ordinance amendment and thanked Staff for their work on the item.

CM Markus briefly summarized the purpose of the proposed ordinance amendment to be considered at the public hearing.

Commissioner McLain noted NEXT has resources to support community members who may need to install a ramp.

**MOTION:** Motion by Commissioner Haig, seconded by Commissioner Host: Resolution to set a public hearing date of July 11, 2022 to amend Article 4, Section 4.30 of the Zoning Ordnance to include provisions for accessible ramps that do not unintentionally inhibit persons in need as it relates to open space restrictions.

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

Nays, None

## 06-155-22 (Item P) Special Event: 2022 Birmingham Cruise Event

Commissioner Haig asked if the City could help mitigate the potential traffic and parking impact of this event for residents of Ruffner, Cole, Webster, and Holland.

ACM Ecker stated that vehicles are permitted to park in non-permit parking areas. She noted that parking enforcement could be called for any vehicles parking in front of driveways or in front of yellow curbs zones. She noted that the Fire Department would be paying close attention to those roads to ensure an egress path in case of emergency as well.

CM Markus said he would express Commissioner Haig's concerns to the Police and Fire Chiefs and would ask them to discuss the matter with their departments.

In reply to the Mayor, ACM Ecker said there has been no further discussion with Papa Joe's.

In reply to Commissioner Haig, CM Markus confirmed that the BSD has liability insurance coverage that includes the adjacent MDOT right-of-way.

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

To approve a request from the Birmingham Shopping District to hold the 2022 Birmingham Cruise special event, on Saturday, August 20, 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, with the addition that Commissioner Haig's comments be conveyed to the Fire and Police Departments for further review.

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

Nays, None

## VI. UNFINISHED BUSINESS

None.

#### VII. NEW BUSINESS 06-156-22 Public Hearing - 243 E. Merrill - La Strada Special Land Use Permit

The Mayor recused herself at 7:58 p.m. citing a business relationship between her spouse and the establishment.

MPT Boutros assumed facilitation of the meeting at 7:58 p.m. and opened the public hearing.

PD Dupuis reviewed the item.

John Henke, attorney, was present on behalf of the request.

MPT Boutros closed the public hearing at 8:02 p.m.

In reply to Commissioner Haig, Mr. Henke stated that the area of interior blank space on the plans may accommodate an expanded kitchen in the future, and may accommodate the retail aspect of the business in the interim. He confirmed that there would be no interior seating added to that or any area beyond what the plans allow.

Commissioner Haig said he was satisfied in regards to the SLUP, but was concerned with establishing a precedent by allowing the outdoor dining deck request since the City has no formal policy regarding the allocation of outdoor dining decks. He noted that the Advisory Parking Committee has expressed a need for a formal policy to guide outdoor dining deck recommendations and decisions. He recommended that the topics be handled separately.

CM Markus said the Planning Board was working on such a policy, and that the topic would be before the Commission and the Planning Board at their joint meeting on June 20, 2022. He said the applicant has also been diligent about going through this process appropriately, noting that their outdoor dining deck during the Covid-19 emergency was attentive to maintaining the public walkway and was one of the more compliant decks.

Commissioner Host said that while he was split, La Strada was one of the compliant decks during the Covid-19 emergency and noted there were no issues. He added that the SLUP would allow the Commission to address any potential issues that could arise, and said he was comfortable moving forward on that basis.

Commissioner McLain said that while it would be preferable to have clear outdoor dining deck guidelines, the City is in a period of transition regarding these policies. She noted that there is an adjacent parking deck so the loss of the two parking spaces to the proposed outdoor dining deck would not be significant, that the applicant has appropriately gone through the review process, and that the outdoor dining deck would have a traffic calming effect. She said that she was in favor of the item for those reasons, noting additionally that there would be further conversation regarding outdoor dining decks between the Commission and Planning Board at their joint meeting.

In reply to CM Markus, CA Kucharek clarified that the SLUP could be reopened in the case of a violation by La Strada. She also noted that paragraph three of the SLUP prohibits a change in the number of seats. Consequently, if the SLUP and the outdoor dining deck were split as per Commissioner Haig's request, La

Strada would have to return for a SLUP amendment.

PD Dupuis noted that the recent increase in outdoor dining applications came from establishments that had outdoor dining during the Covid-19 emergency. He said at this point all but one of those establishments has received outdoor dining and that he did not anticipate a similar number of requests to continue.

MPT Boutros expressed that proprietor of La Strada has been a model business owner in the City, and agreed with Commissioner McLain that the applicant appropriately participated in the review process. He said he was supportive of request.

Commissioner Haig said that since he had expressed his policy concerns regarding outdoor dining decks, was supportive of the SLUP, and had heard that this applicant was particularly compliant he would move the suggested resolution.

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

To approve the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 243 E. Merrill – La Strada – to allow for the expansion of the existing bistro and the associated interior renovations and the addition of a new outdoor dining platform in the Merrill St. right-of-way with the following condition:

• The applicant must install city-standard tree grates in the two (2) tree boxes adjacent to their storefront and outdoor dining facilities.

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

Nays, None

## 06-157-22 Historic Design Guidelines – Consultant Selection

The Mayor rejoined the meeting and resumed facilitation.

PD Dupuis presented the item.

In reply to Commissioner Host, CM Markus stated that since both firms are qualified, certified by the State Historic Preservation Office, and acknowledged by the Historic District Commission to be comparable, the City in his view is obligated to go with the lower bidder.

In reply to Commissioner Haig, PD Dupuis said he asked the CLG Coordinator why the City received such a wide price range in the bids. He said the CLG Grant Coordinator explained that in the niche field of Michigan historic preservation, there are varying firms sizes, levels of experience, locations, and histories, which result in a wide range of big amounts for projects.

Commissioner Host commended PD Dupuis on receiving the grant.

**MOTION:** Motion by Commissioner Haig, seconded by Commissioner Host:

To approve an agreement with Kraemer Design Group for historic services in the amount not to exceed \$20,000. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for this project has been budgeted in account # 101-721.000-811.0000.

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

Nays, None

## 06-158-22 Charter Amendment to Chapter IV of the Birmingham City Charter

CA Kucharek reviewed the item.

**MOTION:** Motion by MPT Boutros, seconded by Commissioner Haig:

To rescind Resolution 05-136-22 and pass a resolution to change the minimum and maximum qualifying signatures needed for nominating petitions to a minimum of forty (40) and a maximum number of one hundred (100), to be in line with state law and to direct the City Clerk to notify the Attorney General of the rescission of the original Resolution No. 05-136-22.

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

Nays, None

## 06-159-22 Revised Charter Amendment to Chapter VI of the Birmingham City Charter

CA Kucharek reviewed the item.

**MOTION:** Motion by MPT Boutros, seconded by Commissioner Schafer:

To rescind Resolution No. 05-137-22 previously adopted at the May 9, 2022 City Commission meeting and adopting a revised resolution to amend the City of Birmingham Charter, Chapter VI. – CONTRACTS, Sections 1., 2., and 3., as suggested by the Attorney General's Office and as attached hereto, and to direct the Mayor's signature for approval and the Clerk to proceed as dictated by state law.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros Commissioner McLain Commissioner Schafer Commissioner Haig Mayor Longe Commissioner Host Nays, None

### 06-160-22 2022-2023 Budget Appropriations Resolution

FD Gerber presented the item.

In reply to Commissioner Haig, CM Markus explained how the City generally approaches taxable value and mills. He then stated that while he appreciated the Commissioner's idea of creating a buffer for a recession, the proposed mechanism would only add about \$14,000 in revenue. He noted he was with Birmingham during a previous recession and that the City has to find ways to balance a recession on the revenue and expense side. He said that it is generally not possible to tax one's way out of a recession.

In reply to the Mayor, the City Manager said it was not yet known how the new commercial developments in the City would be assessed but said he expects them to be significant.

The Mayor noted the City was fortunate to have developments in the pipeline.

**MOTION:** Motion by Commissioner Haig, seconded by MPT Boutros:

To approve the budget appropriations resolution, adopt the City of Birmingham's budget and establish the total number of mills for ad valorem property taxes to be levied for the fiscal year commencing July 1, 2022 and ending June 30, 2023

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

Nays, None

#### 06-161-22 Water/Sewer Rate Changes for 2022-2023

FD Gerber presented the item.

Commissioner McLain said the final two slides of FD Gerber's presentation were extremely helpful in explaining changes and asked that Staff make those two slides more easily accessible by the public.

**MOTION:** Motion by MPT Boutros, seconded by Commissioner Host:

To amend the Schedule of Fees, Charges, Bonds and Insurance for changes in water, sewer, storm water, industrial surcharge, and industrial waste control charge rates effective for bills with read dates on or after July 1, 2022 as recommended in the staff report.

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

Nays, None

## 06-162-22 4th Quarter Budget Amendment

FD Gerber reviewed the item.

**MOTION:** Motion by Commissioner Host, seconded by MPT Boutros: To approve the appropriations and amendments to the fiscal year 2021-2022 budget as follows:

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Total Revenue Adjustments		<u>\$ (175,000)</u>	
Expenditures: Construction Street Trees Street Maintenance Total Expenditure Adjustments	203-449.001-981.0100 203-449.005-819.0000 203-449.003-702.0001 203-449.003-941.0000	\$ (175,000) 125,000 (75,000) <u>(50,000)</u> <u>\$ (175,000)</u>	
Solid Waste: Revenues:			
Interest and Rent Total Revenue Adjustments	226-000.000-664.0000	\$ <u>(60,000)</u> <u>\$(60,000)</u>	
Expenditures: Other Contractual Services 582.000-827.0100 <u>\$ (60,000)</u> Total Expenditure Adjustments		<u>\$ (60,000)</u>	226-
Brownfield Redevelopment Fund: Revenues:			
Draw from Fund Balance Property Taxes Interest and Rent Total Revenue Adjustments	243-000.000-400.0000 243-000.000-402.0001 243-000.000-664.0000	\$    5,000 59,000 <u>(5,000)</u> <u>\$  59,000</u>	
<u>Expenditures:</u> Brownfield Fund Total Expenditure Adjustments	243-691.000-967.0100	<u>\$ 59,000</u> <u>\$ 59,000</u>	
Principal Shopping District Fund: Revenues:			
Interest and Rent Total Revenue Adjustments	247-000.000-664.0000	<u>(33,000)</u> <u>\$(33,000)</u>	
<u>Expenditures:</u> Principal Shopping District Fund Total Expenditure Adjustments	247-748.000-702.0001	<u>\$ (33,000)</u> <u>\$ (33,000)</u>	
Debt Service Fund: Revenues:			
Draw from Fund Balance Interest and Rent Total Revenue Adjustments	308-000.000-400.0000 308-000.000-664.0000	\$   8,000 <u>(8,000)</u> \$     0	

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

Nays, None

#### 06-163-22 Special Event - Dog Days of Summer

The Mayor disclosed that her employer made a philanthropic grant award to the Michigan Humane Society for a dog-bite education program for fiscal year 2022. She stated that the City Attorney recommended disclosure but did not believe the matter rose to a conflict-of-interest.

The City Attorney concurred.

CC Bingham presented the item.

Deb Scola, from Michigan Human, spoke on behalf of the request. She provided a brief overview of the proposed event and described what factors go into making a community pet-friendly.

The Mayor said it would be helpful if Michigan Humane provided information during the event that responsible dog owners walk with leashes.

Ms. Scola agreed.

**MOTION:** Motion by MPT Boutros, seconded by Commissioner Host:

To approve a special event permit as requested by Michigan Humane to hold the Dog Days of Summer Event on Saturday August 6, 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.

Commissioner Host offered his support for the event.

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

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.

## 06-164-22 Forming a Sustainability Board

**MOTION:** Motion by Commissioner Schafer, seconded by Commissioner Host: To draft an ordinance or mission statement for the formation of a Sustainability Board, with representation from certain other City boards and committees and from interested and qualified community members.

Commissioner McLain offered her support.

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

Nays, None

#### **Commission Discussion On Items From Previous Meetings**

#### VIII. REMOVED FROM CONSENT AGENDA

#### IX. COMMUNICATIONS

A. 479 South Old Woodward Correspondence

CA Kucharek introduced the topic. She noted that she did not want to go into detail on the topic due to the prospect of litigation.

Stephen Estey, attorney, and Doraid Markus, co-owner of 469-479 S. Old Woodward, spoke regarding the request.

MPT Boutros said he would be willing to hear more about this topic on a future agenda. He described the reasons he was in favor of doing so.

In reply to an inquiry from Commissioner Host, Mr. Estey confirmed there is an approved site plan but said it was not what Mr. Markus was ultimately interested in building on the property.

In reply to the same inquiry from Commissioner Host, CM Markus said that proposal was an acknowledgment of the factual basis of what can be developed on the site.

Commissioner Host said he was not in favor of hearing more about the request at a future meeting since a site plan was already approved.

Commissioner McLain said that while she wanted all parties to have a fair say, the Commission also had an obligation avoid creating legal exposure for the City.

CM Markus and CA Kucharek reviewed some of their reasons for recommending the Commission not grant the request.

Mr. Estey said that if the Commission were to hear more about this item on a future agenda he would agree not to use the content of that discussion in future potential litigation.

The City Attorney noted that even if specific aspects were not cited, Mr. Estey could still prepare his arguments for litigation based off the content of that discussion.

MPT Boutros made a motion to direct the City Manager to place this item on a future agenda. The motion failed for lack of a second.

#### X. REPORTS

- A. Commissioner Reports
  - 1. Notice of Intention to Appoint to the Greenwood Cemetery Advisory Board
- B. Commissioner Comments

Commissioner Host expressed appreciation for the Birmingham community, noting in particular two residents who had recently been featured in the Birmingham Eccentric.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
  - D. Legislation
  - E. City Staff
    - 1. NEXT Resolutions Update from CM Markus
      - a. Village of Beverly Hills
      - b. Village of Bingham Farms

#### INFORMATION ONLY

#### XI. ADJOURN

Mayor Longe adjourned the meeting at 10:17 p.m.

Alexandria Bingham City Clerk

Laura Eichenhorn City Transcriptionist

neck Number	Early Release	Vendor #	Vendor	Amount
PAPER CHECK				
286122	*	005430	21ST CENTURY MEDIA- MICHIGAN	2,470.00
286123	*	006965	7UP DETROIT	144.21
286124		008106	ACUSHNET COMPANY	520.35
286125	*	MISC	ALL AMERICAN ARENA PRODUCTS	1,604.38
286127		BDREFUND	ANTHONY BRANHAM	100.00
286130	*	006759	AT&T	164.57
286131		003012	BATTERIES PLUS BULBS	205.00
286132		BDREFUND	BESHOURI RESIDENTIAL DEVELOPMENT	500.00
286133		002231	BILLINGS LAWN EQUIPMENT INC.	90.16
286134		BDREFUND	BINGHAM DEVELOPMENT LLC	2,000.00
286135	*	MISC	BIRMINGHAM CONCERT BAND	350.00
286136	*	MISC	BIRMINGHAM CONCERT BAND	1,500.00
286138		BDREFUND	BLOCK, JOSHUA	500.00
286139		BDREFUND	BLOOMFIELD CONSTRUCTION CO	100.00
286140		004244	BOLYARD LUMBER	52.90
286141		003526	BOUND TREE MEDICAL, LLC	685.49
286142		006966	BRIDGESTONE GOLF, INC	1,468.90
286143	*	006953	JACQUELYN BRITO	173.04
286144	*	009490	OLIVIA BROWN	51.12
286145		003907	CADILLAC ASPHALT, LLC	851.45
286146		007933	CARDNO, INC.	4,741.29
286147	*	000444	CDW GOVERNMENT INC	1,244.22
286148	*	000605	CINTAS CORPORATION	90.85
286149	*	BLREFUND	CITY OF BIRMINGHAM	1,000.00
286150		MISC	CLOSE QUARTERS TACTICAL	1,800.00
286151		002234	CMP DISTRIBUTORS INC	3,865.66
286152		004188	COFFEE BREAK SERVICE, INC.	88.25
286153	*	008955	COMCAST	466.22
286155	*	000627	CONSUMERS ENERGY	418.38
286156		008512	COOL THREADS EMBROIDERY	289.96
286157	*	MISC	DONALD JACKSON	1,000.00
286158	*	000179	DTE ENERGY	607.28
286159	*	000179	DTE ENERGY	160.99
286160	*	000179	DTE ENERGY	929.71
286161	*	000179	DTE ENERGY	92.63
286162	*	000179	DTE ENERGY	34.13
286163		007702	EASY PICKER GOLF PRODUCTS, INC	332.71
286164	*	007538	EGANIX, INC.	720.00
286165	*	009100	ENZO WATER SERVICE	330.00
286166		BDREFUND	EVOLUTION POOLS	1,000.00
286167		BDREFUND	FAST SIGNS OF BIRMINGHAM	300.00
286168		MISC	faulk & foster real estate, inc $\mathbf{5C}$	100.00

neck Number	Early Release	Vendor #	Vendor	Amount
286169		BDREFUND	FOUNDATION SYSTEMS OF MICHIGAN INC.	100.00
286170		BDREFUND	FOUR SEASONS ROOFING & SHEET METAL	100.00
286171		BDREFUND	FUSION CONTRACTING LLC	200.00
286172	*	004604	GORDON FOOD	2,738.77
286173		009275	GREAT LAKES COCA-COLA DISTRIBUTION	300.35
286174		001663	SCOTT GREWE	97.52
286175		001531	GUNNERS METER & PARTS INC	2,399.00
286176	*	001956	HOME DEPOT CREDIT SERVICES	150.90
286177		BDREFUND	HOME INSPECTION PLUS INC	200.00
286178		001415	HORNUNG'S PRO GOLF SALES INC	63.19
286179	*	001307	JOSHUA HUSTED	316.37
286180	*	009500	IBM CORPORATION	2,893.88
286181		BDREFUND	INTERNATIONAL BUILDERS	100.00
286182	*	009401	IRENE S WASSEL	500.00
286183		000344	J.T. EXPRESS, LTD.	966.52
286186	*	009249	JCC CREATIVE LLC	725.00
286187		008564	JERRY'S TIRE INC	1,954.00
286188		003366	JOE'S ARMY NAVY	72.00
286189	*	009238	KATHERINE ROSE COLLINS	180.00
286190		004088	KGM DISTRIBUTORS INC	327.00
286191	*	002659	CHRISTOPHER KOCH	94.86
286192		001575	KUSTOM SIGNALS INC	2,455.00
286193	*	008553	L.G.K. BUILDING, INC	6,000.00
286194	*	009311	LAGINESS & SONS LLC	1,000.00
286195	*	008792	JOSEPH LAMBERT	51.12
286196	*	009386	LAW OFFICE OF BRIAN P. FENECH	550.00
286197	*	009388	LAW OFFICE OF PATRICK G. GAGNIUK	350.00
286198		006817	LEXISNEXIS RISK DATA MANAGEMENT INC	100.40
286199		BDREFUND	LIVE WELL CUSTOM HOME LLC	850.00
286200		BDREFUND	LIVING SPACE DETROIT	200.00
286201		000888	MCKENNA ASSOCIATES INC	25,222.13
286202		009445	MCSA GROUP, INC.	3,005.50
286203		BDREFUND	MERRILLWOOD INVESTMENT LLC	200.00
286205		BDREFUND	MHB CUSTOM CONSTRUCTION	1,000.00
286206		BDREFUND	MICHIGAN ASPHALT PAVING	100.00
286207		007479	MICHIGAN BREAD BAKERY	66.80
286208		BDREFUND	MICHIGAN CUSTOM SIGNS	300.00
286209		007163	MOBILE HEALTH RESOURCES	1,995.16
286210		004879	MOTOROLA SOLUTIONS INC	95,814.30
286211		008592	NATIONAL HOSE TESTING SPECIALTIES I	2,043.10
286212		008687	NORTH BREATHING AIR, LLC	165.00
286213		BDREFUND	OAKES ROOFING SIDING & WINDOWS INC	100.00
286214		001174	OAKLAND CO MEDICAL CONTROL AUTH.	75.00

Check Number	Early Release	Vendor #	Vendor	Amount
286215	*	004370	OCCUPATIONAL HEALTH CENTERS	642.00
286216	*	009478	ODP BUSINESS SOLUTIONS, LLC	802.03
286217		BDREFUND	OUR SHEPHERD LUTHERAN CHURCH	100.00
286218		BDREFUND	PALADINO HOMES, INC	1,000.00
286219	*	001753	PEPSI COLA	643.60
286220		006959	PHOENIX COMMUNICATIONS & CABLING	2,230.75
286221		BDREFUND	PIPIA, ANTHONY M	10,000.00
286223		BDREFUND	PLUMBERZ NORTH AMERICA	100.00
286224	*	000801	POSTMASTER	1,410.00
286225	*	000801	POSTMASTER	1,864.46
286226		007170	PRO PUMP CONTROLS INC	512.94
286227	*	006625	PTS COMMUNICATIONS, INC	78.00
286228		002852	QMI GROUP INC	60.00
286229	*	009397	RABAA PLLC	250.00
286230		005379	RED WING BUSINESS ADVANTAGE ACCT	580.46
286231		002566	REYNOLDS WATER	204.50
286232		BDREFUND	RIASHI CONTRACTING INC	200.00
286233	*	002806	SAM'S CLUB/SYNCHRONY BANK	189.85
286234	*	007898	JEFFREY SCHEMANSKY	150.00
286235		BDREFUND	SCHOENHERR HOMES LLC	100.00
286236	*	MISC	SERV-ICE REFRIGERATION, INC.	949.28
286237		009178	SERVICE GLASS COMPANY INC	359.02
286239	*	009009	SIGNATURE CLEANING LLC	5,975.47
286240	*	007514	SIGNS BY CRANNIE, INC.	391.19
286241		000260	SPARTAN DISTRIBUTORS INC	332.77
286242		002809	STATE OF MICHIGAN	759.58
286243		006783	STATE OF MICHIGAN	120.00
286245	*	001076	TAYLOR FREEZER OF MICH INC	325.00
286246	*	009384	THE EDITH BLAKNEY LAW FIRM, PLLC	300.00
286247		007226	VALLEY CITY LINEN, INC	131.55
286248	*	000293	VAN DYKE GAS CO.	140.45
286249		MISC	VANTAGE APPAREL	1,146.47
286250		003416	CHERYL VASSALLO	140.00
286252	*	000158	VERIZON WIRELESS	76.02
286253	*	000158	VERIZON WIRELESS	1,314.66
286254	*	000158	VERIZON WIRELESS	151.19
286255		004497	WATERFORD REGIONAL FIRE DEPT.	166.00
286256		008408	WISS, JANNEY, ELSTNER ASSOC. INC	7,500.00
286257		002416	P&W GOLF SUPPLY LLC	5,772.96
286258	*	007620	WJE-WISS, JANNEY, ELSTNER ASSOC.INC	6,085.00
286259	*	008391	XEROX CORPORATION	448.87
286260	*	006318	FRANK J ZAMBONI CO. INC	550.78

\$243,521.57

eck Number	Early Release	Vendor #	Vendor	Amount
ACH TRANSACI	<u>FION</u>			
5418	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	22,657.32
5419	*	002284	ABEL ELECTRONICS INC	1,910.00
5420		009126	AMAZON CAPITAL SERVICES INC	1,061.47
5421	*	009383	BATTI LAW PLLC	2,670.00
5422	*	007345	BEVERLY HILLS ACE	187.13
5423		006683	BIRMINGHAM LAWN MAINTENANCE, INC	568.00
5424	*	000542	BLUE WATER INDUSTRIAL PRODUCTS INC	84.00
5425	*	000546	KAREN D. BOTA	2,230.00
5426	*	009396	CECILIA QUIRINDONGO BAUNSOE	500.00
5427		009423	CITY OF BIRMINGHAM #247	53,512.35
5428	*	008044	CLUB PROPHET	540.00
5429	*	001077	DUNCAN PARKING TECH INC	9,762.75
5430	*	000243	GRAINGER	35.96
5431		000331	HUBBELL ROTH & CLARK INC	13,675.00
5432	*	009390	IDUMESARO LAW FIRM, PLLC	300.00
5433	*	000261	J.H. HART URBAN FORESTRY	22,889.25
5434	*	003458	JOE'S AUTO PARTS, INC.	108.70
5435	*	000891	KELLER THOMA	453.75
5436	*	004085	KONE INC	2,086.45
5437	*	003404	LADUKE ROOF.& SHT.METAL CORP	771.21
5438	*	009392	LAMB LEGAL CONSULTING SERVICES	300.00
5439	*	009385	LAW OFFICE OF MICHAEL J. DICK	850.00
5440	*	008158	LOGICALIS INC	9,700.00
5441	*	009398	MARCIA C ROSS PC	600.00
5442	*	009124	ALEXANDRA MERCURIO	538.62
5444	*	009400	N.L. SMITHSON & ASSOCIATES PLLC	250.00
5446	*	006359	NYE UNIFORM COMPANY	159.50
5447	*	002767	OSCAR W. LARSON CO.	866.92
5448		003351	PAMAR ENTERPRISES INC	471,171.14
5449	*	003785	SIGNS-N-DESIGNS INC	720.00
5450	*	004355	SYMETRA LIFE INSURANCE COMPANY	30,085.52
5451	*	000969	VIGILANTE SECURITY INC	517.50
5452	*	009402	WILKERSON LAW, PLLC	250.00
5453	*	007900	RYAN WISEMAN	150.00
5454		002088	WM. CROOK FIRE PROTECTION CO.	1,125.00
5455	*	009379	YELLOW DOOR LAW	3,750.00

SUBTOTAL ACH TRANSACTION

\$657,037.54

Check Number Early Release Vendor # Vendor

Amount

GRAND TOTAL

\$900,559.11

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

Jack Surtu.

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.

Check Number	Early Release	Vendor #	Vendor	Amount
PAPER CHECK				
286261	*	000855	48TH DISTRICT COURT	939.00
286262	*	006965	7UP DETROIT	180.45
286263	*	MISC	AIR HANDLERS SERVICE CORP.	1,575.00
286264		003708	AIRGAS USA, LLC	274.13
286266		BDREFUND	Allied Construction and Restoration	200.00
286267		BDREFUND	ARNOLD ROOFING & CONSTRUCTION INC	100.00
286268		000500	ARTECH PRINTING INC	3,041.00
286269	*	006759	AT&T	322.20
286270	*	006759	AT&T	605.61
286271	*	009381	ATTISHA LAW PLC	250.00
286273	*	008355	BIRMINGHAM PUBLIC SCHOOLS	61,452.00
286274		004244	BOLYARD LUMBER	6,159.60
286275		003526	BOUND TREE MEDICAL, LLC	1,748.24
286275	*	003526	BOUND TREE MEDICAL, LLC	5,999.99
286276	*	006953	JACQUELYN BRITO	64.93
286277		009502	CHRIS BUKOSKI	151.58
286278		BDREFUND	C & G CEMENT CONTRACTORS INC	100.00
286279		000571	CAR TRUCKING INC	2,000.00
286280	*	000444	CDW GOVERNMENT INC	4,169.50
286282		BDREFUND	Choate Custom Homes	200.00
286283		000605	CINTAS CORPORATION	26.60
286284		000605	CINTAS CORPORATION	164.06
286285		000605	CINTAS CORPORATION	409.21
286286	*	008006	CLEAR RATE COMMUNICATIONS, INC	1,342.73
286287		MISC	CLEARVIEW MEDIA	2,860.00
286288		002234	CMP DISTRIBUTORS INC	4,059.00
286289	*	008955	COMCAST	277.96
286290	*	000627	CONSUMERS ENERGY	3,282.28
286291		BDREFUND	DANSWAY CONSTRUCTION	300.00
286292		BDREFUND	DISCOVER PLUMBING INC	763.00
286293		BDREFUND	DOOLITTLE, CHRISTINA	100.00
286294		BDREFUND	DOUGLAS QUADA & KATHRINE A KEL	500.00
286295	*	000180	DTE ENERGY	8,649.23
286296		007045	DYNAMIC BRANDS	143.00
286298		001495	ETNA SUPPLY	375.00
286299		BDREFUND	FAIRPLAY HOME MAINTENANCE	100.00
286300		001223	FAST SIGNS	2,201.92
286301		BDREFUND	FOUNDATION SYSTEMS OF MICHIGAN INC.	100.00
286302		BDREFUND	GARDNER SIGNS INC	300.00
286303		BDREFUND	GIBSON, RICHARD W	100.00
286304		BDREFUND	GILLETTE BROTHERS POOL & SPA	2,368.75
286305	*	006388	GODDARD COATINGS COMPANY	1,400.00
200303	^	00000	5D	1,400.00

leck Number	Early Release	Vendor #	Vendor	Amount
286306	*	004604	GORDON FOOD	979.16
286307		BDREFUND	GREEN, NICHOLAS D	100.00
286308		001663	SCOTT GREWE	579.60
286309		000249	GUARDIAN ALARM	259.05
286310		007466	HOME BUILDERS ASSOC. OF SE MI	600.00
286311	*	001956	HOME DEPOT CREDIT SERVICES	1,301.90
286312		BDREFUND	HOME INSPECTION PLUS INC	200.00
286316	*	009401	IRENE S WASSEL	250.00
286317		BDREFUND	JMZ CEMENT LLC	100.00
286318		BDREFUND	KASCO INC	200.00
286319		004088	KGM DISTRIBUTORS INC	330.00
286320	*	009386	LAW OFFICE OF BRIAN P. FENECH	700.00
286321		009503	LAW OFFICE OF KEVIN G. PELKEY, PLLC	600.00
286322	*	009388	LAW OFFICE OF PATRICK G. GAGNIUK	1,870.00
286324		009375	LITHIA MOTORS, INC SUPPORT SERVICES	1,766.81
286325	*	MISC	LIVE WELL CUSTOM HOMES LLC	2,500.00
286326		BDREFUND	LJ PROPERTIES MI LLC	500.00
286327		009085	MGSE SECURITY LLC	175.00
286328		BDREFUND	Michael J Zannoli	100.00
286329		002207	MICHIGAN AUTOMATIC SPRINKLER, INC.	230.50
286329	*	002207	MICHIGAN AUTOMATIC SPRINKLER, INC.	551.70
286330	*	001387	MICHIGAN MUNICIPAL LEAGUE	304,073.00
286331		000230	MIKE SAVOIE CHEVROLET INC	656.27
286332		BDREFUND	MILLER GARAGE	500.00
286333	*	007744	MOHAMED F. CHAMMAA	33.35
286334		BDREFUND	MOSHER DOLAN	200.00
286336		BDREFUND	NEWSON, DAWN	1,000.00
286337		BDREFUND	OAKLAND BUILDING CO.	100.00
286338		002853	OAKLAND COMMUNITY COLLEGE	400.00
286339	*	009478	ODP BUSINESS SOLUTIONS, LLC	395.69
286340		BDREFUND	OFFER & ASSOCIATES INC	200.00
286341		008669	OHM ADVISORS INC	16,466.25
286343		BDREFUND	PELLA WINDOWS & DOORS, INC.	500.00
286344		BDREFUND	PETRUCCI HOMES	300.00
286345	*	002518	PITNEY BOWES INC	195.00
286346		BDREFUND	PMS DIVERSIFIED CONSTRUCTION SERVIC	100.00
286347	*	000801	POSTMASTER	2,055.85
286348		BDREFUND	PREMIERE ROOFING AND CONSTRUCTION L	100.00
286349		BDREFUND	RICHARD KEITH WIAND	2,000.00
286350		BDREFUND	RNP ROOFING	100.00
286352		007562	MIKE ROMANOWSKI	110.44
286354		007527	SHEPPARD ENGINEERING P.C.	6,192.50
286355		BDREFUND	SMOLYANOV HOME IMPROVMENT	200.00

ck Number	Early Release	Vendor #	Vendor	Amount
286357		000260	SPARTAN DISTRIBUTORS INC	1,704.61
286358	*	007010	STATE OF MICHIGAN	5,480.94
286359		006376	SUBURBAN CHRYSLER DODGE JEEP - TROY	194.24
286360		BDREFUND	T.E.A. RESTORATION	100.00
286361	*	009384	THE EDITH BLAKNEY LAW FIRM, PLLC	300.00
286362		BDREFUND	TIP TOP SELLS LLC	500.00
286363	*	BDREFUND	TOBIAS CONSTRUCTION	2,000.00
286364		BDREFUND	TREYGER, GERMAN	200.00
286365		BDREFUND	TROWBRIDGE RESTORATION, INC	100.00
286366	*	004379	TURNER SANITATION, INC	85.00
286367	*	000293	VAN DYKE GAS CO.	56.18
286368	*	000158	VERIZON WIRELESS	308.16
286369	*	000158	VERIZON WIRELESS	49.13
286370		BDREFUND	WALLSIDE INC	1,000.00
286371		004497	WATERFORD REGIONAL FIRE DEPT.	288.30
286373	*	005794	WINDSTREAM HOLDINGS INC	837.00
286374	*	008391	XEROX CORPORATION	292.92
			SUBTOTAL PAPER CHECK	\$482,624.5
CH TRANSACI	<u>rion</u>			
5459	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	87,973.4
5460		000394	AERO FILTER INC	165.0
5461		009126	AMAZON CAPITAL SERVICES INC	2,756.9
5461	*	009126	AMAZON CAPITAL SERVICES INC	382.2
5462	*	008009	TREVOR BAKER	118.7
5463	*	009383	BATTI LAW PLLC	800.0
5464	*	000517	BEIER HOWLETT P.C.	41,681.2
5465	*	007345	BEVERLY HILLS ACE	61.0
5466		006683	BIRMINGHAM LAWN MAINTENANCE, INC	606.0
5466	*	006683	BIRMINGHAM LAWN MAINTENANCE, INC	718.2
5467	*	007624	BIRMINGHAM OIL CHANGE CENTER, LLC	88.9
5468		009183	BOB ADAMS TOWING	170.0
5469	*	008983	BRENNA SANDLES	493.2
F 4 7 0		007875	CANFIELD EQUIPMENT SERVICE INC.	15,964.3
5470				
5470 5471		001367	CONTRACTORS CONNECTION INC	3,098.4
	*	001367 001367	CONTRACTORS CONNECTION INC CONTRACTORS CONNECTION INC	
5471	*			311.2
5471 5471	*	001367	CONTRACTORS CONNECTION INC	311.2 4,244.3
5471 5471 5472		001367 009195	CONTRACTORS CONNECTION INC CROWN CASTLE FIBER LLC	311.2 4,244.3 70,745.9
5471 5471 5472 5473	*	001367 009195 000847	CONTRACTORS CONNECTION INC CROWN CASTLE FIBER LLC DETROIT SALT COMPANY	311.2 4,244.3 70,745.9 12,211.5
5471 5471 5472 5473 5474	*	001367 009195 000847 007314	CONTRACTORS CONNECTION INC CROWN CASTLE FIBER LLC DETROIT SALT COMPANY FLEIS AND VANDENBRINK ENG. INC	311.2 4,244.3 70,745.9 12,211.5 1,055.5
5471 5471 5472 5473 5474 5475	* * *	001367 009195 000847 007314 000592	CONTRACTORS CONNECTION INC CROWN CASTLE FIBER LLC DETROIT SALT COMPANY FLEIS AND VANDENBRINK ENG. INC GAYLORD BROS., INC	311.2 4,244.3 70,745.9 12,211.5 1,055.5 32.5
5471 5471 5472 5473 5474 5475 5476	* * * *	001367 009195 000847 007314 000592 001672	CONTRACTORS CONNECTION INC CROWN CASTLE FIBER LLC DETROIT SALT COMPANY FLEIS AND VANDENBRINK ENG. INC GAYLORD BROS., INC HAYES PRECISION INC	3,098.40 311.23 4,244.33 70,745.93 12,211.50 1,055.53 32.50 1,020.00 1,250.00

Check Number	Early Release	Vendor #	Vendor	Amount
5481	*	000261	J.H. HART URBAN FORESTRY	10,866.50
5482	*	002576	JAX KAR WASH	55.00
5483	*	003458	JOE'S AUTO PARTS, INC.	216.99
5484	*	005876	KROPF MECHANICAL SERVICE COMPANY	2,453.99
5485	*	009392	LAMB LEGAL CONSULTING SERVICES	750.00
5486	*	009385	LAW OFFICE OF MICHAEL J. DICK	600.00
5488	*	009398	MARCIA C ROSS PC	900.00
5489	*	009370	MICHAEL SIMON	81.00
5492	*	009331	MY CONCIERGE MICHIGAN, LLC	518.00
5493	*	009400	N.L. SMITHSON & ASSOCIATES PLLC	500.00
5494	*	007755	NETWORK SERVICES COMPANY	1,762.96
5495	*	008853	NORTH AMERICAN RESCUE LLC	861.96
5496	*	006359	NYE UNIFORM COMPANY	1,960.00
5497	*	005688	PEGASUS ENTERTAINMENT INC	5,555.00
5498	*	001062	QUALITY COACH COLLISION	2,453.11
5499	*	001097	SOCWA	166,687.15
5500	*	001255	TEKNICOLORS INC	130.29
5501	*	009254	THOMAS M MARKUS	74.15
5503	*	009402	WILKERSON LAW, PLLC	500.00
5504	*	009379	YELLOW DOOR LAW	4,225.00
			- SUBTOTAL ACH TRANSACTION	\$447,248.11
			GRAND TOTAL	\$929,872.69
			-	

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

Mark Sulu

Mark Gerber Finance Director/ Treasurer

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



### **MEMORANDUM**

City Clerk

DATE:	June 27, 2022
то:	Tom Markus, City Manager
FROM:	Alexandria Bingham, City Clerk
SUBJECT:	Underground Railroad Commemoration

### INTRODUCTION:

The Birmingham Museum has submitted a Special Event application to hold the Underground Railroad Commemoration event on September 17, 2022. Set-up for the event is September 17, 2022 from 9 AM-11 AM. Tear-down follows the event from 1PM -3PM.

### BACKGROUND:

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

The event is a public program followed by a cemetery tour to commemorate the listing of the gravesites of Elijah Fish and George Taylor to the National Park Services Network to Freedom. There will be a half hour program at Quarton Lake Park with various speakers, free to the public.

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

Street Art Fair	09/17/22-09/18/22	Shain Park
Birmingham Farmers Market	Sundays	Lot 6
Movie Night	09/12/22	Booth Park

LEGAL REVIEW: n/a



### PUBLIC COMMUNICATIONS:

The Birmingham Museum notified residents and businesses regarding the details of the event by postcard mailed at least two weeks prior to the Commission meeting. Addresses were notified within 300 feet of the event space.

### SUMMARY:

The City Commission is being asked to approve the Underground Railroad Commemoration on Saturday September 17, 2022 from 11 AM - 1 PM with set-up to begin September 17<sup>th</sup> at 9 AM. Tear-down is scheduled following the event at 1 PM.

### ATTACHMENTS:

- 1. Special Event application
- 2. Notification letter with map of event area distributed to residents/businesses within 300 feet of the event area on June 6, 2022. Notification addresses are on file in the Clerk's Office
- 4. Department Approval page with comments and estimated costs

### SUGGESTED COMMISSION ACTION:

To make a motion adopting a resolution to approve a request by the Birmingham Museum to hold the Underground Railroad Commemoration special event on September 17, 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.

Clerk's Office	
City of Birmingham,	MI

22-00011892

MAY 1 8 2022

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

RECEIVED

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: Reviewed wy Comm

### I. EVENT DETAILS

- Incomplete applications will not be accepted.

**ANNUAL APPLICATION FEE:** 

**FIRST TIME EVENT:** 

 Changes in this information must be submitted to the City Clerk, in writing, at least three weeks prior to the event

FEES:

\$200.00 \$165.00

12022

(Please print clearly or type)

Date of Application

Name of Event underground Railroad Commemoration - Greenwood
Detailed Description of Event (attach additional sheet if necessary) Public program follower
by compten tour to commemorate the listing of the gravesites of
Elijah Fish and begrae Taylor to the National Park Service's Net-
work to Freedom. Half hour program at Quarton Uk. park w/ vario
speakers, Free to the public. I Exection Quarton Lake Park at Oak and bakeside
Date(s) of Event <u>Sept-17, 2022</u> Hours of Event <u>II AM - ( PM - )</u>
Date(s) of Set-up <u>Same</u> Hours of Set-up <u>9AM - 11AM</u>
NOTE: No set-up to begin before 7:00 AM, per city ordinance.
Date(s) of Tear-down Sept 17 Hours of Tear-down 1 PM - 3 PM
Organization Sponsoring Event Birmingham Museum Board
CILLI LANDE LOS HELLANDAGE MAL (X)C)
Organization Phone 248-630-1682
Contact Person Les L'e Pielack, Museum Director
Contact Phone 248-530-1682
latal ask @ lalas naulaa
Contact Empile 1018 ACR (@ DVAMAAV.079

II. **EVENTINFORMATION** 

4.

If no, describe\_\_\_\_

- City 1. Organization Type (city, non-profit, community group, etc.)
- Additional sponsors or participants (Provide name, address, contact person, status, etc. for all 2. additional organizations sponsoring your event.) Friends of the Birmingham Museum-beorge betschman (c/o Museum)
- \*The city encourages collaboration amongst non-profit organizations to bring the 3. greatest benefit to the community. Please explain your efforts to do so This projec will feature speakers from the museum, the city commission, mayor, Sealuolin High School's Black Student Union, and Pagtor Adam Knehner from a the Southfield Reformed Presbytes ian Church, a historic church connected with the UGRR an one of our honorees, beorge Taylor. Is the event a fundraiser? YES NO X
  - List beneficiary List expected income \_\_\_\_\_\_ Attach information about the beneficiary.
- NO YES X 5. First time event in Birmingham?

100 - 300 Total number of people expected to attend per day\_ 6.

The event will be held on the following City property: (Please list) 7.

Street(s) \_\_\_\_\_ . Sidewalk(s) A Park(s) Quarton UK/Martha Baldwin Park at NE corner near Lakeside and Oak, I block from Greenwood Cemetery, with cemetery tour following cere-mony.

3

8.	Will street closures be required? YEST NO
	(Police Department acknowledgement prior to submission of application is
	required) (initial here) EVent particulars and location developed with command or Greene. Driving lane at Greenwood wi be blocked off the morning of the event. What parking arrangements will be necessary to accommodate attendance? Describe Parling Available along Lakeside.
9.	Will staff be provided to assist with safety, security and maintenance? YES NO I If yes, please provide number of staff to be provided and any specialized training received. Volunteers at ceremony and cemetery. Police Describe Will aggist with crowd control as needed. DPS will aggist with event get up - risers, etc.
	assist with event set up - risers, etc.
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 2 OFC. to Hock traffic for pedertion traffic.
11.	Will alcoholic beverages be served? YES NO X 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 V        Live      Amplification      Loudspeakers         Recorded Time music will begin          Time music will end

MAL

Will there be signage in the area of the event? YES [ 13. Number of signs/banners <u>Yand Signs at cemetery</u> and park - 2 at Size of signs/banners <u>24 x 18</u> Submit a photo/drawing of the sign(s). A sign permit is required. Approved 5/12/2

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

### LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

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

### III. EVENT LAYOUT

- Include a map showing the park set up, street closures, and location of each item listed in this section.
- Include a map and written description of run/walk route and the start/finish area
- 1. Will the event require the use of any of the following municipal equipment? (show location of each on map)

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables		6 for \$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, thecostis \$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	# to be determined by		
Cones / Barricades	the Police Department.		

### Risers needed at Dark

2. Will the following be constructed or located in the area of the event? YES (show location of each on map) NOTE: Stakes are not allowed.

ТҮРЕ	QUANTITY	SIZE	
Tents/Canopies/Awnings			
(A permit is required for tents over 400 square feet)			
Portable Toilets			
Rides			
Displays			
Vendors			L'Instantial
Temporary Structure (must attach a photo)		(-	Riseus provid by DPS)
Other (describe)			

NO

### SIGNATURE OF APPLICANT REQUIRED

EVENT NAME <u>Underground Railroad Commenoration</u>-Greenwood Cemetery EVENT DATE <u>9/17/2022</u>

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.

Cebillar

Signature

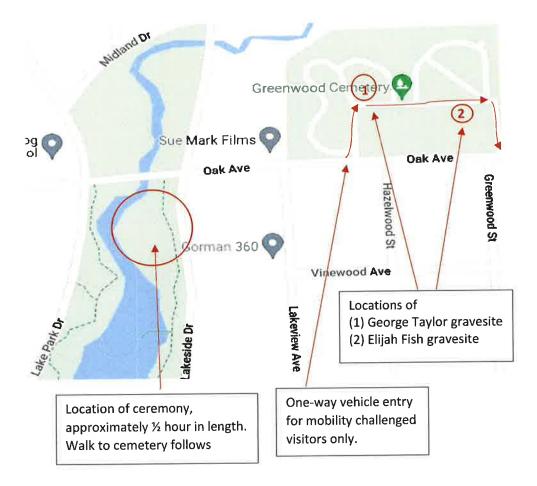
5/10/2022

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.



# INDERGROUND RAILROAD

# **GOMMEMORATION** GEREMONY

# **GREENWOOD CEMETERY** FOR

Sat, Sept. 17 11:00 AM 😽 Corner of Oak & Lakeside **Cemetery Tour to Follow** Quarton Lake Park



Funds Report	Available: Used: Total Pieces: Control Sum: Resettable Piece Count: Piece Count Value:		PBP Account Number: Indicia Number: Meter Number: Meter Name: Printed:	35884980 0001382903 1382903 JUN 06 2022 12:08 PM
-----------------	---	--	--	---

Birmingham Museum City of Birmingham 556 Maple Road Birmingham, MI 48009

Oak Are

3 **Q** 

(1)

Locations of

One-way vehicle entry for mobility challenged

visitors only

(1) George Taylor graves (2) Elijah Fish gravesite



CITY OF BIRMINGHAM 151 Martin Birmingham MI 48009

> Clerk's Office City of Birmingham, MI

> > JUN 8 2022

RECEIVED



### SPECIAL EVENT NOTIFICATION

TO ALL PROPERTY/BUSINESS OWNERS & OCCUPANTS

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

NAME OF EVENT: LOCATION: DATES/TIMES:

Location of ceremony,

Walk to cemetery follows

approximately ½ hour in length

Underground Railroad Commemoration for Greenwood Cemetery Quarton Lake Park (see attached map) and Greenwood Cemetery Saturday, September 17, 2022, 11 AM to 1 PM (set up and take down same day)

Greenwood Cemetery is the final resting place of abolitionist Elijah Fish and freedom seeker George Taylor. The National Park Service has recently added their burial sites to the National Underground Network to Freedom due to their historical importance and connection to the Underground Railroad in Michigan. This event, hosted by the Birmingham Museum Board, will commemorate this special designation with a public program at Quarton Lake Park followed by a tour of the burial sites at Greenwood Cemetery.

### DATE/TIME OF CITY COMMISSION MEETING: Monday, June 27, 2022 7:30 pm

The City Commission meets in room 205 of the Municipal Building at 151 Martin. You may also attend virtually through ZOOM: <u>https://zoom.us.com/j/655079760</u> Meeting ID: 655 079 760. A complete copy of the application to hold this special event is available for your review at the city clerk's office (248.530.1880)

EVENT ORGANIZER: City of Birmingham, Birmingham Museum. Day of event contact: Leslie Pielack, Museum Director, 248.530.1682 • Ipielack@bhamgov.org

### **DEPARTMENT APPROVALS**

### **EVENT NAME: Underground Railroad Commemoration**

### LICENSE NUMBER <u>#22-00011892</u>

### COMMISSION HEARING DATE: 9/17/22022

NOTE TO STAFF: Please submit approval by 06/14/22

### DATE OF EVENT: 9/17/2022

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)
PLANNING 101-000.000-634.0005 248.530.1855	TBC	No Cost No Comment		\$0	
BUILDING 101-000.000.634.0005 248.530.1850	МЈМ	No building department involvement.		\$0	
<b>FIRE</b> <b>101-000.000-634.0004</b> 248.530.1900	JDP	Please maintain road accesses for nearby roads for emergency traffic.		\$0	
POLICE 101-000.000.634.0003 248.530.1870	SG	Two officers will be assigned to ensure proper parking and assist pedestrians at crossings if needed.		\$0	
PUBLIC SERVICES 101-000.000-634.0002 248.530.1642	CL	Department will assist with sound system request and placement of additional trash receptacles. Risers are not available.	Facility Rental for Park @ Quarton Lake was obtained 5/3/22	\$100	
ENGINEERING 101-000.000.634.0002 248.530.1839	sdz	Appears no not require any obstruction permits as street parking is allowed	none	\$0	
SP+ PARKING	RW	No Parking involvement	None	\$0	

		TOTAL DEPOSIT REQUIRED \$300.00	ACTUAL COST
<b>CLERK</b> <b>101-000.000-614.0000</b> 248.530.1803		\$200	
<b>INSURANCE</b> 248.530.1807		\$0	

FOR CLERK'S OFFICE USE
Deposit paid
Actual Cost
Due/Refund

Rev. 6/14/22 h:\shared\special events\- general information\approval page.doc



### **MEMORANDUM**

City Clerk's Office

**DATE:** June 27, 2022

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

**FROM:** Alexandria Bingham, City Clerk

**SUBJECT:** Election Commission Designation of Representatives – Public Accuracy Tests for the August 2022 Election

### INTRODUCTION:

The City Commission, per the Birmingham City Charter, functions as the City's Election Commission. Pursuant to State law, the Election Commission is responsible for conducting certain election duties, including the conduct and certification of the Public Accuracy test.

### BACKGROUND:

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

Chapter IV. – Registrations, Nominations and Elections

Section 22. - [Election commission.]

The city commission shall constitute the election commission for the city and shall perform all of the duties required of the city election commissions by the general laws of the state.

The Public Accuracy Test is required by Michigan Election Law, MCL 168.798 "to determine if the electronic tabulating equipment will accurately count the votes cast for all offices". The test must be conducted by the Election Commission or its representatives. The test consists of tabulating the marked test ballots through a tabulator and certifying that the totals reported by the tabulator match the totals contained in the chart of predetermined results.

Due to scheduling, the commission may designate representatives to conduct the Public Accuracy Tests in their stead. The test would be conducted during the work day by the Clerk or a member of Clerk's staff, attended by the Election Commission's designated representatives, and any interested members of the public as it is conducted pursuant to the Open Meetings Act. The City Clerk and her staff are not eligible to be the designated representatives for the Public Accuracy Tests.

The Public Accuracy Test for the August 2, 2022 State Primary election is scheduled for July 11, 2022 at 11:00 am in Room 205 of the Birmingham Municipal Building, 151 Martin, Birmingham.

### LEGAL REVIEW:

The City Attorney has reviewed and has no concerns to the process.

### FISCAL IMPACT:

The Finance Director has reviewed and has no fiscal concerns.

### PUBLIC COMMUNICATIONS:

As an agenda item, this topic is available for public viewing in the City Commission Agenda Packet available online at <u>www.bhamgov.org/commissionagendas</u> and through the City Clerk's office upon request. Public comment is available at the City Commission Meeting.

According to Michigan Election Law, the date, time and location of the Public Accuracy Test must be publicly noticed at least 48 hours prior to testing date, and the City will fulfill this requirement by posting in the Birmingham Eccentric Newspaper on July 3, 2022.

### SUMMARY:

It is recommended that the Birmingham City Commission, acting as the Election Commission, designate city staff members to act as their representatives for the purpose of conducting the Public Accuracy Tests for the August 2, 2022 State Primary election.

### ATTACHMENTS:

- MCL 168.798 Testing of electronic tabulating equipment
- Excerpt from the Election Officials' Manual of the Michigan Bureau of Elections listing duties that should be handled via an Open Meeting by election commission members.

### SUGGESTED COMMISSION ACTION:

To make a motion to adopt a resolution designating Deputy Treasurer Jack Todd, Assistant Finance Director Kim Wickenheiser, DPS Director Lauren Wood, Building Official Bruce Johnson, Assistant Building Official Mike Morad, Birmingham Museum Director Leslie Pielack, and Police Chief Mark Clemence as proxy representatives of Election Commissioners Mayor Therese Longe, Mayor Pro Tem Pierre Boutros, Commissioner Clinton Baller, Commissioner Brad Host, Commissioner Andrew Haig, Commissioner Elaine McLain, and Commissioner Katie Schafer, for the purpose of conducting the Public Accuracy Tests of the electronic tabulating equipment which will be used to count votes cast at the August 2, 2022 election.

### MICHIGAN ELECTION LAW (EXCERPT) Act 116 of 1954

# 168.798 Testing of electronic tabulating equipment; notice; method; sealing programs, test materials, and ballots; rules; sealing memory device.

Sec. 798. (1) Before beginning the count of ballots, the board of election commissioners shall test the electronic tabulating equipment to determine if the electronic tabulating equipment will accurately count the votes cast for all offices and on all questions. Public notice of the time and place of the test shall be given at least 48 hours before the test by publication in a newspaper published in the county, city, village, township, or school district where the electronic tabulating equipment is used. If a newspaper is not published in that county, city, village, township, or school district, the notice shall be given by publication in a newspaper of general circulation in that county, city, village, township, or school district. The test shall be conducted in the manner prescribed by rules promulgated by the secretary of state pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws. In the test, a different number of valid votes shall be assigned to each candidate for an office, and for and against each question. If an error is detected, the board of election commissioners shall determine the cause of the error and correct the error. The board of election commissioners shall make an errorless count and shall certify the errorless count before the count is started. The electronic tabulating equipment that can be used for a purpose other than examining and counting votes shall pass the same test at the conclusion of the count before the election returns are approved as official.

(2) On completion of the test and count, the programs, test materials, and ballots arranged by precincts shall be sealed and retained as provided by this subsection and rules promulgated by the secretary of state pursuant to Act No. 306 of the Public Acts of 1969. If the electronic tabulating equipment that is tested and certified to by the board of election commissioners will be used to count votes at the precinct, a memory device containing the tested programs, if any, shall be sealed into the electronic tabulating equipment. Upon completion and certification of the count of votes, the memory device containing the program and the vote totals shall remain sealed in the electronic tabulating equipment or, if removed from the electronic tabulating equipment, shall remain sealed in a container approved by the secretary of state, delivered to the clerk, and retained in the manner provided for other voted ballots.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;—Am. 1990, Act 109, Imd. Eff. June 18, 1990;—Am. 1992, Act 8, Imd. Eff. Mar. 10, 1992.

Popular name: Election Code

Administrative rules: R 168.771 et seq. of the Michigan Administrative Code.

### CITY AND TOWNSHIP ELECTION COMMISSIONS:



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

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

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

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

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

# Election Commission Duties that may be delegated to the Local Clerk or authorized assistant (note: Delegated duties should be documented via resolution):

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

SCHOOL ELECTION COORDINATING COMMITTEE: Every school district has a School Election

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

# TYPES OF ELECTIONS

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



### **MEMORANDUM**

City Clerk's Office

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

**FROM:** Alexandria Bingham, Deputy Clerk

**SUBJECT:** Appointment of Election Inspectors and Rate Increase

### INTRODUCTION:

State Election Law requires the local Election Commission to appoint election inspectors for each precinct. The Birmingham City Commission also functions as the local Election Commission, and therefore must formally appoint election inspectors for the upcoming August 2, 2022 State Primary Election.

### BACKGROUND:

Election Inspectors are needed to provide election services to the residents of Birmingham. According to MCL 168.16, election law requires at least 3 election inspectors per precinct, with at least one Democrat-identifying and one Republican-identifying election inspector.

The City Clerk contacted past inspectors and solicited for new inspectors through <u>www.bhamgov.org</u>, city publications and email newsblasts. The City Clerk has compiled a list of potential election inspectors who will fall into one of these 5 categories: Inspector, Electronic Pollbook Operator, Precinct Chairperson, Precinct Co-Chairperson, and Super-Chairperson. The City Clerk will train inspectors on their respective roles to provide an efficient and accurate State Primary Election.

In order to best attract and maintain qualified election workers, a wage increase is requested to keep up with market rate of pay for these workers. A study of other cities identified that Birmingham was below average in pay for Inspectors, Co-Chairpersons and Chairpersons. An increase of \$1.00/hour is requested for Inspectors, Electronic Poll Book operators, Co-Chairpersons and Chairpersons, and a \$.50 increase is requested for the Super-Chairperson role.

	Commerce	White Lake	Rose	Troy	Oakland County	Clawson	Average	Birmi	ngham
	Hourly*	Hourly*	Hourly*	Hourly*	Hourly*	Hourly*	Hourly	Current	Proposed
Inspector/EPB	\$12	\$11.66	\$16.60	\$13	\$16.60	\$11	\$13.48	\$11	\$12
Co-Chair	\$11.76	\$11.76	\$16.17			\$10.29	\$12.50	\$12	\$13
Chair	\$13.23	\$13.23	\$16.17			\$10.88	\$13.38	\$13	\$14
Super Chair	N/A	N/A	N/A	NA	N/A	N/A	N/A	\$16.5	\$17
Training					**\$25		**\$20	**\$20	**\$20

\*These municipalities pay a flat rate for a full day, converted into hourly here for comparison \*\*Flat rate based on election inspector attendance and participation at scheduled trainings.

### LEGAL REVIEW:

The City Attorney has reviewed and has no objections.

### FISCAL IMPACT:

Election inspectors are paid of account #101.262.000-815.0100. Funds have been budgeted in this account for the 2022-2023 Fiscal Year, in expectation of this pay increase.

### PUBLIC COMMUNICATIONS:

The City provided information on becoming an election inspector on the website, through city publications and through email blasts.

### SUMMARY:

The deadline to appoint election inspectors for the August 2, 2022 State Primary Election is July 12, 2022. Attached is a list of inspectors that have been assigned to serve for the upcoming election. In the event of an insufficient number of Election Inspectors, the Clerk's Office was designated by the City Commission to act on its behalf by resolution # 05-141-22 on May 23, 2022 in order to appoint additional Election Inspectors to properly run the election.

### ATTACHMENTS:

- Excerpt- Election Officials' Manual, Chapter 1 page 6-9, City and Township Election Commissions
- Excerpt Election Official's Manual, Chapter 9 page 1-2, Election Ballots
- List of Election Officials proposed to work at the August 2, 2022 Election

### SUGGESTED COMMISSION ACTION:

To make a motion to adopt a resolution appointing election inspectors, absentee voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the August 2, 2022 State Primary Election pursuant to MCL 168.674(1), and further grant the City Clerk the authority to make emergency appointments of qualified candidates should circumstances warrant in order to maintain adequate staffing in the various precincts, counting boards and receiving boards.

And further, to make a motion to increase Election Inspectors rate of pay to the proposed amounts, budgeted in account 101.262-000.815-0100:

Role	Proposed Rate	Increase Amount
Inspector and Electronic Poll Book Employee	\$12.00/hour	\$1.00 Increase
Co-Chairperson	\$13.00/hour	\$1.00 Increase
Chairperson	\$14.00/hour	\$1.00 Increase
Super-Chairperson	\$17.00/Hour	\$0.50 Increase

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# TYPES OF ELECTIONS

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

# **CHAPTER 9** ELECTION BALLOTS

### TABLE CONTENTS

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

### BALLOT PROOFING AND MICHIGAN BALLOT PRODUCTION STANDARDS: All ballots

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

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

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

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

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

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

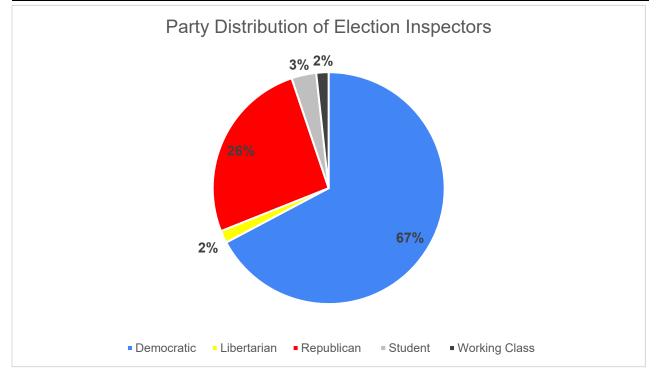
Proofing ballots is a tedious and time-consuming task – but the problems and embarrassment a complete proofing job can save on Election Day makes the task well worth the effort. If the Commission delegates ballot proofing to members of the clerk's staff, the task should be assigned to those in the office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

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

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

	First Name	Last Name	What is your political party affiliation? (re
1	Kathy	Austin	Democratic
	Webb	Barnes	Republican
3	Jean	Barnes	Republican
4	Patricia	Batey	Democratic
5	Evan	Blum	Democratic
6	gabe	boyce	Working Class
7	Beth	Brockmann	Republican
8	Margaret	Brooks	Democratic
9	Loran	Brooks	Democratic
10	Linda	Buchanan	Democratic
11	John W. (Jack	Burns	Republican
12	Alicia	Chandler	Democratic
13	Barbara	Collins	Democratic
14	Thomas	Connery	Democratic
15	Gail	Corcora	Republican
	Martha	Coyne	Democratic
	Diane		Democratic
	Annie	Cwikiel-Glavir	
	Mary Ann		Republican
	Mark	Davison	Republican
	Kristy	Deachin	Democratic
	Sally	Erickson	Democratic
	Patricia	Fisher	Democratic
	William	Folbe	Student
	Brendan	Folk	Republican
	Andrew	Fuller	Student
	kristin	George	Republican
	evelyn	gerson	Democratic
	(Maria) Alejan		Democratic
	Matthew	Gorge	Democratic
	Pamela	Graham	Democratic
	Karen		Republican
	William	Johnson	Republican
	Laura	Kline	Republican
		Konop	Republican
	Melissa	LeDuc	Democratic
	Lawrence	Lyng Martin	Democratic
	Constance Monu App		Democratic Democratic
	Mary Ann Taneka	Martin Martin	Democratic
	Marie	Meredith	Republican
	Jennifer	Nickita	Republican
	Edmond	O'Sullivan	Democratic
	Charles	Otis	Democratic
	Paul	Paskiewicz	Democratic
	Don	Peasley	Democratic
	Kristina	Petzer	Republican
		Pigeon	Republican
	David	Proctor	Republican
	Mark	Reynolds	Democratic
	Jackie	Riley	Democratic
	ANTHONY	rogowski	Republican
	Constance	Romanelli	Democratic

54	harvey	rosenberg	Republican	
55	John	Rusche	Democratic	
56	Arban	Shala	Democratic	
57	Shira	Shapiro	Democratic	
58	Cynthia	Shaw	Democratic	
59	Shaun	Shaya	Libertarian	
60	Mary	Steffy	Democratic	Oakland County AVCB
61	Renee	Suchara	Democratic	
62	Mark	Thut	Republican	
63	Merridy	Toepfer	Republican	
64	Curtis	Trimble	Democratic	
65	David Jewett	Underdown	Republican	
66	Gisela	Von Storch	Republican	
67	Lynda M	Warren	Democratic	
68	Timothy	Wittlinger	Democratic	





### MEMORANDUM

City Clerk's Office

DATE:June 27, 2022TO:Thomas M. Markus, City ManagerFROM:Alexandria Bingham, City ClerkSUBJECT:2023 City Commission Meeting Schedule

### INTRODUCTION:

The City Charter requires the Commission to meet regularly and "not less than twice a month". Provided is a proposed schedule for the 2023 City Commission meetings.

### BACKGROUND:

Typically, the Commission meets on the second and fourth Mondays of each month except when a legal holiday coincides with those days. Legal holidays were designated by resolution of the Commission on August 26, 2013 pursuant to Article II Section 2-26 of the Birmingham City Code. This section gives the Commission latitude to reschedule regular meetings which would otherwise fall on a legal holiday. Resolution 11-289-21 passed on November 8, 2021 included Martin Luther King Jr Day and Resolution 05-129-22 passed on May 9, 2022, included Juneteenth to the City of Birmingham's designated legal holidays. The proposed meeting schedule avoids the five legal holidays which fall on a Monday in 2023.

### LEGAL REVIEW:

The City Attorney has reviewed and has no objections as it comports to City Charter

### FISCAL IMPACT:

The Finance Director has reviewed and has no fiscal concerns.

### PUBLIC COMMUNICATIONS:

Once approved, the 2023 meeting schedule will be published in the City calendar, on the City webpage, and posted at the Municipal Building.

### SUMMARY:

The City Commission is asked to review and approve the proposed meeting schedule for 2023, which avoids legal holidays and ensures the Commission meets not less than twice a month.

### ATTACHMENTS:

• Federal and State Holidays in 2023

### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve the Birmingham City Commission 2023 Meeting Schedule as submitted.

MONTH	DAY	MEETING	LOCATION
January	9	Regular Meeting	Municipal Building
-	21 (Sat 8:30 am)	Long Range Planning	Municipal Building
	23	Regular Meeting	Municipal Building
February	13	Regular Meeting	Municipal Building
	27	Regular Meeting	Municipal Building
March	13	Regular Meeting	Municipal Building
	27	Regular Meeting	Municipal Building
April	3	Regular Meeting	Municipal Building
-	24	Regular Meeting	Municipal Building
	29 (Sat 8:30 am)	Budget Hearing	Municipal Building
May	8	Regular Meeting	Municipal Building
-	22	Regular Meeting	Municipal Building
June	5	Regular Meeting	Municipal Building
	12	Joint Commission/Planning Bd.	Birmingham Public Library
	26	Regular Meeting	Municipal Building
July	10	Regular Meeting	Municipal Building
	24	Regular Meeting	Municipal Building
August	14	Regular Meeting	Municipal Building
	28	Regular Meeting	Municipal Building
September	11	Regular Meeting	Municipal Building
	18	Regular Meeting	Municipal Building
October	2	Regular Meeting	Municipal Building
	16	Regular Meeting	Municipal Building
	23	Joint Commission/Planning Bd.	Birmingham Public Library
November	13	Regular Meeting	Municipal Building
	27	Regular Meeting	Municipal Building
December	4	Regular Meeting	Municipal Building
	18	Regular Meeting	Municipal Building

Federal and State Recognized Holidays on Mondays in 2023:

January 2 - New Year's Day (observed) January 16 - Dr. Martin Luther King, Jr. Day February 20 - President's Day May 29 - Memorial day June 19 - Juneteenth September 4 - Labor Day September 25 - Yom Kippur October 9 - Columbus Day/ Indigenous Peoples' day December 25 - Christmas



### MEMORANDUM

City Manager's Office

DATE:	June 21, 2022
то:	Thomas M. Markus, City Manager
FROM:	Jana L. Ecker, Assistant City Manager
SUBJECT:	Follow up on Joint City Commission / Planning Board Meeting

### INTRODUCTION:

On June 20, 2022, the City Commission and the Planning Board held a joint workshop to discuss outdoor dining regulations, the status of food trucks and the creation of social districts. As this was a workshop, no action was taken on any of these issues.

### BACKGROUND:

On March 14, 2022, the City Commission held a workshop to consider the use of food trucks and the types of issues the Planning Board should be looking at when drafting new regulations.

On June 20, 2022 at the joint workshop, there was additional discussion regarding encouraging the use of food trucks in the City, in particular during special events and in the residential neighborhoods for block parties and other social events. There was also discussion as to whether the City should take the lead and organize food truck rallies or similar events throughout the City. Based on the discussion, there appeared to be consensus to encourage all special event applicants to encourage the use of food trucks in conjunction with their events, and to encourage neighborhood groups to come together and organize social events with food trucks in their neighborhoods.

On March 14, 2022, the City Commission held a workshop to consider social districts in the City of Birmingham.

On June 20, 2022, at the joint workshop, there was also discussion regarding the desire to create a social district in Birmingham. Based on the ensuing discussion, there appeared to be a consensus of a majority of the City Commission that there is no interest in creating a social district specifically to allow the consumption of alcohol on public property. However, there did appear to be a consensus to consider street closures at times to allow for enhanced activation through the use of performance art, group activities, musical events and other opportunities for social engagement. Several commissioners stated a desire to encourage the Birmingham Shopping District to organize and implement such events.

### LEGAL REVIEW:

The City Attorney has no concerns over form or content of the proposed action.

FISCAL IMPACT: None at this time.

PUBLIC COMMUNICATIONS: None to date.

### SUMMARY:

The City Commission may wish to provide the following direction and requests:

- 1. The City Commission directs the City Manager to encourage all City sponsored special events to include the use of local food trucks within the event area;
- 2. The City Commission requests that the Birmingham Shopping District include the use of local food trucks in all BSD sponsored special events; and
- 3. The City Commission requests that the Birmingham Shopping District consider organizing and sponsoring a rotation of special events to be held on days or evenings on streets closed off to vehicular traffic.

### ATTACHMENTS:

• None

### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to direct the City Manager to encourage all City sponsored special events to include the use of local food trucks within the event area, when and where appropriate;

### AND

To request that the Birmingham Shopping District consider including the use of local food trucks in all BSD sponsored special events;

### AND

To request the Birmingham Shopping District to consider organizing and sponsoring a rotation of special events to be held on days or evenings on streets closed off to vehicular traffic.



### MEMORANDUM

**Planning Division** 

**DATE:** June 21<sup>st</sup>, 2022

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

FROM: Brooks Cowan, Senior Planner

**APPROVED:** Nick Dupuis, Planning Director

**SUBJECT:** 159 N. Eton – Canelle Patisserie – Indemnification and Hold Harmless Agreement for Outdoor Patio in City Utility Easement.

### INTRODUCTION:

Canelle Patisserie at 159 N. Eton has applied to construct a patio with a concrete foundation, fencing, and landscaping for outdoor dining in a public utility easement. The applicant is required to provide an indemnification and hold harmless agreement to the City for installation of the concrete foundation, fencing, and landscaping in a public utility easement. Doing so makes the City no liable for damages to the patio and should the City be required to access the utilities underneath.

### BACKGROUND:

Canelle Patisserie at 159 N. Eton applied for a number of site plan changes including updates to the outdoor patio in the winter of 2021. The applicant was scheduled for Final Site Plan review with the Planning Board on January 26<sup>th</sup>, 2022, however the applicant requested postponement for further internal consideration of concerns brought up by City staff. The applicant scaled back the proposed changes, and on February 9<sup>th</sup>, 2022, the Planning Board determined that such changes could be adminstratively approved by staff.

Upon review of the proposed changes for the outdoor dining patio in the City's public utility easement, it was determined by the Engineering Department and City Attorney that the applicant must obtain an indemnification and hold harmless agreement from the City. Such an agreement would ensure that the City is not liable for repairs to the patio if the City was required to damage the patio to access the utilities underneath.

That applicant has addressed staff concerns related to structures in the public utility easement and has provided a hold harmless agreement for the City to review.

### LEGAL REVIEW:

The City Attorney conducted a legal review on this proposal and has drafted an Indemnification and Hold Harmless Agreement which the applicant has completed.

### FISCAL IMPACT:

The Indemnification and Hold Harmless Agreement is meant to ensure that there will be no fiscal impact on the City for damages to the applicant's patio in the public easement utility if the City were to cause any damages in the process of accessing public utilities beneath the patio.

### PUBLIC COMMUNICATIONS:

No public communication was provided or required for this agenda item.

### SUMMARY:

The Planning Division requests that the City Commission consider the Indemnification and Hold Harmless Agreement between Canelle Patisserie licensee Canelle, LLC, 159 N. Eton property owner Beach Escape, LLC, and the City of Birmingham.

### ATTACHMENTS:

- Indemnification and Hold Harmless Agreement
- Administrative Approval Site Plans

### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to APPROVE the the Indemnification and Hold Harmless Agreement between Canelle Patisserie licensee Canelle, LLC, 159 N. Eton property owner Beach Escape, LLC, and the City of Birmingham.

### INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

THIS AGREEMENT is entered into this 30% day of pmch, 2022 by and between CANNELLE, LLC, a Michigan limited liability company, whose address is 159 N. Eton Street, Birmingham, Michigan, 48009 (OWNER) and BEACH ESCAPE, LLC, a Michigan limited liability company, whose address is 23500 Sherwood Ave., Warren, Michigan, 48091 (OWNER) and the CITY OF BIRMINGHAM, a Michigan Municipal Corporation, (CITY), whose address is 151 Martin Street, Birmingham, MI 48009.

### WITNESSETH:

**WHEREAS,** the OWNERS are desirous of constructing a concrete outdoor dining patio within the City's utility easement; and,

WHEREAS, the parties are desirous of expressing their various responsibilities in the event that said patio or driveway or any decorative features interfere with any use, maintenance or repair activities to be performed by the CITY, and the parties desire that the exposure and liability of the CITY be protected regarding the approved plans and survey in Attachment "1."

**NOW, THEREFORE,** in consideration of the mutual covenants contained herein and other good and valuable considerations, the parties hereto agree as follows:

<u>Section 1</u>. The above referenced WHEREAS clauses agreed to by the parties, are true and accurate and are made a part of this Agreement.

Section 2. The various responsibilities expressed herein for the parties other than the CITY shall be referred to throughout this Agreement as being the responsibility of the OWNERS, and said responsibilities as contained herein shall be those of the property owners at the time said responsibility is incurred. It shall not be a defense to the provisions herein that the property owners have transferred their interest in the property subsequent to the time the CITY made necessary repairs to any part of the utilities. Section 3. In the event that it is determined in good faith by the CITY that said driveway, patio or any other decorative features must be removed so that maintenance and repair activities can be accomplished, then the expense for replacement of said driveway, patio or any other decorative features shall not be the expense of the CITY, but shall be the sole expense of the OWNERS, or their successors or assigns. In the event that said driveway, patio or any other decorative features must be removed, or in the event that it is necessary to perform maintenance work, or to alter said driveway or any other decorative features shall be that of the OWNERS or their successors or assigns, and the CITY shall have no responsibility of whatsoever nature to maintain or repair said driveway or any other decorative features to its prior condition.

Section 4. It is agreed that the OWNERS or their successors or assigns shall be responsible for any expenses incurred by the CITY as a result of removing and/or hauling the driveway, patio or any other decorative features in the event that is necessary to perform maintenance or repair to utility lines and appurtenances.

Section 5. It is agreed that the OWNERS shall defend, indemnify and hold the CITY harmless for any injuries, damages, liability or cause of action that may result from the use, removal or replacement of the driveway, patio or any other decorative features for utility maintenance or repairs.

Section 6. The OWNERS shall be responsible for and shall defend, indemnify, and hold the CITY harmless from any and all claims, causes of action, damages, judgments, or liability of any kind in any way relating to or caused by the existence of the driveway, patio or any other decorative features or the failure to properly maintain the driveway, patio or decorative features, or for any damage, harm, injury or disrepair of the utility as a result of the presence of the driveway, patio or decorative features.

Section 7. It is agreed that the intent of this Agreement is to provide the CITY with assurances that the driveway, patio or any other decorative features shall not cause the CITY to incur additional expense or liability of any kind whatsoever with respect to its use or the responsibility to maintain and repair any and all parts of public infrastructure.

Section 8. Nothing in this Agreement shall be construed to give the CITY a greater responsibility for the maintenance and repair of any utility lines as set forth in this Agreement. This Agreement shall be liberally construed in favor of the CITY. Further, nothing contained herein shall waive the City's sovereign immunity or any limitation on City liability as provided for by law.

Section 9. The Parcel ID No. is 20-30-379-043, and the legal description is attached hereto (Attachment "2") and made a part hereof. This Agreement shall be recorded in the Oakland County Register of Deeds and shall be binding on the OWNERS,

their successors or assigns and all future owners of the property and run with and bind the land.

IN WITNESS WHEREOF, the parties have caused these presents to be executed.

**CANNELLE LLC (OWNER)** Com By: Partner Its:

STATE OF MICHIGAN ) ) ss: COUNTY OF OAKLAND )

On this <u>30TH</u> day of <u>MAREH</u>, 2022, before me personally appeared <u>GMAEN DEMIRYAN</u>, who acknowledged that with authority on behalf of CANNELLE LLC to do so he/she signed this Agreement.

Notary Public

<u>MACOMB</u> County, Michigan Acting in <u>MACOMB</u> County, Michigan My commission expires: <u>10/03/25</u>

SHELLIE L. GAMBINO-FOSS NOTARY PUBLIC, STATE OF MI COUNTY OF MACOMB MY COMMISSION EXPIRES OR 3, 2025 ACTING IN COUNTY OF MALOMB

AGTING IN COUNTY OF MAADMB

BEA	CH ESCAPE, LLC (OWNER)
By:	David Jishn.
lts:	Thyr.

STATE OF MICHIGAN ) ) ss: COUNTY OF OAKLAND )

On this <u>307H</u> day of <u>MARCH</u>, 2022, before me personally appeared <u>DAVID FISHER</u>, who acknowledged that with authority on behalf of BEACH ESCAPE LLC to do so he/she signed this Agreement. <u>Acting in <u>MACOMB</u> County, Michigan Acting in <u>MACOMB</u> County, Michigan My commission expires: <u>10/03/25</u> NOTARY PUBLIC, STATE OF MI COUNTY OF MACOMB MY COMMESSION EXPIRES Oct3, 2025</u>

### **CITY OF BIRMINGHAM:**

By:

4

Therese Longe, Mayor

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

APPROVED:

moby. Mah

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

Jana L. Ecker, Assistant City Manager (Approved as to substance)

unhace

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

Drafted by and when recorded return to:

Mary M. Kucharek (P46870) Beier Howlett, P.C. 3001 W. Big Beaver Road, Suite #200 Troy, MI 48084 (248) 645-9400 ATTACHMENT "1"

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### Final Site Plan & Design Review Application Planning Division

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

### 1. Applicant

 Name:
 Cannelle - Matt Knio/ Garen Demiryan

 Address:
 159 N. Eton, Birmingham, MI

 Matt - 313.418.0131

 Phone Number:
 Garen - 248.891.4203

 Fax Number:
 Matt - mattknio@hotmail.com

 Email address:
 Garen - beykoz1980@aol.com

### 3. Applicant's Attorney/Contact Person

Name:	Same as Applicant
Address:	1
Phone Number:	
Fax Number:	
Email address:	

### 5. Required Attachments

- Two (2) paper copies and one (1) digital copy of all project plans including;
  - i. A detailed Existing Conditions Plan including the subject site in its entirety, including all property lines, buildings, structures, curb cuts, sidewalks, drives, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft, of the subject sites property lines;
  - A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
  - iii. A certified Land Survey;
  - iv. Interior floor plans;

### 6. Project Information

	Birmingham, MI 48009	)
Name of development: Sidwell #: 20-30-	379-043	
Current Use: Subject	ct area is currently 2-pa	rking spa
Proposed Use: Outdo		
Area of Site in Acres:	1.008	
Current zoning:	B-1 Neighborhood B	lusiness
	in the floodplain?	N/A
Name of Historic Distr		N/A
	at Commission Approval:	

### 2. Property Owner

Name: David Fisher, Beach Escape, LLC Address: 23500 Sherwood Ave., Warren MI 48091

Phone Number:	586.530.4766
Fax Number:	586,755,8701
Email address:	dfisher@wicometal.com

### 4. Project Designer/Developer

Name:	· · · · · · · · · · · · · · · · · · ·
Address:	
Disco Nisushanu	
Phone Number:	
Fax Number:	
Email address:	

- v. A Landscape Plan;
- vi, A Photometric Plan;
- vii. Colored elevation drawings for each building elevation;
- II. Specification sheets for all proposed materials, light fixtures and mechanical equipment;
- III. Samples of all proposed materials;
- Photographs of existing conditions on the site including all structures, parking areas, landscaping and adjacent structures;
- 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.

Date of Application for Preliminary Site Plan:	N/A
Date of Preliminary Site Plan Approval:	N/A
Date of Application for Final Site Plan:	01/01/22
Date of Final Site Plan Approval:	TBD
Date of Application for Revised Final Site Plan:	TBD
Date of Revised Final Site Plan Approval:	TBD
Date of Design Review Board Approval:	NA
Will proposed project require the division of platt	ed lots?

Will proposed project require the combination of platted lots?

7. Details of the Proposed Development (attach separate sheet if necessary) Current placement/design of patio was approved by City of Birmingham in 2013. Proposed is to relocate patio to the east adjacent to the public sidewalk 8. Buildings and Structures 2 Use of Buildings: Bakery, Salon, Retall, Grocery Height of Rooftop Mechanical Equipment: <u>N/A</u> Number of Buildings on Site: 16 feet, 1-Story Height of Buildings & # of Storics: 9. Floor Use and Area (in Square Feet) **Proposed Commercial Structures:** Total basement floor area: N/A Number of square feet per upper floor: N/A Office Space: Retail Space: Total floor area: 304 SF Floor area ratio (total floor area + total land area): Industrial Space: Assembly Space: Seating Capacity:\_\_\_\_\_ Open space: N/A Maximum Occupancy Load: Percent of open space: N/A Proposed Residential Structures: Total number of units: N/A Rental units or condominiums? Number of one bedroom units: Size of one bedroom units: Size of two bedroom units: Size of three bedroom units: Open space:\_\_\_\_\_\_ Percent of open space:\_\_\_\_\_\_ Seating Capacity: Maximum Occupancy Load:\_\_\_\_\_ Proposed Additions: Total basement floor area, if any, of addition: N/A Use of addition: Height of addition:\_\_\_\_\_\_\_ Office space in addition:\_\_\_\_\_\_ Number of floors to be added: Square footage added per floor: Retail space in addition: Total building floor area (including addition): Floor area ratio (total floor area + total land area):\_\_\_\_\_ Assembly space in addition: Maximum building occupancy load (including addition):\_\_\_\_ Open Space: Percent of open space: 10. Required and Proposed Setbacks Required front setback: N/A Proposed front setback: Proposed rear setback Required rear setback:\_\_\_\_\_ Required total side setback: Proposed total side setback: Side setback: Second side setback: 11. Required and Proposed Parking Proposed number of parking spaces: 67 Required number of parking spaces: 53 for entire site Typical size of parking spaces: Number of spaces <180 sq. ft.:\_\_\_\_\_ Number of handicap spaces: Location of parking on site: Shared parking agreement? Height of light standards in parking area: Screenwall material: Height of screenwall:

### 12. Landscaping

Location of landscape areas: Perimeter of Patio	Proposed landscape material: Green Gem Boxwoods, Pacasandra	
Streetscape		
Sidewalk width: N/A Number of benches:	Description of benches or planters: N/A	
Number of planters:	Species of existing trees:	
Number of existing street trees:	Species of proposed trees:	

on of benches or planters: N/A of existing trees: Species of proposed trees:

### Proposed number of loading spaces: Typical size of loading spaces: Height of screenwall:\_\_\_\_\_ Typical time loading spaces are used:

### Proposed number of waste receptacles: 1 Size of waste receptacles: Height of screenwall:

Location of all utilities & easements:

Height of screenwall:	 	

### Location of all ground mounted units:

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

Size of	accessory	buildings:		
Height	of accesso	ory buildings	t	

### Type of light standards on building:

Height from grade:

### 18. Building Lighting

Number of light standards	on building:
Size of light fixtures (L+W	·]]):

Height of screenwall:

Number of accessory buildings: Location of accessory buildings:

17. Accessory Buildings

1

14. Loading

Utilities and Transformers: Number of ground mounted transformers: Size of transformers (L+W+H): Number of utility easements: Screenwall material:

Streetscape Plan submitted?

Required number of loading spaces:

Required number of waste receptacles: 1 Location of waste receptacles: Adjacent to patio

Typical angle of loading spaces:

Screenwall material:

Location of loading spaces on site:

### Ground Mounted Mechanical Equipment:

Number of ground mounted units: Size of ground mounted units (L+W+H): Screenwall material: 

Type of rooftop units: Screenwall material:\_\_\_\_

Screenwall material:

### Rooftop Mechanical Equipment: Number of rooftop units.

15. Exterior Waste Receptacles

Screenwall material:

16. Mechanical Equipment

Maximum wattage per fixture:	Proposed wattage per fixture:	
19. Site Lighting Number of light fixtures: 2 Size of light fixtures (L+W+H): 12' to top of fixture	Type of light fixtures: Height from grade:	
Maximum wattage per fixture: TBD Light level at each property line: TBD	Proposed wattage per fixture: Holiday tree lighting receptacles:	
20. Adjacent Properties		
Number of properties within 200 ft.;		
Property #1		
Number of buildings on site: <u>Apartment Building</u> Zoning district: <u>R-6 Multi Family Res</u>	Property Description:	
Use type: Square footage of principal building:		
Square footage of accessory buildings:		
Number of parking spaces:	North, south, east or west of property?South-East	
Property #2 Number of buildings on site: House Zoning district: R-2 Single Fam Res	Property Description:	
Use type:		
Square toolage of principal building:		
Square footage of accessory buildings:		
Number of parking spaces:	North, south, east or west of property? East	
Property #3		
Number of buildings on site: House	Property Description:	
Zoning district: R-2 Single Fam Res		
Use type:	An and a second s	
Square footage of principal building:	·····	
Square footage of accessory buildings:		
Number of parking spaces:	North, south, cast or west of property? East	
Property #4		
Number of buildings on site: House	Property Description:	
Zoning district: R-2 Single Fam Res		
Use type:		
Square footage of principal building:		
Square footage of accessory buildings:	and the second	
Number of parking spaces:	North, south, east or west of property? East	
Property #5		
Number of buildings on site: Apartment Building	Property Description:	
Zoning district: R-7 Multi Fam Res	the second se	
Use type: Square footage of principal building:	2000/07	
Square footage of principal buildings:	a contract of the second se	
Number of parking spaces:	North, south, east or west of property? North	
Property #6		
Number of buildings on site:	Property Description:	
Zoning district:		
TE		
Use type:		
Square footage of principal building: Square footage of accessory buildings:		

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

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

Signature of Owner: 🖄	· lever Dever	Date: 12.16-202	l
Print Name:	GAREN DEMIRYAN	· · · · · · · · · · · · · · · · · · ·	
Signature of Applicant:	54M5 45 499400	Date:	
Print Name:			
Signature of Architect:	NA	Date:	
Print Name:	(5)		
	Office Use Only		
Application #:	Date Received:	Fee:	-
Date of Anproval:	Date of Denial:	Accepted by:	

FISHER EQUITIES

December 8, 2021

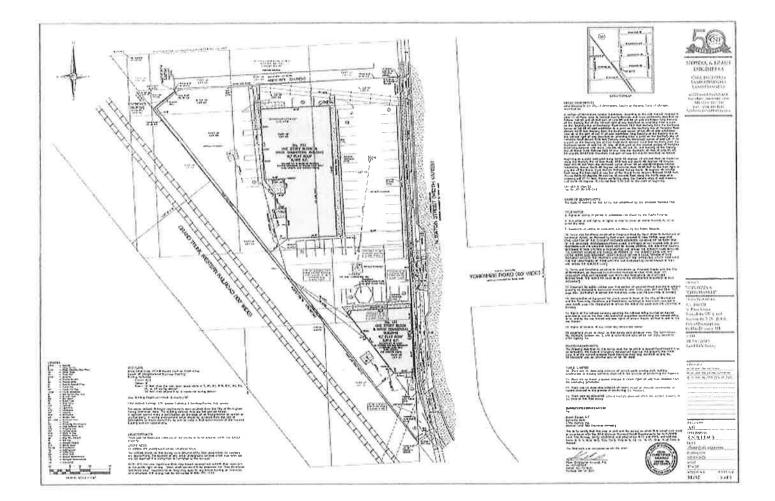
To whom it may concern,

I have been apprised of Connelle's intertions to improve their outdoor Seating at 153. 159 71. Etoy.

I support their request for site plan appraval for the proposed outdoor. Paties,

David Fisher, Mor / owner Beach Eserpe, LLC.

248.550.3141 FisherEquities@gmail.com



ATTACHMENT "2"

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### LEGAL DESCRIPTION

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

A portion of Birmingham Estates Subdivision, according to the plat thereof recorded in Liber 13 of Plats, page 5, Oakland County Records, and more particularly described as follows: Lot 90 and all that part of Lots 88 and 89 of said subdivision lying Easterly of the Easterly line of the railroad right of way described as extending from a point on the Southerly line of Dorchester Road distant 16.3 feet Westerly from the Northeast corner of Lot 95 of said subdivision to a point on the Northerly line of Yorkshire Road distant 53.29 feet Westerly from the Southeast corner of Lot 89 of said subdivision. Also all of the part of Lot 31 of said subdivision lying Easterly of the Easterly line of the railroad right of way described as extending from a point on the Southerly line of Yorkshire Road distant 0.56 feet Easterly from the Northwest corner of said Lot 31 to a point on the Westerly line of Eton Road North distant 123.5 feet Southerly from the Northeast corner of said Lot 31. Also all that part of the vacated portion of Yorkshire Road lying between said above Lots 88, 89, 90 and 31, and Easterly of the Easterly line of Grand Trunk Railroad right of way. Also the Southerly 25 feet of Lots 91, 92, 93 and 94, EXCEPTING therefrom that part of Lots 93 and 94 described as follows:

Beginning at a point said point being North 00 degrees 12 minutes West as measured along the Westerly line of Eton Road, 25.0 feet and South 89 degrees 48 minutes West 224.99 feet from the Northeast corner of Lot 90 of said Birmingham Estates Subdivision, thence South 89 degrees 48 minutes West 35.98 feet to the East right of way line of the Grand Trunk Western Railroad, thence South 35 degrees 49 minutes East along the East right of way line of the Grand Trunk Western Railroad 23.59 feet; thence North 53 degrees 06 minutes 10 seconds East along the South edge of a masonry wall 27.74 feet; thence continuing along the Easterly edge of said masonry wall North 00 degrees 12 minutes West 2.60 feet to the point of beginning.

151-223 N. Eton St. Tax ID: 20-30-379-043



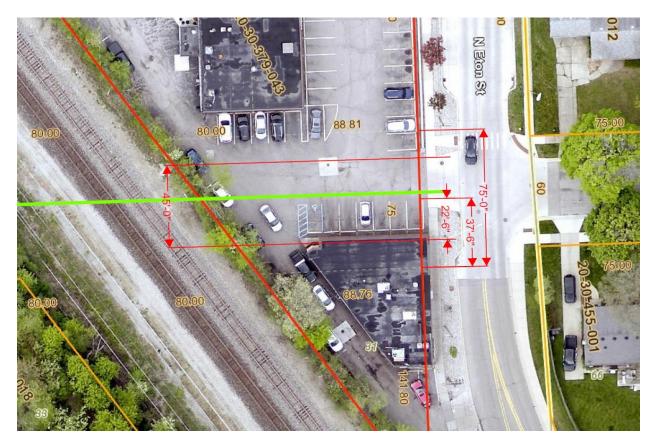
### **MEMORANDUM**

(Engineering Department)

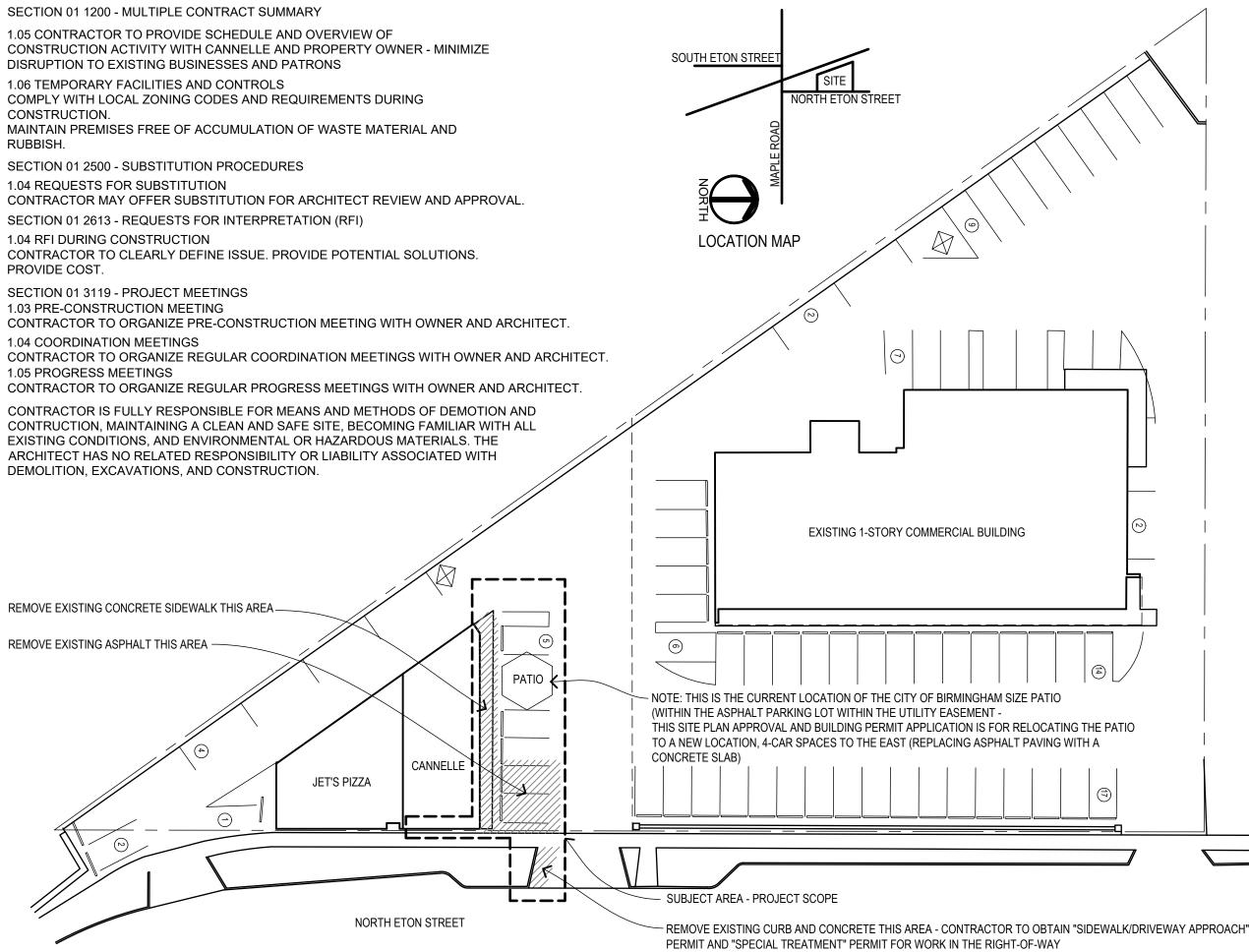
DATE:	January 14, 2022
TO:	Leah Blinzinski, City Planner
FROM:	Scott Zielinski, Assistant City Engineer.
SUBJECT:	159 N. Eton - FSP & DR - Review and Comment

The Engineering department has completed the review of the FSP & DR at 159 N. Eton.

The proposed structure for the exterior dining area is being proposed in a utility easement. The easement based on records appears to start at the face of the building and extends to the north 45 feet. Within the easement are City utilities. Below is a picture of the approximate location of the easement and the existing sewer.



The engineering department recommends not building any structures within an existing easement. A temporary structure/ or landscape modification could be considered with a special treatment permit, under the clarification and guidelines that the City would not be held liable for any damage that may occur during any future work involving the existing sewer.



2441 Dorchester Road Birmingham, MI 48009 koseckarch@gmail.com 248.302.4018

INTENDED FOR: Site Plan Administrative Approval / Building Permit March 31, 2022



EXISTING SITE PLAN SCALE: 1"=30'

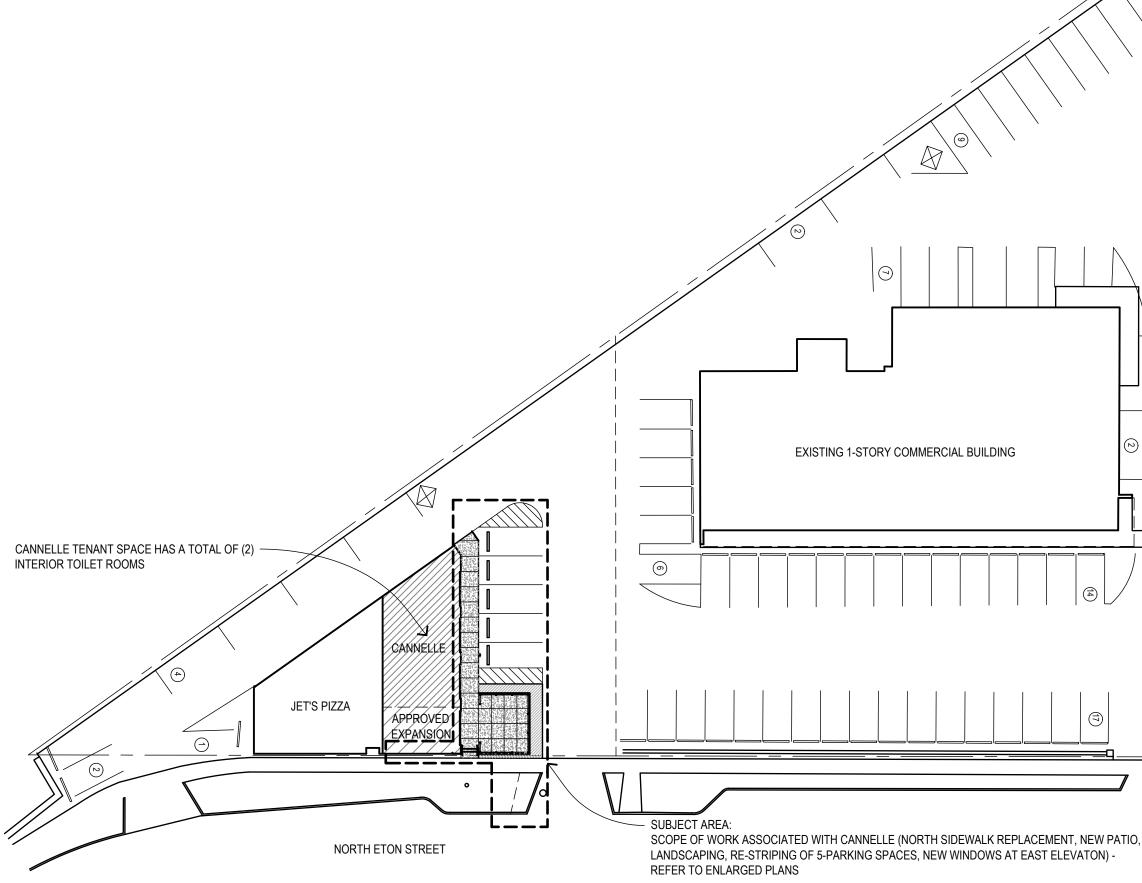
Owner: **Cannelle Patissserie** 159 N. Eton Street Birmingham, MI

Project: **Cannelle** Patio

Date: March 31, 2022

Sheet:





2441 Dorchester Road Birmingham, MI 48009 koseckarch@gmail.com 248.302.4018



Owner: Cannelle Patissserie 159 N. Eton Street Birmingham, MI

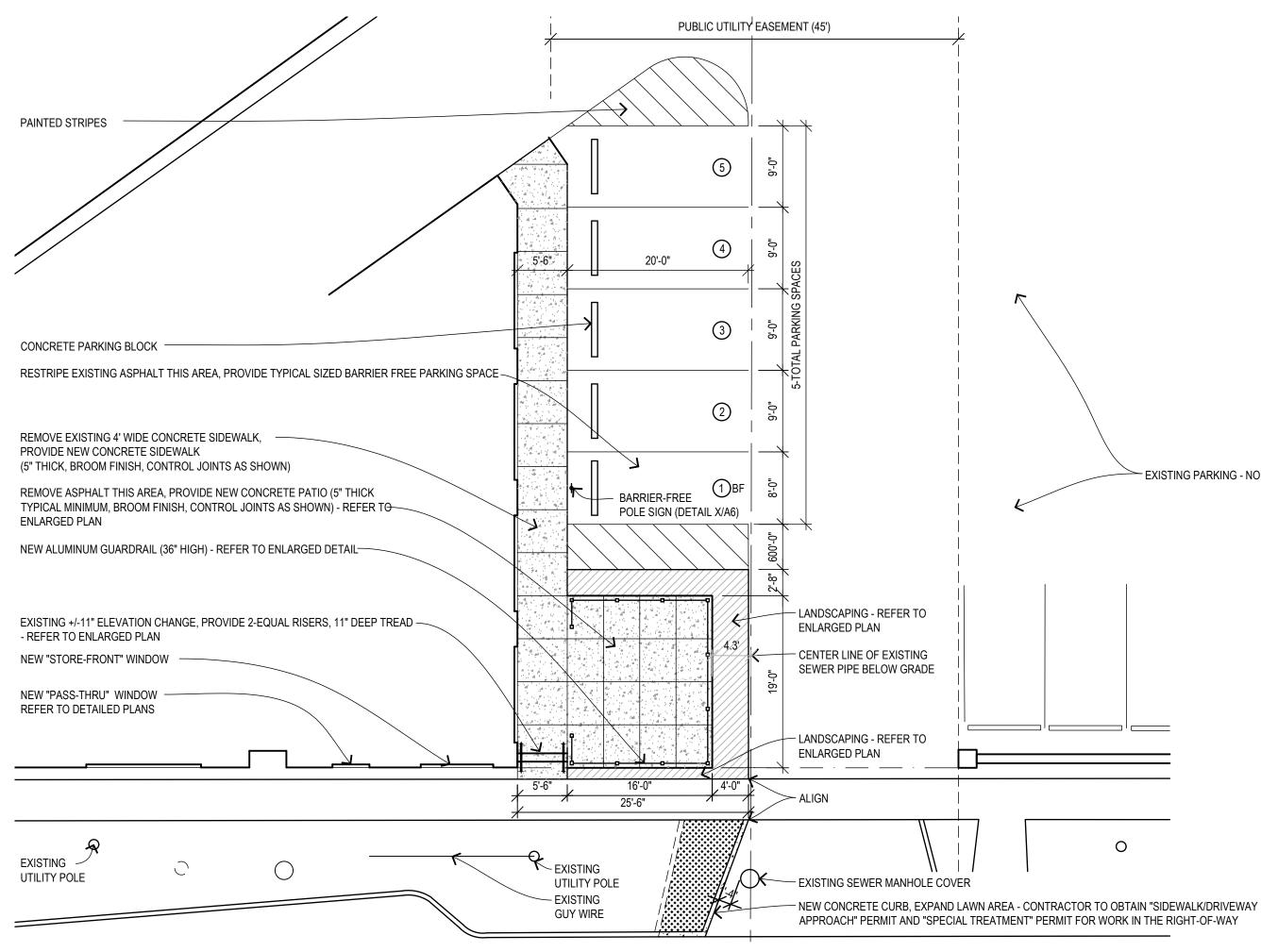
Project: Cannelle Patio

Date: March 31, 2022

Sheet:



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2441 Dorchester Road Birmingham, MI 48009 koseckarch@gmail.com 248.302.4018

- EXISTING PARKING - NO CHANGE

Ο



PATIO / SIDEWALK PLAN SCALE: 1"=10'

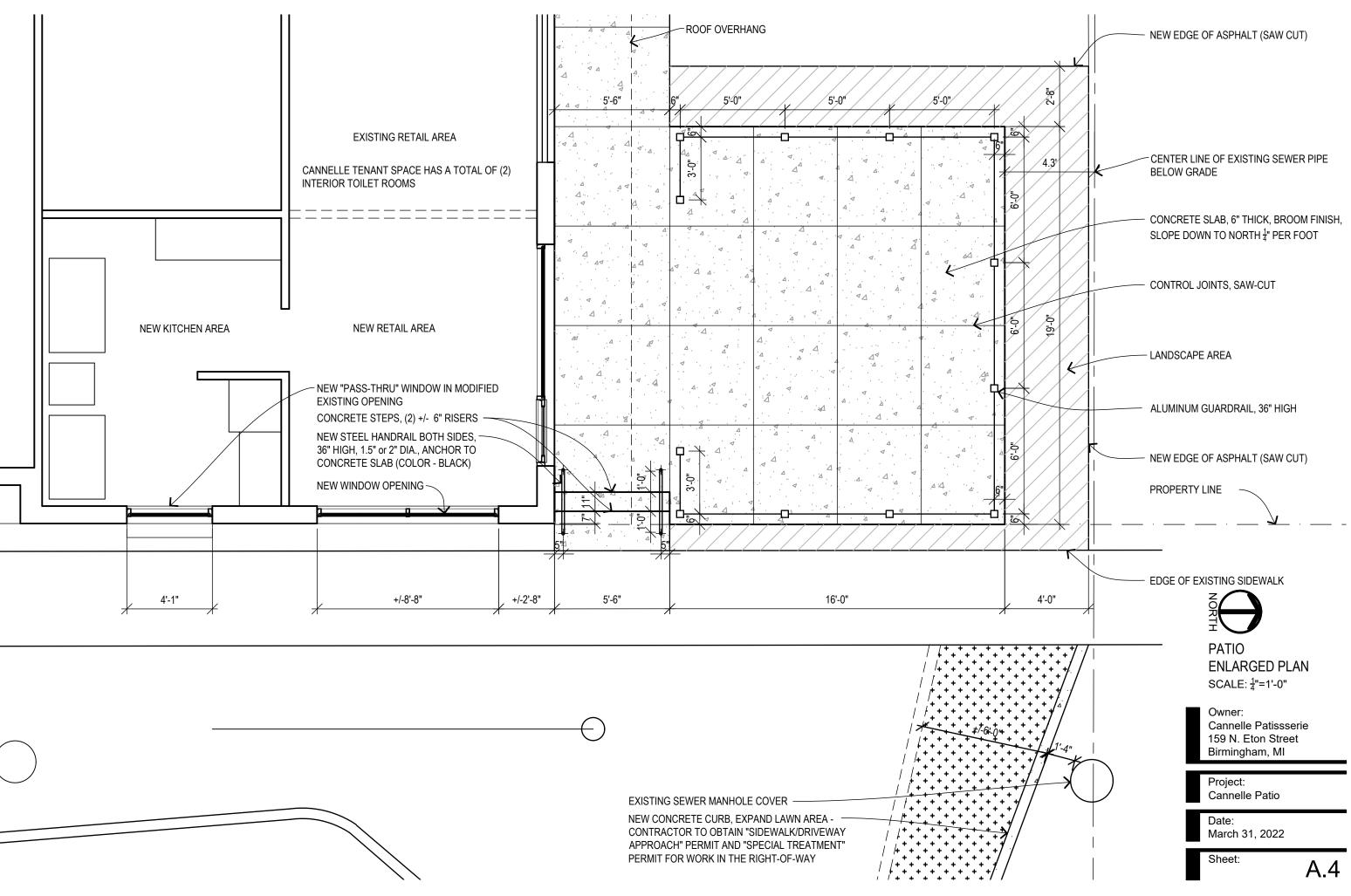
Owner: Cannelle Patissserie 159 N. Eton Street Birmingham, MI

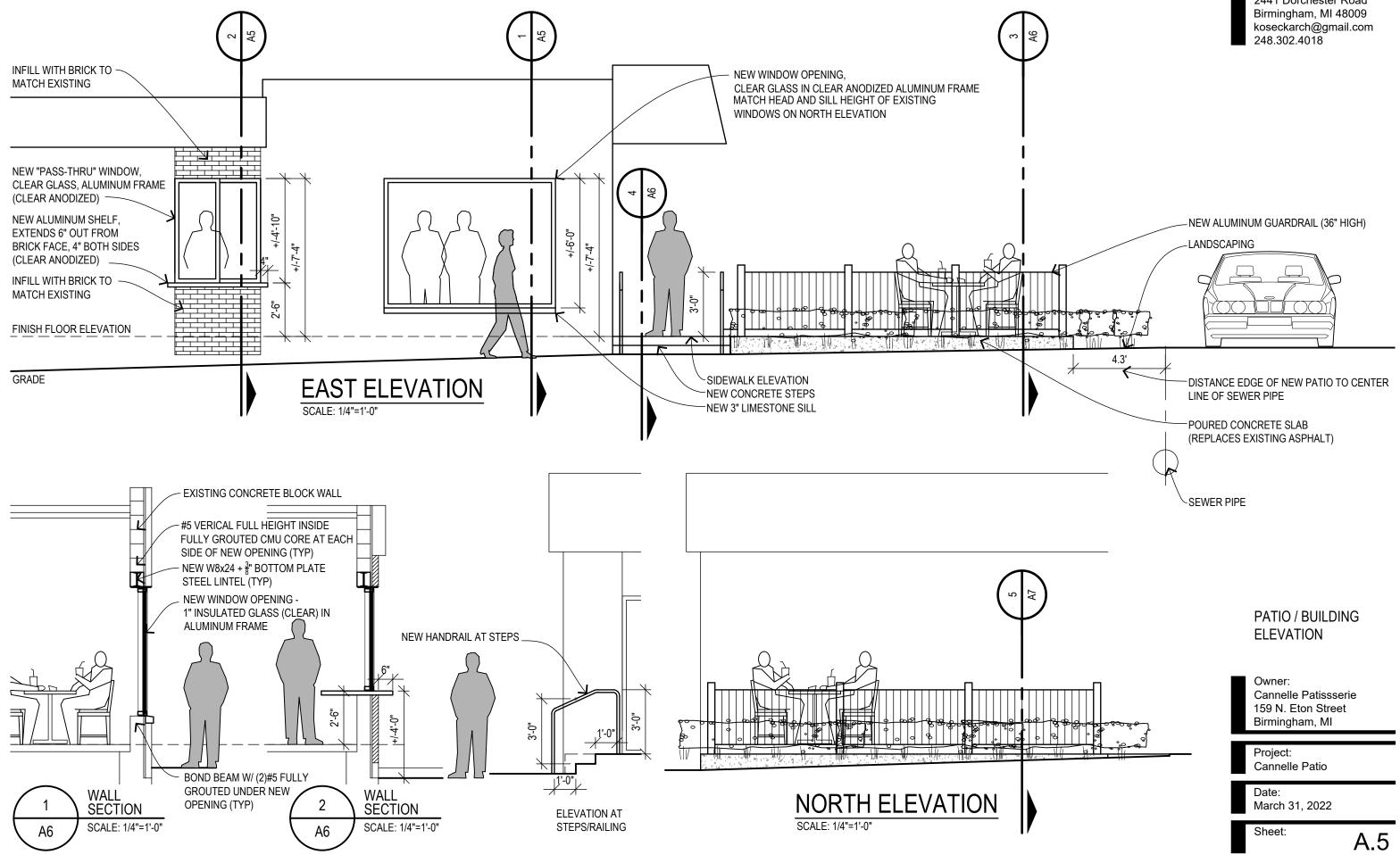
Project: Cannelle Patio

Date: March 31, 2022

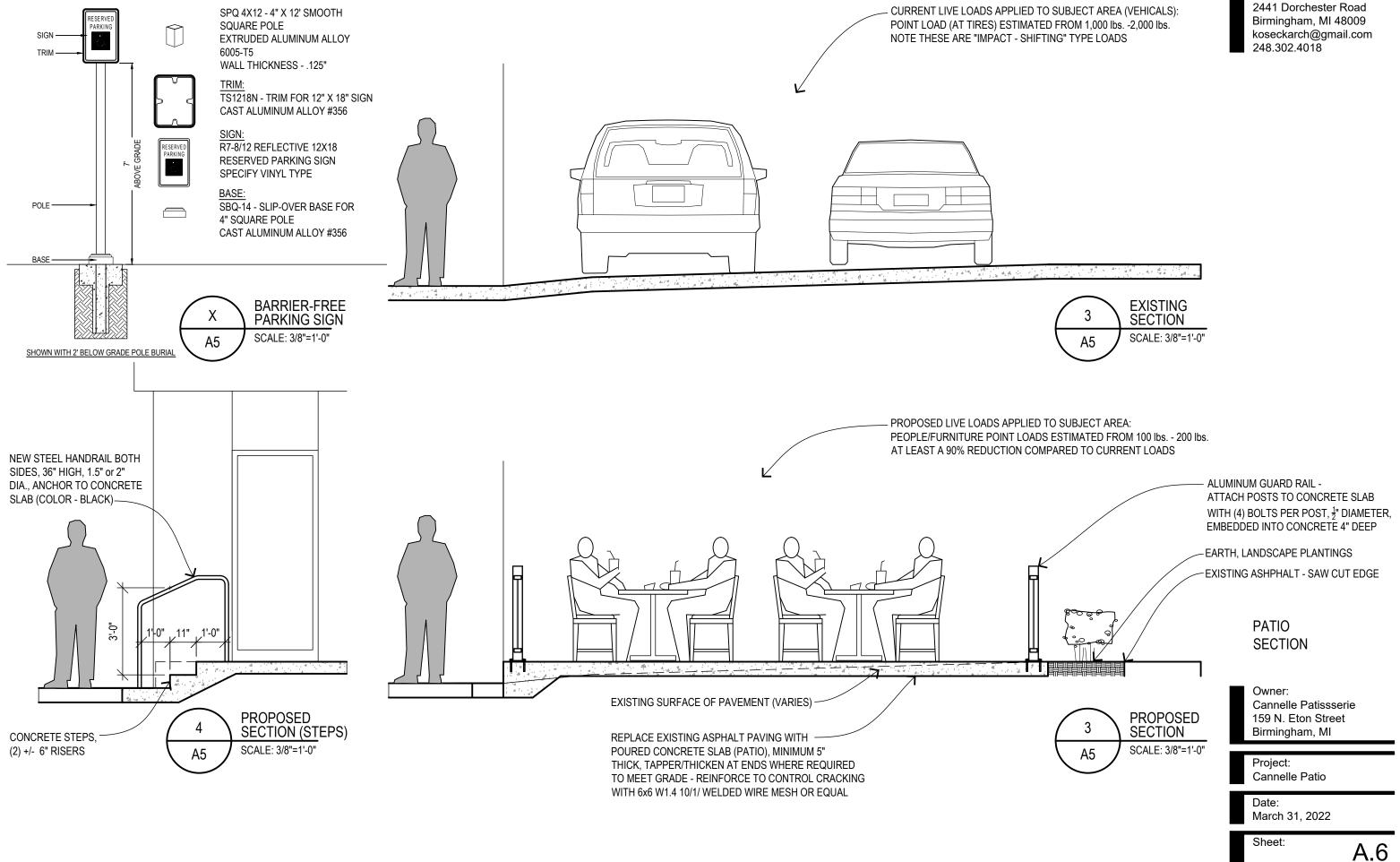
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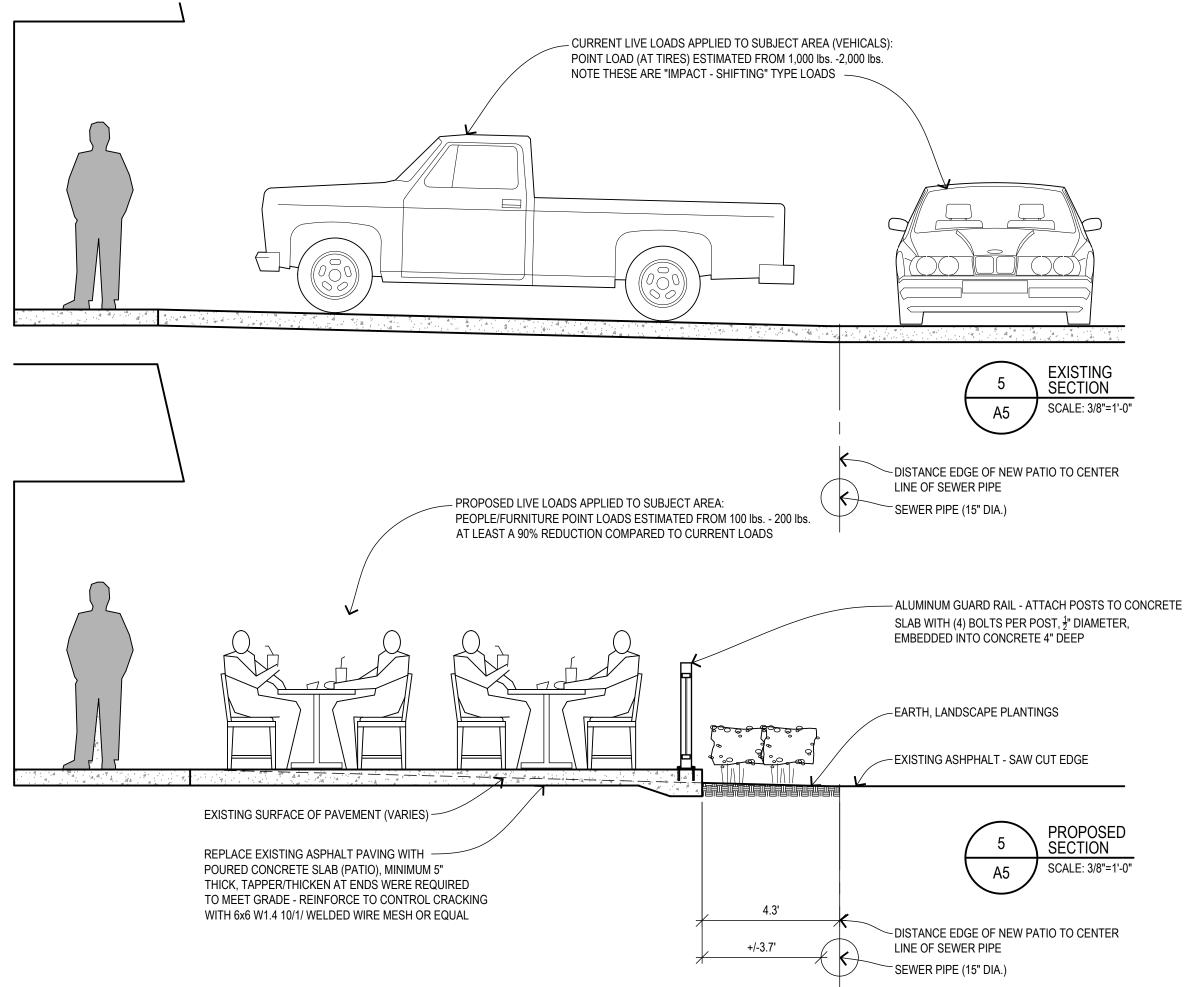






2441 Dorchester Road





2441 Dorchester Road Birmingham, MI 48009 koseckarch@gmail.com 248.302.4018

PATIO SECTION

Owner: Cannelle Patissserie 159 N. Eton Street Birmingham, MI

Project: Cannelle Patio

Date: March 31, 2022

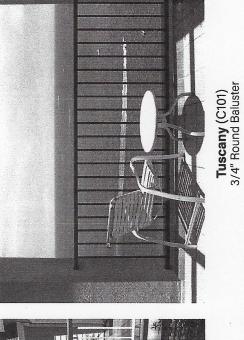
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# Tuscany Aluminum Railing (UNK: PLACK)





**Tuscany (C10)** 3/4" x 3/4" Square Baluster

CCRR-0163 Complies with IBC, IRC, and FBC. Miami-Dade County Approved for 4' through 6' Sections. For code compliance information visit *westburyrailing.com* 

# **Tuscany Series Boxed Kit Specifications**

Boxed Kits Include: Rails, Balusters, Mounts (4), and Installation Instructions.

	Section Type	<b>,</b> 4	. 5'	Length 6'	7'	8′	36"	leight 42"
	Straight	•	•	•			•	•
	Straight w/Rail Support				•	•	•	•
•	Stair	•	•	•	•	•	•	•

# **Tuscany (C10) Assembled Specifications**

Assembled sections (square balusters) are available in four Powdered Coated Colors: Black Fine Texture, Bronze Fine Texture, White Fine Texture, and Gloss White.

Height 36" 42"

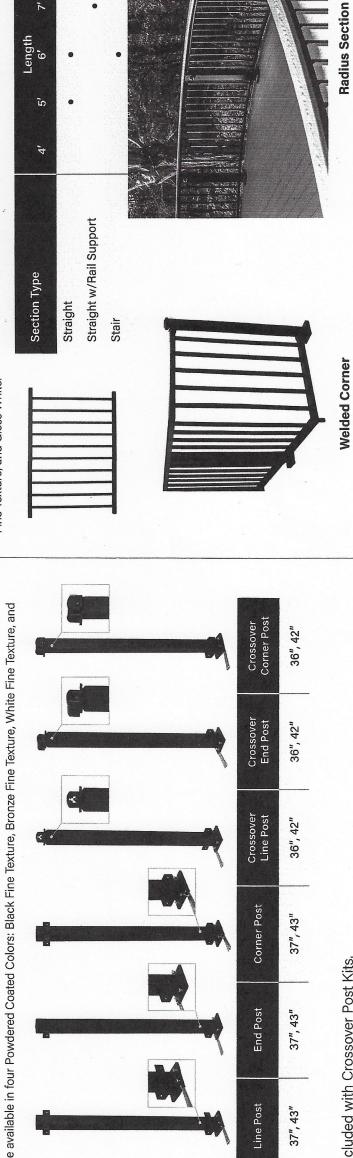
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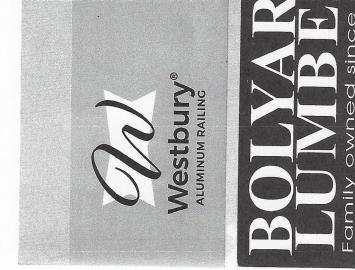
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Length 6'

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WWW.BOLYARDLUMBER.CO Family owned since

ROCHESTER HILLS 248.852.8004 BIRMINGHAM 248.644.3636

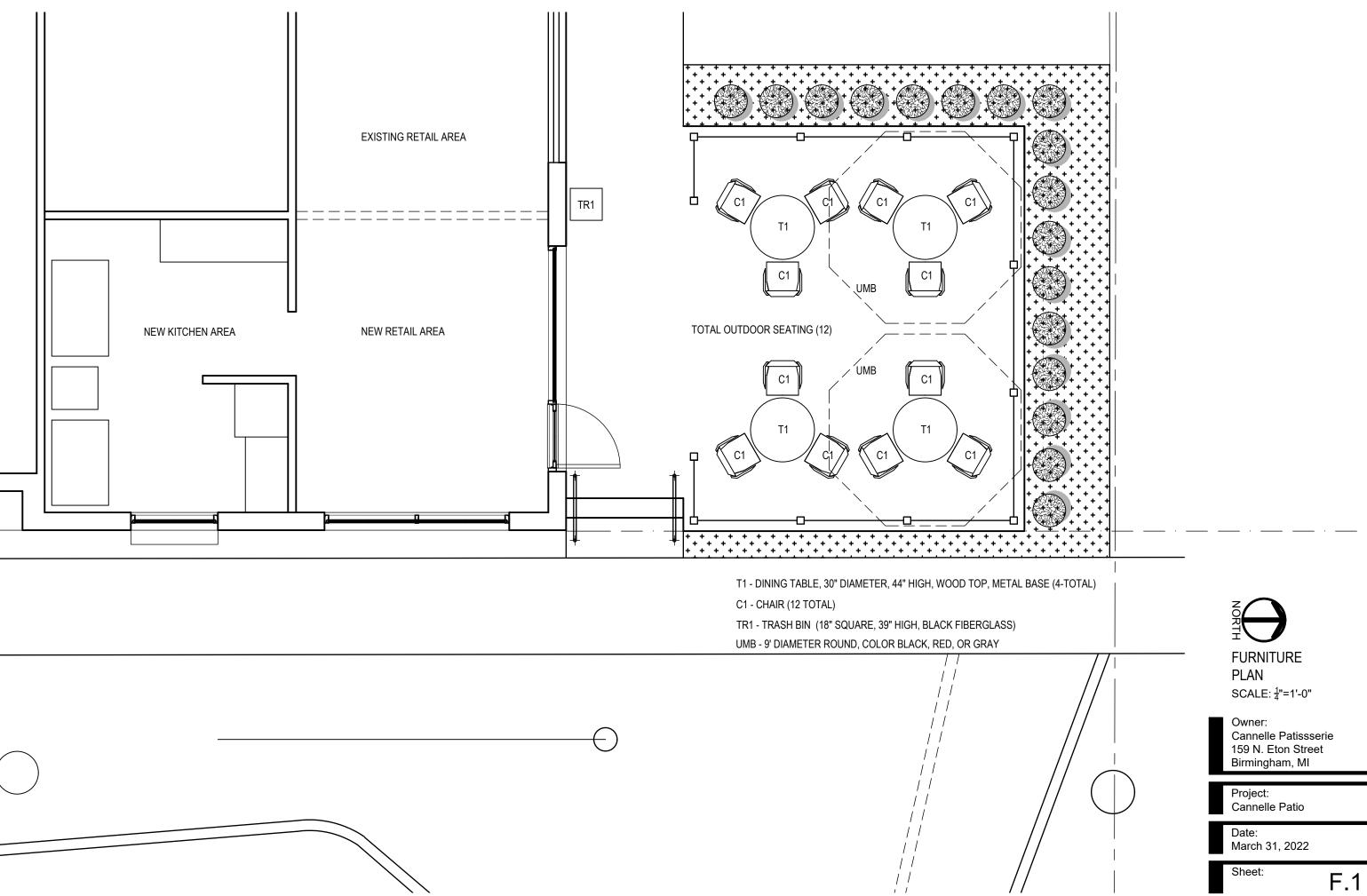
# Assembled Post Kits w/Adjustable Plates 2" x 2" x .090"

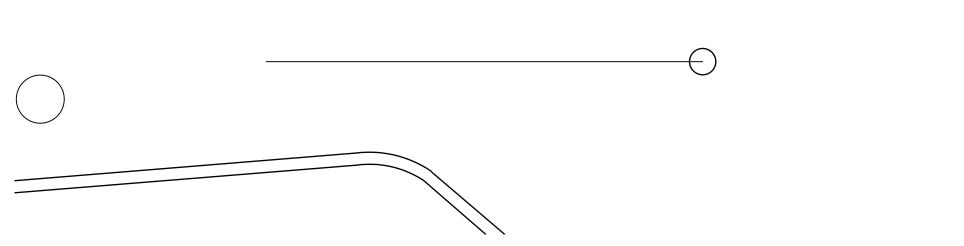
Assembled Kits are available in four Powdered Coated Gloss White.

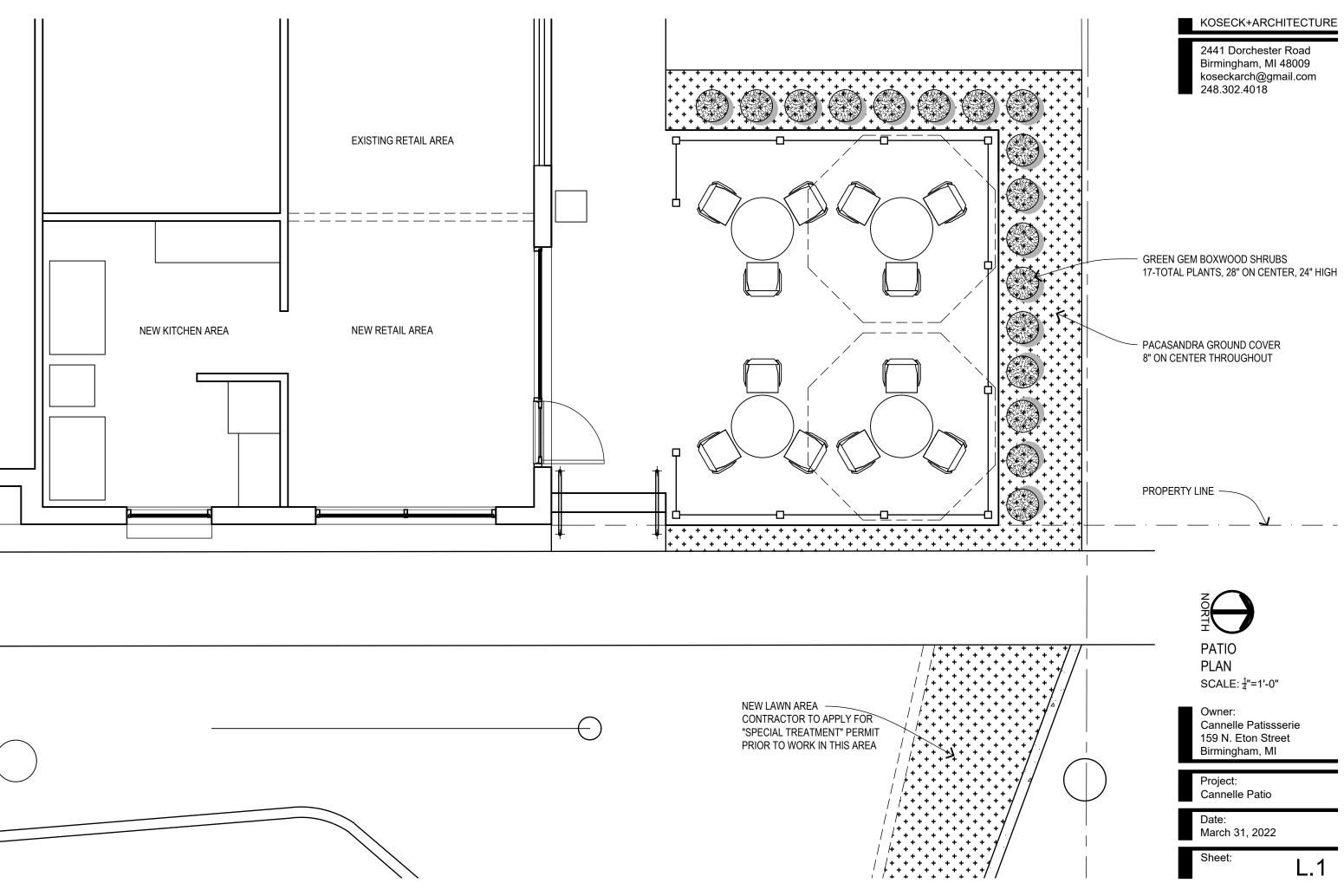
\*Caps are not included with Crossover Post Kits.

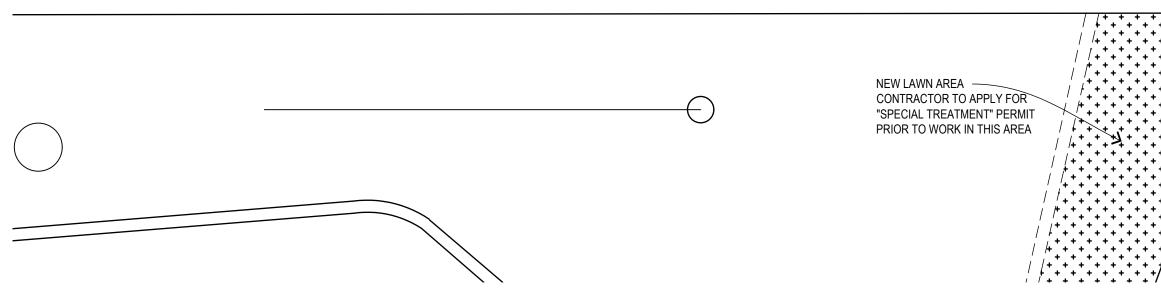
Heights

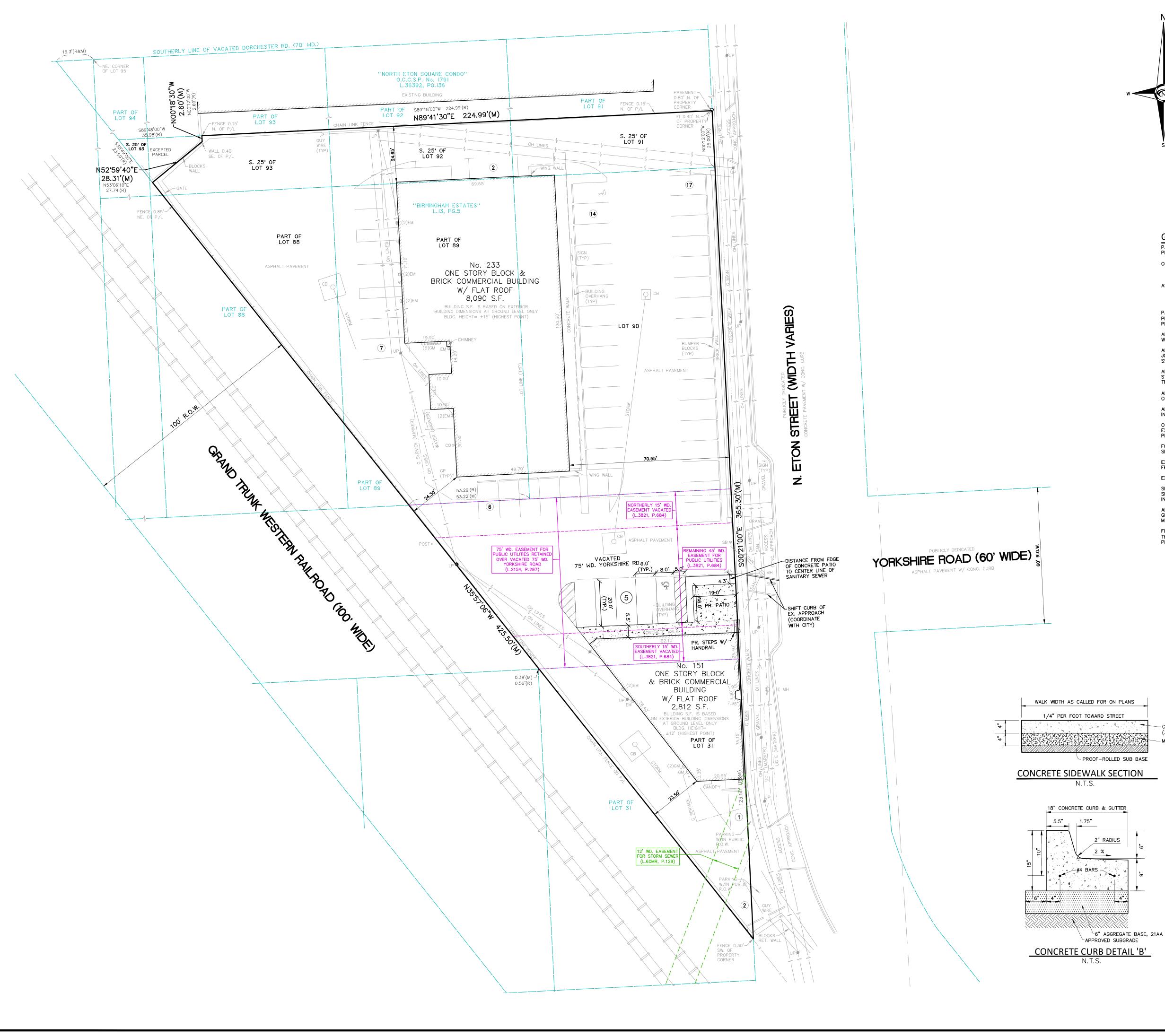
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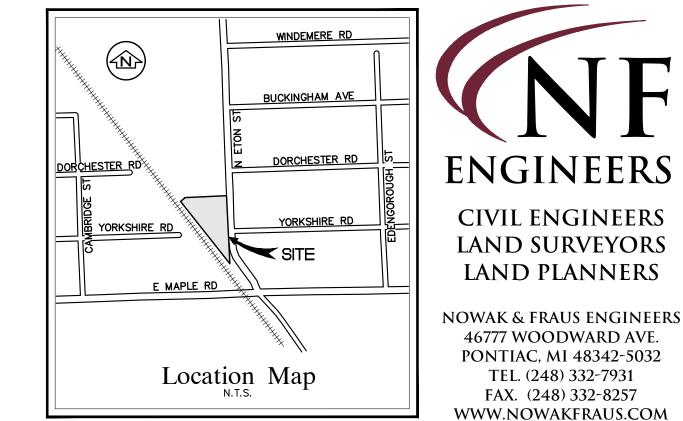












### GENERAL PAVING NOTES

PAVEMENT SHALL BE OF THE TYPE, THICKNESS AND CROSS SECTION AS INDICATED ON THE PLANS AND AS FOLLOWS: CONCRETE: PORTLAND CEMENT TYPE IA (AIR-ENTRAINED) WITH A MINIMUM CEMENT

CONTENT OF SIX SACKS PER CUBIC YARD, MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 3,500 PSI AND A SLUMP OF 1 1/2 TO 3 INCHES. BASE COURSE – MDOT BITUMINOUS MIXTUR HMA 4E1, 20AA; SURFACE COURSE – MDOT BITUMINOUS MIXTURE HMA 5E1, 20AA; ASPHALT CEMENT PENETRATION GRADE 85–100, BOND COAT – MDOT SS–1H ASPHALT:

PAVEMENT BASE SHALL BE COMPACTED TO 95% OF THE MAXIMUM DENSITY (MODIFIED PROCTOR) PRIOR TO PLACEMENT OF PROPOSED PAVEMENT. EXISTING SUB-BASE SHALL BE PROOF-ROLLED IN THE PRESENCE OF THE ENGINEER TO DETERMINE STABILITY. ALL CONCRETE PAVEMENT, DRIVEWAYS, CURB & GUTTER, ETC., SHALL BE SPRAY CURED WITH WHITE MEMBRANE CURING COMPOUND IMMEDIATELY FOLLOWING FINISHING OPERATION. ALL CONCRETE PAVEMENT JOINTS SHALL BE FILLED WITH HOT POURED RUBBERIZED ASPHALT JOINT SEALING COMPOUND IMMEDIATELY AFTER SAWCUT OPERATION. FEDERAL SPECIFICATION SS-S164.

EMULSION AT 0.10 GALLON PER SQUARE YARD; MAXIMUM 2 INCH LIFT.

ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY AND THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION, CURRENT EDITION. ALL TOP OF CURB ELEVATIONS, AS SHOWN ON THE PLANS, ARE CALCULATED FOR A 6" CONCRETE CURB UNLESS OTHERWISE NOTED. ALL SIDEWALK RAMPS, CONFORMING TO PUBLIC ACT NO. 8, 1993, SHALL BE INSTALLED AS INDICATED ON THE PLANS. CONSTRUCTION OF A NEW OR RECONSTRUCTED DRIVE APPROACH CONNECTING TO AN EXISTING STATE OR COUNTY ROADWAY SHALL BE ALLOWED ONLY AFTER AN APPROVED

PERMIT HAS BEEN SECURED FROM THE AGENCY HAVING JURISDICTION OVER SAID ROADWAY. FOR ANY WORK WITHIN THE PUBLIC RIGHT-OF-WAY, THE CONTRACTOR SHALL PAY FOR AND SECURE ALL NECESSARY PERMITS AND LIKEWISE ARRANGE FOR ALL INSPECTION. EXISTING TOPSOIL, VEGETATION AND ORGANIC MATERIALS SHALL BE STRIPPED AND REMOVED FROM PROPOSED PAVEMENT AREA PRIOR TO PLACEMENT OF BASE MATERIALS. EXPANSION JOINTS SHOULD BE INSTALLED AT THE END OF ALL INTERSECTION RADII.

SIDEWALK RAMPS, CONFORMING TO PUBLIC ACT NO. 8, 1973, SHALL BE INSTALLED AS SHOWN AT ALL STREET INTERSECTIONS AND AT ALL BARRIER FREE PARKING AREAS AS INDICATED ON THE PLANS. ALL PAVEMENT AREAS SHALL BE PROOF-ROLLED UNDER THE SUPERVISION OF A

GEOTECHNICAL ENGINEER PRIOR TO THE PLACEMENT OF BASE MATERIALS AND PAVING MATERIALS.

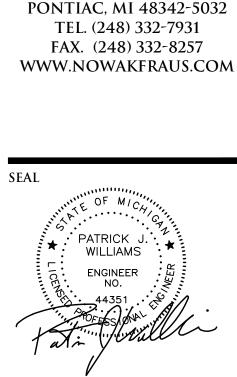
FUL AREAS SHALL BE MACHINE COMPACTED IN UNIFORM LIETS NOT EXCEEDING 9 INCHES THICK TO 98% OF THE MAXIMUM DENSITY (MODIFIED PROCTOR) PRIOR TO PLACEMENT OF PROPOSED PAVEMENT.

### COVID-19 PANDEMIC CONDITION

DUE TO THE UNPRECEDENTED COVID-19 PANDEMIC CONDITION AND RESTRICTIONS THE STANDARD DATA WHICH IS OBTAINED FROM MISS DIG / CALL 811 HAS BEEN RESTRICTED TO CRITICAL INFRASTRUCTURE ONLY. NFE WILL MAKE EVERY EFFORT TO OBTAIN CURRENT REFERENCE DATA FROM THE GOVERNING AGENCIES; HOWEVER, THIS DATA MAY BE PARTIAL OR INCOMPLETE. NFE WILL ISSUE THIS SURVEY WITH THE BEST AVAILABLE INFORMATION FROM OUR FIELD SURVEY AND OTHER AVAILABLE REFERENCE DATA. NFE WILL NOT BE RESPONSIBLE FOR INCOMPLETE OR PARTIAL DATA PROVIDED BY THIRD PARTY FACILITY OWNERS. NFE IS NOT RESPONSIBLE FOR BURIED UTILITIES FOR WHICH PLANS WERE NOT FURNISHED OR CANNOT BE OBSERVED IN THE FIELD.

ALL CONSTRUCTION DOCUMENTS WILL BE UPDATED WHEN THE UTILITY INFORMATION IS PROVIDED BY THE FACILITY OWNER UP UNTIL THE TIME OF SUBMITTAL. ONCE THE PLANS HAVE BEEN SUBMITTED AND APPROVED IT IS THE CONTRACTORS RESPONSIBILITY TO OBTAIN A MISS DIG TICKET PRIOR TO COMMENCING ANY CONSTRUCTION REQUIRING EXCAVATION. CONTRACTOR SHALL IMMEDIATELY NOTIFY NEE OF ANY UTILITIES FLAGGED BY MISS DIG THAT WERE NOT SHOWN ON THE PLANS OR UTILITIES UNCOVERED DUF

RING THEIR WORK.				
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PROF	POSED ASPHALT PAVEMENT			
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LAND SURVEYORS

LAND PLANNERS

46777 WOODWARD AVE.

PROJECT Cannelle Patio

### CLIENT

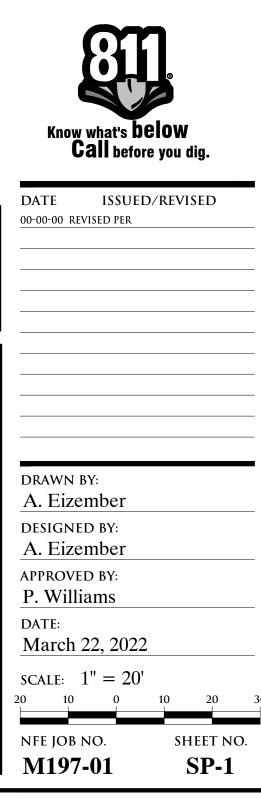
Cannelle 159 N. Eton St. Birmingham, MI 48009

Contact: Matt Knio Ph: (313) 418-0131

### PROJECT LOCATION

Part of the Southwest  $\frac{1}{4}$ of Section 30 T. 2 North, R. 11 East City of Birmingham, Oakland County, Michigan

SHEET Engineering Site Plan



TOWARD STREET	
	CLASS A CONCRETE (3500 PSI MIN.) M.D.O.T. CLASS II
PROOF-ROLLED SUB BASE	
WALK SECTION	
T.S.	
CURB & GUTTER	
.75"	
2" RADIUS	



### MEMORANDUM

Planning Division

DATE:	June 21 <sup>st</sup> , 2022
то:	Thomas M. Markus, City Manager
FROM:	Brooks Cowan, Senior Planner
APPROVED:	Nicholas Dupuis, Planning Director
SUBJECT:	Set Public Hearing for 1160 Grant Street –

### **SUBJECT:** Set Public Hearing for 1160 Grant Street – Ortiz Educare – Special Land Use Permit, Final Site Plan & Design Review

### INTRODUCTION:

The applicant has submitted an application for a Special Land Use Permit, Final Site Plan and Design Review for a child care center at 1160 Grant Street. Child care centers in the B1 – Neighborhood Business zone require a Special Land Use Permit.

### BACKGROUND:

Article 9, Section 9.02 of the Zoning Ordinance defines child care centers as the following:

A facility, other than a private residence, where child care is provided for periods of fewer than 24 hours a day, for more than 2 consecutive weeks per year, for 1 or more children whose parents/guardians are not immediately available. Child care centers include public or private preschools, nursery schools, parent cooperative preschools, full-day child care centers and drop in centers and must be licensed by the state.

The subject property contains a single story brick commercial building with three tenant spaces. There are currently two tenants in the building, a laundromat and a dry cleaners. The applicant is applying to occupy the northernmost tenant space which is 1900 square feet to be used a child care center. Only minor changes to the subject site are being proposed which include lighting and landscaping. The applicant will be able to obtain a child care center license from the state after approval from the City Commission.

On June 8<sup>th</sup>, 2022, The Planning Board motioned to approve the Final Site Plan and SLUP for 1160 Grant Street – Ortiz Educare - with the following conditions:

1. The applicant submit a Photometric Plan indication all lighting requirements for the parking lot circulation area have been met; and,

2. The applicant provide details relating to the size and materials of the sign to be administratively approved by staff.

The applicant has been coordinating with staff on providing all required documents and applications required by the Planning Board in their conditions of approval.

### LEGAL REVIEW:

The City Attorney will conduct a formal review of the application, resolution, and new SLUP contract for the Public Hearing.

### FISCAL IMPACT:

There are no fiscal impacts for this agenda item.

### PUBLIC COMMUNICATIONS:

As required for a Special Land Use Permit and Final Site Plan Review, a legal ad was placed in a newspaper of local circulation to advertise the nature of the request in advance of the June 8<sup>th</sup>, 2022 Planning Board meetings, 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 July 25<sup>th</sup>, 2022.

### SUMMARY:

The Planning Division requests that the City Commission set a Public Hearing date of July 25<sup>th</sup>, 2022 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 1160 Grant St. – Ortiz Educare.

### ATTACHMENTS:

Please find attached the following documents for your review:

- Special Land Use Permit Resolution
- Current Site/Design Plans
- Planning Board Review Documents
- Relevant Meeting Minutes

### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to set a public hearing date of July 25<sup>th</sup>, 2022 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 1160 Grant St. – Ortiz Educare.

### **Ortiz Educare**

### 1160 Grant St. Special Land Use Permit 2022

WHEREAS, A Special Land Use Permit application was filed in April 2022 for approval of a new child care center in the B1 – Neighborhood Business zone;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the west side of Grant Street, south of Lincoln Avenue;

WHEREAS, The land is zoned B1- Neighborhood Business, which permits the operation of child care centers 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 June 8<sup>th</sup>, 2022 reviewed the application for a Special Land Use Permit, Final Site Plan and Design Review and recommended approval to the City Commission for the proposed child care center with the following conditions:

- 1. The applicant submit a Photometric Plan indication all lighting requirements for the parking lot circulation area have been met; and,
- 2. The applicant provide details relating to the size and materials of the sign to be administratively approved by staff.

WHEREAS, The Birmingham City Commission has reviewed Ortiz Educare'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 Ortiz Educare's application for a Special Land Use Permit, Final Site Plan and Design Review at 1160 Grant St. 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. Ortiz Educare shall abide by all provisions of the Birmingham City Code;
- 2. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

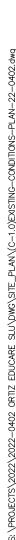
BE IT FURTHER RESOLVED, Except as herein specifically provided, Ortiz Educare and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in

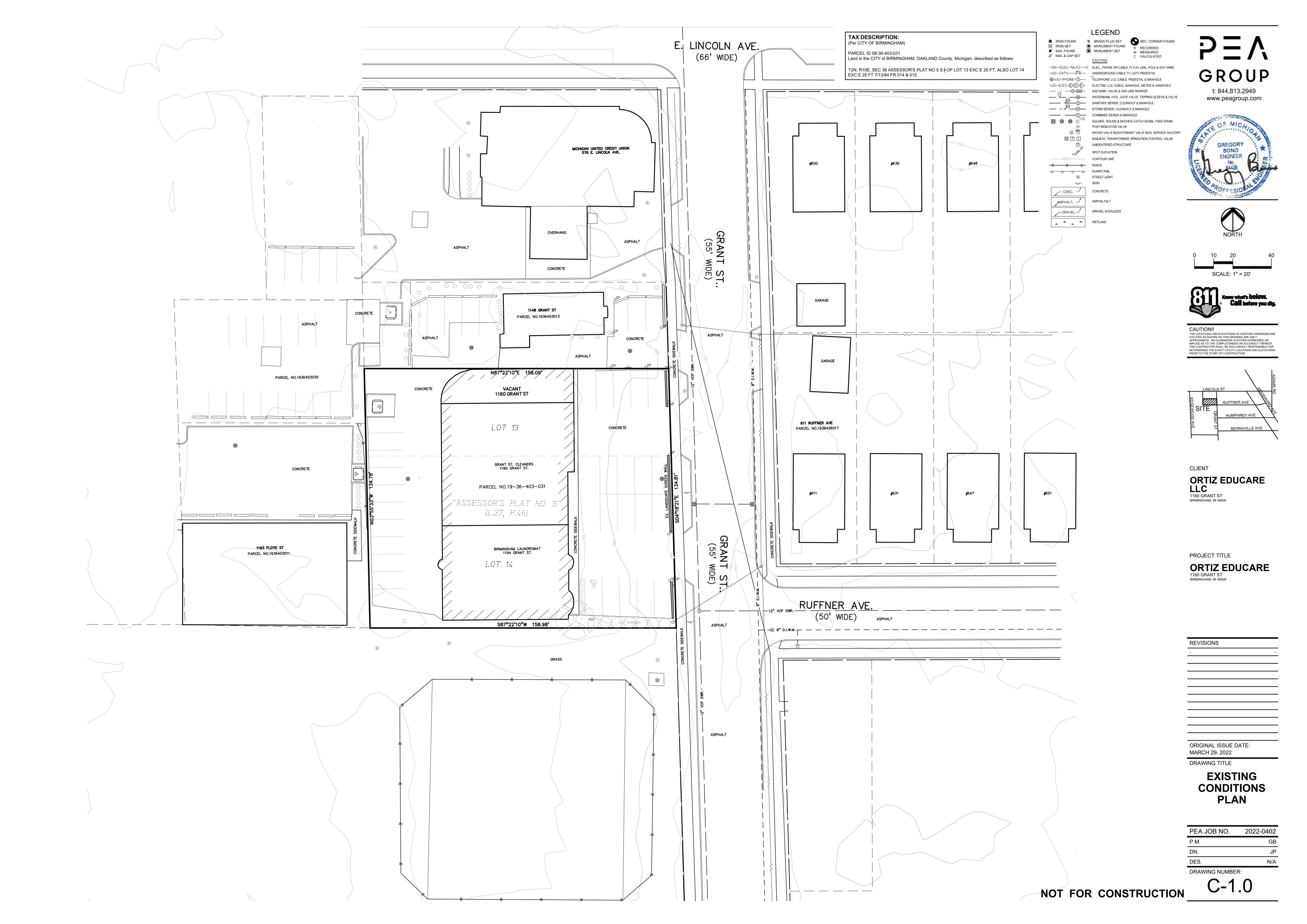
effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of Ortiz Educare to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

BE FURTHER RESOLVED that Ortiz Educare is recommended for the operation of a child care center, 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 July 25<sup>th</sup>, 2022.

Alexandria Bingham City Clerk







# NOT FOR CONSTRUCTION C-1.1

PEA JOB NO.	2022-0402
P.M.	GB
DN.	JP
DES.	N/A
DRAWING NUMBER:	
$\mathbf{C}$ 1	1

# AERIAL IMAGERY PLAN

DRAWING TITLE

ORIGINAL ISSUE DATE MARCH 29, 2022

REVISIONS

ORTIZ EDUCARE 1160 GRANT ST BIRMINGHAM, MI 48009

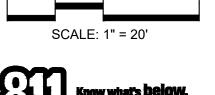
PROJECT TITLE

CLIENT ORTIZ EDUCARE LLC 1160 GRANT ST BIRMINGHAM, MI 48009

INCOLN HUMPHREY AVE BENNAVILLE AVE

 $\left( 0\right) L$ **Call before you dig** CAUTION!! THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

SCALE: 1" = 20'











www.peagroup.com





TAX DESCRIPTION:

(Per CITY OF BIRMINGHAM)

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 IRON SET
 MONUMENT FOUND
 MONUMENT SET
 MONUMENT SET
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EXISTING -0-M T MAILBOX, TRANSFORMER, IRRIGATION CONTROL VALVE ? ×690.

POST INDICATOR VALVE 𝒮 🏷 WATER VALVE BOX/HYDRANT VALVE BOX, SERVICE SHUTOFF UNIDENTIFIED STRUCTURE SPOT ELEVATION

LEGEND

C CALCULATED

\_\_\_\_\_670 \_\_\_\_\_ CONTOUR LINE -X-X- FENCE

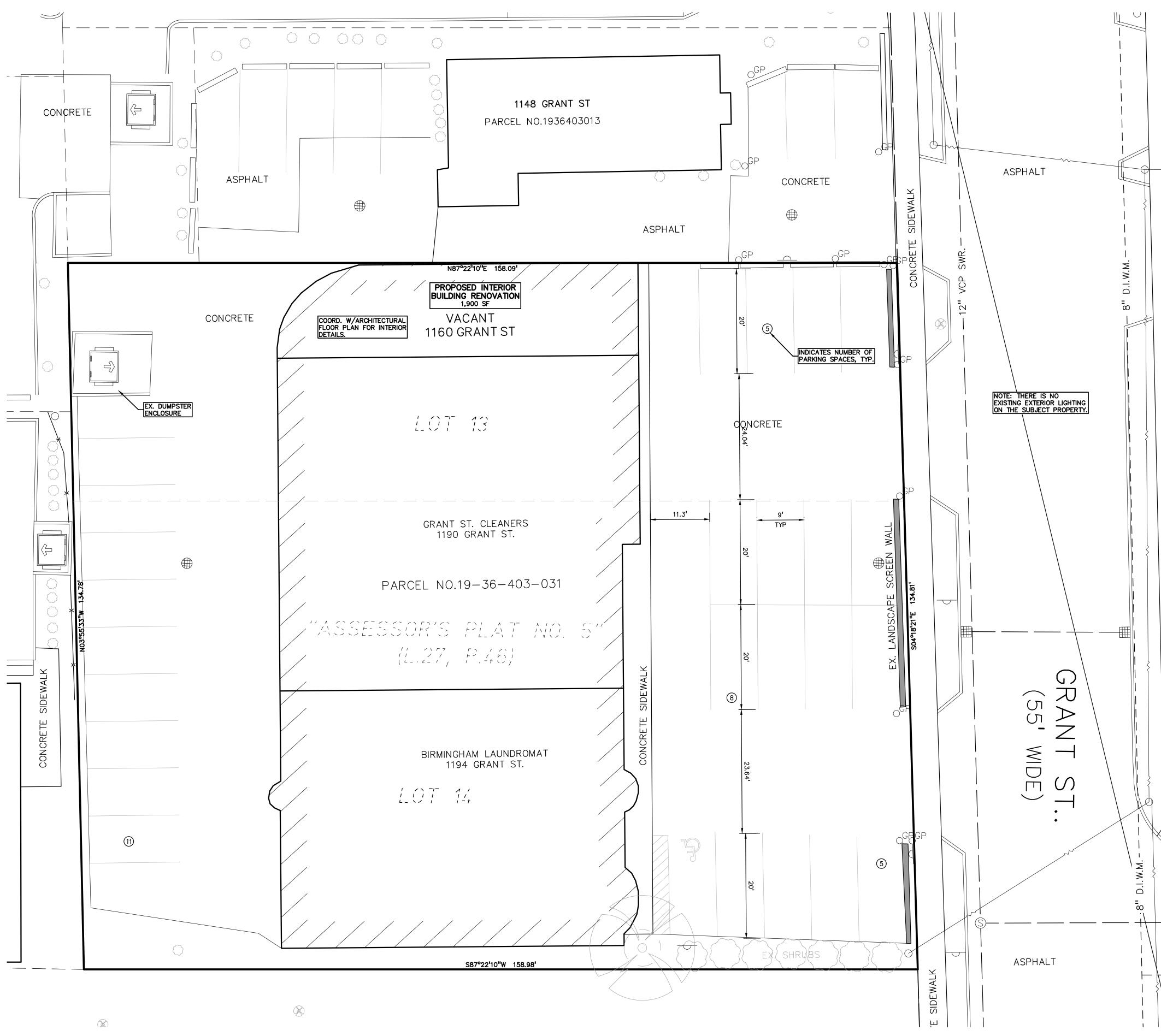
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CONC. - CONCRETE

<del>علد علد</del> WETLAND بات بات

GRAVEL GRAVEL SHOULDER

ASPHALT. –/ ASPHALTALT



 $S \equiv V$ SITE DATA TABLE: SITE AREA: 0.489 ACRES (21,301 SF) NET ZONING: B1 (NEIGHBORHOOD BUSINESS) GROUP BUILDING INFORMATION: MAXIMUM ALLOWABLE BUILDING HEIGHT = 30 FT.(2 STORIES) BUILDING FOOTPRINT AREA = 8,405 SF. t: 844.813.2949 BUILDING LOT COVERAGE = 39.4% www.peagroup.com SETBACK REQUIREMENTS: FRONT (EAST) SIDE (NORTH) REQUIRED: SIDE (SOUTH) REAR (WEST) PARKING REQUIRED: RETAIL = 1 SPACE PER 300 S.F. = 28 SPACES GREGORY BONO PARKING PROVIDED: 29 (INCLUDING 1 ACCESSIBLE) ENGINEER TAX DESCRIPTION: (Per CITY OF BIRMINGHAM) PARCEL ID 08-36-403-031 Land in the CITY of BIRMINGHAM, OAKLAND County, Michigan, described as follows: T2N, R10E, SEC 36 ASSESSOR'S PLAT NO 5 S  $\frac{1}{2}$  OF LOT 13 EXC E 25 FT, ALSO LOT 14 EXC E 25 FT 7/13/84 FR 014 & 015 \_\_\_\_ SCALE: 1" = 10' CAUTION!! THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION. RUFENER AV HUMPHREY AVE BENNAVILLE AVE CLIENT ORTIZ EDUCARE LLC 1160 GRANT ST BIRMINGHAM, MI 48009 PROJECT TITLE ORTIZ EDUCARE 1160 GRANT ST BIRMINGHAM, MI 48009 SIDEWALK REVISIONS Щ \_\_\_\_\_ ORIGINAL ISSUE DATE: MARCH 29, 2022 DRAWING TITLE H - 12" VCP SWR.-PEA JOB NO. 2022-0402 P.M. GB DN. JP DES. N/A DRAWING NUMBER: C-2.0 NOT FOR CONSTRUCTION

# **Proposed Interior Alterations for:** Ortiz Educare LLC 1160 Grant Street Birmingham, MI 48009

Client: Ortiz Educare LLC 1160 Grant St. Birmingham, MI 48009 (248) 709-4510 amy.ortiz17@comcast.net

Designer:



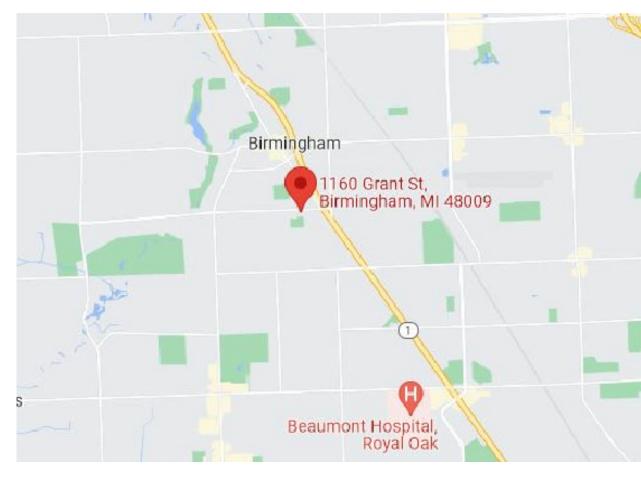
8265 Messmore Rd. Shelby Twp., MI 48317 (586) 484-1499 noochaj@hotmail.com

Job #: Issue Date:

C22-107 March 23, 2022



# Location Map:





# Project Index:

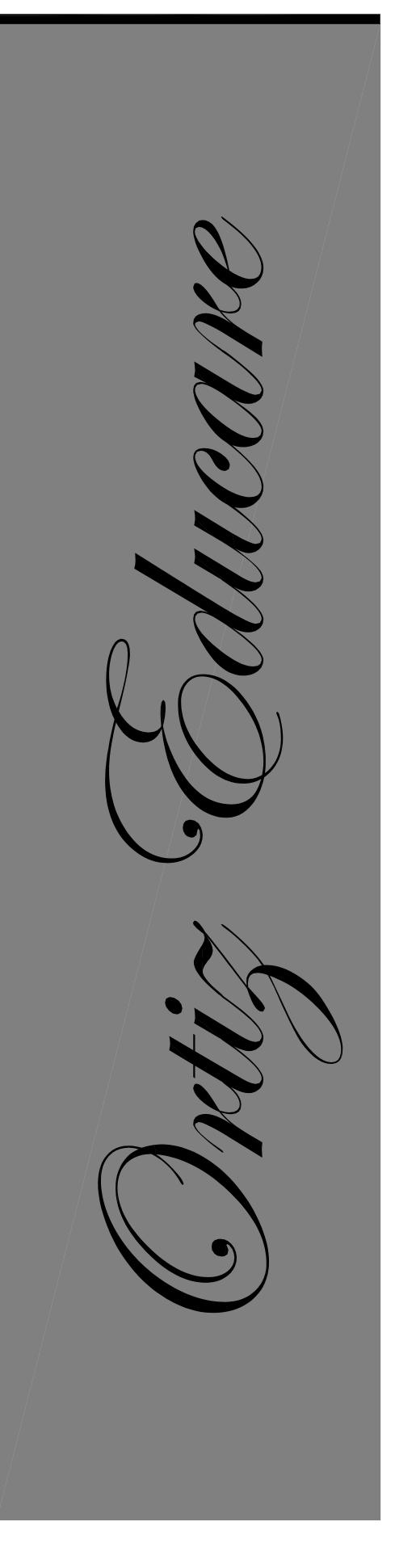
Proposed	A-1
Reflected Co	A-2
Barrier Fr	A-3
Sar	M-1
Mecha	M-2
Elec	E-1

NO SCALE

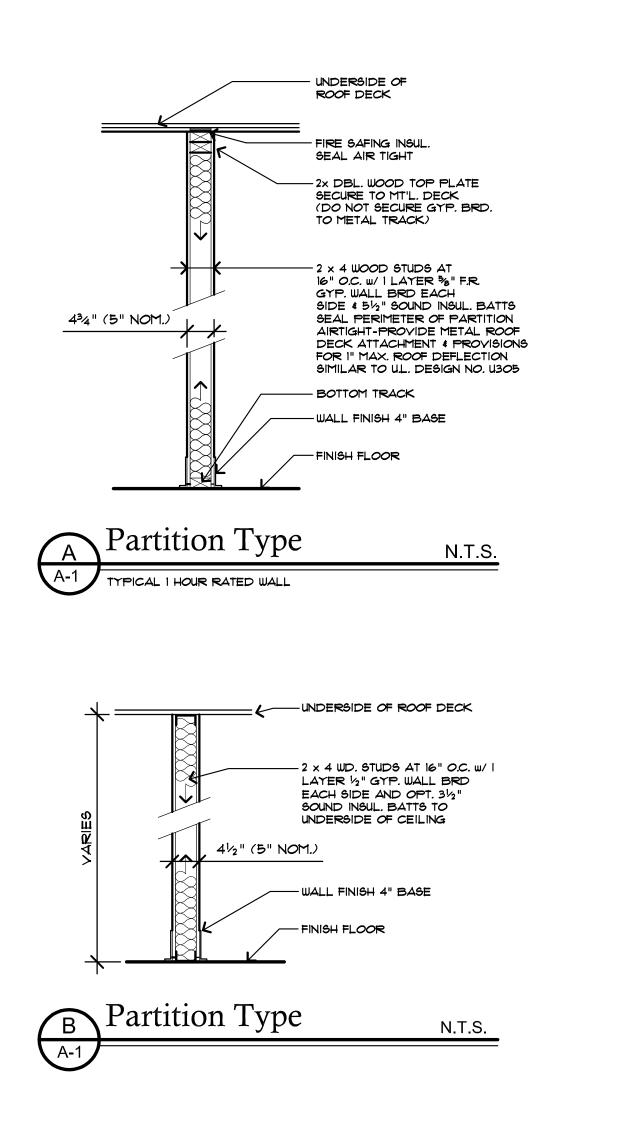
Floor Plan eiling Plan ee Details

nitary Plan nical Plan

trical Plan



# Emergency Lighting Notes:



# EXIT LIGHTING UNITS. OFFICE AREA.

### Exit Notes:

MAXIMUM SLOPE ON SIDEWALK RAMP IS 1:20 AND MINIMUM WIDTH IS 5'-O"

PROTECTED.

OR TO EXTINGUISHERS.

MATERIAI GYPSUM SHEATI GYPSUM WALLBO JOINT REIN. TAP NAILS FOR GYP

STEEL SCREWS STEEL STUDS NO WATER-RESISTA

INSTALL ILLUMINATED EXIT SIGNS OVER EXIT DOORS. DIRECTIONAL EXIT SIGNS MAY ALSO BE REQUIRED TO PROPERLY IDENTIFY THE PATHWAY LEADING TO THE EXIT ITSELF. ELECTRICAL CONTRACTOR SHOULD CONTACT THE FIRE MARSHAL FOR PROPER PLACEMENT OF

PROVIDE EMERGENCY LIGHTING AS DESIGNATED BY THE FIRE MARSHAL TO ILLUMINATE THE EXIT ACCESS IN CASES OF A COMMERCIAL POWER OUTAGE. ELECTRICAL CONTRACTOR SHOULD CONTACT THE FIRE MARSHAL FOR PROPER PLACEMENT OF EMERGENCY LIGHTING UNITS. ADDITIONAL UNITS MAY BE NEEDED IN

PROVIDE LOCK OPEN DEVICES ON ALL CIRCUIT BREAKERS PROTECTING EMERGENCY LIGHT AND EXIT LIGHT CIRCUITS. ALL DOORS TO HAVE A MAX. THRESHOLD OF  $\frac{1}{2}$ " IN HT.

ALL EXIT DOORS MUST BE OPERABLE FROM INSIDE WHEN LOCKED IN ONE MOTION WITHOUT A KEY REQUIRED.

PROVIDE 5'-O" X 6'-O" CLEAR AREA W/ MAX 1/4" PER FOOT SLOPE AWAY FROM BUILDING (TYP AT ALL EGRESS DOORS)

FRONT APPROACHES TO PUSH SIDE OF SWINGING DOORS, EQUIPPED WITH A CLOSURE AND A LATCH, SHALL HAVE MANEUVERING SPACE THAT EXTENDS 12" x 48" BEYOND THE LATCH SIDE OF THE DOOR.

ALL TILE WITHIN MEANS OF EGRESS TO BE SLIP-RESISTANT

## Fire Extinguisher Note:

<u>TYPE</u> APPROVED ABC DRY CHEMICAL OR EQUIVALENT WITH MINIMUM 2A RATING EXTINGUIGHERS TO BE COMPATIBLE WITH THE HAZARD

AMOUNT LIGHT HAZARD: AN ADEQUATE NUMBER TO PROVIDE A MAXIMUM NORMAL TRAVEL DISTANCE OF 15 FEET BETWEEN OR TO EXTINGUISHERS. ORDINARY HAZARD: A MINIMUM OF TWO REQUIRED TO PROVIDE A MAXIMUM NORMAL TRAVEL DISTANCE OF 15 FEET BETWEEN

<u>Mounting</u> Extinguishers shall be installed on hangers or in the Brackets supplied, or in approved type extinguisher cabinets UNLESS THE Extinguishers are of wheeled type.

EXTINGUIGHERS SHALL BE CONSPICUOUSLY LOCATED WHERE THEY WILL BE READILY ACCESSIBLE AND IMMEDIATELY AVAILABLE IN THE EVENT OF FIRE. THEY SHALL BE LOCATED ALONG NORMAL PATHS OF TRAVEL, INCLUDING EXITS FROM AN AREA. EXTINGUISHERS SHALL BE INSTALLED SO THAT THE TOP OF THE EXTINGUISHER IS NOT MORE THAN FIVE FEET ABOVE THE FLOOR.

### Address Note:

### OWNER TO PROVIDE ADDRESS IN NUMERICAL BLOCK FORM FOR EACH TENANT SPACE AND BE DISPLAYED AT THE FRONT AND REAR OF THE BUILDING. ALL NUMBERS SHALL BE VISIBLE TO OCCUPANTS OF VEHICLES ON THOROUGHERES AND THE COLORS SHALL BE IN CONTRAST WITH THE BACKGROUND ON WHICH THEY ARE MOUNTED.

### Gypsum Board Note

ALL GYPSUM BOARD MATERIALS AND ACCESSORIES TO CONFORM TO TABLE 25062

L	STANDARD
THING BOARD PE & COMPOUND PSUM BOARDS ION LOAD BEARING ANT GYPSUM BOARD BACKING	ASTM CT9 ASTM C36 ASTM C414± C475 ASTM C514 ASTM C954± C1002 ASTM C645 ASTM C630

LOCAL AGENCY:

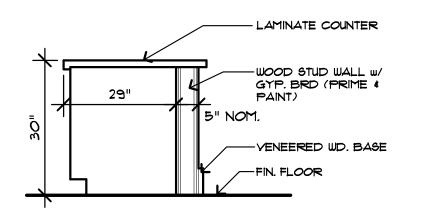
	BIRMINGHAM, MI (248) 530-1800	48009
REFERENCE CODE6:	2015 MICHIGAN BU WITH STATE AMENI 2015 MICHIGAN PL WITH STATE AMENI 2015 MICHIGAN ME WITH STATE AMENI 2014 NATIONAL EL WITH STATE AMENI 2015 MICHIGAN EN ASHRAE 30-A 198	DMENTS LUMBING CODE DMENTS ECHANICAL CODE DMENTS LECTRICAL CODE DMENTS
TENANT AREA:	1,900 SQ. FT. (NET.	)
USE GROUP (CHAPTER 3):	(E) EDUCATION	
PROPOSED USE:	DAY CARE	
CONSTRUCTION TYPE (CHAPTER 6):	IIIB (NON-COMBUS	TIBLE STRUCTURAL)
OCCUPANT LOAD: (PER TABLE 1004.12):	54 OCCUPANTS	
EXITS REQUIRED: (PER TABLE 1006.2.1)		
EXITS PROVIDED:		
TABLE 1016.1 FIRE RESISTANCE RATINGS E OCCUPANCY WITHOUT FIRE SUPPRESSION SYSTEM		1 HOUR
TABLE 8035: FIRE RESISTANCE RATINGS	OF INTERIOR WALL AN	D CEILING FINISH
VERTICAL EXITS AND PASS	BAGEWATS	CLASS A
EXIT ACCESS CORRIDORS OTHER EXITWAYS	AND	CLASS B
ROOMS AND ENCLOSED SF	PACES	CLASS C
TABLE 601: FIRE RESISTANCE RATINGS	OF BUILDING ELEMEN	тө
STRUCTURAL FRAME INCLUDING COLUMNS, GRII	DERS, AND TRUSSES	0 HOUR
BEARING WALLS EXTERIOR LESS THAN 5' EXTERIOR GREATER THAI INTERIOR	N 30'	2 HOURS 2 HOURS 0 HOURS
NONBEARING WALLS Exterior Interior		0 HOUR 0 HOURS
FLOOR CONSTRUCTION INCLUDING SUPPORT BEA	MS AND JOISTS	0 HOUR
ROOF CONSTRUCTION INCLUDING SUPPORT BEA	MS AND JOISTS	0 HOUR
TABLE 10172:	ANCE WITHOUT SPRINK	LER SYSTEM
EXIT ACCESS TRAVEL DIST		

151 MARTIN STREET

### Wall Types:

 DENOTES EXISTING WOOD STUDS w/ GYP. BRD. INTERIOR w/ 4" BRICK VENEER EXTERIOR
DENOTES NEW 2 x 4 WD. STUDS AT 16" O.C. W/ $\frac{1}{2}$ " GYPSUM BRD. BOTH SIDES TO UNDERSIDE OF CEILING
 DENOTES NEW 2 x 4 WD. STUDS AT 16" O.C. W/ 36" F.R. TYPE "X" GYP. BRD. TO UNDERSIDE OF CEILING (SIMILAR TO UL U305)
DENOTES NEW 2 x 4 WD. STUDS AT 16" O.C. W/ $\frac{1}{2}$ " GYPSUM BRD. OUTSIDE FACE ONLY TO UNDERSIDE OF CEILING

DENOTES EXISTING DEMISING WALL



Countertop Detail

N.T.S.

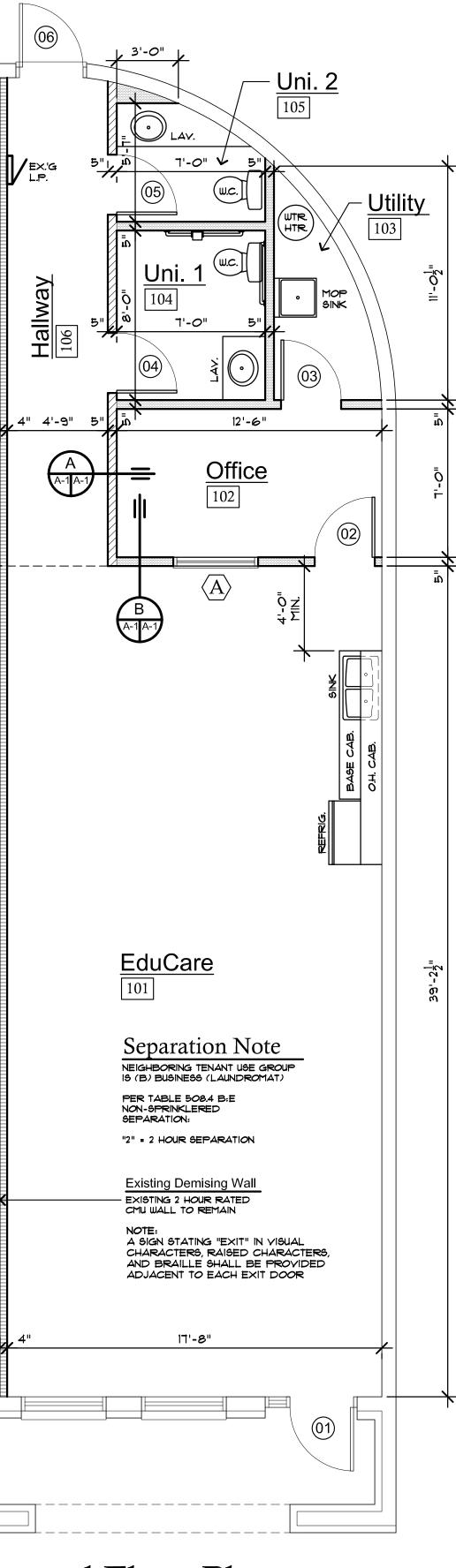


undromat

51-12

Legend

$\mathbf{X}$	SE
XXX	SE
$\langle X \rangle$	SE



### Proposed Floor Plan 1/4" = 1'-0"

Existing NET Square Footage: 1,900 Square Feet

Note:

BEE DOOR SCHEDULE SHEET A-2

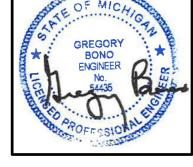
BEE ROOM SCHEDULE SHEET A-2

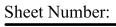
SEE WINDOW SCHEDULE SHEET A-2

AN APPROVED LEGIBLE PERMANANT OCCUPANT LOAD SIGN IS REQUIRED IN A CONSPICIOUS PLACE, NEAR THE MAIN EXIT OR EXIT ACCESS DOORWAY FROM THE ROOM OR SPACE

Note: CONTRACTOR TO VERIFY EXISTING DIMENSIONS AND CONDITIONS AND COORDINATE STRUCTURAL WORK WITH OTHER TRADES. NOTIFY ARCHITECT OF ANY DISCREPANCIES BEFORE CONTINUING WORK.









DETAIL NUMBER LOCATION DETAIL SHEET SHEET

	ROOM FINISH SCHEDULE										
No.	Room Name	Floor	Base	Wall	Ceiling	Cl'g Ht.	Remarks				
101	EDUCARE AREA	STAINED & SEALED CONCRETE	4" VINYL BASE	GYP. BD. (PRIME & PAINT) COLORS PER OWNER	EXPOSED (PAINT COLOR PER OWNER)	10'-0" A.F.F.					
102	OFFICE	STAINED & SEALED CONCRETE	4" VINYL BASE	GYP. BD. (PRIME & PAINT) COLORS PER OWNER	2 × 4 LAY-IN TILE	8'-0" AFF.					
103	UTILITY	STAINED & SEALED CONCRETE	4" VINYL BASE	GYP. BD. (PRIME & PAINT) COLORS PER OWNER	2 × 4 LAY-IN TILE	8'-0" AFF.					
104	B.F. UNISEX LAV. 1	STAINED & SEALED CONCRETE	4" VINYL BASE	GYP. BD. (PRIME & PAINT) COLORS PER OWNER	2 × 4 LAY-IN TILE	8'-0" AFF.					
105	UNISEX LAVATORY 2	STAINED & SEALED CONCRETE	4" VINYL BASE	GYP. BD. (PRIME & PAINT) COLORS PER OWNER	2 × 4 LAY-IN TILE	8'-0" AFF.					
106	HALLWAY	STAINED & SEALED CONCRETE	4" VINYL BASE	GYP. BD. (PRIME & PAINT) COLORS PER OWNER	2 × 4 LAY-IN TILE	8'-0" AFF.					

### Door Schedule Remarks

- WALL OR FLOOR STOP
- 2. LOCK SET 3. DOOR CLOSER
- 4. PUSH BUTTON LOCKSET
- 5. BARRIER FREE SIGNAGE AND SYMBOL OF COMPLIANCE
- 6. STANDARD SLIDING DOOR HARDWARE INCLUDING TRACK, GLIDES, AND DUMMY GLIDES
- 7. 18" WIDE SIDE LITE W/ 1/4" TEMP. GLASS 8. 24" WIDE SIDE LITE W/ 1/4" TEMP. GLASS
- 9. DEADBOLT
- 10. PASSAGE LOCKSET
- 11. DOUBLE SWING HINGESET
- 12 POCKET DOOR HARDWARE
- 13. LEAD LINED DOOR
- 14. EMERGENCY EXIT HARDWARE 15. PUSH/PULL PLATE
- 16. TEMPERED GLASS INSERT
- 17. DOORS TO REMAIN UNLOCKED
- DURING HOURS OF OPERATION
- 18. PUSH-BAR STYLE EMERGENCY EGRESS HARDWARE

Door Schedule General Notes:

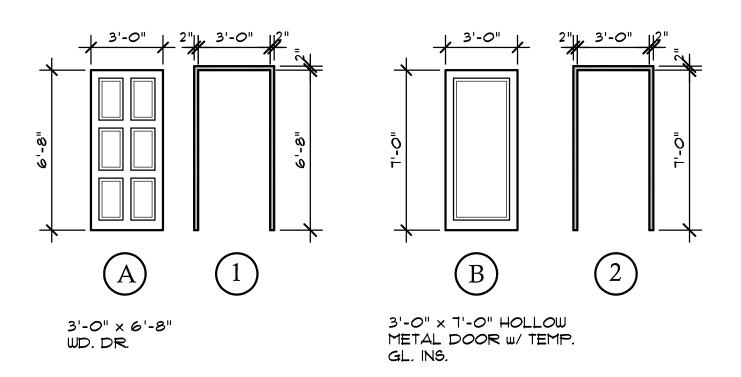
1. ALL DOORS SHALL HAVE HANDLES, PULLS LATCHES, AND OPERATING DEVICES WHICH DO NOT REQUIRE TIGHT GRASPING, TIGHT PINCHING OR TWISTING OF THE WRIST TO OPERATE. REFER TO SECTION 8.3.4.5.1 OF THE MICH. BARRIER FREE DESIGN GRAPHICS

2. PRIMARY LOCKING AND LATCHING DEVICES ON DOORS SHALL BE MOUNTED NO HIGHER THAN 60" AND SECONDARY LOCKING DEVICES NO HIGHER THAN 48", REFER TO SECTION 8.3.4.5.3 OF THE MICH. BARRIER FREE DESIGN GRAPHICS

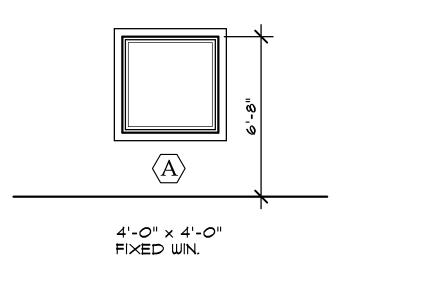
3. ALL EXIT DOORS SHALL SWING IN THE DIRECTION OF EGRESS.

4. NO INTERIOR KEY LOCKS OR BOLT-TYPE LOCKING DEVICES ARE PERMITTED ON EXIT DOORS.

	DOOR SCHEDULE													
				Door					Frami	ng		Time D		
Door No.	Туре	Mat.	Glass		Details		Туре	Mat.	Details			Fire R	lating	Remarks
110.	rype		01035	Width	Height	Thick.	rype	Iviat.	Jamb	Head	Sill	Label	Hour	
01	в	нм.	TEMP.	3'-0"	7'-0"	1 <sup>3</sup> ⁄4 "	PROVIDED UNDER PREVIOUS CONTRACT 3, 9, 17					3, 9, 17		
02	А	WOOD		3'-0"	6'-8"	1 <sup>3</sup> ⁄4 "	1	H.M.	1	2				1, 2
03	А	WOOD		3'-0"	6'-8"	1 <sup>3</sup> ⁄4 "	1	H.M.	1	2				1, 2
04	А	WOOD		3'-0"	6'-8"	1 <sup>3</sup> ⁄4 "	1	H.M.	1	2				1, 4, 5
05	А	WOOD		3'-0"	6'-8"	<sup>3</sup> ⁄4 "	1	H.M.	1	2				1, 4, 5
06	в	H.M.	TEMP.	3'-0"	6'-8"	1 <sup>3</sup> ⁄4 "	2	H.M.	1	2				3, 9, 17



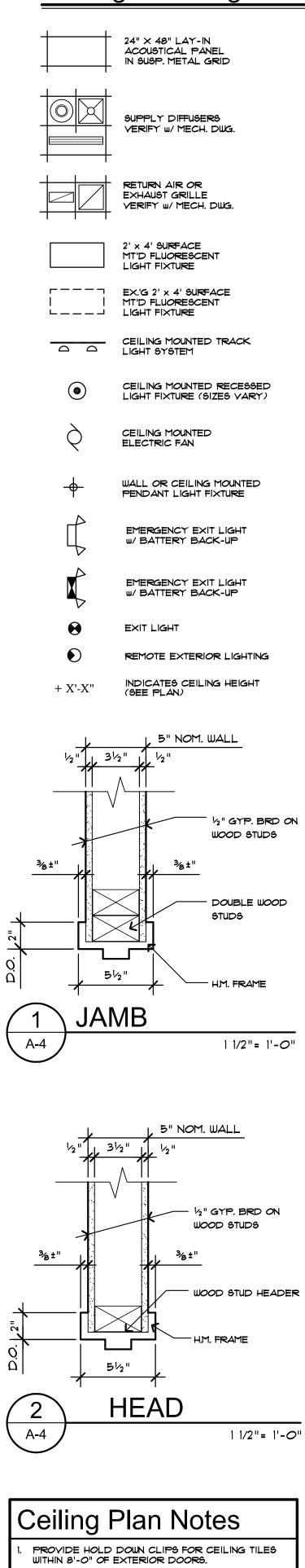
# Door Type



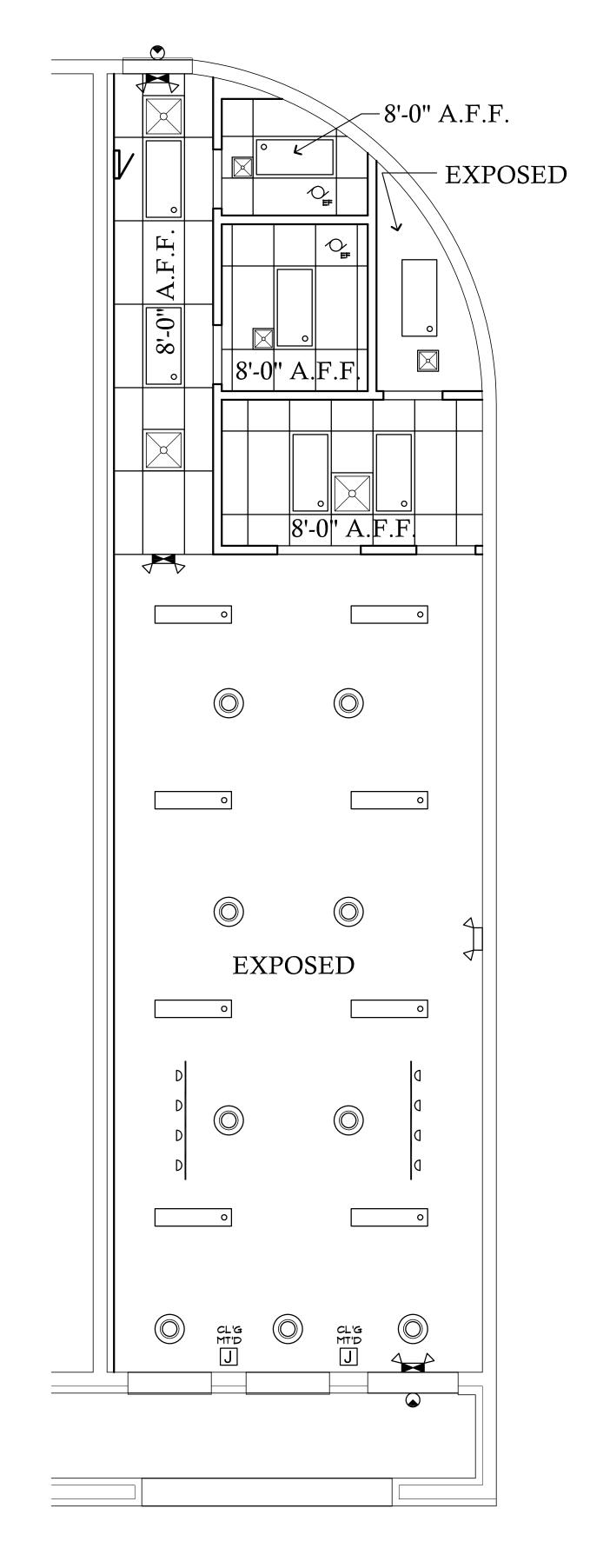
Window Type NOT TO SCALE

NOT TO SCALE

## Ceiling Plan Legend



- SUPPORT WIRES FOR CEILING GRID SHALL NOT BE ATTACHED TO MECHANICAL/ELECTRICAL SYSTEMS.
- . EXTEND WALLS, INCLUDING GYSUM BOARD, TO SUSPENDED CEILING HEIGHT UNLESS OTHERWISE NOTED OR REQUIRED FOR FIRE SEPARATION ASSEMBLIES





# Reflected Ceiling Plan 1/4" = 1'-0"

Note: IF REQUESTED, CONTRACTOR TO PROVIDE DOCUMENTATION TO VERIFY THAT TYPES OF WALL , FLOOR AND CEILING FINISHES MEET THE REQUIREMENTS OF SECTION 803 AND 804 OF THE 2015 MBC.



Sheet Number:

A-2

### 1103.3 - SYMBOL OF COMPLIANCE

BUILDING AND STRUCTURES AND FACILITIES WITHIN BUILDINGS AND STRUCTURES THAT ARE IN COMPLIANCE WITH THE REQUIREMENTS FOR BARRIER FREE DESIGN SHALL BE CLEARLY IDENTIFIED WITH THE SYMBOL OF COMPLIANCE.

THIS SIGNAGE REQUIREMENT, PLACED AT OR ADJACENT TO AN ACCESSIBLE BUILDING ENTRANCE, ALERTS ANY PERSON THAT THE FACILITY IS ACCESSIBLE AND USABLE. THIS SIGNAGE IS ALSO REFERED TO AS AN INTERNATIONAL SYMBOL OF ACCESSIBILITY, THROUGH CABO 4.28.8.1 (PG 16).

### 1024.1 ARTIFICIAL LIGHTING

ALL MEANS OF EGRESS OTHER THAN OCCUPANCIES IN USE GROUP R-3 SHALL BE EQUIPPED WITH ARTIFICIAL LIGHTING FACILITIES TO PROVIDE THE INTENSITY OF ILLUMINATION HEREIN PRESCRIBED CONTINUOUSLY DURING THE TIME THAT CONDITIONS OF OCCUPANCY OF THE BUILDING REQUIRE THAT THE EXITS BE AVAILABLE. LIGHTING SHALL ALSO BE PROVIDED TO ILLUMINATE THE EXIT DISCHARGE. MEANS OF EGRESS LIGHTING IN OCCUPANCIES IN USE GROUP R-2, OTHER THAT HELE WITHIN A DIFFLUENCE WITH A CONDUCTION OF A CONTINUOUSLY DURING THE THAT ALSO BE THAN LIGHTING WITHIN A DWELLING UNIT, SHALL BE WIRED ON A CIRCUIT INDEPENDENT OF CIRCUITS WITHIN ANY DWELLING UNIT. THE DISCONNECTING MEANS AND OVERCURRENT PROTECTION DEVICE SHALL NOT BE LOCATED WITHIN A DWELLING UNIT OR SUCH THAT ACCESS TO SUCH DEVICES MUST BE OBTAINED BY GOING THROUGH A DWELLING UNIT.

### I.C.C./ ANSI A117.1, 404.2.7 CABO/ ANSI A117.1, 4.13.9

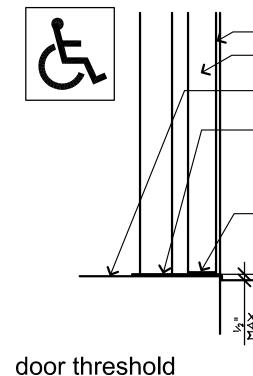
DOOR HANDLES, PULLS, LATCHES, LOCKS, OR ANY OTHER OPERABLE PART OF AN ACCESSIBLE DOOR SHALL HAVE A SHAPE THAT IS EASY TO GRASP WITH I HAND, AND DOES NOT REQUIRE TIGHT GRASPING, PINCHING, OR TWISTING OF THE WRIST TO OPERATE.

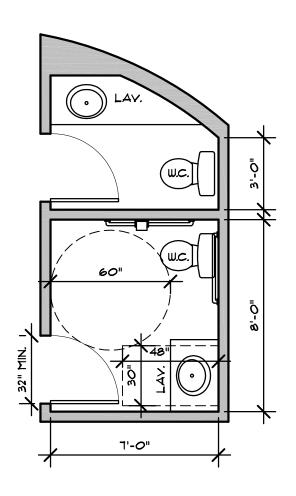
I.C.C./ ANSI A117.1, 404.2.10 THE LOWER 12" OF ALL DOORS, EXCEPT AUTOMATIC DOORS, POWER-ASSISTED DOORS, AND SLIDING DOORS, SHALL HAVE THE LOWER 12" OF ALL DOORS, EXCEPT AUTOMATIC DOORS, POWER-ASSISTED DOORS, AND SLIDING DOORS, SHALL HAVE A SMOOTH, UNINTERUPTED SURFACE, OR, WHEN NARROW STILES AND RAIL DOORS ARE USED, A MINIMUM 12" HIGH SMOOTH PANEL EXTENDING THE FULL WIDTH OF THE DOOR INSTALLED ON THE PUSH SIDE(S).

### I.C.C./ ANSI A117.1, 703

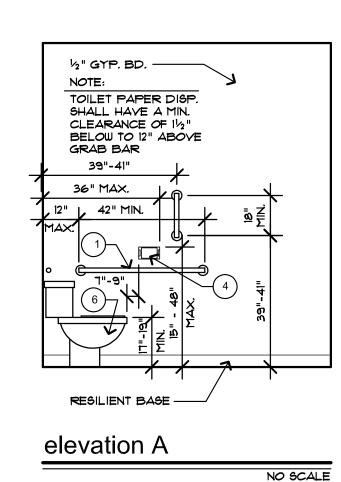
ALL SIGNAGE REQUIRED TO BE ACCESSIBLE MUST COMPLY WITH CABO/ ANSI A 117.1, 4282, 428.3, AND 4.28.5 FOR CHARACTER PROPORTION, HRIGHT, FINISH, AND CONTRAST. & ACTILE SIGNAGE MUST ALSO COMPLY WITH 2.28.6 AND 4.28.7. ANSI A117.1, 4.28.1

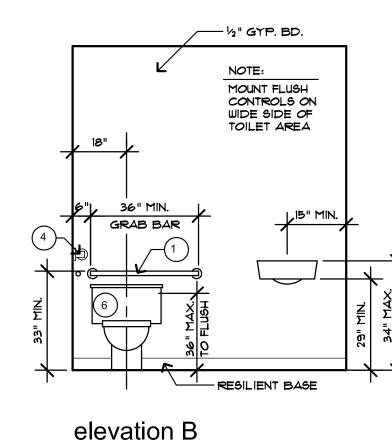
PERMANENT SIGNÁGE USED TO IDENTIFY ROOMS AND SPACES SHALL INCLUDE TACTILE CHARACTERS AND BRAILLE, TO BE MOUNTED ADJACENT TO THE DOOR.

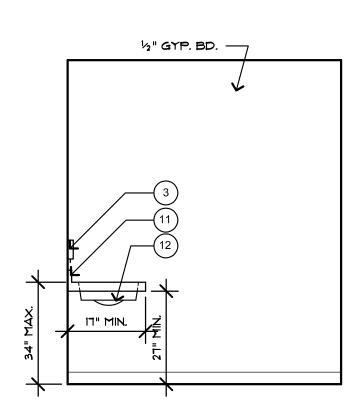


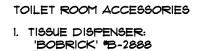


### Restroom Details

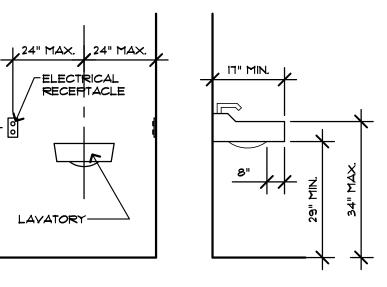




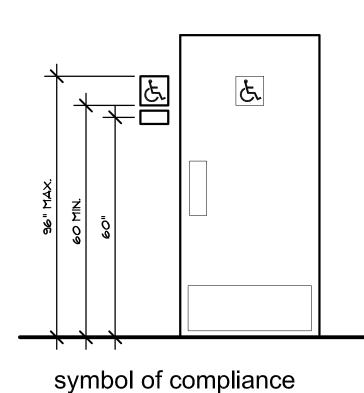




- 2. GRAB BARS: 'BOBRICK' \*B-5806x36 AND \*B-5806x42
- 3. SOAP DISPENSER: 'BOBRICK' "B-42
- 4. ADA COMPLIANT WRAP AT HOT WATER SUPPLY 4 TRAP PIPING AT LAVATORY



wall mounted lavatory



NO SCALE

- FRAME AS PER SCHEDULE DOOR AS PER SCHEDULE

FINISH FLOOR AS PER SCHEDULE

- PROVIDE THRESHOLD PER A.D.A. REQUIREMENTS

EXTERIOR

-UL. APPROVED DOOR BOTTOM AT FIRE RATED DOORS ONLY, STANDARD DOOR BOTTOM AT ALL OTHERS, U.N.O. PER DOOR SCHEDULE.

SLOPE AWAY FROM BUILDING AT 1:20

4" = 1'-0"

### NOTE:

SLIDING AND FOLDING DOORS REQUIRE TEH SAME MANEUVERING SPACE AS APPROACHES TO THE PUSH SIDE ON SWING DOORS.

HANDLES, PULLS, LATCHES, LOCKS, AND OTHER OPERABLE PARTS ON ACCESSIBLE DOORS SHALL HAVE A SHAPE THAT IS EASY TO GRASP WITH ONE HAND AND DOES NOT REQUIRE TIGHT GRASPING, TIGHT PINCHING, OR TWISTING OF THE WRIST TO OPERATE. WHEN SLIDING DOORS ARE IN THE FULLY OPEN POSITION, OPERATING HARDWARE SHALL BE EXPOSED AND USABLE FROM BOTH SIDES.

DOOR CLOSERS SHALL BE ADJUSTED TO TAHT FROM AN OPEN POSITION OF 90", THE TIME REQUIRED TO MOVE TEH DOOR TO AN OPEN POSITION OF 12" WILL BE 5 SECONDS MIN.

FIRE DOORS SHALL HAVE THE MINIMUM OPENING FORCE ALLOWABLE BY APPLICABLE CODES. THE REQUIRED FORCE FOR PUSHING OR PULLING OPEN DOORS OTHER THAN FIRE DOORS SHALL BE 5.0 IB MAX. THIS FORCE DOES NOT APPLY TO TEH FORCE REQUIRED TO RETRACT LATCH BOLTS OR DISENGAGE OTHER DEVICES TAHT HOLD TEH DOOR IN A CLOSED POSITION.

POWER-ASSITED DOORS SHALL COMPLY WITH ANS/BHMA AI56.19. THE TIME REQUIRED FOR SUCH DOORS TO OPEN TEH BACK CHECK POSITION SHALL 3 SECONDS MIN. THE FORCE REQUIRED TO STOP DOOR MOVEMENT SHALL BE IS IN MAX.

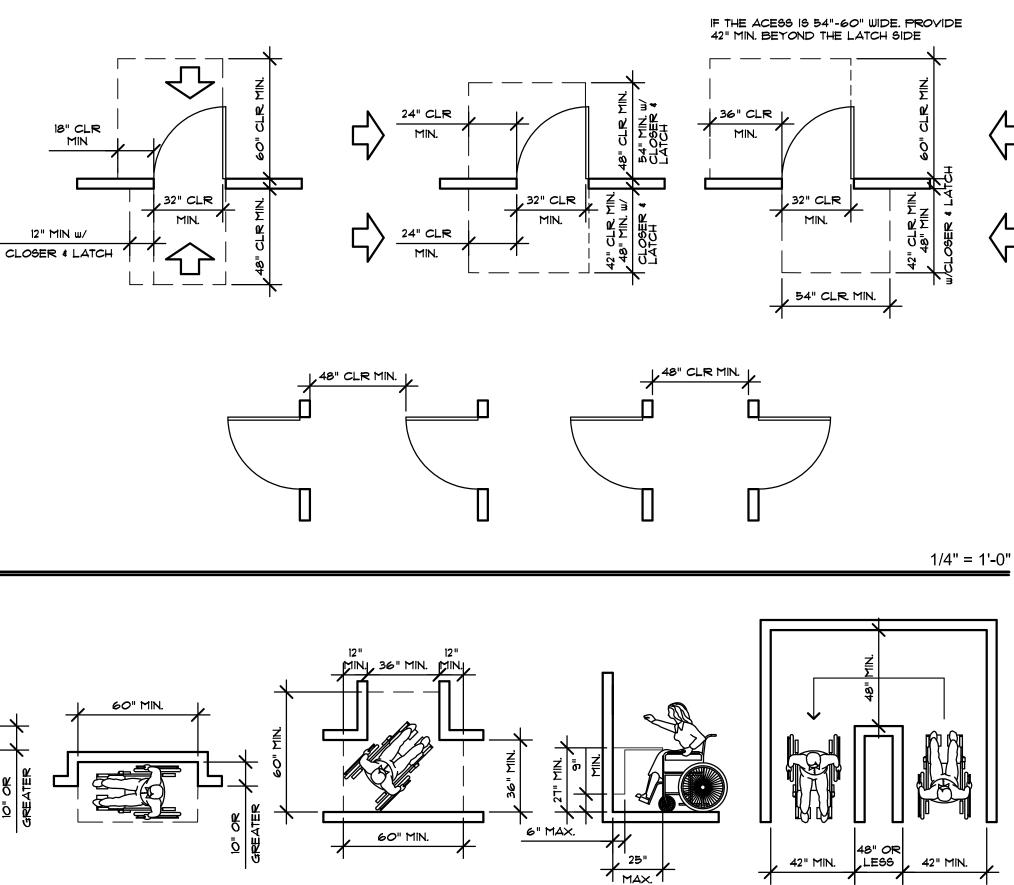
THE BOTTOM 12" OF ALL SWINGING DOORS TAHT ARE NOT AUTOMATIC OR POWER-ASSITED SHALL HAVE A SMOOTH, UNINTERRUPTED SURFACE.

### doors

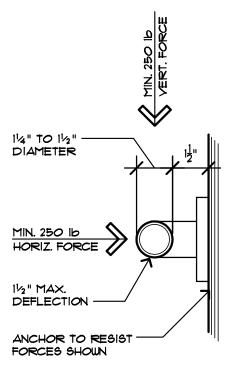
∠(A)-`

48"

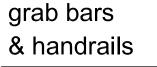
diagramatic b.f. lavatory

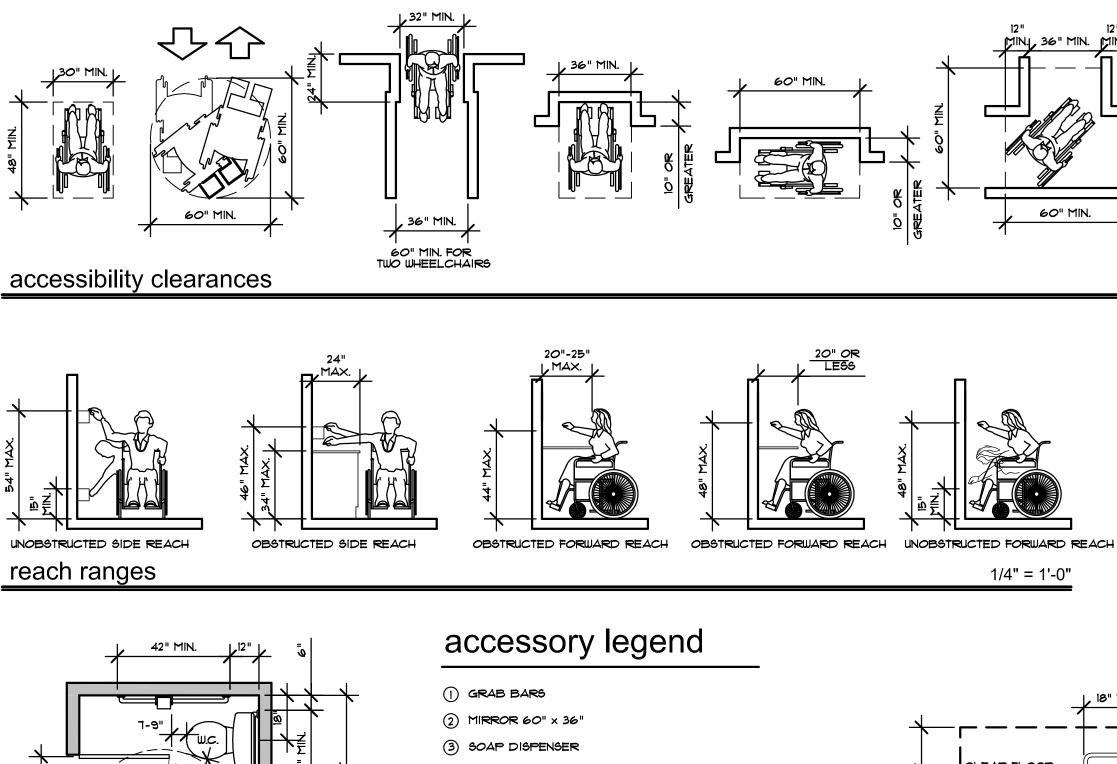


elevation C



NO SCALE





(4) SURFACE MOUNTED TOILET PAPER DISPENSER

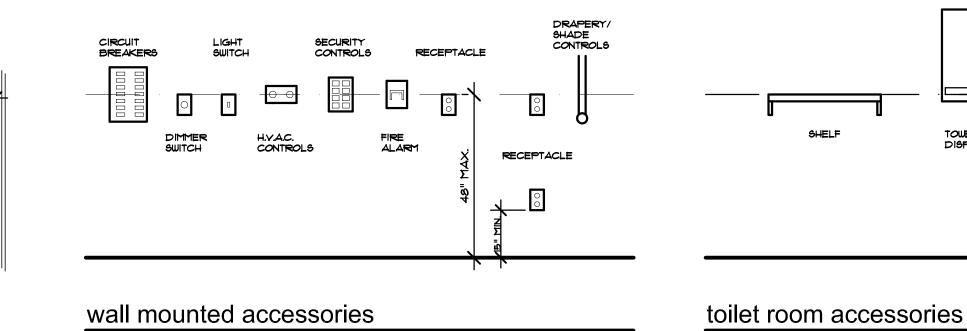
- (5) SURFACE MOUNTED PAPER TOWEL DISPENSER
- (6) WATER CLOSET
- (1) WALL MOUNTED SINK
- (8) METAL PARTITION
- (9) MIRROR 24" × 38"
- () FLOOR MOUNTED URINAL

NO SCALE

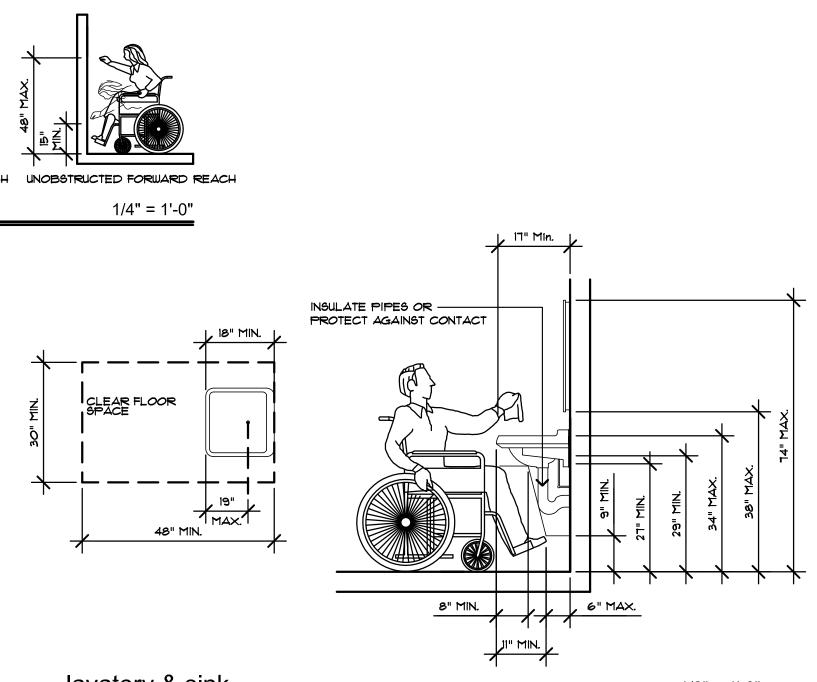
- (I) P.-LAM WALL MOUNTED COUNTERTOP AND 4" BACKSPLASH
- (12) COUNTER MOUNTED LAVATORY

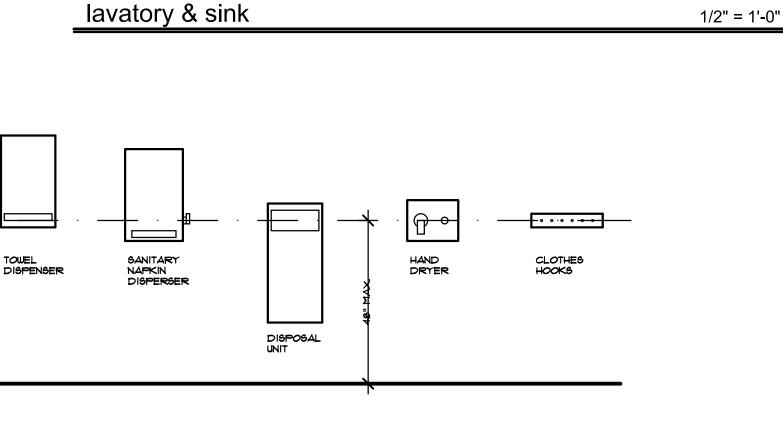
### NOTE: REFER TO STANDARD BARRIER FREE MOUNTING DIMENSIONS ON DRAWING

NOTE: DO NOT LOCATE WITHIN 24" OF AN INSIDE CORNER

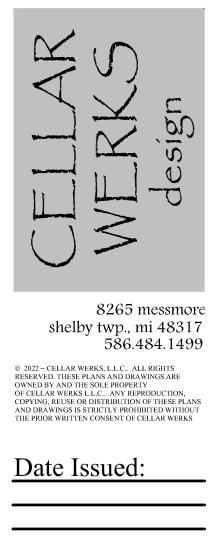


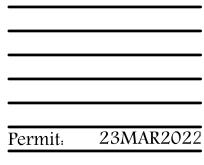
NO SCALE





NO SCALE







1/4" = 1'-0"

### Client:

Ortiz EduCare LLC

1160 Grant St. Birmingham, MI 48009 (248) 709-4510 amy.ortiz17@comcast.net

### Sheet Title: BARRIER FREE DETAILS

Project Number: C22-107

Drawn By:

JFN

Checked By:

G.B.

Issue: preliminary

construction

record



Sheet Number:



GENERAL NOTES - ELECTRICAL

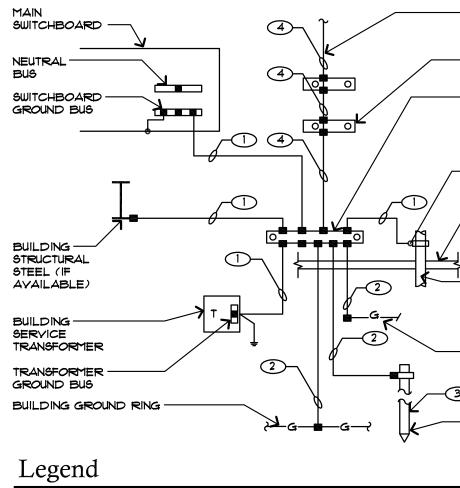
- INCLUDE ALL ELECTRICAL WORK REQUIRED FOR A COMPLETE NEW INSTALLATION AS INDICATED ON THE PLANS.
- ALL EQUIPMENT SHALL BE NEW AND SHALL CONFORM IN ALL RESPECTS TO THE LATEST APPROVED STANDARDS OF THE I.E.E.E., A.N.S.I., AND BEAR THE "UL" 2. LABEL OR LISTING.
- 3. ALL ELECTRICAL WORK SHALL COMPLY WITH THE LATEST EDITION OF N.E.C., LOCAL AND STATE CODES, ORDINANCES, AND REGULATIONS, INCLUDING THE OCCUPATIONAL SAFETY AND HEALTH ACT (OSHA).
- 4. ALL ELECTRICAL SYSTEMS AND EQUIPMENT SHALL CONFORM TO ALL NATIONAL, STATE AND LOCAL BUILDING CODES. THE ELECTRICAL CONTRACTOR SHALL OBTAIN ALL PERMITS, PAY ALL FEES, INCLUDING ALL COSTS ACCESSED BY THE ELECTRIC UTILITY COMPANY, AND ARRANGE FOR ALL INSPECTIONS FOR HIS WORK. AT THE COMPLETION OF ELECTRICAL WORK, THE ELECTRICAL CONTRACTOR SHALL FURNISH THE OWNER WITH ALL CERTIFICATES OF FINAL INSPECTION AND APPROVALS.
- 5. ALL CONDUCTORS SHALL BE COPPER, MINIMUM SIZE #12 AWG., INSTALLED IN CONDUIT, MINIMUM SIZE ±", AND SHALL BE TYPE "THUN" UNLESS OTHERWISE NOTED ON THE PLANS. ALL FEEDERS AND SECONDARY SERVICE CONDUCTORS SHALL BE COPPER WITH 600 VOLT INSULATION. FEEDERS SHALL BE THWN OR XHHW AND SECONDARY SERVICE CONDUCTORS SHALL BE XHHW, INSTALLED IN CONDUIT, UNLESS OTHERWISE NOTED ON THE PLANS.
- 6. ALL CONDUIT SHALL BE CONCEALED, UNLESS OTHERWISE NOTED. EXPOSING OF ANY CONDUIT SHALL HAVE APPROVAL OF THE OWNER.
- FUSES SHALL BE "UL" LISTED, DUAL-ELEMENT, AS MANUFACTURED BY BUSSMAN CO., OR APPROVED EQUAL (200,000 AIC). ALL FUSES INSTALLED IN MAIN DISTRIBUTION PANELS SHALL BE "CURRENT LIMITING" TYPE, UNLESS NOTED OTHERWISE ON THE PLANS.
- 8. ALL DUPLEX RECEPTACLES SHALL BE SPECIFICATION GRADE 125 VOLT, 15 AMP. GROUNDED TYPE, EQUAL TO HUBBELL #5252 SERIES, P.45. OR BRYANT. COLOR TO BE AS SELECTED BY THE OWNER.
- 9. ALL GROUND FAULT RECEPTACLES SHALL BE SPECIFICATION GRADE 120 VOLT, 15 AMP, U.L. LIGTED UNDER 498 RECEPTACLE REQUIREMENTS AND 943 CLASS A REQUIREMENTS, SHALL CONFORM TO NEC REQUIREMENTS, AND EQUAL TO HUBBELL SERIES #5260, P.45., OR BRYANT. COLOR TO BE AS SELECTED BY THE OUNER.
- 10. SWITCHES SHALL BE 20 AMP, 120/227 VOLT, SPECIFICATION GRADE SINGLE, DOUBLE, ETC., AS INDICATED, EQUAL TO HUBBELL #1120 SERIES, P.45., OR BRYANT. COLOR TO BE AS SELECTED BY THE OWNER.
- 11. ALL STEEL WITH BAKED ENAMEL FINISH, BELL #10, 12 OR 14 SERIES, OR AS SELECTED BY THE OWNER
- 12. ALL CONDUIT SHALL BE ELECTRICAL METALLIC TUBING (E.M.T.); MINIMUM SIZE ±", UNLESS NOTED OTHERWISE ON THE PLANS.
- 13. PANELBOARDS SHALL BE 120/140 YOLT, 1 PHASE, 3 WIRE, 20" WIDE WITH COPPER BUS AND BOLT-ON BREAKERS RATED 10,000 A.I.C. SIMILAR TO SQUARE D, TYPE NQOB, I.T.E. OR G.E.
- ALL PANELBOARDS SHALL HAVE A TYPEWRITTEN DIRECTOR IDENTIFYING EACH CIRCUIT THAT EACH CIRCUIT BREAKER SERVES.
- 14. LIGHTING FIXTURES SHALL BE INSTALLED COMPLETELY WIRED AND EQUIPPED WITH LAMPS, BALLASTS, STARTERS, LENSES, ETC.
- 15. FLUORESCENT FIXTURES, UNLESS SPECIFIED OTHERWISE, SHALL BE SUITABLE FOR 120 OR 211 YOLT, SINGLE-PHASE, A-C, 60 HERTZ SERVICE AND SHALL BE EQUIPPED WITH 40 WATT, T-12 RAPID START LAMPS.
- 16. LIGHTING FIXTURE LOCATIONS SHOWN ON PLANS ARE APPROXIMATE. THE ELECTRICAL CONTRACTOR VERIFY EXACT LOCATIONS OF ALL LIGHTING FIXTURES WITH THE ARCHITECTURAL REFLECTED CEILING PLANS. LIGHT FIXTURES AND SPRINKLER HEAD LOCATIONS SHALL, UNLESS OTHERWISE NOTED, TAKE PRECEDENCE OVER AIR DISTRIBUTION DEVICE LOCATIONS.
- 17. EMERGENCY LIGHTING UNITS:
  - A. FURNISH AND INSTALL EMERGENCY LIGHTING IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF N.E.C. PROVIDE A MINIMUM OF ±" FOOT CANDLE (FC), MAINTAINED, ALONG ALL PATHS OF EGRESS FROM THE BUILDING. VERIFY SPACING AND LOCATION REQUIREMENTS WITH THE EMERGENCY LIGHTING FIXTURE MANUFACTURE, COORDINATE ALL PATHS OF EGREAS IN THE BUILDING WITH THE ARCHITECTURAL DRAWINGS REFER TO THE LIGHTING FIXTURE SCHEDULE, INDICATED ON THE ELECTRICAL DRAWINGS FOR THE TYPE AND DESCRIPTION OF ALL EMERGENCY LIGHTING FIXTURES TO BE USED ON THIS PROJECT.
  - B. FURNISH AND INSTALL THE NUMBER OF EMERGENCY LIGHTING UNITS INDICATED ON THE PLANS AS "BASE BID" FOR THIS PROJECT.
  - C. QUOTE A "UNIT PRICE" TO FURNISH ADDITIONAL EMERGENCY LIGHTING UNITS IN EXCESS OF THE "BASE BID" REQUIREMENT.
- 18. THE ELECTRICAL CONTRACTOR SHALL VISIT THE JOB SITE BEFORE HE SUBMITS HIS BID TO FAMILIARIZE HIMSELF WITH ACTUAL JOB CONDITIONS AND TO CHECK FOR ANY INTERFERENCES BETWEEN HIS WORK AND THAT OF OTHER TRADES, AND/OR ANY APPARENT VIOLATIONS OF LOCAL OR STATE CODES, LAWS, ORDINANCES, AND REGULATIONS. IF ANY INTERFERENCES OR VIOLATIONS APPEAR AND DEPARTURE FROM THE DESIGN INTENT OF THE CONTRACT DOCUMENTS IS REQUIRED, THE CONTRACTOR SHALL NOTIFY THE OWNER BEFORE ENTERING INTO CONTRACT. FAILURE TO PROVIDE THE OWNER WITH THE COMPLETE AFOREMENTIONED NOTIFICATION WILL RESULT IN THE CONTRACTOR BEING HELD RESPONSIBLE TO ALL WORK TO MEET THE DESIGN INTENT OF THE CONTRACT DRAWINGS WITH NO ADDITIONAL EXPENSE ("EXTRAS") BEING INCURRED BY OWNER.
- 19. ALL CABINETS, MOTOR FRAMES, STARTERS, CONDUIT SYSTEMS, PANELS, ETC., SHALL BE ADEQUATELY GROUNDED IN ACCORDANCE WITH THE N.E.C. AND ALL LOCAL CODES. MAIN SERVICE EQUIPMENT SHALL BE GROUNDED WITH THE TYPE AND SIZE OF GROUNDING CONDUCTOR INDICATED IN NEC SECTIONS 250-23(A); 250-81; 250-83; 4 TABLE 250-94.
- 20. UNLESS OTHERWISE NOTED ON THE PLANS, ALL DISCONNECT SWITCHES SHALL BE 250 VOLT OR 600 VOLT RATED, STANDARD DUTY TYPE: NEMA 1, FOR INDOOR USE AND NEMA 3R FOR OUTDOOR USE. G.E., WESTINGHOUSE, OR SQUARE D. ALL DISCONNECT SWITCHES SERVING MOTORS SHALL BE HORSEPOWER RATED.
- SINGLE PHASE MOTOR STARTERS SHALL HAVE MANUAL TOGGLE SWITCH WITH THERMAL OVERLOADS, SURFACE OR FLUSH MOUNTED AS REQUIRED, ALLEN-BRADLEY NO. 712.
- 22. THE ELECTRICAL CONTRACTOR SHALL SUBMIT EQUIPMENT SHOP DRAWINGS TO THE OWNER FOR APPROVAL BEFORE INSTALLATION OF ANY OF THE FOLLOWING ELECTRICAL EQUIPMENT A. LIGHTING FIXTURES
- B. LIGHTING AND/OR RECEPTACLE PANELBOARDS C. STARTERS AND/OR DISCONNECT SWITCHES
- APPROVAL OF SHOP DRAWINGS DOES NOT RELIEVE THE ELECTRICAL CONTRACTOR OF HIS RESPONSIBILITY TO CONFORM TO THE CONTRACT DOCUMENTS.
- APPROVAL OF SHOP DRAWINGS IS INTENDED TO BE FOR GENERAL CONFORMANCE WITH THE CONSTRUCTION DOCUMENTS ONLY. ANY EQUIPMENT THAT IS INSTALLED THAT WILL INVOLVE THE WORK OF OTHER TRADES SHALL BE COORDINATED WITH THOSE TRADES. REFER TO OTHER TRADES' DRAWINGS.
- 23. THE ELECTRICAL CONTRACTOR SHALL GUARANTEE ALL WORK INSTALLED UNDER HIS CONTRACT TO BE FREE FROM DEFECTIVE WORKMANSHIP AND MATERIALS FOR A PERIOD OF ONE YEAR AFTER THE ACCEPTANCE OF THE BUILDING BY THE OWNER, AND SHOULD DEFECTS OCCUR WITHIN THIS PERIOD, REPAIR AND/OR REPLACE DEFECTIVE ITEMS, AT NO EXPENSE TO THE OWNER.
- 24. THE ELECTRICAL CONTRACTOR SHALL COORDINATE LOCATIONS OF HIS EQUIPMENT AND WORK WITH OTHER BUILDING TRADES TO AVOID ANY INTERFERENCES BETWEEN HIS WORK AND THE WORK OF OTHER BUILDING TRADES
- 25. ANY CUTTING AND/OR PATCHING, THAT MAY BE REQUIRED FORTHE INSTALLATION OF THE ELECTRICAL SYSTEM, SHALL BE DONE AND/OR REPAIRED BY THE ELECTRICAL CONTRACTOR. NO CUTTING OF THE BUILDING STRUCTURAL SYSTEM SHALL BE DONE WITHOUT THE WRITTEN APPROVAL OF THE OWNER BEING PREVIOUSLY OBTAINED.

pa	nel: 🔺		volts:	120/ 20	8 Y	amps: 2	00 AMPS
loc		T ROOM L MOUNTED	phase	<b>]</b> 3 4, 4	lω	main brkr. 2	00 AMPS
circuit	breaker	description	watts	circuit	breaker	description	watts
1	20A-1P	NITE LIGHTS, EMERG. 4 EXIT LT'G.	500	2	20A-1P	GENERAL LIGHTING	1200
3	20A-1P	GENERAL RECEPTS.	1200	4	20A-1P	GENERAL RECEPTS.	1200
5	20A-1P	GENERAL RECEPTS.	1200	6	20A-1P	GENERAL RECEPTS.	1200
7	20A-1P	GENERAL RECEPTS.	400	8	20A-1P	WATER HEATER	1500
9	20A-1P	ALARM	500	10	20A-1P	PHONES	500
11	20A-1P	EXTERIOR LIGHTING	600	12		SPARE	
13		SPARE		14		SPARE	
15		SPARE		16		SPARE	
17		SPARE		18		SPARE	
19		SPARE		20		SPARE	
21		SPARE		22		SPARE	
23		SPARE		24		SPARE	
25		SPARE		26		SPARE	
27		SPARE		28		SPARE	
29		SPARE		30		SPARE	
31		SPARE		32		SPARE	
33		SPARE		34		SPARE	
35		SPARE		36		SPARE	
37				38			
39	40A-3P	RTU-1	3500	40	40A-3P	RTU-2	4500
41				42			
			7,900				10,100

TOTAL LOAD: 18,000 WATTS / 208 = 86.5

NOTE:

LIGHTING PANELS SHOWN AS REFERENCE ONLY. ELECTRICAL CONTRACTOR TO SUBMIT FINAL LIGHTING PANEL SCHEDULE AS WELL AS LOAD CALCULATIONS CONFIRMING ABIDANCE TO LOCAL CODES AND REGULATIONS TO CITY OF NORTHYILLE FOR FINAL APPROVAL



INDICATES BOLTED (2) % AUG BARE COPPER GROUND CONDUCTOR CONNECTION INDICATES EXOTHERMIC 19mm x 3050mm (<sup>3</sup>4" x 10'-0") 3 WELD CONNECTION. LONG COPPER-CLAD GROUND COMPATIBLE WITH ROD DRIVEN WITH TOP 300mm MATERIALS BEING JOINED (12") BELOW GRADE  $\bigcirc$ % AUG INSULATED COPPER % AUG INSULATED COPPER GROUND CONDUCTOR IN (4)GROUND CONDUCTOR IN

30MM CONDUIT

Typical Ground Connection Detail NO SCALE

	-TO ADD'L TELE-COM. EQUIP GROUND BUSES AS REQ'D.
	TELE-COM GROUND BUS
	BUILDING SYSTEM GROUND BUS
	GROUNDING CLAMP WITH 5 FEET OF ENTRANCE POINT OF PIPE
/	BUILDING EXTERIOR WALL
ļ	WATER SVC, AT STREET SIDE O WATER METER, UNDERGROUND METAL WATER PIPE GREATER

METAL WATER PIPE GREATER THAN 3.05 METERS LONG LIGHTING PROTECTION SYSTEM

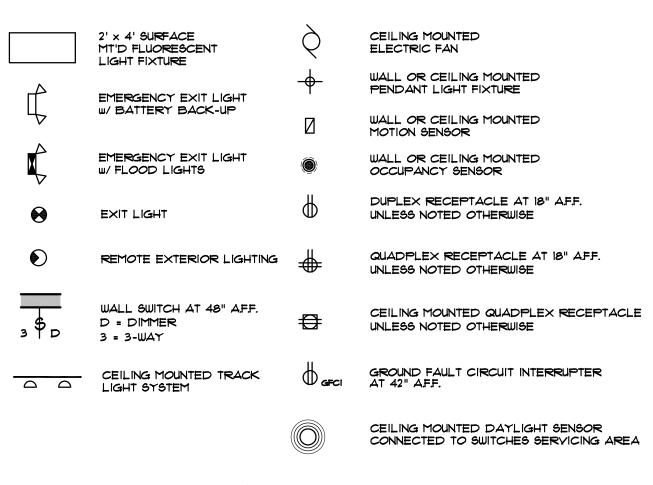
BUILDING SUPPLEMENTAL GROUND ROD

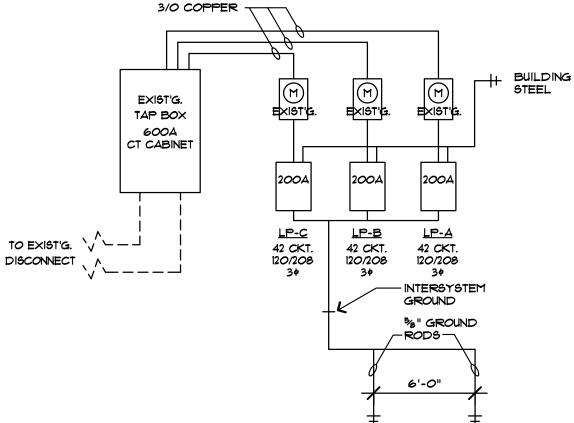
30mm CONDUIT



Туре	Quanity	Lamps	Manufacturer or Equivalent	Remarks					
FA	г	30 W	METALUX 22CGFP3540C	CEILING MOUNTED					
FB	8	35 W	LITHONIA MNSL L48 2LL MVOLT 40K 80CRI MG	CEILING MOUNTED					
Tr	2	4 - 10W LED	LED TRACK LIGHT SYSTEM - STYLE PER OWNER	CEILING MOUNTED					
EM-1	3	LED	LED EXIT/EMERGENCY LIGHT COMBO UNIT (LITHONIA LHQM LED R MG)	WALL OR CEILING: MOUNTED					
EM-2	1	LED	LED EMERGENCY LIGHT UNIT (LITHONIA ELM2 LED HO MI2)	WALL OR CEILING MOUNTED					

# Lighting Legend



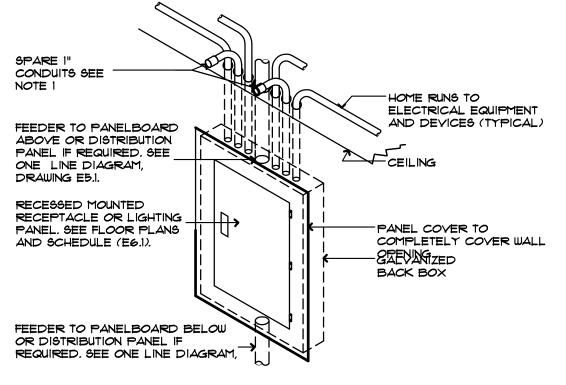


# Existing Electrical Riser Diagram

NO SCALE

(120/208V 3Ø, 4W)

ARTIFICAL LIGHTING SHALL PROVIDE AN AVERAGE + OF AT LEAST 10 FC AT A HG'T OF 30" AFF. FOR ALL SPACES. LIGHTING FIXTURES TO BE SUPPORTED IN ACCORD. W/ N.E.C. SECTIONS 410.15 \$ 410.16 ALL MOTORS & APPLIANCES SHALL HAVE A DISCONNECTING MEANS PER N.E.C. SEC. 422.111 & 430.1× ALL WIRING METHODS & MATERIALS SHALL BE IN ACCORD. w/ N.E.C. ARTICLE 300 SERVICE CONDUCTOR SIZES SHALL BE ON ACCORD. W/ N.E.C. SEC. 230.23 SERVICE DISCONNECTING MEANS SHALL BE INSTALLED IN ACCORD. w/ N.E.C. SEC. 230.70 FLEXIBLE METAL AND/OR LIQUID-TIGHT FLEZIBLE METAL CONDUIT SHALL NOT BE USED AS GROUNDING MEANS.

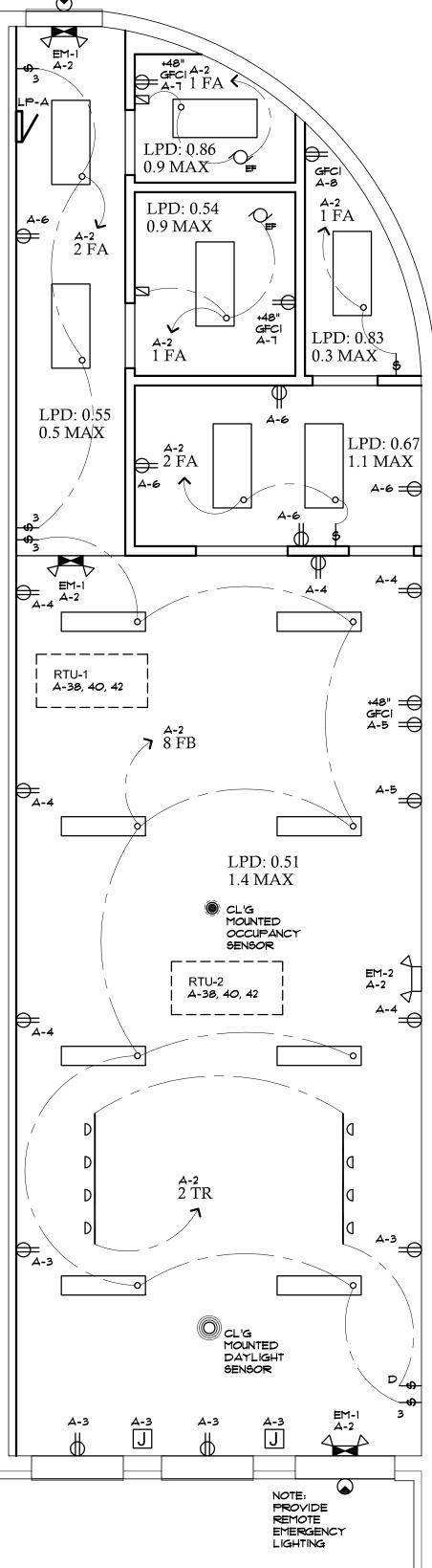


# **Electrical Panel Detail**

NOTES: 1. PROVIDE A TOTAL OF (4) SPARE I" CONDUITS STUBBED & CAPPED



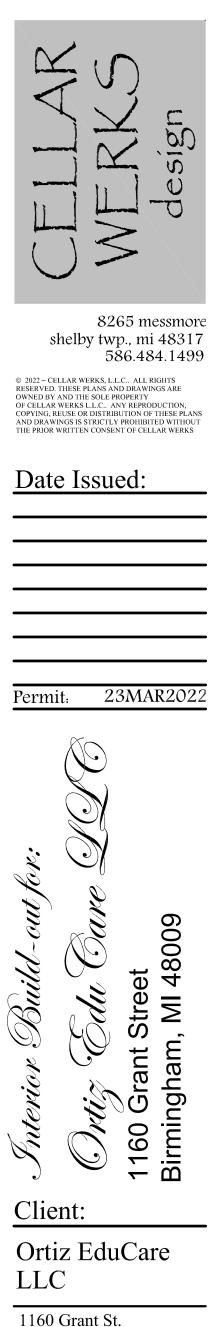
### NOTE: PROVIDE REMOTE EMERGENCY LIGHTING



PROVIDE BONDING JUMPERS IN ACCORD. W/ N.E.C. 250.102



OWNERSHIP OF TRANSFORMERS IS BY DETROIT EDISON CO.



Birmingham, MI 48009 (248) 709-4510 amy.ortiz17@comcast.net

### Sheet Title:

ELECTRICAL PLAN

Project Number: C22-107

Drawn By: JFN

Checked By:

G.B.



preliminary onstruction

record

1/4" = 1'-0"



Sheet Number:



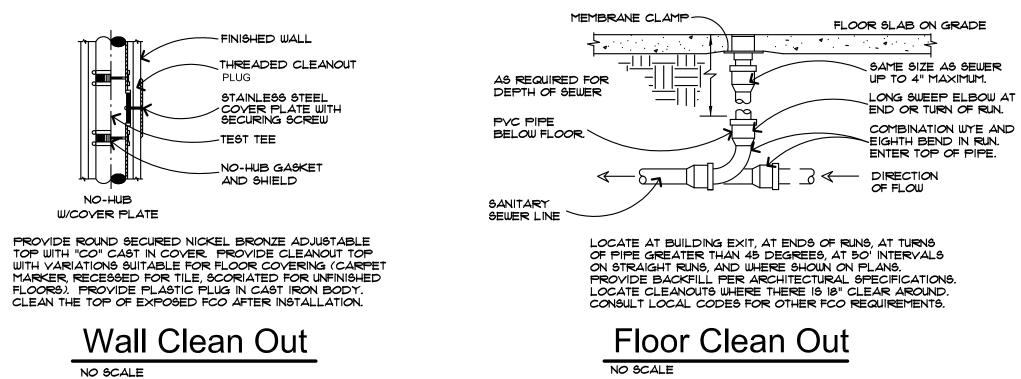
	EXISTING WATER HEATER - ELECTRIC										
Model	First Hour	Energy	Gallon	Element Wattage		Recovery	R	Dimensions In Inches			Approx.
Number	Rating Gallons	Factor	Capacity	Standard 120 V	Standard 240 V	90°F Rise	Value	А	В	С	Shîpping Weight (LBS.)
RHEEM XE306066745U1	46	0.92	30	-	4500	-	16	19.75	30	19.75	95

\* "B" DIMENSION IS FLOOR TO T & VALVE AND FLOOR TO HOT WATER OUTLET. DIMENSION FROM FLOOR TO COLD WATER INLET ON ALL LOWBOY SIDE-CONNECT MODELS 31/2". POINT-OF-USE MODELS HAVE 1/2" INLET AND OUTLET CONNECTIONS.

\* PROVIDE THERMAL EXPANSION CONTROL FOR HOT WATER SYSTEM

<b></b>									
	PLUMBING FIXTURE SCHEDULE								
Mark	Description	SorW	Vent	Trap	CW	HW	Quantity	Remarks	
WC-1+	WATER CLOSET: CIMARRON COMFORT HEIGHT THE COMPLETE SOLUTION 2-PIECE 128 GPF SINGLE FLUSH ELONGATED TOILET IN WHITE, SEAT INCLUDED Model * K-11451-0	3"	2"	Ι	1"	_	2	FLOOR MOUNTED	
LAV-I*	LAVATORY: COUNTER MOUNTED. KOHLER " PENNINGTON" MODEL NO. K-2196 w/ AMERICAN STANDARD " INNSBROOK" ELECTRONIC FAUCET MODEL NO. 6056.202	2"	2"	2"	ŀ∕2"	ŀ∕2"	2	COUNTER MOUNTED	
MOP-1	SERVICE SINK: MOP SINK AMERICAN STANDARD 'AKRON' NO. 169.018, MODEL 3624 w/ AMERICAN STANDARD 'HERITAGE' NO. 8340.234	2"	2"	2"	ŀ₂"	1⁄2 "	1	FLOOR MOUNTED	
SINK-1	KITCHEN SINK (MODEL PER OWNER)	الا2	2"	۱ <sup>1</sup> /2"	ŀ₂"	1⁄2 "	1	FLOOR MOUNTED	
FD-1	FLOOR DRAIN	2"	2"	2"	ŀ <sub>2</sub> "	1⁄2"	1	FLOOR MOUNTED	

\* FIXTURES TO BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITION OF "THE BARRIER-FREE



### **Plumbing Notes:**

- 1. FURNISH ALL LABOR, EQUIPMENT AND MATERIALS TO PROVIDE A COMPLETE SYSTEM SYSTEM OF PLUMBING, SEWERS, WATER PIPING, ECT. ALL PLUMBING MATERIALS AND WORKMANSHIP SHALL CONFORM TO ALL STATE AND LOCAL CODES.
- 2. ALL PIPING IS SHOWN DIAGRAMMATICALLY ONLY, EXACT LOCATION WILL BE DETERMINED AT THE JOB SITE.
- 3. PITCH ALL DRAIN LINES  $2\frac{1}{2}$ " OR LESS MINIMUM 1/4" PER FOOT, PITCH ALL DRAIN LINES 3" to 6" MINIMUM 1/8" PER FOOT.
- 4. ALL PLUMBING SHALL BE CONCEALED UNLESS OTHERWISE NOTED
- 5. ALL ELEVATIONS SHALL BE VERIFIED AT JOB SITE.
- 6. ALL WATER PIPING SHALL BE INSTALLED WITH A PITCH TO THE DRAINS, PLUMBING CONTRACTOR SHALL PROVIDE DRAWOFFS AT ALL LOW POINTS, WATER PIPING SHALL BE GALVANIZED IRON OR TYPE "L" ABOVE GRADE AND TYPE "K" BELOW GRADE COPPER WITH SIFLOS JOINTS.
- 1. PROVDE ALL REQUIRED SHUT-OFF VALVES, UNIONS AND FITTINGS. PROVIDE ALL VALVES AT ALL FOOD SERVICE EQUIPMENT.
- 8. HOT AND/OR COLD WATER DROPS TO 2 OF MORE FIXTURES SHALL RUN FULL SIZE TO AIR CHAMBERS BEYOND THE FURTHEST FIXTURE BRANCH FROM DROPS. PROVIDE 12" AIR CHAMBERS AT ALL FIXTURES.
- 9. ALL HOT AND COLD WATER PIPING TO BE INSULATED. WRAP DOMESTIC COLD WATER WITH ANTI-SWEAT TAPE.
- 10. ALL PLUMBING AND SEWER TRENCHING, BACKFILLING AND SPECIAL CUTTING SHALL BE BY THIS CONTRACTOR INTERIOR TRENCHES SHALL BE BACKILLED WITH SAND. EXTERIOR TRENCHES, WHEN COMPLETED SHALL HAVE THE SAME LOAD BEARING CAPACITY AS ADJACENT GRADES.
- 11. ALL WASTE AND SOIL PIPING SHALL BE GALVANIZED OR CAST IRON WHERE SUSPENDED. CAST IRON WHERE UNDERGROUND (PVC ACCEPTABLE WHERE CODE PERMITS). VITRIFIED CLAY PIPE 5'-O" FROM BUILDING.
- 12. ALL PVC PIPING SHALL BE SCHEDULE 40, EXCEPT WHERE NOTED.
- 13. ALL PIPING ABOVES THE CEILING TO BE OF NON-COMBUSTIBLE MATERIAL.
- 14. THIS CONTRACTOR SHALL GUARANTEE THAT ALL THE EQUIPMENT, MATERIALS AND WORKMANSHIP SHALL BE FREE FROM DEFECTS FOR A PERIOD OF ONE YEAR AFTER FINAL ACCEPTANCE.

ALL LAVATORIES TO HAVE TEMPERED WATER PER MPC 601.1 WATER CLOSET MUST CONFORM TO HYDRAULIC PERFORMANCE REQ'MNTS OF ASME A112.19.6

ALL FAUCETS & FIXTURES PROVIDING WATER FOR HUMAN CONSUMPTION COMPLY W/ ANSI/NSF 61, SEC. 9. TEMP. WATER TO BE PROVIDED TO ACCESSIBLE

HAND WASHING FIXTURES. ALL FIXTURE TRAPS MUST HAVE A DEEP-SEAL TAP OR TRAP PRIMER INSTALLED. TRAP PRIMERS MUST CONFORM TO ASSIE 1018

WATER SERVICES & DISTRIBUTION PIPING, FITTING & CONNECTIONS SHALL CONFORM TO NSF 61. PLASTIC WATER SERV. & DIST. PIPING, FITINGS & CONNECTIONS CONFORM TO NGF 14

### General Note:

ALL PLUMBING PIPING TO BE INSTALLED IN ACCEPTANCE W/ SEC. 106.3, 305 \$ 308 OF THE M.P.C.

### Plumbing Facilities:

BUILDING AREA:	1,900 SQUARE FEET	
USE GROUP (CHAPTER 3):	(E) EDUCATION	
PROPOSED USE:	DAY CARE FACILITY	
CONSTRUCTION TYPE (CHAPTER 6):	IIIB (COMBUSTIBLE)	
OCCUPANT LOAD:	54 OCCUPANTS	
PLUMBING FACILITIES (REQUIRED): (TABLE 403.1, SECTION 403)	I LAVATORY PER 50	
	NOTE: DRINKING FOUNTAIN 16 NOT	

### Total Plumbing Facilities Provided

-	2 WATER CLOSETS 2 LAVATORIES
= 1	SERVICE SINK
=	KITCHEN SINK

REQUIRED PER LARA

Drainage Fixt		TABLE 109.1	
4 PER WATER CLOSET 1 PER LAVATORY 1 PER SINK	2 WATER CLOSETS = 2 LAVATORIES = 2 SINKS =	8 UNITS 2 UNITS 2 UNITS	
	TOTAL =	12 UNITS	

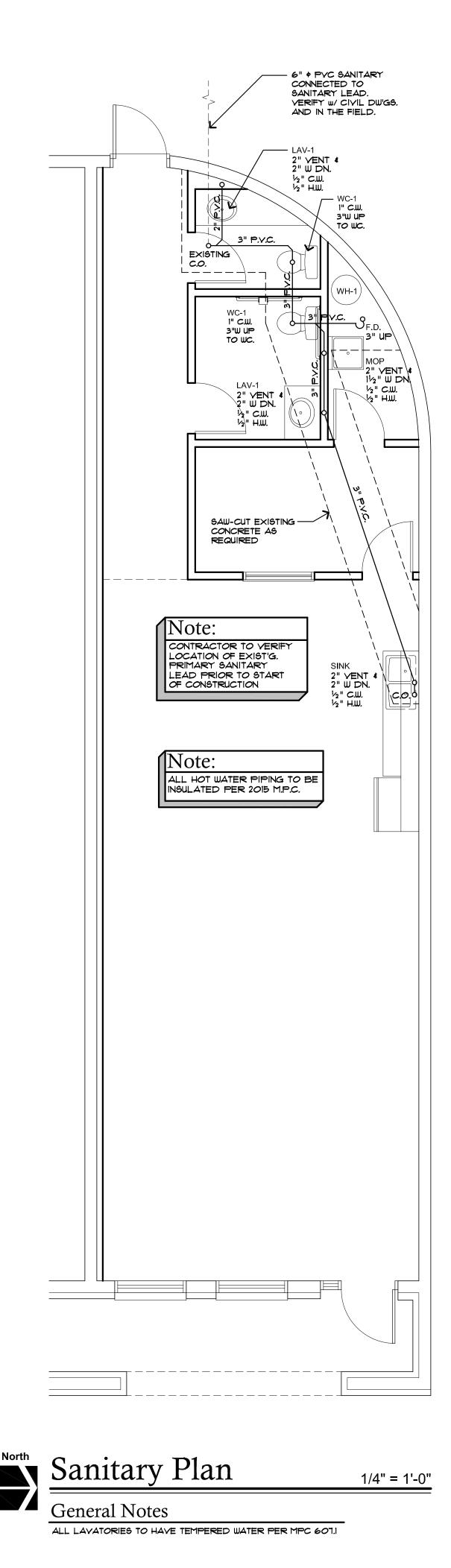
TABLE 1018

### Water Supply Fixture Units

	TOTAL =	15.75 UNITS
.50 PER SINK	I KITCHEN SINK =	0.5 UNITS
2.25 PER SERVICE SINK	1 SERVICE SINK =	2.25 UNITS
50 PER LAVATORY	2 LAVATORIES =	1.0 UNITS
6 PER WATER CLOSET	2 WATER CLOSETS =	12 UNITS

### Hot Water Supply Requirements

EQUIPMENT	G.P.H.
(2) LAVATORIES: (1) MOP SINK:	10 5
(1) SINK:	5
TOTAL GALLONS PER HOUR:	20



R 510 Line I wanted  $\mathbb{O}$ 5 8265 messmore shelby twp., mi 48317 586.484.1499 © 2022 – CELLAR WERKS, L.L.C.. ALL RIGHTS RESERVED. THESE PLANS AND DRAWINGS ARE OWNED BY AND THE SOLE PROPERTY OF CELLAR WERKS L.L.C.. ANY REPRODUCTION, COPYING, REUSE OR DISTRIBUTION OF THESE PLANS AND DRAWINGS IS STRICTLY PROHIBITED WITHOUT THE PRIOR WRITTEN CONSENT OF CELLAR WERKS Date Issued: Permit: 23MAR2022 1160 Grant Street Birmingham, MI 48009 ÿ Client: Ortiz EduCare LLC 1160 Grant St. Birmingham, MI 48009 (248) 709-4510 amy.ortiz17@comcast.net Sheet Title: SANITARY PLAN Project Number: C22-107 Drawn By: JFN Checked By: G.B. Issue: preliminary onstruction record



Sheet Number:

## General Notes - HVAC & Sheet Metal Work

- 1. SHEET METAL DUCTWORK CONSTRUCTION WORK SHALL BE IN ACCORDANCE WITH THE MOST CURRENT EDITION OF "SMACNA" LVDGC STANDARDS, NFPA PAMPHLETS 30A AND 36, AND THE LATEST EDITION OF THE BOCA MECHANICAL CODE AND THE A.S.H.R.A.E. GUIDE AND DATA BOOKS. DUCT SIZES, AS NOTED ON DRAWINGS, ARE NET INTERNAL DIMENSIONS. ALL DUCTS SHALL BE SEALED AIR TIGHT AND SHALL NOT ALLOW MORE THAN 10% LEAKAGE THROUGHOUT THE ENTIRE SYSTEM. SEE TABLE M-302.1, BOCA NATIONAL MECHANICAL CODE - 1987, FOR MINIMUM SHEET METAL THICKNESS.
- 2. ALL HVAC SYSTEMS AND EQUIPMENT SHALL CONFORM TO ALL NATIONAL, STATE AND LOCAL BUILDING HEALTH AND SANITATION CODES. THE HVAC CONTRACTOR SHALL PRESENT CERTIFICATES TO THE OWNER THAT ALL APPLICABLE BUILDING PERMITS HAVE BEEN SECURED BEFORE STARTING ANY WORK AND PROVIDE TO THE OWNER ALL REQUIRED CERTIFICATES OF FINAL APPROVAL FROM GOVERNING JURISDICTIONS AT THE COMPLETION OF THE WORK.
- 3. FURNISH AND INSTALL FLEXIBLE DUCT CONNECTORS ON ALL DUCT CONNECTIONS TO AIR HANDLING UNITS.
- 4. PROVIDE OPPOSED BLADE BALANCING DAMPERS AT EACH BRANCH DUCT TAKE-OFF FROM MAIN DUCTS AND OTHER LOCATIONS AS REQUIRED TO PROPERLY BALANCE SYSTEMS.
- 5. FURNISH AND INSTALL FIRE DAMPERS WHERE INDICATED ON DRAWINGS AND WHERE DUCTWORK PIERCES FIRE RATED CONSTRUCTION, AND/OR WHERE REQUIRED BY LOCAL OR STATE CODES. ALL FIRE DAMPERS SHALL BE TESTED, RATED AND BEAR THE LABEL OF UNDERWRITERS LABORATORIES AND SHALL BE INSTALLED IN THE SAME MANNER BY WHICH THEY WERE TESTED. FIRE DAMPERS SHALL BE SIMILAR TO AIR BALANCE MODEL NO. 119-AL OVERSIZE WITH 95% FREE AREA.
- 6. VIBRATION ABSORBING SUPPORTS SHALL BE INSTALLED AS REQUIRED ON ALL EQUIPMENT TO PREVENT TRANSMISSION OF VIBRATION AND NOISE TO THE STRUCTURE. PROVIDE VIBRATION ISOLATION PER A.S.H.R.A.E. STANDARDS.
- HEATING VENTILATING, AND AIR CONDITIONING SYSTEMS ARE DESIGNED ON THE FOLLOWING CONDITIONS:

WINTER: INSIDE TEMP. 72 F. D.B. OUTSIDE TEMP. O F. D.B. I5MPH WIND. SUMMER: INSIDE TEMP. 78 F. D.B. 4 50% RELATIVE HUMIDITY (MAXIMUM)

- OUTSIDE TEMP. 98 F. D.B. & 14 F. W.B.
- 8. THE HVAC CONTRACTOR SHALL OBTAIN OTHER TRADES DRAWINGS AND COORDINATE HIS WORK WITH THE TOTAL PROJECT AS IT RELATES TO ALL TRADES AND VISIT THE JOB SITE BEFORE HE SUBMITS HIS BID TO FAMILIARIZE HIMSELF WITH ACTUAL JOB CONDITIONS AND TO CHECK FOR ANY INTERFERENCES BETWEEN HIS WORK AND THAT OF OTHER TRADES, AND/OR ANY APPARENT VIOLATIONS OF LOCAL OR
- STATE CODES, LAWS, ORDINANCES, AND REGULATIONS. IF ANY INTERFERENCES OR VIOLATIONS APPEAR AND DEPARTURE FROM THE DESIGN INTENT OF THE CONTRACT DOCUMENTS IS REQUIRED, THE CONTRACTOR SHALL NOTIFY THE OWNER BEFORE ENTERING INTO CONTRACT WITH THE OWNER. FAILURE TO PROVIDE THE OWNER WITH THE AFOREMENTIONED NOTIFICATION WILL RESULT IN THE CONTRACTOR BEING HELD RESPONSIBLE TO COMPLETE ALL WORK TO MEET THE INTENT OF THE CONTRACT DOCUMENTS WITH NO ADDITIONAL EXPENSE ("EXTRAS") BEING INCURRED BY THE OWNER.
- SHEET METAL RUN-OUTS AND FLEX DUCT CONNECTIONS TO AIR DISTRIBUTION DEVICES SHALL BE THE SAME SIZE AS THE DEVICE NECK, UNLESS OTHERWISE NOTED.
- 10. DUCTS CONNECTING TO HVAC EQUIPMENT SHALL BE THE SAME SIZE AS EQUIPMENT DUCT CONNECTIONS, UNLESS OTHERWISE NOTED.
- 11. THE HVAC CONTRACTOR SHALL COORDINATE ELECTRICAL CHARACTERISTICS OF HIS EQUIPMENT WITH THE ELECTRICAL CONTRACTOR REFER TO ELECTRICAL DRAWINGS FOR ELECTRICAL CHARACTERISTICS OF EQUIPMENT TO BE FURNISHED BY HVAC CONTRACTOR.
- 12. AIR DISTRIBUTION DEVICES LOCATIONS SHOWN ON PLANS ARE APPROXIMATE. THE HVAC CONTRACTOR SHALL VERIFY EXACT LOCATIONS OF ALL AIR DISTRIBUTION DEVICES WITH ARCHITECTURAL REFLECTED CEILING PLANS AND/OR ELECTRICAL PLANS BEFORE INSTALLATION. LIGHT FIXTURES AND SPRINKLER HEAD LOCATIONS SHALL, UNLESS OTHERWISE NOTED, TAKE PRECEDENCE OVER AIR DISTRIBUTION DEVICE LOCATIONS.
- 13. THE HVAC CONTRACTOR SHALL SUBMIT EQUIPMENT SHOP DRAWINGS TO THE OWNER FOR APPROVAL BEFORE INSTALLATION OF ANY OF THE FOLLOWING HVAC EQUIPMENT: A. AIR-COOLED UNITS
- B. ROOF EXHAUST FANS C. AIR DISTRIBUTION DEVICES
- APPROVAL OF SHOP DRAWINGS DOES NOT RELIEVE THE HVAC CONTRACTOR OF HIS RESPONSIBILITY TO CONFORM TO THE CONTRACT DOCUMENTS.
- APPROVAL OF SHOP DRAWINGS IS INTENDED FOR GENERAL CONFORMANCE WITH THE CONSTRUCTION DOCUMENTS ONLY. ANY EQUIPMENT THAT IS INSTALLED THAT WILL INVOLVE THE WORK OF OTHER TRADES SHALL BE COORDINATED WITH THOSE TRADES. REFER TO OTHER TRADES' DRAWINGS.
- 14. FURNISH AND INSTALL ACCESS DOORS FOR ALL DAMPERS, AND OTHER AIR DISTRIBUTION BALANCING DEVICES THAT ARE LOCATED ABOVE NON-ACCESSIBLE CEILINGS OR IN WALLS.
- 15. THE HVAC CONTRACTOR SHALL GUARANTEE ALL WORK INSTALLED UNDER HIS CONTRACT TO BE FREE FROM DEFECTIVE WORKMANSHIP AND MATERIALS, FOR A PERIOD OF ONE YEAR AFTER THE ACCEPTANCE OF THE BUILDING BY THE OWNER, AND SHOULD DEFECTS OCCUR WITHIN THIS PERIOD, REPAIR AND/OR REPLACE DEFECTIVE ITEMS AND ANY DAMAGE RESULTING FROM FAILURE OF THESE ITEMS AT NO EXPENSE TO THE OWNER.
- 16. THE HVAC CONTRACTOR SHALL COORDINATE LOCATIONS OF HIS EQUIPMENT AND WORK WITH OTHER BUILDING TRADES TO AVOID ANY INTERFERENCES BETWEEN HIS WORK AND THE WORK OF OTHER TRADES.
- 17. ANY CUTTING AND PATCHING, THAT MAY BE REQUIRED FOR THE INSTALLATION OF THE HVAC SYSTEMS, SHALL BE DONE AND REPAIRED BY THE HVAC CONTRACTOR. NO CUTTING OF THE STRUCTURAL SYSTEM SHALL BE DONE WITHOUT THE WRITTEN APPROVAL OF THE OWNER BEING PREVIOUSLY OBTAINED.

## Duct Type Smoke Detector

FURNISH AND INSTALL WHERE SHOWN ON THE DRAWINGS A TWO WIRE, DC OPERATION ADDRESSABLE DETECTION, SIMPLEX, MODEL NO.4098-9153 DUCT HOUSING WITH APPROIATE SMOKE HEAD AND SAMPLING TUBE. THE DECTOR SHALL BE UL LISTED FOR COMPATABILITY WITH THE FIREALARM CONTROL PANEL AND SHALL OBTAIN ITS OPERATING POWER FROM THE ALARM INITIATING CIRCUIT.

DETECTORS SHALL OPERATE ON THE LIGHT-SCATTERING, PHOTO DIODE PRINCIPAL. TO MINIMIZE NUISANCE ALARMS, DETECTORS SHALL HAVE AN INSECT SCREEN AND BE DESIGNED TO IGNORE INVISIBLE AIRBOURNE PARTICALES OR SMOKE DENSITIES THAT ARE BELOW THE FACTORY-SET ALARM POINT. NO RADIOACTIVE MATERIAL SHALL BE USED.

REMOVAL OF THE DETECTOR HEAD SHALL INTERUPT THE SUPERVISORY CIRCUIT AND ACTIVATE A TROUBLE SIGNAL AT THE CONTROL PANEL.

Pac	Packaged Unit Performance Schedule (Existing)							
MARK	MODEL	NOMINAL TONS	NOMINAL CFM	NET COOLING CAPACITY (Btuh)	TOTAL kW	SEI BELT DR.		dB @ 60 Hz
RTU-1	CARRIER 48TC**05	5.0	2000	65,000	4.0	NA	13.0	.0.71
RTU-2	CARRIER 48TC**12	10.0	5000	000,FII	10.3	NA	11.1	81.6

Exhaust Fans					
Mark	CFM S.P.	R.P.M.	BHP HP	MAKE / MODEL	REMARKS
EF-1	75 .125	1,050	1/2 <i>00</i> H.P.	GREENHECK MODEL NO. G-060-E	REMOTE SPEED CONTROL SWITCH, MODEL NO. 5W

Required Fresh Air Calculation:				
PROVIDE THE REQUIRED Day Care OUTDOOR AIR PER TABLE 403.3.1.1 OF THE MM.C 2015				
Occupant Density #/1000 FT^2 (DAY CARE)	People outdoor airflow rate in breathing zone, RP cfm/person	Area outdoor airflow rate in breathing zone, Ra cfm/ft2		
25 OCC'S PER 1,000 NET OCCUPIABLE SQ. FT.= 1900S.F. / 100 = 19 OCCUPANTS	10 CFM / OCCUPANT 10 CFM * 54 OCC's = 540 CFM	0.18 * 1900 SQ. FT. = 342 CFM		
RTU - 2 (10.0 TON - 1000 CFM NET RATING PER MFG. SPECS) PROVIDES ADEQUATE FRESH AIR SUPPLY NOTE: BUILDING FRESH AIR PROVIDED IS ADEQUATE PER 2015 MM.C. TABLE 4033.1.1				

Air Balance Schedule					
UNIT	OUTSIDE AIR FLOW (CFM)	RETURN AIR FLOW (CFM)	SUPPLY AIR FLOW (CFM)	EXHAUST AIR FLOW (CFM)	BUILDING PRESSURE (CFM)
RTU-1	400	1600	2000	0	2000
RTU-2	1000	4000	5000	0	5000
EF-1	0	0	0	-75	-75
EF-1	0	0	0	-75	-75
FRESH AIR REQ.	0	0	0	-882	-882
TOTALS	1400	5600	1000	-1032	+968 CFM
RESULTING BUILDING PRESSURIZATION (CFM) +968 CFM					
SEE BALN	ICE REPORT	FOR ACTUA	L BUILDING	PRESSURE	

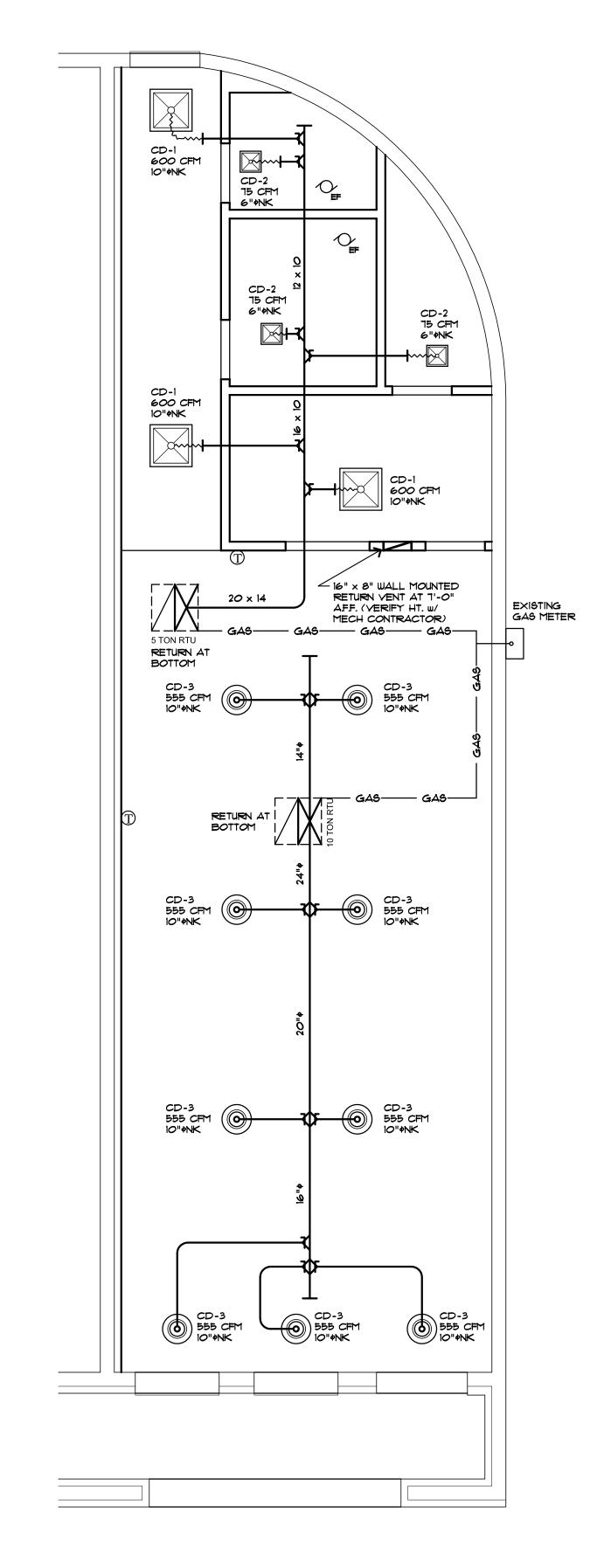
Mechanical Legend				
mark	description			
	AIR SUPPLY DIFFUSER - 24" x 24"			
×	TRUNK MOUNTED AIR SUPPLY - 8" x 24"			
$\square$	AIR SUPPLY DIFFUSER - 12" x 12"			
$\bigcirc$	AIR SUPPLY DIFFUSER - 18"0			
	AIR SUPPLY RETURN - 12" x 12"			
	WALL MOUNTED LOUVERED VENT AIR SUPPLY RETURN			
T	THERMOSTAT AT 60" AFF.			

# Heat Load Calculations

54 OCCUPANTS AT 222 BTU'S/OCC =

Governing Codes

2015 MICHIGAN BUILDING CODE 2015 MICHIGAN MECHANICAL CODE





# Mechanical Plan

1/4" = 1'-0"

VENTILATION AND BALANCE REPORT TO BE PROVIDED BY CERTIFIED BALANCING CONTRACTOR PRIOR TO FINAL INSPECTION.

NOTE:

APPROVED SMOKE AND HEAT VENTS TO BE INSTALLED AS REQUIRED BY, AND IN ACCORDANCE WITH, THE INTERNATIONAL FIRE CODE



Sheet Number:

**M-2** 

Existing Building Elevation and Signage

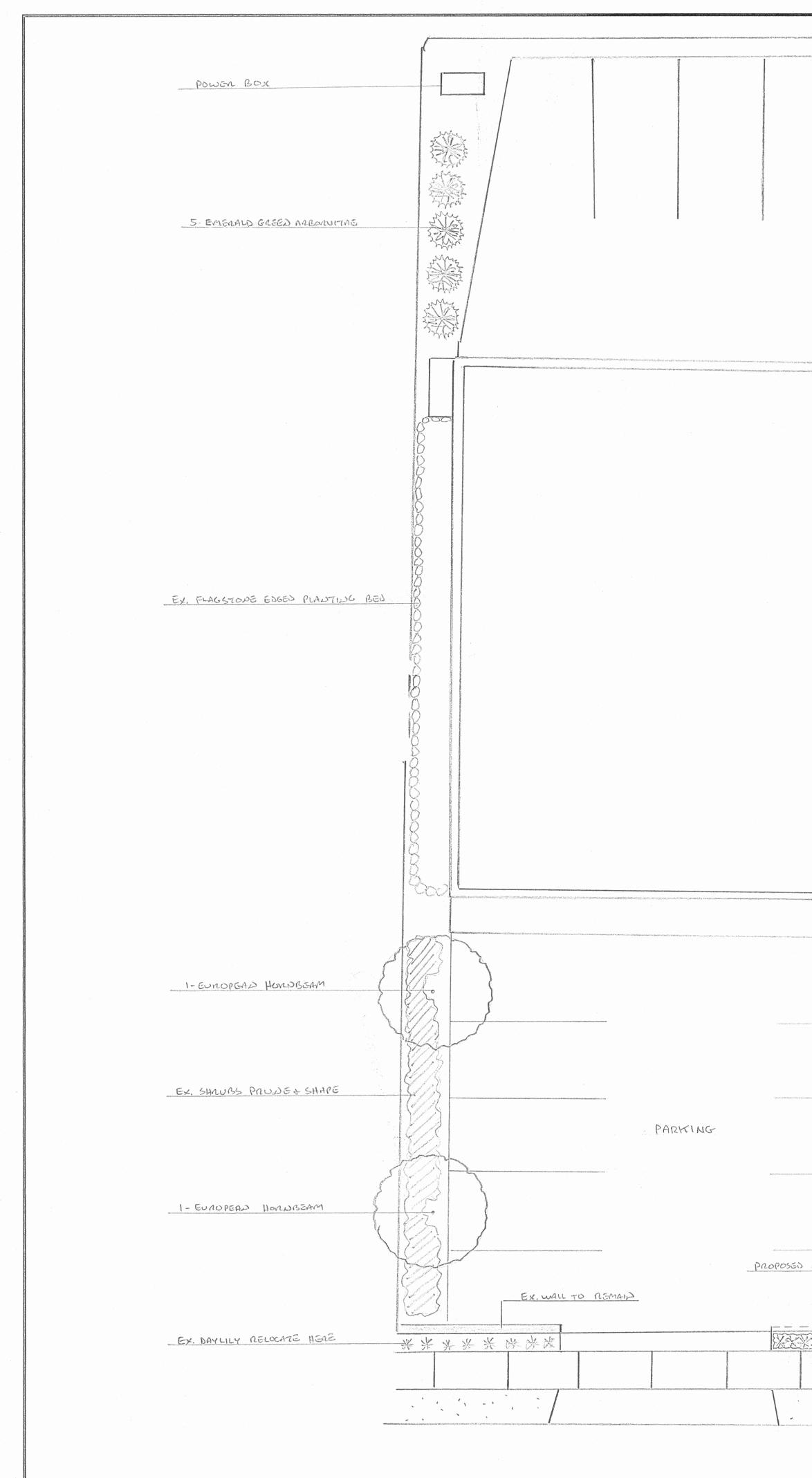
1194, 1190, 1160 Grant Street, Birmingham MI 48009

Existing Building Elevation and Signage:



**Existing Front Elevation** 

not to scale



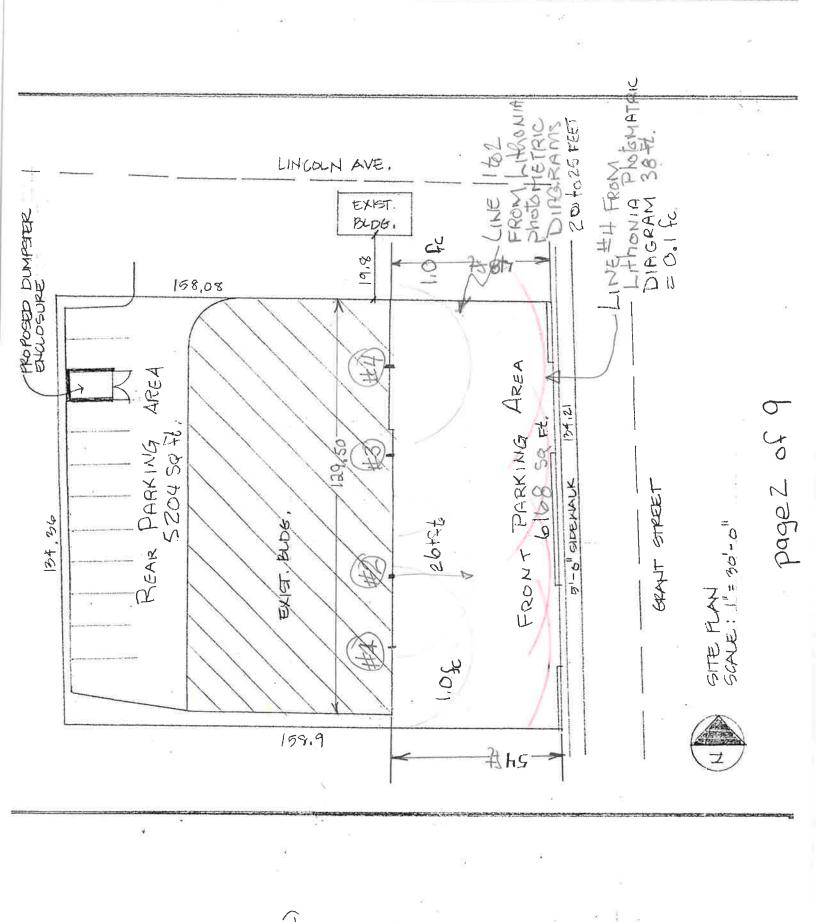
PARKING	
BUDDING	
SIDEWALK	
PARKING	
CONURETE LURB EX. WALL TO REMAIN ZJ-HICKS YEWS	
GRANT STREET	Making L

PLANT MATERIAL:	1
PLANT NAME	SIZE
EUNOPEAN HOLNBEAM	21/2 CAL.
EMERALD GREEN ARBORNTAE	5-6' 14-16-14
HICKS YEWS	36"

1 . A.	The
in the	
	Landscape
And the second second	
and the second second	Group

MAKING LANDSCAPES COME ALIVE FOR OVER 25 YEARS

MODDMILL PLAZA					
1160-1194 GRANT STREET BINMINGHAM, MIT,					
CALE: 1/9"=1'	DRAWN BY: T. ELLISON	DRAWING NUMBER:			
DATE: 5-27-22	REVISED: 6 - 3 - 22	1. of 1.			



CK (CR EQUAL) CK - CH MORTHR ELER.

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NAMER ON FICE



### **MEMORANDUM**

**Planning Division** 

**DATE:** June 2<sup>nd</sup>, 2022

TO: Planning Board Members

FROM: Brooks Cowan, Senior Planner

**APPROVED:** Nicholas Dupuis, Planning Director

### SUBJECT: 1160 Grant Street – Ortiz Educare – SLUP and Final Site Plan Review

The applicant is proposing a child care center at 1160 Grant Street. Child care centers in the B1 – Neighborhood Business zone require a Special Land Use Permit. Article 9, Section 9.02 of the Zoning Ordinance defines child care centers as the following:

A facility, other than a private residence, where child care is provided for periods of fewer than 24 hours a day, for more than 2 consecutive weeks per year, for 1 or more children whose parents/guardians are not immediately available. Child care centers include public or private preschools, nursery schools, parent cooperative preschools, full-day child care centers and drop in centers and must be licensed by the state.

The subject property contains a single story brick commercial building with three tenant spaces. There are currently two tenants in the building, a laundromat and a dry cleaners. The applicant is applying to occupy the northernmost tenant space which is 1900 square feet to be used a child care center. Only minor changes to the subject site are being proposed which include lighting and landscaping. The applicant will be able to obtain a child care center license from the state after approval from the City Commission.

### 1.0 Land Use & Zoning

- 1.1 **Existing Land Use** The existing land use is a single story commercial building.
- 1.2 **Zoning** The property is zoned B1- Neighborhood Business

1.3 **Summary of Adjacent Land Use & Zoning** – The following chart summarizes existing land use and zoning classifications of the adjacent and/or nearby properties:

	North	South	East	West
Existing Land Use	Salon	Park	Residential	Multi-Family
Existing Zoning District	B1 — Neighborhood Business	PP – Public Property	R3 – Single Family Residential	01 - Office
Overlay Zoning District	N/A	N/A	N/A	N/A

### 2.0 Setback, Height, & Placement Requirements

No changes to the building are proposed. The building appears to satisfy all setback, height and placement requirements.

### 3.0 Screening & Landscaping

- 3.1 <u>Dumpster Screening</u> No changes proposed. The dumpster in the rear of the property is screened by a masonry wall with wooden gates.
- 3.2 <u>Parking Lot Screening</u> The property owner is proposing to remove the existing brick screen wall in the middle of the property along Grant Street and replace it with evergreen landscaping. The brick wall has been hit by cars and the owner has stated he would rather not worry about repairs. The brick screen walls on the northern and southern portion of the property along Grant Street are proposed to remain.

Article 4, Section 4.53(C)(3) requires screening along the front or side of any parking facility that abuts a street, alley, passage or mixed passage.

Article 4, Section 4.54(C)(3)(d) of the Zoning Ordinance enables the Planning Board to approve an evergreen screen in lieu of a masonry screen wall. The applicant is proposing to screen the parking lot with 25 Hick Yews 36". The Planning Division recommends that the Planning Board approve of the Hick Yews in lieu of a masonry screen wall.

- 3.3 <u>Mechanical Equipment Screening</u> The existing ground transformer on the back corner of the property is screened by Arborvitae.
- 3.4 <u>Landscaping</u> 25 new Hick Yews 36" in height are proposed for screening in lieu of a masonry screen wall for the parking spaces in the middle of the parking lot.

Two new European horn beam trees are proposed along the southern boundary of the parking lot among the existing shrubs. The existing day lilies in front of the screenwalls are proposed to remain.

3.5 <u>Streetscape Elements</u> – No changes proposed – DPS commented that the area between the sidewalk and street is too narrow for new trees and they are not requiring new plantings in that space. New trees were not planted by the City with Grant Street was recently repaved.

The property is not in an Overlay District and therefore does not have a requirement to provide street lights.

### 4.0 Parking, Loading & Circulation

4.1 <u>Parking</u> – There are 29 parking spaces on site and below are the following parking requirements of the proposed uses:

Laundromat	1 per 3 washing machines	23 machines	8 spaces
Cleaners	1 per 550 SF	4,272 SF	8 spaces
Day Care	1 per 550 SF	1,900 SF	4 spaces
		Total	20 spaces

The subject site has an excess of 9 parking spaces, therefore satisfying the on-site parking requirements.

- 4.2 <u>Loading</u> Building is less than 10,000 square feet, therefore no off-street loading space is required.
- 4.3 <u>Vehicle Circulation & Access</u> The front parking lot can be accessed from Grant Street. The site has two curb cuts 24 feet wide which provide ingress and egress for vehicular traffic.

The rear parking lot is accessed via the property to the north at 1148 Grant Street. The owner of the subject property has an easement agreement with 1148 Grant Street which is included in the attachments.

4.4 <u>Pedestrian Circulation & Access</u> – The subject property has a public sidewalk along Grant Street. The commercial space also has a sidewalk connecting to all four stores.

### 5.0 Lighting

The applicant is proposing to install four new cut-off lights on the front of the building to replace the existing non-conforming lights. The lights are proposed to be WPX2 LED Wall Mount lights.

The applicant is required to submit a Photometric Plan. Circulation areas of parking lots are required to have a minimum of 0.2 foot candles and a maximum ratio of 20:1.

### 6.0 Departmental Reports

- 6.1 **Engineering Department –** The Engineering Department has no concerns at this time.
- 6.2 **Department of Public Services** The requirement of street trees is waived due to the lack of sufficient space in the ROW.
- 6.3 **Fire Department** Comments will be provided for the June 8<sup>th</sup>, 2022 meeting.
- 6.4 **Police Department –** The Police Department has no concerns at this time.
- 6.5 **Building Department** Please see the attached Building Division comments dated June 2<sup>nd</sup>, 2022.
- 6.6 **Parking Manager** The Parking Manager has no concerns at this time.

### 7.0 Design Review

### Façade Materials

No changes are proposed to the exterior, the applicant will be maintaining the brick exterior.

### <u>Glazing</u>

No Changes to the window glazing are proposed.

### <u>Signage</u>

The applicant has indicated they would like to install a sign above their tenant space, however they have yet to submit signage details. **The applicant must provide details relating to the size and materials of their proposed sign.** 

### 8.0 Required Attachments

	Submitted	Not Submitted	Not Required
Existing Conditions Plan			$\boxtimes$
Detailed and Scaled Site Plan	$\boxtimes$		
Certified Land Survey	$\boxtimes$		
Interior Floor Plans	$\boxtimes$		
Landscape Plan	$\boxtimes$		
Photometric Plan		$\boxtimes$	
Colored Elevations			$\boxtimes$
Material Specification Sheets	$\boxtimes$		$\boxtimes$

Material Samples		$\boxtimes$
Site & Aerial Photographs	$\boxtimes$	

### 9.0 Approval Criteria

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property nor diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

In addition, Article 7, Section 7.36 requires applications for a Special Land Use Permit to meet the following criteria:

- (1) The use is consistent with and will promote the intent and purpose of this Zoning Ordinance.
- (2) The use will be compatible with adjacent uses of land, the natural environment, and the capabilities of public services and facilities affected by the land use.
- (3) The use is consistent with the public health, safety and welfare of the city.
- (4) The use is in compliance with all other requirements of this Zoning Ordinance.

- (5) The use will not be injurious to the surrounding neighborhood.
- (6) The use is in compliance with state and federal statutes.

### **10.0** Recommendation

Based on a review of the site plans submitted and the requirements outlined in Article 7, Section 7.27 and 7.36 of the Zoning Ordinance, the Planning Division recommends that the Planning Board **APPROVE** the SLUP and Final Site Plan for 1160 Grant Street, Ortiz Educare, with the following conditions:

- 1. The Planning Board allow evergreen screening in lieu of a masonry screenwall;
- 2. The applicant submit a Photometric Plan indication all lighting requirements for the parking lot circulation area have been met.
- 3. The applicant provide details relating to the size and materials of the sign to be administratively approved by staff.

### **11.0** Sample Motion Language for the Special Land Use Permit (SLUP)

Motion to **APPROVE** the SLUP for 1160 Grant St, Ortiz Educare, with the following conditions:

- 1. The Planning Board allow evergreen screening in lieu of a masonry screenwall;
- 2. The applicant submit a Photometric Plan indication all lighting requirements for the parking lot circulation area have been met.
- 3. The applicant provide details relating to the size and materials of the sign to be administratively approved by staff.

### OR

Motion to **POSTPONE** the SLUP and Final Site Plan for 1160 Grant St, Ortiz Educare, pending receipt of the following:

 <b></b>	 	 

OR

Motion to **DENY** the SLUP and Final Site Plan for 1160 Grant St, Ortiz Educare, for the following reasons:

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_

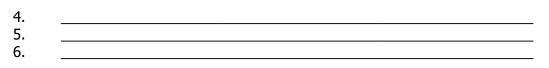
### **12.0** Sample Motion Language for the Final Site Plan

Motion to **APPROVE** the Final Site Plan for 1160 Grant St, Ortiz Educare, with the following conditions:

- 1. The Planning Board allow evergreen screening in lieu of a masonry screenwall;
- 2. The applicant submit a Photometric Plan indication all lighting requirements for the parking lot circulation area have been met.
- 3. The applicant provide details relating to the size and materials of the sign to be administratively approved by staff.

### OR

Motion to **POSTPONE** the Final Site Plan for 1160 Grant St, Ortiz Educare, pending receipt of the following:



### OR

Motion to **DENY** the Final Site Plan for 1160 Grant St, Ortiz Educare, for the following reasons:

4.	
5.	
6.	

June 2, 2022

RE: Final Site Plan Review Comments 1160 Grant, Ortiz EduCare, LLC

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 referenced codes listed on the plan need to be updated to reflect the 2017 National Electrical Code and the 2018 Michigan Plumbing Code.
- 2. The plan indicates an occupant load of 54 which appears high. The actual number needs to be determined by calculating the net area of the education and office areas separately, then applying the allowances per Table 1004.1.2 of the building code. The correct occupant load will be in the area of 23 including employees.
- 3. Both toilet rooms will need to meet all accessibility requirements of the building code. The room labeled Uni. 2 does not appear to comply.

# CITY OF BIRMINGHAM FIRE DEPARTMENT



572 South Adams • Birmingham, Michigan 48009 • 248.530.1900 Fax 248.530.1950

June 2, 2022

1160 Grant

**Review Comments** 

- 1. Follow and reference on plans the International Fire Code 2015 ed.
- 2. Provide 3A rated ABC fire extinguishers where specified by Fire Marshal.
- 3. Provide egress lighting per International Fire Code 2015 ed. language.
- 4. Egress doors to be compliant with proper door hardware (lever handle, panic bar, paddle ect.)

Please contact my office if there are any questions.

Jack D. Pesha

Fire Marshal



280 N. Old Woodward Suite 12 Birmingham, MI 48009 248.385.3112 248.835.2068 888.450.1682

jphowe o jphowe.com www.jphowe.com

April 5, 2022

### VIA HAND DELIVERY

**Birmingham Planning Board** c/o Mr. Nick Dupuis Planning Director City of Birmingham 151 Martin St. Birmingham, MI 48009

> Re: Special Land Use Permit Application to Operate a Child Care Center in B-1 Zoning District <u>Applicant</u>: Ortiz EduCare, LLC <u>Address</u>: 1160 Grant St. Birmingham, MI 48009

Dear Members of the Birmingham Planning Board,

On behalf of Ortiz EduCare, LLC ("Ortiz EduCare"), we hereby submit a Special Land Use Permit Application to operate a Child Care Center at 1160 Grant St. Ortiz EduCare is owned by Birmingham resident Amy Ortiz, who has been an educator for over 20 years. As a former pre-school teacher with Birmingham Public Schools, and the current owner and operator of a licensed home based child care center in Birmingham, it is Amy's lifelong dream to open her own pre-school in her hometown. Ortiz EduCare would provide a safe, loving, nurturing environment for children 3 to 5 years old. Its mission is LEARN – PLAY – GROW, where students are encouraged be creative, be brave, and be curious. Children would be engaged in play based learned that creates meaningful experiences.

The subject location at 1160 Grant St. within a multi-tenant building, was once occupied by *Directions Pre-School* many years ago. Amy believes this is the perfect location for Ortiz EduCare, as it is located within a walkable neighborhood that is home to many of her students. The on-site parking lot also allows for very efficient and safe drop of and pick up of young children. The 1,900 sf suite itself is very spacious, and will be completely transformed into a wonderful learning environment for young children. No exterior changes to the building are proposed, except for a new sign that will be located above the suite entrance as depicted on the façade photo enclosed herewith. Ortiz EduCare has obtained preliminary licensing approval from the State of Michigan Department of

### p. 2

Licensing and Regulatory Affairs, and requires final approval from the City of Birmingham in order to complete the State licensing process and open in Fall 2022.

Child Care Centers, including preschools, are permitted within the B-1 zoning district with a Special Land Use Permit (see Chapter 126, Section 9.02 and Section 2.27 of the Birmingham City Code). Accordingly, we submit the following items for review by the Planning Board and City Commission:

- 1. Special Land Use Permit Application executed by the Applicant, Architect and Property Owner;
- 2. Two (2) paper copies and one (1) digital copy of the project plans including:
  - a. Existing Conditions Plan
  - b. Site Plan
  - c. Interior Floor Plan
  - d. Photos of Existing Conditions (emailed direct to Planning Department)
  - e. Aerial Photo
  - f. Photo of Existing Front Elevation with Proposed Sign Location
- 3. Letters of Support for Ortiz EduCare; and
- 4. Check payable to the City of Birmingham to cover the Application fee.

The standards for approving a Special Land Use Permit are set forth in Chapter 126, Section 7.36 of the Birmingham City Code. We submit that our Ortiz EduCare meets the approval requirements for the following reasons:

# (1) 7.336(A)(1). "The use is consistent with and will promote the intent and purpose of this Zoning Ordinance."

**RESPONSE**: Ortiz EduCare will provide a walkable, safe, environment for young children to learn and grow. The new use will increase the vibrancy of the subject property and the surrounding neighborhood, and is consistent with the goals of the B-1 Zoning District, which "*is established for the convenience of shopping for persons residing in adjacent residential areas to permit only such uses as are necessary to satisfy those limited basic shopping and/or service needs which by their very nature are not related to the shopping pattern of the general business district.*" (Chapter 126, Section 2.27(A)(1) of the Birmingham City Code).

# (2) "The use will be compatible with adjacent uses of land, the natural environment, and the capabilities of the public services and facilities effected by the land use."

**RESPONSE**: Ortiz EduCare will fit in nicely with the adjacent business, residences, and City park; and will not negatively impact any of the surrounding neighbors in any way. There is sufficient on-site parking for the use, and due to the small nature of

p. 3

the pre-school there will not be a significant increase in traffic in and around the subject building at any point during the day. The pre-school will not be a drain on the City or its public services, and the hours of operation of the pre-school will not detrimentally impact any surrounding landowners.

### (3) "The use is consistent with public health, safety and welfare of the city."

**RESPONSE**: As a resident and business owner in Birmingham, the health, safety and welfare of the community, and the families that Ortiz EduCare will serve, is of utmost importance to the Applicant. Amy Ortiz has over 20 years of experience educating children, and will operate Ortiz EduCare in the most responsible way, implementing best practices and lessons learned as a teacher and child care professional. The proposed use is a perfect fit at the subject location, the subject location was formerly occupied by a preschool, and the Applicant is excited to return that use to the neighborhood.

# (4) "The use is in compliance with all other requirements of the zoning ordinance."

**RESPONSE**: Ortiz EduCare will be operated in full compliance with the City's Zoning Ordinance, and the use is consistent with the goals of the City of Birmingham Master Plan. Ortiz EduCare will comply with all mandates and responsibilities applicable to the holder of a Special Land Use Permit within the City of Birmingham.

### (5) "The Use Will Not Be Injurious to the Surrounding Neighborhood."

**<u>RESPONSE</u>**: Ortiz EduCare will not be injurious to the surrounding neighborhood. This pre-school will benefit the surrounding neighborhood, will educate young children that live in the neighborhood, and will not be operated in a way that will negatively impact the surrounding neighborhood in any way.

### (6) "The Establishment is not in violation of any State or Federal Statutes."

**RESPONSE**: Ortiz EduCare has not opened for business yet, and is not in violation of any state laws or federal statutes.

\* \* \*

Overall, we submit that the proposed use of the subject building will be a great addition to this neighborhood, and will a serve a real need for additional quality young childhood education programs in the City. We appreciate you considering our application, and look forward to appearing with our client before the Planning Board and City Commission to present this Application and address any questions or concerns that City

p. 4

stakeholders may have. Should you have any questions or concerns regarding this project, please do not hesitate to contact me.

Very truly yours,

JPHOWE, PLLC

J. Patrick Howe

Dear City of Birmingham Planning Division,

Hoping that this letter finds you all well. My name is Amy Ortiz and I have been a resident of Birmingham for over 20 years, raised two wonderful children that attended Birmingham schools. My husband and I are extremely vested in the community. I am a teacher and due to the pandemic, I resigned from Birmingham Public Schools in August of 2020 as our preschool program was on hold along with all the other uncertainties.

In the spring of 2021, my husband and I decided to get our home fully licensed and had a small, wonderful summer program which inspired me to create **Ortiz Educare!** I have a small preschool that is going wonderfully, along with having a waitlist for fall of 2022 as childcare is in such a high demand in our community right now. We are currently in the process of pursuing a small location / building at **1160 Grant Street**. The spot was once a preschool, and we feel it is the perfect location and size as many of our current families live in this walking neighborhood. We have worked extremely hard to provide a safe and loving environment. We currently have a waitlist for the fall 2022 and excited to further expand the business. I feel blessed as this opportunity has evolved my career and continue to do what I love.... teach and raise good people!

Sincerely,

Amy Ortiz

Ortiz Educare LLC 2549 Buckingham Ave. Birmingham, MI 48009 248.709.4510

## **Our Mission:**

Learn ~ Play ~ Grow

Ortiz Educare provides a safe, loving, and nurturing environment for children ages 3 to 5 years old. We encourage the students to aspire to BE creative, BE brave, and BE curious. At Ortiz Educare children are engaged in play-based learning that creates meaningful experiences.



### Special Land Use Permit Application Planning Division

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

### 1. Applicant

Name: Ortiz Educare, LLC
Address: 2549 Buckingham Ave.
Birmingham, MI 48009
Phone Number: c/o Amy Ortiz (248) 709-4510
Fax Number: N/A
Email address: amy.ortiz17@comcast.net

### 3. Applicant's Attorney/Contact Person

### 5. Required Attachments

- I. Two (2) paper copies and one (1) digital copy of all project plans including:
  - A detailed Existing Conditions Plan including the subject site in its entirety, including all property lines, buildings, structures, curb cuts, sidewalks, drives, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft, of the subject site's property lines;
  - ii. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
  - iii. A certified Land Survey;
  - iv. Interior floor plans;

### 6. Project Information

Address/Location of the property: 1160 Grant St.
Birmingham, MI 48009
Name of development: Ortiz Educare Pre-School Sidwell ở: 08-1 <b>9-36-403-031</b>
Current Use: Vacant
Proposed Use: Child Care Center (Pre-School
Area of Site in Acres: .498 acres
Current zoning: B-1
Is the property located in the floodplain? No
Name of Historic District Site is located in: N/A
Date of Historic District Commission Approval: N/A
Date of Application for Preliminary Site Plan: N/A
Date of Preliminary Site Plan Approval: N/A

### 2. Property Owner

No

-

### 4. Project Designer/Developer

Name: Jon Noocha, Architect
Address: Cellar Werks
8265 Messmore Rd., Shelby Twp., MI 48317
Phone Number: (586) 484-1499
Fax Number: N/A
Email address: noochaj@hotmail.com

- v. A Landscape Plan:
- vi. A Photometric Plan;
- vii. Colored elevation drawings for each building elevation;
- II. Specification sheets for all proposed materials, light fixtures and mechanical equipment;
- III. Samples of all proposed materials;
- IV. Photographs of existing conditions on the site including all structures, parking areas, landscaping and adjacent structures;
- V. Current aerial photographs of the site and surrounding properties:
- VI. Warranty Deed, or Consent of Property Owner if applicant is not the owner;
- VII. Any other data requested by the Planning Board, Planning Department, or other City Departments.

Date of Application for Final Site Plan: N/A
Date of Final Site Plan Approval: N/A
Date of Application for Revised Final Site Plan: N/A
Date of Revised Final Site Plan Approval: N/A
Date of Design Review Board Approval: N/A
Is there a current SLUP in effect for this site?
Date of Application for SLUP: No
Date of SLUP Approval: N/A
Date of Last SLUP Amendment: N/A
Will proposed project require the division of platted lots? No
Will proposed project require the combination of platted lots?

7	Details of the Proposed	Development (attack	enarate cheet if necessary)
1:00	Details of the Proposed	Development (attaci	separate sheet if necessary)

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mateirals for additional information and details regarding project.	sted on facade rendering. See enclosed application letter and
Buildings and Structures	
Number of Buildings on Site: 1	Use of Buildings: Multi tenant building. Laundry / Dry Clea
Height of Buildings & # of Stories: 18 ft 1 story	Height of Rooftop Mechanical Equipment: N/A - no chang
Floor Use and Area (in Square Feet)	
Proposed Commercial Structures:	
Total basement floor area: N/A - no basement	Office Space: 0
Number of square feet per upper floor: N/A - 1 story	Retail space, 0
Total floor area: 8,405	
Floor area ratio (total floor area ÷ total land area): 60.6%	Assembly Space: U
(20,332 / 8,405)	
Open space: 11,927	Maximum Occupancy Load:
Open space: 11,927 Percent of open space: 39.4%	
Proposed Residential Structures: Not Applicable - no resider	ntial structures
Total number of units:	Rental units or condominiums?
Number of one bedroom units:	Size of one bedroom units:
Number of two bedroom units:	Size of two bedroom units:
Number of three bedroom units:	Size of three bedroom units.
Open space:	Seating Capacity:
Percent of open space:	Maximum Occupancy Load:
Proposed Additions: Not Applicable - no additions proposed	
Total basement floor area, if any, of addition:	Use of addition:
Number of floors to be added:	Height of addition:
Square footage added per floor:	Office space in addition:
Total building floor area (including addition):	Retail space in addition:
Floor area ratio (total floor area ÷ total land area):	Industrial space in addition:
	Assembly space in addition:
Open Space:	Assembly space in addition:
Percent of open space:	
Required and Proposed Setbacks Not Applicable - exist	ing building
Required and Proposed Setbacks Not Applicable - exist Required front setback:	Proposed front setback:
Required front setback:	Proposed front setback: Proposed rear setback
Required front setback:Required rear setback:	Proposed front setback: Proposed rear setback Proposed total side setback:
Required front setback:	Proposed front setback: Proposed rear setback Proposed total side setback:
Required front setback: Required rear setback: Required total side setback: Side setback:	Proposed front setback: Proposed rear setback
Required front setback:	Proposed front setback: Proposed rear setback: Proposed total side setback: Second side setback: N/A - Existing
Required front setback:	Proposed front setback: Proposed rear setback: Proposed total side setback: Second side setback: N/A - Existing Proposed number of parking spaces: 29
Required front setback:	Proposed front setback: Proposed rear setback: Proposed total side setback: Second side setback: N/A - Existing Proposed number of parking spaces: 29 Typical size of parking spaces: 9' x 20'
Required front setback:	Proposed front setback: Proposed rear setback: Proposed total side setback: Second side setback: N/A - Existing Proposed number of parking spaces: 29 Typical size of parking spaces: 9' x 20' Number of spaces <180 sq. ft.;
Required front setback:	Proposed front setback: Proposed rear setback: Proposed total side setback: Second side setback: N/A - Existing Proposed number of parking spaces: 29 Typical size of parking spaces: 9' x 20' Number of spaces <180 sq. ft.: Number of handicap spaces: 1
Required front setback:	Proposed front setback: Proposed rear setback: Proposed total side setback: Second side setback: N/A - Existing Proposed number of parking spaces: 29 Typical size of parking spaces: 9' x 20' Number of spaces <180 sq. ft.;

Proposed landscape material:
Description of benches or planters:
Charles Charles Charles
Species of existing trees:
Species of proposed trees:
Species of proposed nees.
Proposed number of loading spaces:
Typical size of loading spaces:
Height of screenwall:
Typical time loading spaces are used:
ng
Proposed number of waste receptacles:
Size of waste receptacles:
Height of screenwall:
Location of all utilities & easements:
Height of screenwall:
Location of all ground mounted units:
Height of screenwall:
Height of screenwall:
Location of all motion uniter
Location of all roottop units:
Location of all roottop units: Size of rooftop units (L•W•H): Percentage of rooftop covered by mechanical units:
Size of rooftop units (L•W•H): Percentage of rooftop covered by mechanical units:
Size of rooftop units (L•W•H): Percentage of rooftop covered by mechanical units:
Size of rooftop units (L•W•H): Percentage of rooftop covered by mechanical units:
Size of rooftop units (L•W•H): Percentage of rooftop covered by mechanical units: Height of screenwall: Distance from rooftop units to all screenwalls:
Size of rooftop units (L•W•H): Percentage of rooftop covered by mechanical units: Height of screenwall: Distance from rooftop units to all screenwalls:
Size of rooftop units (L•W•H): Percentage of rooftop covered by mechanical units: Height of screenwall: Distance from rooftop units to all screenwalls: Size of accessory buildings:
Size of rooftop units (L•W•H): Percentage of rooftop covered by mechanical units: Height of screenwall: Distance from rooftop units to all screenwalls:
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Size of light fixtures (L•W•H):	
Aaximum wattage per fixture:	
light level at each property line:	

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. Site Lighting Not Applicable - existing building Number of light fixtures:	Type of light fixtures:
Size of light fixtures (L•W•H):	Height from grade:
Maximum wattage per fixture:	Proposed wattage per fixture:
Light level at each property line:	Holiday tree lighting receptacles:
Adjacent Properties Not Applicable - existing building Number of properties within 200 ft.:	3 <sup>1</sup>
Property #1	
Number of buildings on site:	Property Description:
Zoning district:	
Lion families	The second s
Square footage of principal building:	
Square footage of accessory buildings:	
Number of parking spaces:	North, south, east or west of property?
Property #2	
Number of buildings on site:	Property Description:
Zoning district:	
Use type:	
Square footage of principal building:	
Square footage of accessory buildings:	
Number of parking spaces:	North, south. east or west of property?
Property #3	
Number of buildings on site:	Property Description:
Zoning district:	
Use type:	
Square footage of principal building:	
Square footage of accessory buildings:	
Number of parking spaces:	North, south, east or west of property?
Property #4	
Number of buildings on site:	Property Description:
Zoning district:	
Use type:	
Square footage of principal building:	
Square footage of accessory buildings:	
Number of parking spaces:	North, south, east or west of property?
Property #5	
Number of buildings on site:	Property Description:
Zoning district:	
Use type:	
Square footage of principal building:	
Square footage of accessory buildings:	
Number of parking spaces:	North, south, east or west of property?

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

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

Signature of Owner: Smarl Bachard	Date:	4-4-2622
Print Name: GERARD SZCZEPONIAK	20	01.10000
Signature of Applicant, MAY UNIT	Date:	211/2012
Print Name:		
Signature of Architect:	Date:	3 1 2022
Print Name: JON NOOCHA		
Office Use Only		

Application #:	Date Received:	Fee:	
Date of Approval:	Date of Denial:	Accepted by:	



### SPECIAL LAND USE PERMIT APPLICATION CHECKLIST – PLANNING DIVISION

Applicant: Ortiz Educare, LLC	C	Case #:	Date:
Address: 1160 Grant St., Birmingham, MI, 48009	Project;	Ortiz Educare Pre-Schoo	

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

### Site Plan for Special Land Use Permit

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

- X 1. Name and address of applicant and proof of ownership;
- X 2. Name of Development (if applicable);
  - 3. Address of site and legal description of the real estate;
    - 4. Name and address of the land surveyor; N/A Existing Building
    - 5. Legend and notes, including a graphic scale, north point, and date;
  - 6. A separate location map;
  - 7. A map showing the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land; N/A Existing Building
  - 8. Acrial photographs of the subject site and surrounding properties;
  - 9. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
  - A detailed Existing Conditions Plan including the subject site in its entirety, including all property lines, buildings, structures, curb cuts, sidewalks, drives, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft. of the subject site's property lines;
  - 11. Interior floor plans;
  - 12. A chart indicating the dates of any previous approvals by the Planning Board, Board of Zoning Appeals, Design Review Board, or the Historic District Commission ("HDC"); Not Applicable

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X	24

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

### **Elevation Drawings**

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

- 25. Color elevation drawings showing the proposed design for each façade of the building; N/A no exterior changes to building
- 26. List of all materials to be used for the building, marked on the elevation drawings; N/A no exterior changes to building
- 27. Elevation drawings of all screenwalls to be utilized in concealing any exposed mechanical or electrical equipment, trash receptacle areas and parking areas; N/A no exterior changes to building
- 28. Details of existing or proposed lighting, signage and other pertinent development features;
- 29. A list of any requested design changes; N/A no exterior changes to building
- 30. Itemized list and specification sheets of all materials, light fixtures and mechanical equiptment to be used, including exact size specifications, color, style, and the name of the manufacturer; N/A no exterior changes to building the statement of the manufacturer in the statement of the statement of the manufacturer.
- 31. Location of all exterior lighting fixtures, exact size specifications, color, style and the name of the manufacturer of all fixtures, and a photometric analysis of all exterior lighting fixtures showing light levels to all property lines; and N/A no exterior changes to building
- 32. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.



### Notice Signs - Rental Application Community Development

### 1. Applicant

Name: Ortiz Educare, LLC	
Address: 1160 Grant St.	
Birmingham, MI 48009	
Phone Number: c/o Amy Ortiz (248) 709-4510	
Fax Number: N/A	
Email address: amy ortiz17@comcast.net	

### Property Owner

Name: Woodmill of Birmingham, LLC	
Address: Attn: Gerard Szczepaniak - PO Box 2224	
Birmingham, MI 48009	
Phone Number: (734) 748-7085	
Fax Number: N/A	
Email address: anngerrys@aol.com	

### 2. Project Information

Address/Location of Property: 1160 Grant St., Birmingham, MI 48009Name of Historic District site is in, if any: N/A			
Name of Development: Ortiz Educare Pre-School	Current Use: Vacant		
Area in Acres: .498 acres	Current Zoning: B-1		

### 3. Date of Board Review

Board of Building Trades Appe	eals: N/A
City Commission:	
Historic District Commission:	N/A
Planning Board:	

Board of Zoning Appeals: N/A \_\_\_\_\_\_ Design Review Board: N/A \_\_\_\_\_\_ Housing Board of Appeals: N/A \_\_\_\_\_\_

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to post the Notice Sign(s) at least 15 days prior to the date on which the project will be reviewed by the appropriate board or commission, and to ensure that the Notice Sign(s) remains posted during the entire 15 day mandatory posting period. The undersigned further agrees to pay a rental fee and security deposit for the Notice Sign(s), and to remove all such signs on the day immediately following the date of the hearing at which the project was reviewed. The security deposit will be refunded when the Notice Sign(s) are returned undamaged to the Community Development Department. Failure to return the Notice Sign(s) and/or damage to the Notice Sign(s) will result in forfeiture of the security deposit.

Signature of Applicant:	Ortiz Educare, LLC	Date:
Application #:	Office Use Only Date Received:	Fee:
Date of Approval:	Date of Denial:	Reviewed by:

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### EASEMENT AGREEMENT

This Agreement made this 27th day of September A.D. 1984, by and between DAVID HOCKNEY and CARMELLA HOCKNEY, jointly and severally of the City of Birmingham, County of Oakland, and State of Michigan, parties of the first part, which expression shall include his, her or their heirs, executors, administrators, agents or assigns where the context so requires or admits, and GERARD SZCZEPANIAK, and EDWARD A. 4154 Woterwheel in. SIMAId. His, Mut SZCZEPANIAK and IRENE SZCZEPANIAK, his wife, jointly and severally, of the City of Bloomfield Hills, County of Oakland, State of Michigan, parties of the second part, which expression shall include his, her or their heirs, executors, administrators, agents or assigns, where the context so requires or admits, Witnesseth:

Whereas, the parties of the first part own and have title to the real estate located in the City of Birmingham, County of Oakland, State of Michigan and will grant an easement over the South 20 feet of the North 1/2 of Lot 13, Assessor's Plat #5, a Subdivision of part of SW 1/4 of NE 1/4 and a part of NW 1/4 of SE 1/4 of Section 36 Village, now City of 四 34-403 04 Birmingham, Oakland County, Michigan. 8 F- OR the CONSIDERATION & 100

That consideration for the easement shall be as

follows:

- The easement and the entire parking lot 1. will be lighted.
- The maintence of the lot and the easement 2. would be covered; including repairs, surfacing, patching and snow removal. The lot would be paved according to the city engineer, and if a catch basin is needed the Party of the 2nd Part will provide one and any other necessary drainage equipment.
- з. The Party of the 2nd Part shall not interfere with the seven (7) parking spaces adjacent to the business of the party of the 1st Part.
- The wood beams on the property of the 4. Party of the 1st Part will be cut and placed to make bumper blocks for parking spaces.

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4.00 4.00

## LINEA 8794 PAGE 450

5. A garbage dumpster will be provided for the Party of the 1st Part for use in the back of the mall, and that the disposal of the garbage will be mutually provided for. The garbage area of the Party of the 1st Part will be replaced and enclosed by cedar as it was prior to construction.

No other businesses involved in the following aspects of cosmetology will be allowed to rent space in the mall:

a. Haircutting b. Electrolysis c. Barber Shop d. Wig Shop е. Manicuring f. Makeup and Hair Supplies Body Massage a. Facials and Facial Massage h. Hair Replacement MANUJACTURE of HAIR Goods i. 11

7. The Party of the 1st Part shall retain all air space above the easement.

The consideration for the easement shall be binding on the Party of the 2nd Part or their heirs and assigns.

This Agreement has been executed in duplicate by the parties hereto and each executed copy thereof shall be considered an original.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this <u>27/h</u> day of <u>September</u> 1984. IN OAKLAND County, MichigAW This Chappenked BEFOR ROBERT J. TENNANT, SR. Motary Public, Oakland County, Mi MAR. 3, 1985 WITNESSETH: Neterly Terment fri Sobort J. TENNANTSR.

mill c RENNETH  $C_{i}^{t}$ HOCKNEL

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TERRANT SR:

Drofted By: Casey K. AmBrose 1350 E. West Maple Rd Walled Lake Michigan H8088 Attorney-athaw

DAVID HOCKNE Chancella. Ret 1 CARMELLA HOCKNEY

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SEP 27

<u>Szczepował</u> IRENE SZCZEL 4154 Water wheel Ln Bloomfield Hile Thuck 48013

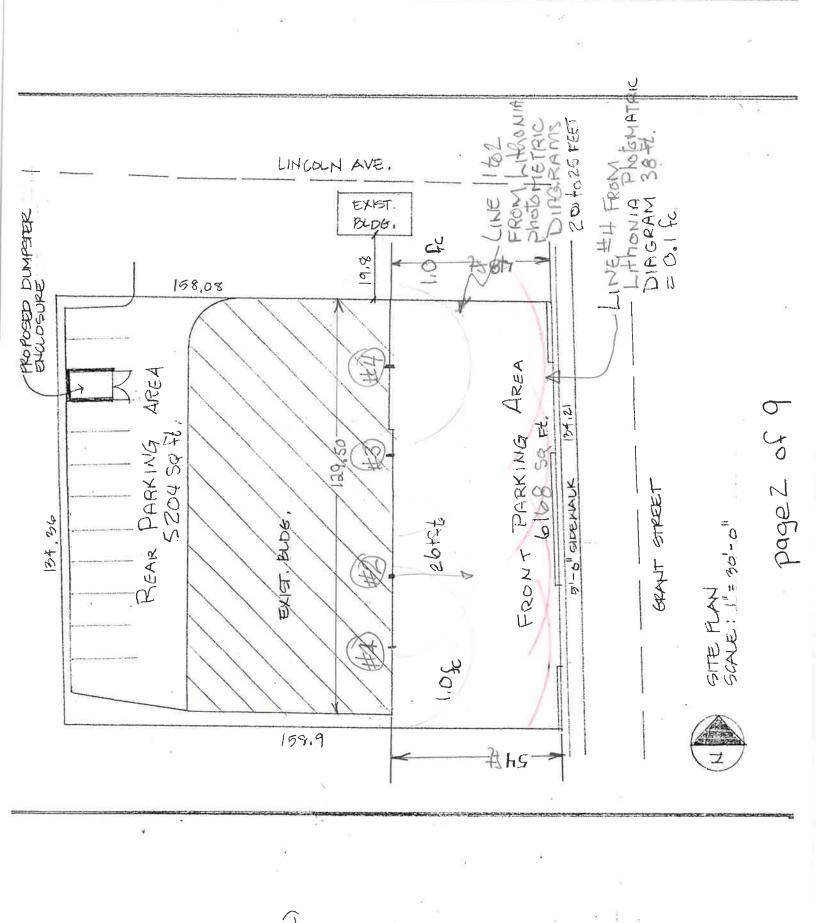
LIDER 8794 PAGE 451 ให้เจก ( 1975<sup>\*\*</sup> Mar try 111 1 3. 11 STATE OF MICHIGAN COUNTY OF Oakland The foregoing instrument was acknowledged before me this by David Hockney & Carmella Hockney, his wife and Gerard Szczepaniak, Edward A. <sup>19</sup> 84 Szczepaniak & Irene Szczepaniak, his wife Ruli March 3, 1985 ROBERT J. TENNANT, SR. Notary Public, Oakland County, MI My Commission Expires Mar. 3, 1983 lounant Robert Ø. Tennant Sr. Notary Public County, Michigan 10111100260 partness of floods increases and his reflected to could heirs and religned. 11.51 F. S. 5.14 1 (A) and a start of the production Sach of These to the voice I sole and the set of the Lat. 1 & Long of the Retainents have Gerard Szczepaniak ) o ( 19. P. 11 1154 Water Wheel Lane Sec Transfer they berefield istà gau Bloomfield Hills MI 48013 1.65 表示标 SZCZEPA

Proposed Landscape Plantings for 1160-1194 Grant Street

Front Landscape:

(18) Hicks Yews	Botanical Name	Taxus x media
(5) Karl Foerester Grasses	Botanical Name	Calamagrostis acutiflora
(2) European Hornbeam Trees	Botanical Name	Carpinus betulus
Back Landscape:		

(5) Green Giant Arborvitae Botanical Name Thuja Green Giant



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Dear Birmingham Planning Division,

I have had the pleasure of working for Amy Ortiz as an employee of Ortiz EduCare this past 2021-22 academic school year. As a graduate of DePauw University, my original intentions were to attend law school at the end of this year. However, after experiencing the inspiring, inclusive, nurturing classroom environment Amy has created for her students and employees, I am confident in my decision to continue my career as an educator with Ortiz EduCare. Amy is committed to offering excellent academic and social education that is individually tailored to each student's needs. Her holistic approach to learning is precisely what the Birmingham community needs in the aftermath of Covid-19 to continue its excellence in education. This building ensures that Ortiz EduCare can continue to foster an intrinsic desire for learning that sets young minds up for personal and educational success. I am exceptionally fortunate to work at Ortiz EduCare and have Amy as my mentor. She has helped me become not only a great educator, but more than anything a good person and I am forever grateful for that.

Thank you,

Dana Hoerman

Sonya Hryshko & Mark Moody 2475 Windemere Rd Birmingham, MI 48009

CITY OF BIRMINGHAM Planning Department 151 Martin St Birmingham, MI 48009

April 4, 2022

Birmingham Planning Department,

I am fortunate to be a part of Ortiz Educare. As an occasional volunteer, I have the opportunity to interact with the children by reading books and helping with various art activities.

Mrs. Ortiz (Ortiz Educare) is dedicated to providing a safe and loving educational environment for pre-school children. Her commitment to teaching and encouraging positive socialization is a necessary platform for young children.

My husband, Mark Moody, has been a homeowner and resident in Birmingham since 1995. My two children and I moved into the residence in 2009. Soon we met Amy and Sean Ortiz through neighborhood friends. We have had a wonderful relationship as neighbors and parents raising children in the Birmingham school district.

My husband and I completely support the opening of Ortiz Educare at 1160 Grant Street in Birmingham. Ortiz Educare will provide a valuable and much needed service in our community.

We thank you for your time and consideration. Feel free to contact us if you have any further questions or concerns.

SONYA HRYSHKO 313-820-3880

Mondy 248-797-0822

To whom it may concern,

We have been attending Mrs. Ortiz's school for almost a whole school year now and have been beyond happy with our experience. Our daughter loves going every day and has made incredible progress since she has started attending school there. We love how much she is learning, but more importantly we love how much they care for her. They are so invested in each student, and it has really made all the difference in not only our daughter's experience, but in our experience as parents as well. We are so excited that Mrs. Ortiz is going to continue her school and expand into a larger space to do more of what she clearly loves and is so good at. Getting connected with Amy has been such a gift in such a crazy couple of school years. We are so grateful for what she has done for us and excited to see what she does in the future.

Sincerely,

Katie and John Dwan

Dear Birmingham Planning Division,

My name is Leah Faraj, and I am writing today on behalf of Amy Ortiz, my friend and former colleague. Amy and I co-taught first grade at Brookside Lower School in Bloomfield Hills, and, oh, the fun we had. Amy is spirited and spunky; creative and kind; hardworking and highly motivated. Her passion for working with children compelled Amy to open her own in-home preschool during the pandemic, and her new business flourished. Amy loves her students and creating meaningful learning experiences for them. The high demand for safe childcare during the pandemic and early childhood education propelled Amy's success in her Birmingham neighborhood, and she is enthusiastic to extend it even further.

I write today in support of and excitement for Amy and her business, Ortiz EduCare. I look forward to the day when she can welcome more students to her inspired school. Thank you for reading and considering this new business!

Sincerely,

Leah Faraj

basalale@msu.edu

# April 4, 2022

Dear Birmingham Planning Division, I am writing this letter of recommendation on behalf of Amy Ortiz and her childcare; Ortiz EduCare.

I have known Amy for over 25 years and have been with her for her journey as an educator. She has always been so excited to change children's lives through education and a love of learning. Her enthusiasm about making learning fun and helping children make connections with each other is obvious if you talk to her for one minute about her job/passion.

It is very exciting that she is taking her childcare to the next level and moving her in-home preschool into a commercial building. Birmingham is the perfect place for Ortiz EduCare, Amy calls Birmingham home and she has already established a core group of families who will be bringing their children to her facility.

As a public School educator, I know how important quality early child care and preschool education is. With Amy opening Ortiz EduCare in the City of Birmingham so many more children and families will have the opportunity for a wonderful educational beginning.

Please contact me with any further questions. I would be happy to talk with you.

Thankyou, Emily Burns

248-990-5724 Emily.Burns@berkleyschools.org

Ortiz Educare has been the perfect school for my 3-year-old twins. Amy and the entire staff are a dream and take the absolute best care of our little ones. This school came into our lives at the perfect moment, and we will be big supporters for the long haul. We can't wait to see what the future holds for Ortiz Educare.

-Melissa and Ryan Levy-Lien

To whom it may concern,

I am a resident of Birmingham and live at 171 E Lincoln Street. There is a need for quality childcare in our neighborhood. I know Amy Ortiz personally and I am confident that her childcare center, Ortiz Educare will be a positive addition to our neighborhood and community.

Sincerely, Beth Rozier March 15, 2022

Dear Birmingham Planning Division,

I am writing to enthusiastically endorse Amy Ortiz as an educator. As a Birmingham resident and parent of three young children, I could not be more excited at the prospect of Ms. Ortiz bringing her passion for and expertise in early childhood education to a broader group of families in a facility dedicated to her particular approach.

We were incredibly fortunate last year to find Ms. Ortiz to shepherd our Kindergartener through a challenging year of pandemic-related school shutdowns from her pod. Amy is that rare, special teacher who makes a real and lasting difference in the lives of the children she influences. I cannot say enough good things about her as a person and professional and am excited that this new facility will afford more children the enormous benefit of having Ms. Ortiz in their young lives.

Sincerely,

**Rachel Brown** 

Dear Birmingham Planning Division,

I hope this letter finds you all well.

I'm writing to you to express how excited I am to hear that Ortiz EduCare will moving into the space on Grant Street in Birmingham!

I've had the privilege of knowing Amy Ortiz over the last 5 years. I've seen first-hand her care and love for the children and their families. She is simply a treasure! Having Ortiz EduCare as a choice for so many families are truly a blessing to our community and is so greatly needed!

Thank you so much and take care ~ Sincerely, Colleen Everett 667 Lakeview Birmingham 1-248-701-0356 Dear Birmingham Planning Division,

I approve of Ortiz EduCare and Amy Ortiz and her plans to open pre-school in Birmingham. My kids are in school with her now and have been for four years. It's been a great experience loving environment that we need in this town. Especially now.

Adam and Alison Orley

210 chesterfield Ave Birmingham MI 48009

# DETTORE DESIGN GROUP

### 312-350-0280

Dear Birmingham Planning Division, April 4, 2022

I am writing in regards to ORTIZ EDUCARE. Amy Ortiz has been teaching in the Birmingham school system for most of her career as an Educator. Her enthusiasm and professional manner has given her the

Her enthusiasm and professional manner has given her the opportunity to grow as an educator.

She has the most amazing care & passion to teach. I had the opportunity to volunteer as a visiting artist in summer 2021 at her Birmingham location. What an ABSOULUTE thrill to see her in her element, teaching, creating & allowing these lovely children to learn in such a loving environment!

What a true treasure to have her at her new location on GRANT STREET in Birmingham! This will give her the opportunity to grow, thrive & continue teaching children! I can only applaud this growth!

DDETTORE1@GMAIL.COM

DETTORE

Thank you Kindly,

D

Donna Dettore

O

N N

MK

Dear Birmingham Planning Board,

I am writing in support of Ortiz Educare opening a location in Birmingham. Currently Amy Ortiz runs an in-home preschool in Birmingham, which is phenomenal. Our son currently attends her in-home preschool. We have been thrilled with the loving atmosphere she has perfected for young children. Our son has thrived in her care and we are at ease sending him everyday.

In addition to Ortiz Educare being a fantastic school for young children, it also fills a void in the community. Finding high quality child care before the pandemic was a challenge. Since the pandemic, it's been near impossible. With all the worry and uncertainty that we all have endured the past 3 years, we are fortunate to have stable amazing child care in place, with the same teachers greeting my son every day. If Amy Ortiz can grow her wonderful school, it will fill a need for other families trying to find high quality care for their young children in our community.

I strongly support Ortiz Educare opening up in Birmingham.

Sincerely,

Meredith and Martin Kamen

Dear Birmingham Planning Division,

I am writing this letter in support of Amy Ortiz and her opening a preschool, Ortiz EduCare. Mrs. Ortiz worked with me during the very trying times of online learning. We formed a few pods through my tutoring center, and I was able to experience first-hand what an incredible teacher/director Mrs. Ortiz is. Quality preschools are in such great demand, and I am confident Ortiz EduCare would be a wonderful and welcomed addition to the Birmingham community.

Thank you for your time and consideration, Julie Hines Academy Learning Center

### March 31, 2022

Dear Birmingham Planning Commission:

I am writing in support of Ms. Amy Ortiz as she puts forth her request to open Ortiz EduCare in the city of Birmingham.

I have known Amy for over 20 years, both personally and professionally, and feel confident that she and her educational enterprise would be an asset to your community. I am currently a lead teacher in the Cranbrook Educational Community, where Amy recently taught before creating her own Early Childhood program. She was respected and well-liked by children, faculty, administration. and families alike. Even after her leaving, we have continued to share ideas, teaching strategies, and discussions about early childhood education and best practices.

She is a mother, wife, friend, and very caring and informed educator, who understands the importance, and embodies the teaching and learning principles, of early childhood education.

I give her my fullest recommendation and am happy to endorse her in this wonderful educational program that will benefit many, including your city.

Respectfully,

Beth Kennedy Cranbrook Educational Community Brookside School/ECC Lead Teacher Hello Birmingham project review,

I am sending this letter of support on behalf of my wife Amy Ortiz. I'm sure you have read through many of these letters for her and I am not surprised. Amy has a passion for developing the young mind more than any person I have met. All the amazing support letters only have a partial sample size of Mrs. Ortiz.

I say that because I am around her every day and all day. I get to see the time, love, passion and energy she puts into each and every day. She never works on a clock but instead until the plan is complete. Not only does she give this energy to the children but also to her staff and volunteers. Amy Ortiz is truly one of a few people who are getting to do what she loves every day!

Amy is the right person to help develop our future. As we know it is a scary time and as a parent, grandparent, or family member we worry all the time about world we are leaving behind. If we had more mentors like my wife in this world, I know I would sleep better about the future.

In closing, we appreciate your consideration on this project and look forward to making Ortiz Educare another reason people want to raise their children in the City of Birmingham.

Sincerely, Sean Ortiz

# City Of Birmingham Regular Meeting Of The Planning Board Wednesday, June 8, 2022

City Commission Room 151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on June 8, 2022. Chair Scott Clein convened the meeting at 7:30 p.m.

# A. Roll Call

- **Present:** Chair Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Jason Emerine, Nasseem Ramin; Student Representatives MacKinzie Clein, Andrew Fuller
- Absent: None

# Administration:

Nick Dupuis, Planning Director Leah Blizinski, City Planner Brooks Cowan, Senior Planner Laura Eichenhorn, City Transcriptionist Bruce Johnson, Building Official

# G. Special Land Use Permits (SLUPs) and Site Plan and Design Reviews

# 1. 1160 Grant St. – Ortiz Educare – Request for childcare center in B1 zoning district

SP Cowan presented the item.

Patrick Howe, attorney, and Amy Ortiz, proposed operator of Ortiz Educare, spoke on behalf of the project.

It was noted during the discussion that vehicles sometimes hit the site's masonry screening wall and that the landlord would consequently like to replace the screening wall with evergreen landscaping.

Mr. Emerine said he lives in the neighborhood of 1160 Grant and passes by the building often. He said the proposed landscaping would look much better than a masonry screening wall.

Mr. Koseck asked for assurance that the landscaping proposed to replace the screening wall would be of adequate height and width.

In reply to Board inquiry, Ms. Ortiz stated:

• There would be approximately 16 students total at any given time;

Birmingham Planning Board Proceedings June 8, 2022

- Morning drop-off would occur at 9 a.m., which is after any school bus traffic would be occurring in the neighborhood;
- Ortiz Educare Staff would retrieve children from the vehicles, which means that drop-off vehicles do not need to be parked;
- There is sufficient parking for meetings with parents;
- The two afternoon leaving times would minimize traffic during pick-up times;
- An estimated half of her families would walk to drop-off their children.

Chair Clein noted that Google Earth showed a loop for vehicles that would facilitate drop-offs and pick-ups onsite.

Mr. Emerine confirmed that he drove the loop the morning of June 8, 2022.

Mr. Jeffares noted that there have been multiple pizza restaurants at 1160 Grant and said they were likely a higher intensity use than the currently proposed use. He said this proposed use would also generate more predictable traffic. Mr. Jeffares opined that this is a good location for this use given the proximity to a park, and said there should be no difficulty in growing sufficient evergreen screening to replace the masonry wall.

Mr. Emerine stated that the laundromat generates no traffic weekdays at 9 a.m. He stated that the busy times are on the weekends. He said that while vehicular speeds on Grant can be fast, that should not be an issue because the cars for Ortiz Educare will generally be queueing onsite. He said Ms. Ortiz would just have to keep an eye on that process. Mr. Emerine stated he agreed with all six points of Mr. Howe's letter, noted that this property has been vacant for at least five years, and said this would be a particularly beneficial use for the neighborhood. Mr. Emerine encouraged Ms. Ortiz to keep vehicles from parking right in front of the building to maintain views of the front door.

Ms. Whipple-Boyce agreed with Messrs. Jeffares and Emerine that this proposed use would be beneficial to the community. She also concurred with Mr. Jeffares that this would be a less intensive use than the previous pizza restaurants and with Mr. Emerine that there is no significant traffic from the laundromat at 9 a.m. on weekdays. She said her only concern was the maintenance and height of the proposed evergreen screening. She said the plants currently in front of the masonry screening wall were not in good condition, and that evergreen screening that is too high could block drivers' views when leaving the site. For these reasons, she said keeping the masonry screening wall would be a better solution.

Mr. Share wondered if granting the evergreen screening in this case might set an inadvertent precedent. He said he saw no difference between this parking lot and other lots that would necessitate evergreen screening over masonry screening in this case. He said that vehicles just unfortunately sometimes hit screening walls. He noted the ordinance has a preference for masonry screening wall, and said he saw no land use reason to diverge from that in this case.

Mr. Williams agreed with Ms. Whipple-Boyce and Mr. Share that a masonry screening wall would be more appropriate. He said he was surprised that the Planning Department did not discuss traffic in the area as part of its report. He continued that there is a lot of traffic in this neighborhood stemming from the fact that vehicles cannot make a right turn onto Lincoln from Birmingham Planning Board Proceedings June 8, 2022

Woodward. As a result, vehicles make a right on Ruffner, a left on Grant, and then a left onto Lincoln. He said this is a consistent issue for Ruffner. While he said this should not disqualify this particular project, he said it is imperative that the City address the issue of Lincoln and Woodward with the State.

Mr. Emerine added that there is additional traffic on Ruffner because it is difficult for residents south of Adams to head north on Woodward, so they often enter Woodward from Ruffner instead, turn around in front of CVS, and then head north from there. He said he agreed with Mr. Williams that this issue does not impact the project.

Mr. Williams said the best way to alleviate the issue would be a no left turn sign from Grant onto Lincoln.

In reply to Mr. Williams' comment about traffic, PD Dupuis noted that the Police Department generally notes if there are any particular traffic concerns that might arise from a project. He noted that they did note any for this project. PD Dupuis said Planning could, in the future, ask the Police Department for specific comments regarding projects in known high-traffic areas.

Chair Clein endorsed PD Dupuis' proposal.

### Public Comment

A nearby resident named Joumana expressed concern about the potential for increased traffic congestion in the neighborhood.

Jeff Hotaling, resident at Grant and Ruffner, also expressed concerns about the potential for increased traffic congestion. He noted that the tennis courts, park, and laundromat are already congestion-generating uses in the area.

# 06-125-22

### Motion by Mr. Jeffares

Seconded by Mr. Koseck to recommend approval of the final site plan for 1160 Grant St, Ortiz Educare, with the following conditions:

- **1.** The applicant submit a Photometric Plan indication all lighting requirements for the parking lot circulation area have been met; and,
- 2. The applicant provide details relating to the size and materials of the sign to be administratively approved by staff.

# Public Comment

Gerry Szczepaniak, owner of 1160 Grant, explained why he believed evergreen screening should be allowed, that traffic congestion in the area largely attenuates after the summer, and that a previous daycare center on this site caused no issues in the neighborhood.

Motion carried, 7-0

Birmingham Planning Board Proceedings June 8, 2022

VOICE VOTE Yeas: Share, Clein, Jeffares, Boyle, Whipple-Boyce, Williams, Koseck Nays: None

### 06-126-22

### Motion by Mr. Jeffares

Seconded by Mr. Koseck to recommend approval of the SLUP for 1160 Grant St, Ortiz Educare, with the following conditions:

- 1. The applicant submit a Photometric Plan indication all lighting requirements for the parking lot circulation area have been met; and,
- 2. The applicant provide details relating to the size and materials of the sign to be administratively approved by staff.

# Motion carried, 7-0

VOICE VOTE Yeas: Share, Clein, Jeffares, Boyle, Whipple-Boyce, Williams, Koseck Nays: None

Nick Dupuis Planning Director

Laura Eichenhorn City Transcriptionist



# MEMORANDUM

Planning Division

DATE:	June 21 <sup>st</sup> ,	2022
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**TO:** Thomas M. Markus, City Manager

FROM: Brooks Cowan, Senior Planner

**APPROVED:** Nicholas Dupuis, Planning Director

**SUBJECT:** Set Public Hearing for 36877 Woodward Ave – Gasow Veterinary Clinic – Special Land Use Permit, Final Site Plan & Design Review

# INTRODUCTION:

The applicant has submitted an application for a Special Land Use Permit, Final Site Plan and Design Review for a 2-story veterinary clinic in the TZ-3 Transition Zone.

# BACKGROUND:

The existing building is currently used as a single story veterinary clinic that has operated in Birmingham since the 1960s and appears to be in need of updates. The proposed building will remain a single occupant with additional second floor space.

On March 23<sup>rd</sup>, 2022, The Planning Board motioned to approve the Preliminary Site Plan with the following conditions:

- 1. The applicant apply for a lot combination to consolidate the parcels where the updated veterinary clinic is proposed;
- 2. The applicant modify the site plan to have 75% of the building façade within 0-5 feet of the front lot line, or obtain a variance from the Board of Zoning Appeals;
- 3. The applicant reduce the parking lot frontage to 25% or less of the front lot line, or obtain a from the Board of Zoning Appeals;
- 4. The applicant satisfy all parking lot screening and buffer requirements of Article 4, Section 4.53 and 4.54 of the Zoning Ordinance for the proposed on-site and off-site parking lots through an understanding with the neighbors regarding satisfying to lot screening, or obtain a variance from the Board of Zoning Appeals;
- 5. The applicant indicate materials and dimensions for mechanical units and refuse container screening;
- 6. The applicant obtain approval from the Police Department to count on-street parking spaces towards their parking requirement;

- 7. The applicant modify the site plan to have 6 foot wide sidewalks on-site and a 7 foot wide sidewalk along Woodward Ave;
- 8. The applicant modify the site plan to incorporate two (2) entrances facing Woodward Ave;
- 9. The applicant modify the site plan to eliminate large blank walls on both floors of the southern and western elevations;
- 10. The applicant provide 5 bike racks to service the building;
- 11. The applicant submit material specifications, samples, dimensions, and all other required information for the proposed building to complete the Design Review at Final Site Plan and SLUP review; and,
- 12. The applicant comply with the requests of all City Departments.

On May 10<sup>th</sup>, 2022, the applicant appeared before the Board of Zoning Appeals to request three variances. The Board of Zoning Apeals approved all three of the requests which enables the applicant to have less than 75% of their building façade within 0-5 feet of the frontage line, more than 25% of their front lot line to consist of parking lot frontage, and to only have one entrance along the frontage.

On June 8<sup>th</sup>, 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 36877 Woodward – Gasow Veterinary Clinic - with the following conditions:

- 1. The applicant apply for a lot combination to consolidate the parcels where the updated veterinary clinic is proposed;
- 2. The Planning Board approve the use of evergreen landscaping in lieu of a masonry screenwall for parking along the far northeast and far northwest corners of the parking lot screening;
- 3. The applicant submit an updated photometric plan with the updated parking lot and pedestrian plaza layout;
- 4. The applicant provide additional glazing on the western façade of the second floor to break up the blank wall longer than 30 feet;
- 5. The applicant submit updated signage plans satisfying the canopy signage requirements to be approved administratively;
- 6. The applicant install traffic ingress/egress signage within the parking lot as approved by the Engineering Department;
- 7. The material on the fence of the southwest corner of the property be administratively approved; and,
- 8. The applicant comply with the requests of all City Departments.

The applicant has been coordinating with staff on providing all required documents and applications required by the Planning Board in their conditions of approval.

# LEGAL REVIEW:

The City Attorney will conduct a formal review of the application, resolution, and new SLUP contract for the Public Hearing.

# FISCAL IMPACT:

There are no fiscal impacts for this agenda item.

PUBLIC COMMUNICATIONS:

As required for a Special Land Use Permit, Preliminary Site Plan Reviews 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 23<sup>rd</sup> and June 8<sup>th</sup> Planning Board meetings, 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 July 25<sup>th</sup>, 2022.

# SUMMARY:

The Planning Division requests that the City Commission set a Public Hearing date of July 25<sup>th</sup>, 2022 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 36877 Woodward Ave – Gasow Veterinary Clinic.

# ATTACHMENTS:

Please find attached the following documents for your review:

- Special Land Use Permit Resolution
- Current Site/Design Plans
- Planning Board Review Documents
- Relevant Meeting Minutes

### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to set a public hearing date of July 25<sup>th</sup>, 2022 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 36877 Woodward Ave – Gasow Veterinary Clinic.

# Gasow Veterinary Clinic

36877 Woodward Ave Special Land Use Permit 2022

WHEREAS, A Special Land Use Permit application was filed in February 2022 for approval of a new two-story veterinary clinic in the the TZ-3 Transition Zone;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the west side of Woodward Ave, south of Quarton Road;

WHEREAS, The land is zoned TZ-3 Transition, which permits the operation of Verterinary Clinics 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 June 8<sup>th</sup>, 2022 reviewed the application for a Special Land Use Permit , Final Site Plan and Design Review and recommended approval to the City Commission for the contstruction of a new two-story verterinary clinic with the following conditions:

- 1. The applicant apply for a lot combination to consolidate the parcels where the updated veterinary clinic is proposed;
- 2. The Planning Board approve the use of evergreen landscaping in lieu of a masonry screenwall for parking along the far northeast and far northwest corners of the parking lot screening;
- 3. The applicant submit an updated photometric plan with the updated parking lot and pedestrian plaza layout;
- 4. The applicant provide additional glazing on the western façade of the second floor to break up the blank wall longer than 30 feet;
- 5. The applicant submit updated signage plans satisfying the canopy signage requirements to be approved administratively;
- 6. The applicant install traffic ingress/egress signage within the parking lot as approved by the Engineering Department;
- 7. The material on the fence of the southwest corner of the property be administratively approved; and,
- 8. The applicant comply with the requests of all City Departments.

WHEREAS, The Birmingham City Commission has reviewed Gasow Veterinary Clinic'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 Gasow Veterinary Clinic's application for a Special Land Use Permit, Final Site Plan and Design Review at 36877 Woodward Ave 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. Gasow Veterinary Clinic shall abide by all provisions of the Birmingham City Code;
- 2. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, Gasow Veterinary Clinic 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 Gasow Veterinary Clinic to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

BE FURTHER RESOLVED that Gasow Veterinary Clinic is recommended for the construction of a new two-story veterinary clinic, 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 July 25<sup>th</sup>, 2022.

Alexandria Bingham City Clerk

# 2-STORY BUILDING NEW CONSTRUCTION 36877 WOODWARD AVENUE BIRMINGHAM, MICHIGAN 48009

# LANDSCAPE ARCHITECT

MICHAEL J. DUL & ASSOCIATES 212 DAINES STREET BIRMINGHAM, MICHIGAN 48009

PH.: 248-644-3410



# **CIVIL ENGINEER**

DESIGN OPTIMIZATION TECHNOLOGIES CORPORATION 424 JEFFERSON STREET ST CHARLES, MISSOURI 63301

PH.: 636-724-9872

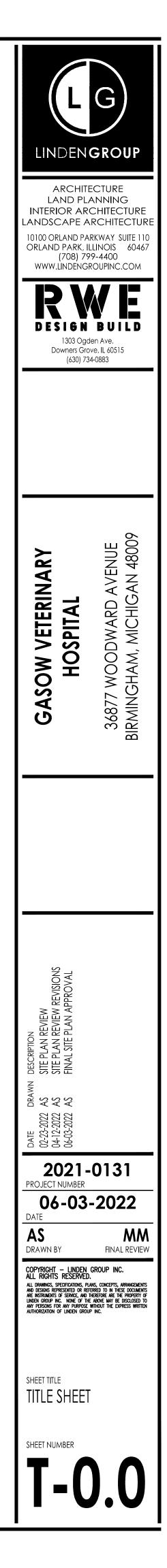
# **CONSTRUCTION MANAGEMENT**

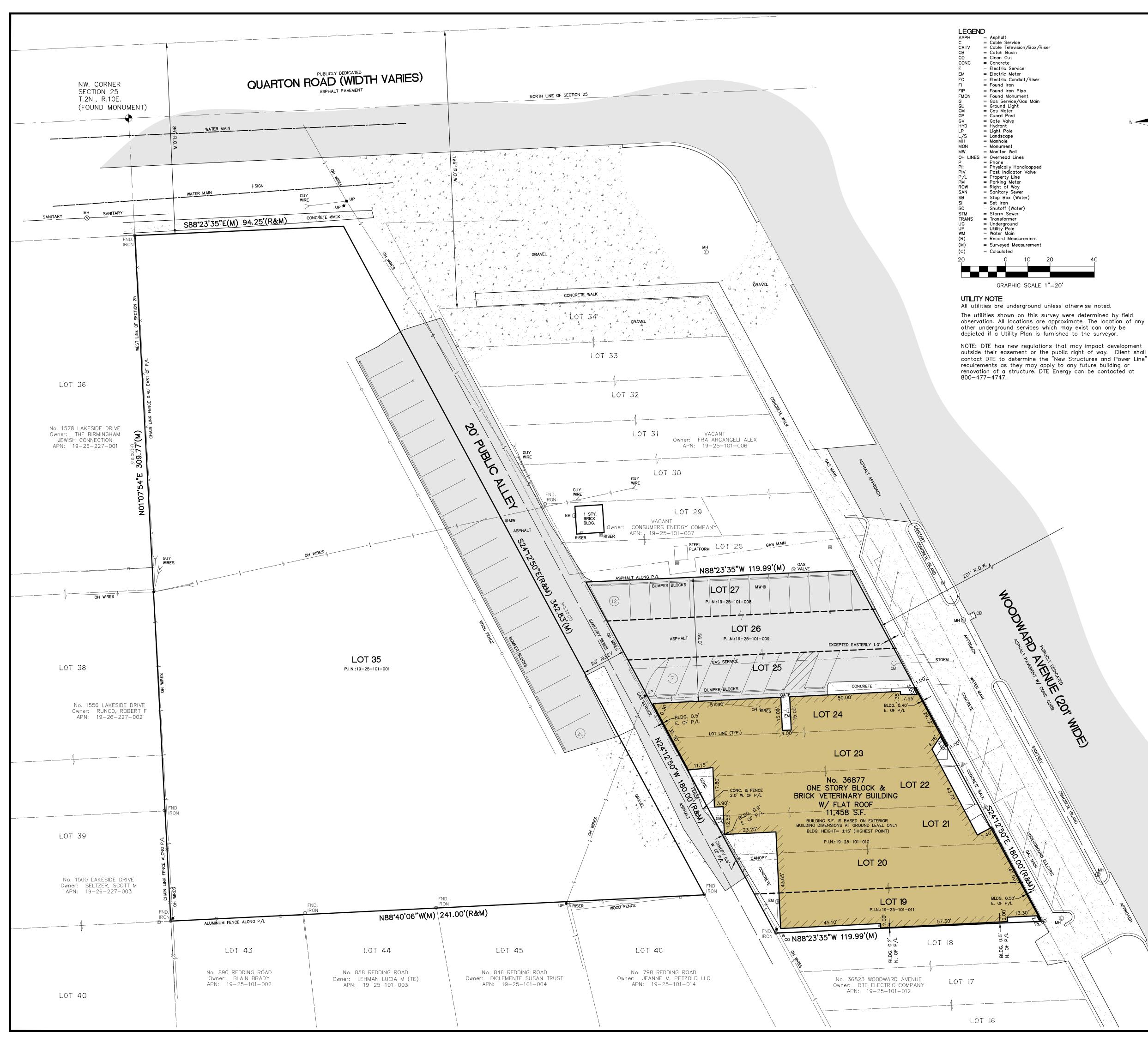
RWE DESIGN BUILD 16 W. 361 S. FRONTAGE ROAD, SUITE 106 BURR RIDGE, ILLINOIS 60527 PH.: 630-734-0883 www.RWEDESIGNBUILD.com

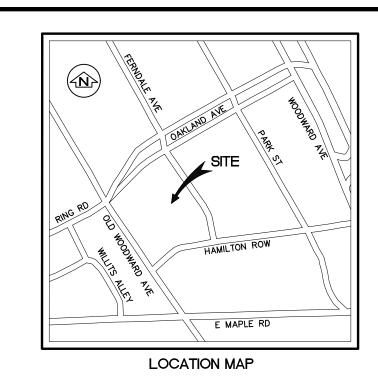
# **ARCHITECT OF RECORD**

LINDEN GROUP, INC. 10100 ORLAND PARKWAY, SUITE 110 ORLAND PARK, ILLINOIS 60467 PH.: 708-799-4400 www.LindenGROUPinc.com

ITLE SHEET, PROJECT INFO, GENERAL NOTES
AWINGS
ALTA SURVEY
CIVIL COVER SHEET
GENERAL NOTES
XISTING PLAN
DEMO PLAN
ITE PLAN
GRADING PLAN
ITILITY PLAN
ITILITY DETAILS
ROSION CONTROL PLAN
ROSION CONTROL DETAILS
CONSTRUCTION DETAILS
APE DRAWINGS
ANDSCAPE PLAN
CTURAL DRAWINGS
ARCHITECTURAL SITE PLAN
DFFSITE PARKING AND OVERALL AREA PLAN
RELIMINARY FIRST FLOOR PLAN
RELIMINARY SECOND FLOOR PLAN
RELIMINARY NORTH - EAST ELEVATIONS
RELIMINARY SOUTH - WEST ELEVATIONS
VOODWARD AVENUE RENDERINGS
XISTING BUILDING ELEVATIONS
ITE DETAILS
ITE DETAILS
ITE PHOTOMETRIC PLAN
NATERIAL SELECTIONS
AECHANICAL UNIT CUTSHEETS
ITE LIGHTING CUTSHEETS







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

Lots 19 through 27, both inclusive, except the Easterly 1 foot as measured at right

angles to Woodward Avenue, also Lot 35 of Quarton Lake Estates Replat of East part

of Quarton Lake Estates Subdivision according to the plat thereof recorded in Liber 38



LAND SURVEYORS LAND PLANNERS

# **NOWAK & FRAUS** ENGINEERS

46777 WOODWARD AVENUE PONTIAC, MI 48342 TEL. (248) 332-7931 FAX. (248) 332-8257 EMAIL: www.nowakfraus.com

LAKE ESTATES SUBDIVISION TITLE NOTES 2. Any facts, rights, interests, or claims that are not shown by the Public Records

The basis of bearing for this survey was established by Woodward Avenue as shown on the recorded Plat of QUARTON LAKE ESTATES REPLAT OF EAST PART OF QUARTON

but that could be ascertained by making inquiry of persons in possession of the Land. 3. Easements, encumbrances, or claims thereof, not shown by the Public Records.

Building and use restrictions and other terms covenants and conditions, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604 (c), disclosed by instrument recorded in Liber 1110, Page 526. (Affects Lots 21, 22 and 23) [DOCUMENT REFERENCES SEVERAL BUILDING & HEIGHT RESTRICTIONS THAT ARE NOT PLOTTED HEREON; CLIENT SHOULD OBTAIN A LEGAL OPINION WHETHER OR NOT & HOW SAID RESTRICTIONS MAY AFFECT THE SUBJECT LAND]

8. Easement granted to County of Oakland disclosed by instrument recorded in Liber 10504, Page 750, Oakland County Records. (Affects Lot 35) [SAID TEMPORARY EASEMENT IS NOT PLOTTED HEREON].

9. Interest, if any, of the United States, State of Michigan, or any political subdivision thereof, in the oil, gas and minerals in and under and that may be produced from the captioned land.

10. Rights of tenants under unrecorded leases.

LEGAL DESCRIPTION (PER WARRANTY DEED)

BASIS OF BEARING NOTE

of Plats, Pages 24 and 24A of Oakland County Records.

P.I.N.: 19-25-101-010 (Lots 20-25) 36877 Woodward Avenue

19-25-101-009 (Lot 26) \_\_\_\_\_ Woodward Avenue

19-25-101-008 (Lot 27) \_\_\_\_ Woodward Avenue

19-25-101-001 (Lot 35) \_\_\_\_ Woodward Avenue

19-25-101-011 (Lot 19) \_\_\_\_ Woodward Avenue

All exceptions shown or noted on this survey were obtained from Title Commitment No. NCS-938243-MICH, with a commitment date of November 16, 2018, issued by First American Title Insurance Company.

# SITE DATA

Total Gross Land Area: 71,311 Square Feet or 1.64 Acres. Zoned: TZ-3 (Transition Zone) Building Setbacks:

Front= 0-5' Building facade shall be built to within 5 feet of the front lot line for a minimum of 75% of the street frontage length. Sides= 0' or 10' from side lot line abutting a single-family district

Rear= 10' or 20' abutting single family zoning district

Max. Building Height permitted: 3 stories/42'

Total Parking: 39 spaces including 2 barrier free spaces.

The above setback & height requirements were obtained from the City of Birmingham Zoning Ordinance. Note: A surveyor cannot make a certification on the basis of an interpretation or opinion of another party. A zoning endorsement letter should be obtained from the City of Birmingham to insure conformity as well as make a final determination of the required building setback requirements.

# FLOOD HAZARD NOTE

The Property described on this survey does not lie within a Special Flood Hazard Area as defined by the Federal Emergency Management Agency; the property lies within Zone X of the Flood Insurance Rate Map identified as Map No. 26125C0536F bearing an effective date of 09-29-2006.

CEMETERY NOTE There was no observable evidence of cemeteries or burial grounds within the subject property.

# TABLE A NOTES

16: There was no observable evidence of current earth moving work, building construction or building additions observed in the process of conducting the fieldwork.

17: There are no known proposed changes in street right-of-way lines available from the controlling jurisdiction.

17: There was no observable evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork.

18: There was no observable evidence of wetlands within the subject property.

SURVEYOR'S CERTIFICATION

Romeo Plank Properties, LLC 36877 Woodward Avenue, LLC

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(b1), 7(c), 8, 9, 13, 14, 16, 17, 19 and 20 of Table A thereof.

The field work was completed on 10-22-2018.

evin Navaroli. P. No 53503

Dated: 11-01-2018

Revised: 12-14-2018



PROJECT

GASOW VETERINARY HOSPITAL

PROJECT LOCATION

No. 36877 Woodward Avenue Part of the NW. 1/4 of Section 25, T.2N., R.10E., City of Birmingham, Oakland County, MI

SHEET ALTA / NSPS

Land Title Survey

REVISIONS

12-12-2018 Rev. Certification 12–14–2018 Rev. Commitment

DRAWN BY: K.N. APPROVED BY: K.N./R.FRAUS EMAIL: rfraus@nfe-engr.com DATE ISSUED: 11-01-2018 SCALE: 1"=20' NFE JOB NO. SHEET NO. **K700** 

1 of 1

# GASOW VETERINARIAN CLINIC 36877 Woodward Ave, Birmingham, MI 48009 **CIVIL PLANS**

LEGAL DESCRIPTION PARCEL 1 LAND IN THE CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:

THE EAST 50 FEET OF LOT 29, AND ALL OF LOTS 30, 31, 32, 33, AND 34, OF QUARTAN LAKE ESTATES COMPANY REPLAT OF EAST PART OF QUARTAN LAKE ESTATES SUBDIVISION, AS RECORDED IN LIBER 38 OF PLATS, PAGES 24 AND 25, OAKLAND COUNTY RECORDS. ALSO THAT PART OF VACATED QUARTAN ROAD WHICH WAS FORMERLY PART OFLOTS 709 AND 710 OF QUARTAN LAKE ESTATES SUBDIVISION, A SUBDIVISION OF PART OF THE EAST LH OF SECTION 26 AND PARTS OF THE NORTHEAST 114 OF SECTION 35 AND THE NORTHWEST 114 OF SECTION 25, TOWN 2 NORTH, RANGE 10 EAST, CITY OF BIRMINGHAM (FORMERLY BLOOMFIELD TOWNSHIP), OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 14 OF PLATS, PAGES 6, 6A, AND 6B, OAKLANE COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 709; THENCE SOUTH 24°12'50" EAST 66.37 FEET ALONG THE EAST LINE OF SAID LOT 709: THENCE NORTH 88°54'10" WEST 53 85 FEET (RECORDED AS 54 3 FEET) TO THE NORTHEAST CORNER OF LOT 34 AND POINT OF BEGINNING, SAID LOT 34 IS LOCATED WITHIN QUARTAN LAKE

ESTATES SUBDIVISION, AS RECORDED IN LIBER 38 OF PLATS, PAGES 24 AND 25. OAKLAND COUNTY RECORDS: THENCE CONTINUING NORTH 88°54'10" WEST, 121,10 FEET ALONG THE NORTH LINE OF SAID LOT 34 TO THE NORTHWEST COMER THEREOF: THENCE NORTH 24°12'50" WEST 36.50 FEET ALONG THE NORTHERLY PROLONGATION OF THE WEST LINE OF SAID LOT 34; THENCE SOUTH 88°54'10" EAST 121.10 FEET ALONG A LINE 60.00 FEET SOUTH OF, MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE NORTH LINE OF SECTION 25, TOWN 2 NORTH, RANGE 10 EAST, CITY OF BIRMINGHAM; THENCE SOUTH 24°12'50" EAST, 36.50 FEET ALONG THE NORTHERLY PROLONGATION OF THE EAST LINE OF SAID LOT 34 TO THE POINT OF

ESTATES COMPANY REPLAT OF EAST PART OF QUARTAN LAKE

CONTAINING 15,698 SQUARE FEET OR 0.360 ACRES. P.I.N.: 08-19-25-101-006

BEGINNING .../

# LEGAL DESCRIPTION PARCEL 2 LAND IN THE CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN,

DESCRIBED AS FOLLOWS: LOTS 19 THROUGH 27, BOTH INCLUSIVE, EXCEPT THE EASTERLY 1 FOOT AS MEASURED AT RIGHT ANGLES TO WOODWARD AVENUE, ALSO LOT 35 OF QUARTON LAKE ESTATES REPLAT OF EAST PART OF QUARTON LAKE ESTATES SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 38 OF PLATS, PAGES 24 AND 24A OF OAKLAND COUNTY RECORDS.

CONTAINING 71,311 SQUARE FEET OR 1.64 ACRES.

P.I.N.: 19-25-101-010 (LOTS 20-25) 36877 WOODWARD AVENUE 

 19-25-101-009 (LOT 26) \_\_\_\_\_\_ WOODWARD AVENUE

 19-25-101-008 (LOT 27) \_\_\_\_\_\_ WOODWARD AVENUE

 19-25-101-001 (LOT 35) \_\_\_\_\_\_ WOODWARD AVENUE

 19-25-101-011 (LOT 19) \_\_\_\_\_\_ WOODWARD AVENUE

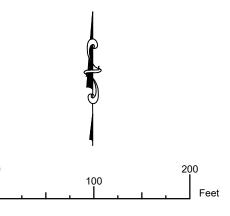
# BASIS OF BEARING NOTE

THE BASIS OF BEARING FOR THIS SURVEY WAS ESTABLISHED BY WOODWARD AVENUE AS SHOWN ON THE RECORDED PLAT OF QUARTON LAKE ESTATES REPLAT OF EAST PART OF QUARTON LAKE ESTATES SUBDIVISION

# FLOOD HAZARD NOTE

THE PROPERTY DESCRIBED ON THIS SURVEY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; THE PROPERTY LIES WITHIN ZONE X OF THE FLOOD INSURANCE RATE MAP IDENTIFIED AS MAP NO. 26125C0536F BEARING AN EFFECTIVE DATE OF 09-29-2006.





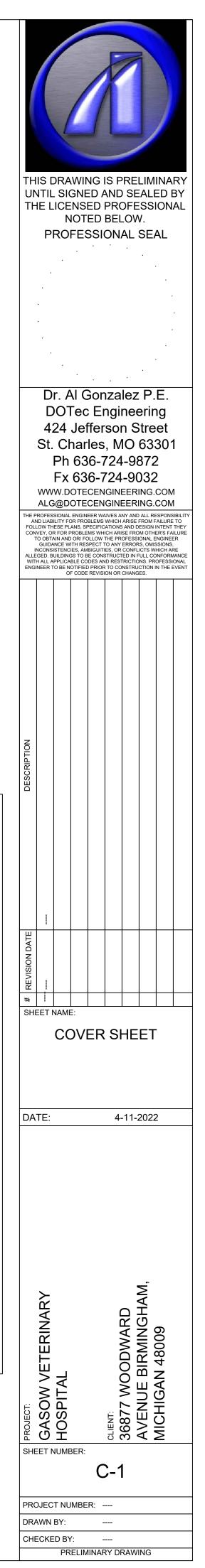
National Flood Hazard Layer FIRMette



	Sheet List Table
Sheet Number	Sheet Title
C-1	COVER SHEET
C-2	GENERAL NOTES
C-3	Existing Plan
C-4	Existing Demo
C-5	SITE PLAN
C-6	GRADING PLAN
C-7	UTILITY PLAN
C-8	UTILITY DETAILS
C-9	EROSION CONTROL PLAN
C-10	EROSION CONTROL DETAILS
C-11	CONSTRUCTION DETAILS

FEMA L

Legend		
E FIS REPORT FOR D	ETAILED LEG	END AND INDEX MAP FOR FIRM PANEL LAYOUT
PECIAL FLOOD		Without Base Flood Elevation (BFE) Zone A, V, A99 With BFE or Depth Zone AE, AO, AH, VE, AR Regulatory Floodway
		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile zone X
HER AREAS OF LOOD HAZARD		Future Conditions 1% Annual Chance Flood Hazard Zone X Area with Reduced Flood Risk due to Levee. See Notes. Zone X Area with Flood Risk due to Levee Zone D
	NO SCREEN	Area of Minimal Flood Hazard Zone X Effective LOMRs
OTHER AREAS		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer Levee, Dike, or Floodwall
	····· 513 ·····	Cross Sections with 1% Annual Chance Water Surface Elevation Coastal Transect Base Flood Elevation Line (BFE) Limit of Study
		Jurisdiction Boundary
OTHER		Coastal Transect Baseline
FEATURES		Profile Baseline Hydrographic Feature
MAP PANELS		Digital Data Available No Digital Data Available Unmapped
Ŷ	point s	n displayed on the map is an approximate elected by the user and does not represent horitative property location.
digital flood m	iaps if it is i shown com	EMA's standards for the use of not void as described below. Iplies with FEMA's basemap
authoritative N was exported reflect change time. The NFH	NFHL web s on <mark>4/11/20</mark> is or amend L and effec	tion is derived directly from the ervices provided by FEMA. This map D22 at 10:51 AM and does not Iments subsequent to this date and tive information may change or ew data over time.
elements do n legend, scale FIRM panel nu	ot appear: bar, map cr imber, and d unmoder	the one or more of the following map basemap imagery, flood zone labels, eation date, community identifiers, FIRM effective date. Map images for nized areas cannot be used for



# GENERAL

THE UNDERGROUND UTILITIES SHOWN HEREIN HAVE BEEN PLOTTED FROM AVAILABLE INFORMATION AND DO NOT NECESSARILY REFLECT THE ACTUAL EXISTENCE, OR NONEXISTENCE, SIZE, TYPE, NUMBER, OR LOCATION OF THESE OR OTHER UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATIONS OF ALL UNDERGROUND UTILITIES, SHOWN OR NOT SHOWN, AND SAID UTILITIES SHALL BE LOCATED IN THE FIELD PRIOR TO ANY GRADING, EXCAVATION, OR CONSTRUCTION OF IMPROVEMENTS. THESE PROVISIONS SHALL IN NO WAY ABSOLVE ANY PARTY FROM COMPLYING WITH THE "UNDERGROUND FACILITY SAFETY AND DAMAGE PREVENTION ACT', CHAPTER 319, RSMO. GAS, WATER, AND OTHER UTILITIES SHALL NOT CONFLICT WITH THE DEPTH OR HORIZONTAL LOCATION OF EXISTING AND PROPOSED SANITARY AND STORM SEWERS, INCLUDING BUILDING LATERALS.

THE CONTRACTOR SHALL SECURE ALL REQUIRED PERMITS AND NOTIFY THE INSPECTION DEPARTMENT AND SEWER DISTRICT AT LEAST 48 HOURS PRIOR TO ANY CONSTRUCTION.

PRIOR TO SUBMITTAL OF CONSTRUCTION BIDS, THE CONTRACTOR SHALL BE REQUIRED TO VISIT THE SITE TO VERIFY EXISTING CONDITIONS AND PROPOSED IMPROVEMENTS.

REMOVAL AND/OR DEMOLITION OF ALL EXISTING STRUCTURE(S), PAVEMENT AND UTILITIES SHALL BE COORDINATED WITH OWNER OR OWNER'S REPRESENTATIVE.

ALL ELEVATIONS SHOWN ARE TO U.S.G.S. DATUM.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFICATION AND COORDINATION WITH ALL UTILITY COMPANIES.

THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY OF ANY DISCREPANCIES IN THE PLANS.

PERMIT WILL BE REQUIRED FOR CONSTRUCTION OF RETAINING WALLS.

ALL ADJACENT OFFSITE PROPERTY OWNERS SHALL BE GIVEN NOTICE 48 HOURS IN ADVANCE OF ANY WORK.

ANY DISTURBED OFFSITE PROPERTY (IE. BUSHES, FENCES, MAILBOXES, ETC.) SHALL BE REPLACED, IN KIND, AT THE DEVELOPER'S EXPENSE.

THE DEVELOPER IS ADVISED THAT UTILITY COMPANIES WILL REQUIRE COMPENSATION FOR RELOCATION OF THEIR UTILITY FACILITY WITHIN THE PUBLIC ROAD RIGHT-OF-WAY. UTILITY RELOCATION COST SHALL BE CONSIDERED THE DEVELOPER'S RESPONSIBILITY. THE DEVELOPER SHOULD ALSO BE AWARE OF EXTENSIVE DELAYS IN UTILITY COMPANY RELOCATION AND ADJUSTMENTS, SUCH DELAYS WILL NOT CONSTITUTE A CAUSE TO ALLOW OCCUPANCY PRIOR TO COMPLETION OF ROAD IMPROVEMENTS. ADJUSTMENTS WILL NOT CONSTITUTE A CAUSE TO ALLOW OCCUPANCY PRIOR TO COMPLETION OF ROAD IMPROVEMENTS.

ALL CONSTRUCTION SHALL BE PER MOST CURRENT DETAILS LOCATED IN THE SEDIMENT AND EROSION CONTROL MANUAL.

# STORM SEWERS

ALL SEWER CONSTRUCTION. METHODS AND MATERIAL'S, SHALL BE IN ACCORDANCE WITH THE SEWER DISTRICTS STANDARD CONSTRUCTION SPECIFICATIONS FOR SEWERS AND DRAINAGE FACILITIES.

ALL TRENCH BACKFILLS UNDER PAVEMENT SHALL BE COMPACTED GRANULAR BACKFILL.

ALL STORM SEWERS SHOWN ON THE PLANS ARE TO BE CONSTRUCTED OF REINFORCED CONCRETE PIPE A.S.T.M. C-76 CLASS III, MINIMUM, REGARDLESS OF DIAMETER, UNLESS OTHERWISE SHOWN ON THE PLANS.

All STORM WATER SHALL BE DISCHARGED AT AN ADEQUATE NATURAL DISCHARGE POINT.

INTERIM STORM WATER DRAINAGE CONTROL IN THE FORM OF SILTATION CONTROL MEASURES ARE REQUIRED. THE DEVELOPER IS REQUIRED TO PROVIDE ADEQUATE STORM WATER SYSTEMS IN ACCORDANCE WITH M.S.D.

PERMIT WILL BE REQUIRED FOR ROOF DRAIN CONNECTIONS.

STANDARDS.

PUBLIC SEWER MAINTENANCE: MAINTENANCE OF THE SEWERS DESIGNATED AS "PUBLIC" SHALL BE THE RESPONSIBILITY OF THE SEWER DISTRICT UPON DEDICATION OF THE SEWERS TO THE DISTRICT.

# PAVING

THE CONTRACTOR SHALL SECURE ALL REQUIRED PERMITS AND NOTIFY THE AHJ AT LEAST 48 HOURS PRIOR TO ANY CONSTRUCTION.

CONSTRUCTION EQUIPMENT SHALL BE LOCATED ON THE PAVEMENT SURFACE SO AS TO MAINTAIN AT LEAST ONE LANE OF TRAFFIC DURING WORKING HOURS. SUCH EQUIPMENT SHALL BE SHIELDED WITH BARRICADES, CONES, ETC.

NO EXCAVATED MATERIALS SHALL BE STORED ON THE ROADWAY SURFACE OVERNIGHT. ROAD PAVEMENTS SHALL BE KEPT CLEAN AND FREE OF MUD, ROCK AND DEBRIS AT ALL TIMES.

THE CONTRACTOR SHALL PROVIDE BARRICADES, FLASHERS AND/OR OTHER SAFETY DEVICES.

FOLLOWING COMPLETION OF CONSTRUCTION, ALL TEMPORARY MATERIALS SHALL BE REMOVED AND RIGHT-OF-WAY RESTORED TO ITS ORIGINAL CONDITION. EXISTING IMPROVEMENTS DAMAGED WITHIN THE RIGHT-OF-WAY SHALL BE REPLACED.

ALL DISTURBED AREAS WITHIN THE PUBLIC RIGHT-OF-WAY SHALL BE REGRADED/RESTORED BY SODDING.

CONTRACTOR SHALL PROVIDE ADEQUATE TEMPORARY OFF-STREET PARKING FOR CONSTRUCTION EMPLOYEES. PARKING ON NON-SURFACED AREAS SHALL BE PROHIBITED IN ORDER TO ELIMINATE THE CONDITION WHEREBY MUD FROM CONSTRUCTION AND EMPLOYEE VEHICLES IS TRACKED ONTO THE PAVEMENT CAUSING HAZARDOUS ROADWAY AND DRIVING CONDITIONS.

ALL FILL AREAS, INCLUDING TRENCH BACKFILLS, UNDER BUILDINGS, PROPOSED SEWER LINES AND PAVED AREAS, SHALL BE COMPACTED TO 95% OF MAXIMUM DENSITY AS DETERMINED BY THE "MODIFIED AASHTO T-180 COMPACTION TEST, A.S.T.M. D-1557", UNLESS OTHERWISE REQUIRED BY THE INSPECTING GEOTECHNICAL ENGINEER.

ALL FILLS AND BACKFILLS SHALL BE MADE OF SELECTED EARTH, MATERIALS FREE FROM BROKEN MASONRY, ROCK, FROZEN EARTH, RUBBISH, ORGANIC MATERIALS AND DEBRIS, IN ACCORDANCE WITH THE GEOTECHNICAL REPORT AND AS DIRECTED BY THE SOILS ENGINEER.

PRIOR TO ANY GRADING OR EXCAVATIONS, PROPER SILTATION CONTROL DEVICES SHALL BE INSTALLED. ADDITIONAL SILTATION CONTROL DEVICES MAY BE REQUIRED AS DIRECTED BY THE DEPARTMENT OF

HIGHWAYS AND TRAFFIC.

CONSTRUCTION OF THIS PROJECT.

AND FEDERAL REGULATIONS.

GEOTECHNICAL ENGINEER.

NO ADDITIONAL AREAS (NOT SHOWN ON THE PLANS) SHALL BE CLEARED WITHOUT EXPRESS PERMISSION OF THE OWNER OR OWNER'S REPRESENTATIVE.

CURBS, OR DIRT, AS APPLIES.

ALL GRADES FOR THE BUILDING PADS SHALL BE WITHIN 0.1 FT. MORE OR LESS OF THOSE SHOWN ON THESE PLANS. ALL OTHER GRADES SHALL BE WITHIN 0.2 FT. MORE OR LESS.

# GRADING

CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING SILTATION CONTROL DEVICES THROUGHOUT THE

CONTRACTOR SHALL KEEP EXISTING ROADWAYS FREE FROM MUD, ROCK AND DEBRIS AT ALL TIMES.

ALL DISPOSAL OF MATERIAL REMOVED FROM THE SITE SHALL BE DONE IN ACCORDANCE WITH ALL LOCAL, STATE

NO GRADED SLOPE SHALL EXCEED 3 FEET HORIZONTAL TO 1 FOOT VERTICAL (3:1), UNLESS APPROVED BY THE

PROPOSED ELEVATIONS SHOWN ON THE PLANS ARE FINISHED GRADES AND READ TO THE TOP OF PAVEMENT,

CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDING PADS.

# SANITARY SEWERS

All PUBLIC SEWER CONSTRUCTION, METHODS AND MATERIALS, SHALL BE IN ACCORDANCE WITH THE SEWER DISTRICT'S STANDARD CONSTRUCTION SPECIFICATIONS FOR SEWERS AND DRAINAGE FACILITIES.

ALL SANITARY SEWER LATERALS IN EXCESS OF 100 FEET IN LENGTH SHALL HAVE A CLEANOUT INSTALLED AT 100 FT. INTERVALS. SANITARY SEWER LATERAL CONSTRUCTION SHALL CONFORM TO THE PLANS AND SPECIFICATIONS OF EARLSBORO.

ALL MANHOLE TOPS BUILT WITHOUT ELEVATIONS SUPPLIED BY THE ENGINEER SHALL BE THE RESPONSIBILITY THE SEWER CONTRACTOR.

ALL SANITARY BUILDING LATERALS HAVE BEEN DESIGNED SO THAT THE MINIMUM VERTICAL DISTANCE FROM TH LOW POINT OF THE BOTTOM FLOOR TO THE FLOW LINE OF A SANITARY SEWER AT THE CORRESPONDING BUILDIN CONNECTION IS NOT LESS THAN THE DIAMETER OF THE PIPE PLUS A VERTICAL DISTANCE OF 2.5 FT.

ALL TRENCH BACKFILLS UNDER PAVEMENT SHALL BE GRANULAR BACKFILLED.

P.V.C. GRAVITY SANITARY PIPE SHALL CONFORM TO THE REQUIREMENTS OF A.S.T.M. D-3034, FOR THE P.S.M.-P.V SEWER PIPE FITTINGS. SDR-35. ALL FITTINGS FOR P.V.C. PIPE SHALL BE OF THE SAME MATERIAL AND STRENGTH REQUIREMENTS AS THE SEWER PIPES.

WHEN P.V.C. IS USED, APPROPRIATE RUBBER SEAL WATERSTOP, SHALL BE INSTALLED BETWEEN P.V.C. PIPE AND MASONRY CONCRETE OR BRICK STRUCTURES.

ALL SANITARY SEWER LATERALS SHOWN ON THE PLAN ARE TO BE CONSTRUCTED OF 4 INCH P.VC. PIPE AT A MINIMUM SLOPE OF 2% (TWO PERCENT).

SEWER CONSTRUCTION AT ONE PERCENT (1%) OR LESS:

FOR SEWER PIPE (STORM SANITARY AND COMBINED) WITH A DESIGN GRADE LESS THAN ONE PERCENT (1%). VERIFICATION OF THE PIPE GRADE WILL BE REQUIRED FOR EACH INSTALLED REACH OF SEWER, PRIOR TO ANY SURFACE RESTORATION OR INSTALLATION OF ANY SURFACE IMPROVEMENTS. THE CONTRACTOR'S FIELD SUPERVISOR WILL BE REQUIRED TO PROVIDE DAILY DOCUMENTATION VERIFYING THAT THE AS-BUILT PIPE GRAI MEETS THE DESIGN GRADE THROUGH THE SUBMITTAL OF SIGNED CUT SHEETS TO THE DISTRICT INSPECTOR UPON REQUEST. THE CONTRACTOR WILL BE REQUIRED TO REMOVE AND REPLACE ANY SEWER REACH HAVING AS-BUILT GRADE FLATTER THAN THE DESIGN GRADE BY MORE THAN 0.1 %. SEWERS WITH GRADES GREATER TH THE DESIGN GRADE MAY BE LEFT IN PLACE PROVIDED; NO OTHER SEWER GRADE IS REDUCED BY THIS VARIANCE IN THE AS-BUILT GRADES. DSD ALSO RESERVES THE RIGHT TO REQUIRE THE CONTRACTOR TO REMOVE AND REPLACE ANY SEWER (AT ANY TIME PRIOR TO CONSTRUCTION APPROVAL) FOR WHICH THE AS-BUILT GRADE DO NOT COMPLY WITH THE GRADE TOLERANCE STATED IN THE ABOVE PARAGRAPHS. FIELD SURVEYED VERIFICATION MUST BE MADE UNDER THE DIRECTION OF A LICENSED LAND SURVEYOR OR REGISTERED ENGINEER THE SEWER CONTRACTOR SHALL BE RESPONSIBLE FOR ANY COST ASSOCIATED WITH THE FIELD VERIFICATION OF THE SEWI GRADE, OR REMOVAL AND REPLACEMENT OF THE SEWER PIPE OR ASSOCIATED APPURTENANCES.

REMOVE, REPLACE OR REHAB:

THE REMOVAL AND REPLACEMENT, OR REHABILITATION OF THE EXISTING STRUCTURE WILL BE DETERMINED BY THE DSD FIELD INSPECTOR. IF THE STRUCTURE IS DETERMINED TO REMAIN IN PLACE, THEN THE TOP SHALL BE ADJUSTED TO GRADE, IF NEEDED.

FILL OR REMOVE, ABANDONED SEWER. ABANDONED SEWERS SHALL BE REMOVED OR COMPLETELY FILLED WITH GROUT.

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	A.I.	AREA INLET	T.C. TW	TOP OF CURB ELEVATION			$\Lambda$		
	A.T.G.	ADJUST TO GRADE	TEL PED	TELEPHONE PEDESTAL		1			
100	BM	BENCHMARK	TF	TOP OF FOUNDATION		-			
	C.M.P.	CORRUGATED METAL PIPE	BSM'T	BASEMENT FLOOR ELEV.			-		
′ OF	C.I.	CURB INLET	TH	TEST HOLE		RAWING SIGNED			
THE	C.L.	CENTERLINE	-UE-	UNDERGROUND ELECTRIC		CENSED	PROF	ESSIC	
DING	D.S.	DOWNSPOUT	-UT-	UNDERGROUND TELEPHONE	PR	NOTED OFESS			L
	C.O.	CLEAN OUT	-W-	WATER LINE			• .		
P.V.C.	E.P.	END OF PIPE	U.I.P.	USE IN PLACE				•	
TH	F.L.	FLOW LINE ELEVATION	T.B.R.	TO BE REMOVED					•
	F.E.	FLARED END SECTION	(TYP.)	TYPICAL					•
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	МН	MANHOLE				BE NOTIFIED PRIC	OR TO CONSTR	UCTION IN	
	RCP	REINFORCED CONCRETE PIPE							
	U.P.	UTILITY POLE							
	W.M.	WATER METER							
	W.V.	WATER VALVE							
	-G-	GAS LINE							
	-OE-	OVERHEAD ELECTRIC							
	-OU-	OVERHEAD UTILITIES							
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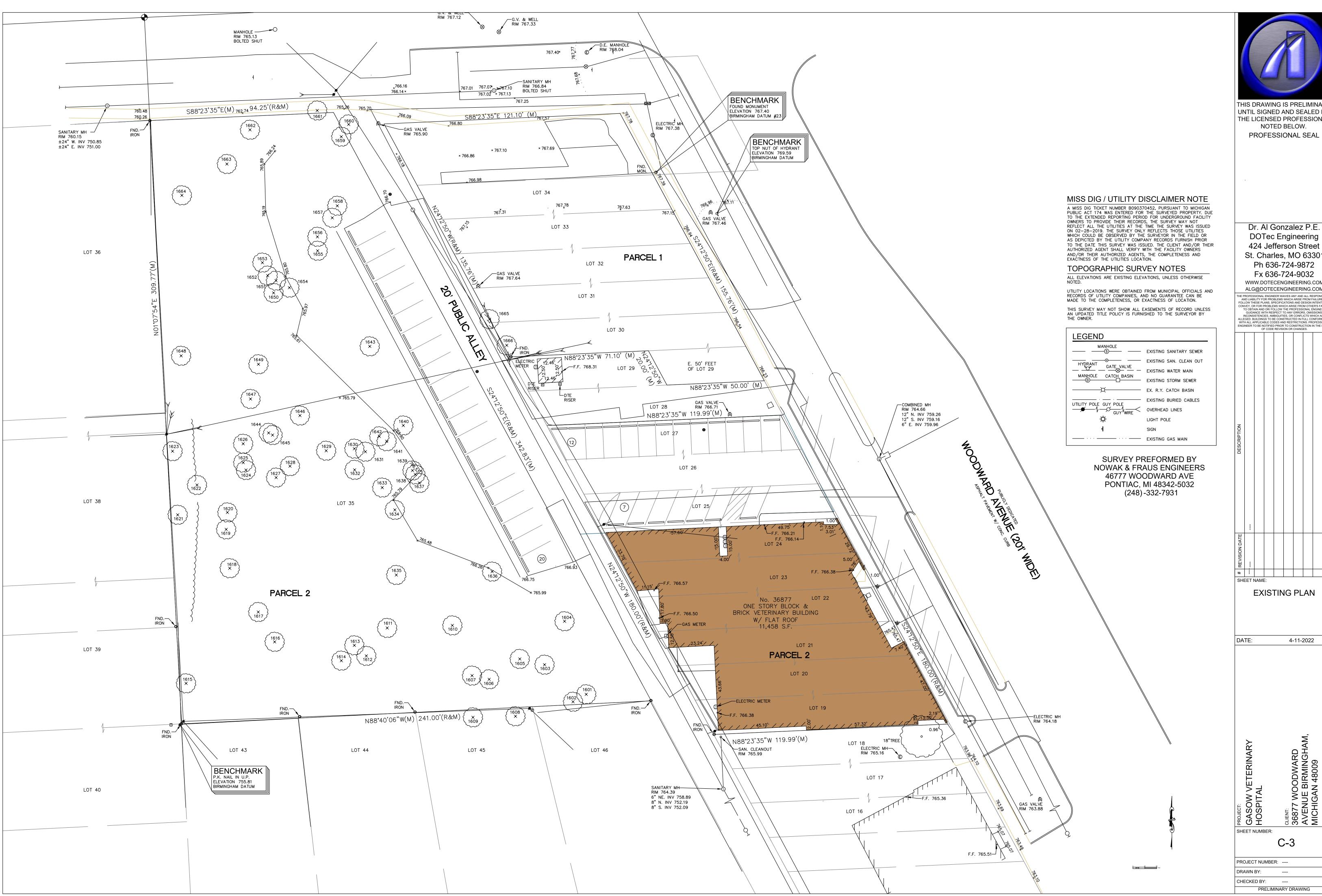
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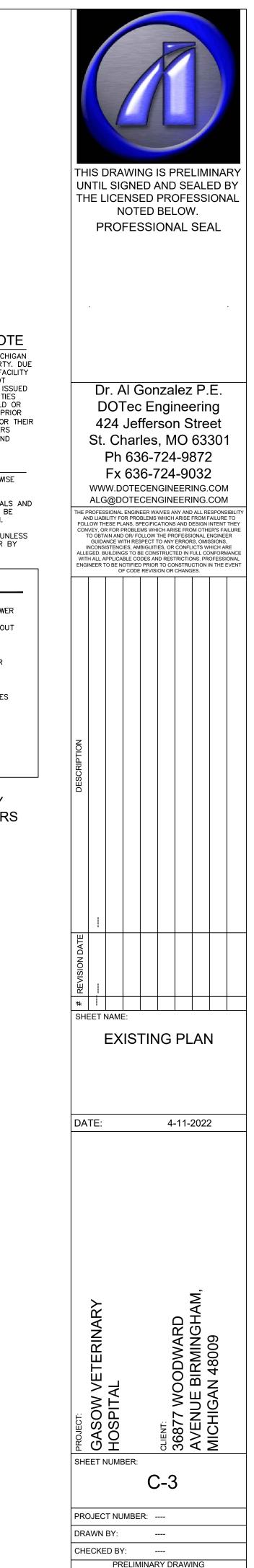
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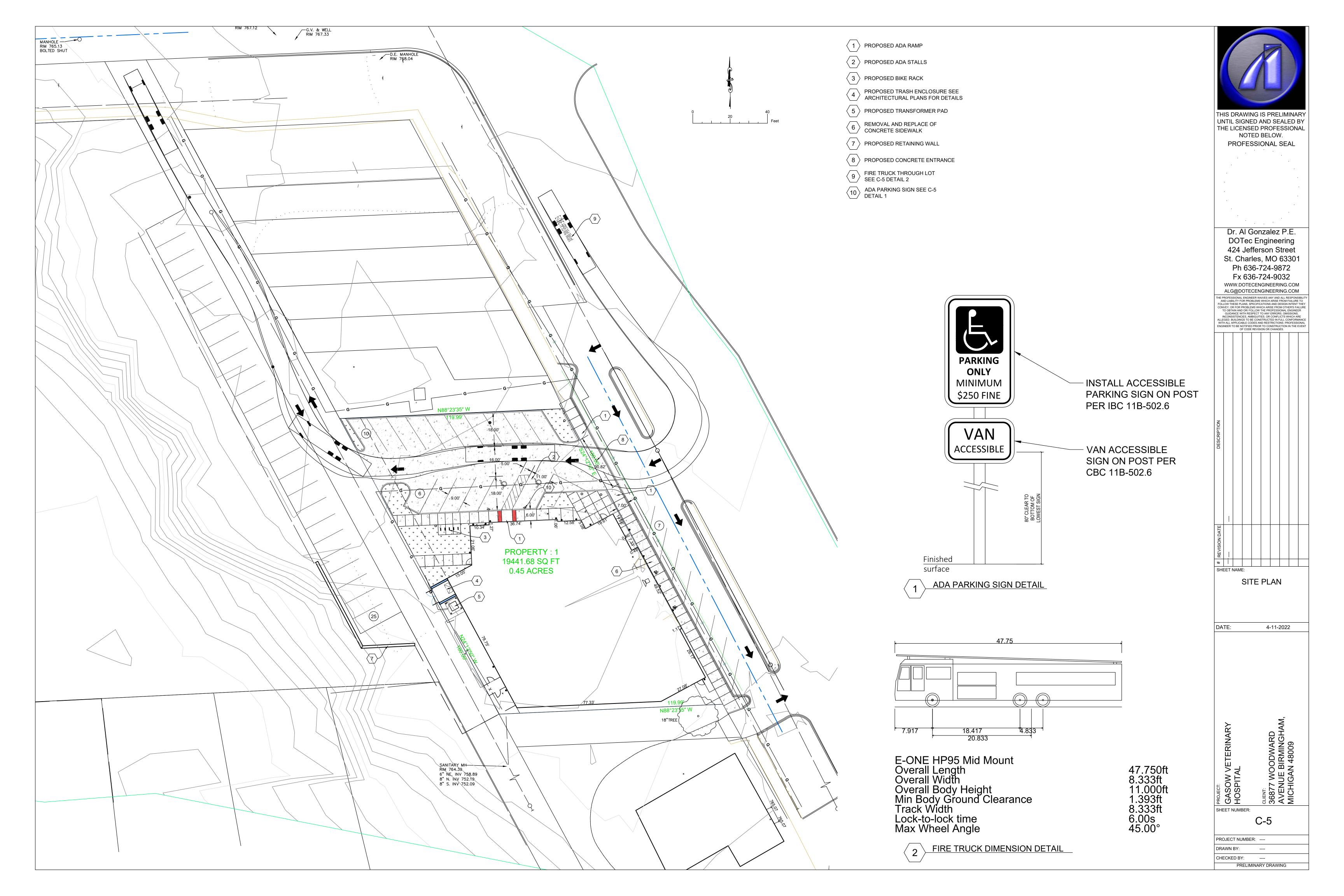
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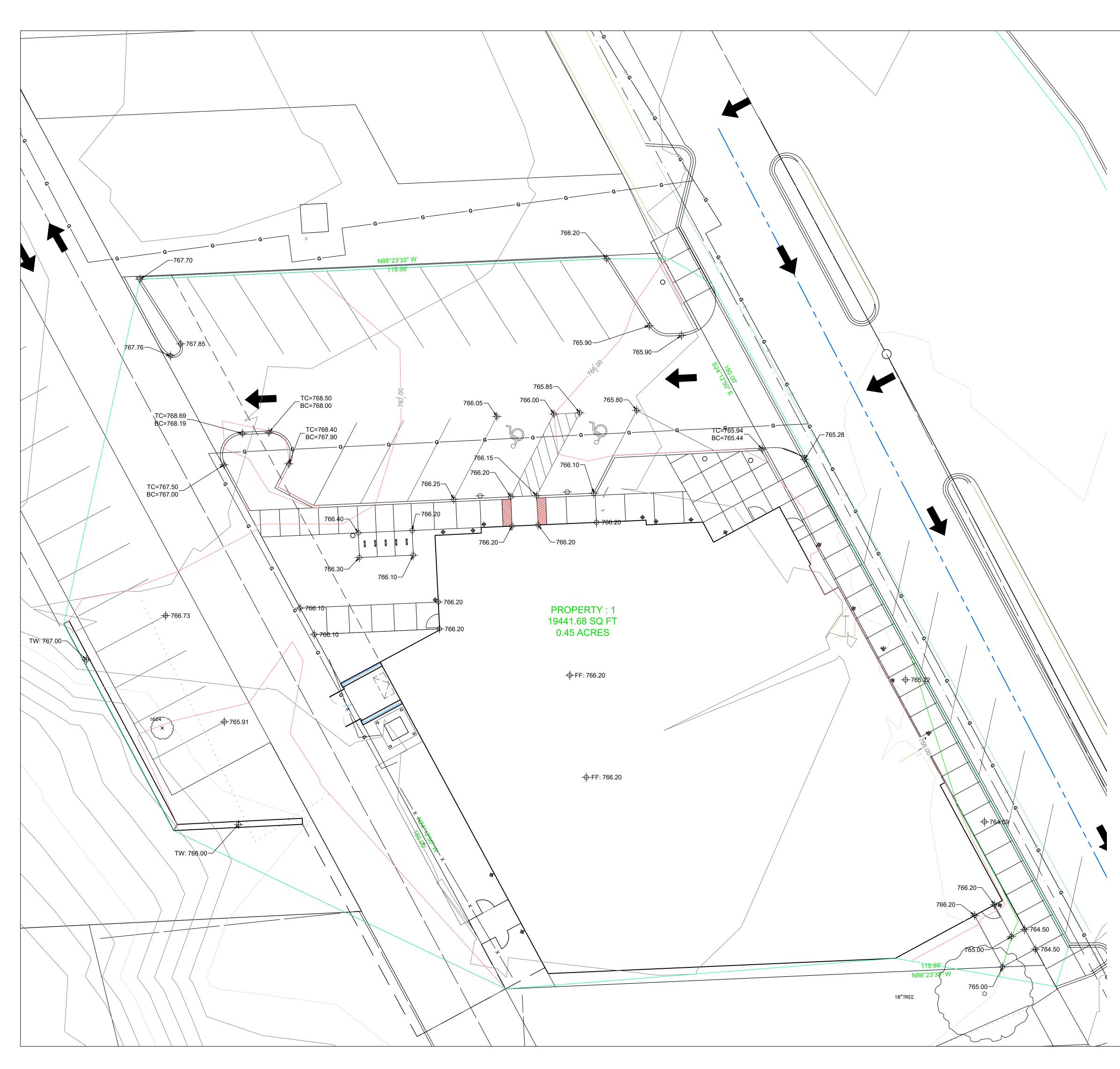
PRELIMINARY DRAWING











# ESTIMATED EARTHWORK QUANTITIES

 ....98.65 C.Y.± ...269.95 C.Y. ±

THE ENGINEER HAS CALCULATED THE ABOVE QUANTITIES OF EARTHWORK TO BE REGARDED AS AN ESTIMATE OF THE BULK MOVEMENT OR REDISTRIBUTION OF SOILS IN THIS PROJECT. AS AN ESTIMATE, THESE QUALITIES ARE INTENDED .FOR GENERAL USE, AND THE ENGINEER ASSUMES NO LIABILITY FOR COST OVERRUNS DUE TO EXCESS EXCAVATED MATERIALS OR SHORTAGES OF FILL

THE ENGINEER'S EARTHWORK ESTIMATE DOES NOT INCLUDE ANY OF THE FOLLOWING ITEMS REQUIRING EARTHWORK THAT MAY BE NECESSARY FOR COMPLETION OF THE PROJECT: MISCELLANEOUS UNDERGROUND CONDUITS, INCLUDING SEWER LINES AND WATER MAINS LESS THAN TWENTY-FOUR INCHES IN DIAMETER, STANDARD MANHOLES; PROCESS OR TRANSFER PIPING; ELECTRICAL OR TELEPHONE CONDUITS; BASES FOR LIGHT STANDARDS; BUILDING FOOTINGS AND FOUNDATIONS, ETC.

THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE ACTUAL SIZE OF THE FIELD EXCAVATION MADE FOR THE INSTALLATION OF UNDERGROUND STRUCTURES, AND AS SUCH, THE ACTUAL QUANTITIES OF EARTHWORK FROM SUCH ITEMS MAY VARY FROM THE ESTIMATE SHOWN ABOVE.

THE ENGINEER ASSUMES NO RESPONSIBILITY FOR COSTS INCURRED DUE TO REMOVAL OF UNSUITABLE MATERIAL, IF ANY, WHICH MUST BE REMOVED FROM SITE.

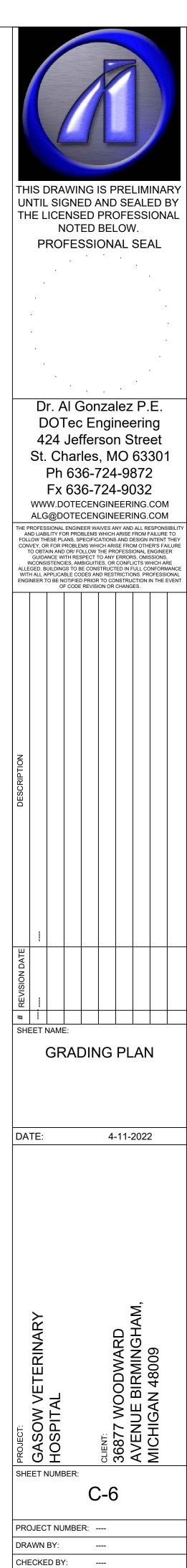
# EARTHWORK DETERMINATION NOTE

THE ENGINEER HAS CALCULATED THE LISTED QUANTITIES OF EARTHWORK., TO BE REGARDED AS STRICTLY AN ESTIMATE, AND NOT A GUARANTEE OF THE BULK MOVEMENT AND REDISTRIBUTION OF SOILS ON THIS SITE. THE OWNER AND/OR ANY CONTRACTORS PREPARING BIDS FOR EARTHWORK ON THIS PROJECT ARE NOTIFIED THAT THE ABOVE-LISTED QUANTITIES CONSIDER ONLY THE VARIATIONS BETWEEN EXISTING AND PROPOSED GRADES, BASED UPON THE HORIZONTAL AND VERTICAL LOCATIONS OF THE IMPROVEMENTS AS SHOWN UPON THESE PLANS, AND NO ATTEMPT HAS BEEN MADE BY THE ENGINEER TO IDENTIFY, WITHIN THE ABOVE LISTED QUANTITIES, OTHER WORK ITEMS THE CONTRACTOR MAY BE REQUIRED TO PERFORM, INCLUDING BUT NOT LIMITED TO STRIPPING, REMOVAL, STOCKPILING OR REDISTRIBUTION OF TOPSOIL, VOLUMETRIC LOSS DUE TO CLEARING AN GRUBBING OPERATIONS ; EXCAVATION AND REPLACEMENT FOR EXPANSIVE, SOFT OR OTHER MATERIALS THAT MAY BE CONSIDERED "UNSUITABLE" FOR USE ON THIS PROJECT; THE REDISTRIBUTION OF EXCESSIVE EXCAVATED MATERIALS GENERATED FROM THE INSTALLATION OF MISCELLANEOUS UNDERGROUND IMPROVEMENTS INCLUDING SEWER LINES, WATER LINES, UTILITIES SERVICES AND MANHOLES, PROCESS AND TRANSFER LINES, BUILDING FOOTPRINTS, FOUNDATIONS, PIERS, STORAGE TANKS, CURBING, WALKS AND OTHER STRUCTURES, UNLESS SPECIFICALLY LISTED ABOVE AS HAVING BEEN CALCULATED BY THE ENGINEER. THE ENGINEER ASSUMES NO LIABILITY FOR GRADING COST OVERRUNS DUE TO CHANGE IN SHRINKAGE FACTORS, TOPOGRAPHIC VARIATIONS, OR EXCESS EXCAVATED MATERIALS. THE GRADING CONTRACTOR SHOULD PREPARE HIS BID UPON THE BASIS THAT HE/SHE IS RESPONSIBLE FOR COMPLETING THE EARTHWORK TO THE FINISH GRADES SHOWN UPON THE DRAWINGS, IRREGARDLESS OF THE ENGINEERS CALCULATIONS AS TO THE RELATIVE BALANCE OF CUT AND FILL.

# <u>NOTE</u>

ALL ELEVATIONS SHOWN ON THE GRADING PLAN ARE TO TOP OF PAVEMENT OR FINISHED GROUND UNLESS NOTED OTHERWISE. ELEVATIONS TO POINTS OTHER THAN THE TOP OF PAVEMENT ARE NOTED AS FOLLOWS:

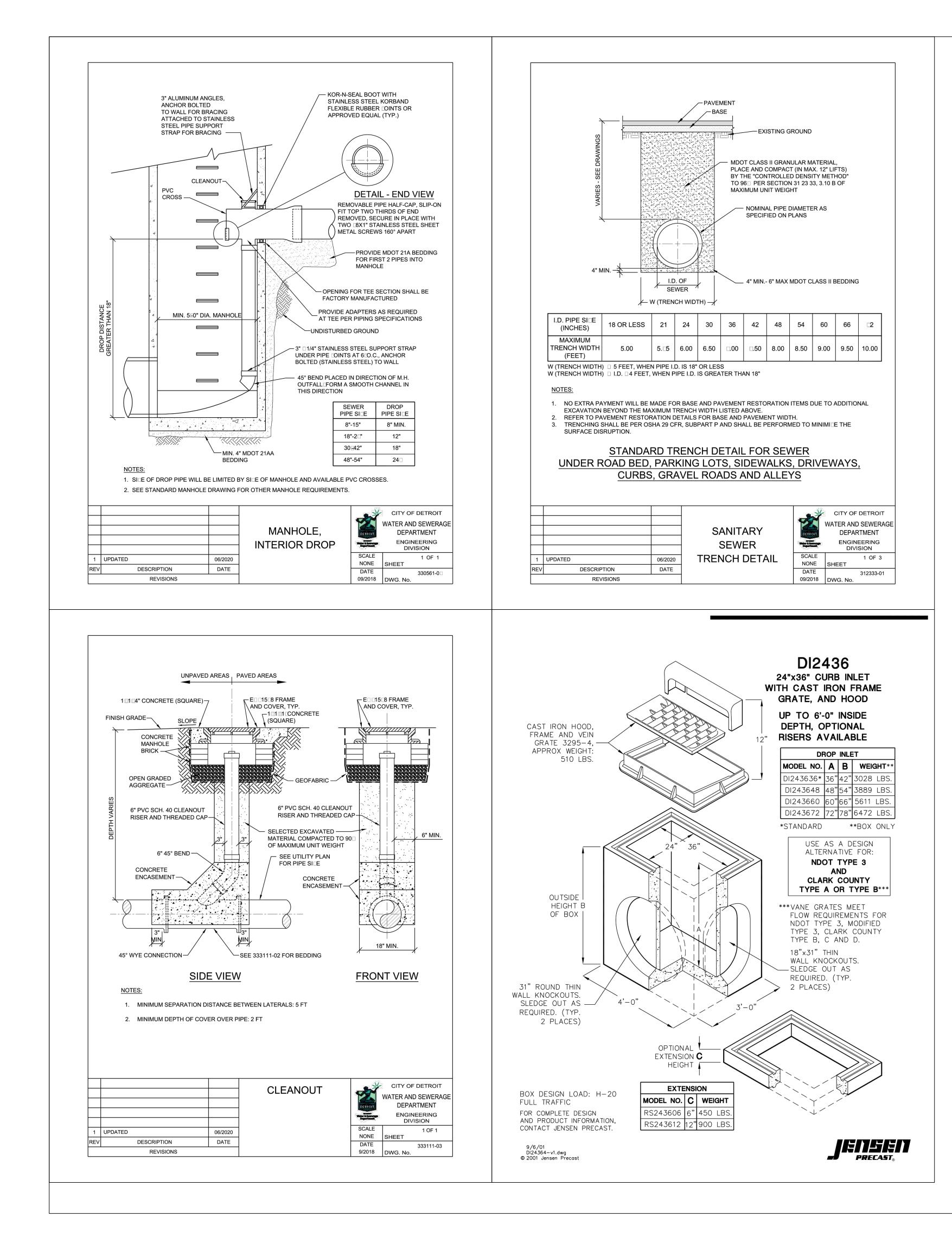
TP=TOP OF PAVEMENT TC=TOP OF CURB TW=TOP OF WALL BW=FINISHED GROUND AT FACE OF WALL GRND=FINISHED GROUND



PRELIMINARY DRAWING



THIS DRAWING IS PRELIMINARY UNTIL SIGNED AND SEALED BY THE LICENSED PROFESSIONAL NOTED BELOW. PROFESSIONAL SEAL
Dr. Al Gonzalez P.E. DOTec Engineering 424 Jefferson Street St. Charles, MO 63301 Ph 636-724-9872 Fx 636-724-9032
TX 030-724-9032 WWW.DOTECENGINEERING.COM ALG@DOTECENGINEERING.COM THE PROFESSIONAL ENGINEER WAIVES ANY AND ALL RESPONSIBILITY AND LABILITY FOR PROBLEMS WHICH ARISE FROM FAILURE TO FOLLOW THESE PLANS, SPECIFICATIONS AND DESIGN INTENT THEY CONVEY, OR FOR PROBLEMS WHICH ARISE FROM OTHER'S FAILURE TO OBTAIN AND ORF FOLLOW THE PROFESSIONAL ENGINEER GUIDANCE WITH RESPECT TO ANY ERRORS, OMISSIONS, INCONSISTENCIES, AMBIGUITIES, OR CONFLICTS WHICH ARE ALLEGED. BUILDINGS TO BE CONSTRUCTED IN FULL CONFORMANCE WITH ALL APPLICABLE CODES AND RESTRICTIONS, PROFESSIONAL ENGINEER TO BE NOTIFIED PRIOR TO CONSTRUCTION IN THE EVENT OF CODE REVISION OR CHANGES.
DESCRIPTION
# REVISION DATE
SHEET NAME: UTILITY PLAN
DATE: 4-11-2022
PROJECT: GASOW VETERINARY HOSPITAL CLENT: 36877 WOODWARD 36877 WOODWARD AVENUE BIRMINGHAM, MICHIGAN 48009 MICHIGAN 48009 C-2
PROJECT NUMBER: DRAWN BY: CHECKED BY: PRELIMINARY DRAWING



THIS DRAWING IS PRELIMINARY UNTIL SIGNED AND SEALED BY THE LICENSED PROFESSIONAL NOTED BELOW. PROFESSIONAL SEAL							
Dr. Al Gonzalez P.E.							
DOTec Engineering 424 Jefferson Street St. Charles, MO 63301 Ph 636-724-9872 Fx 636-724-9032 WWW.DOTECENGINEERING.COM ALG@DOTECENGINEERING.COM							
AND LIABILITY FOR PROBLEMS WHICH ARISE FROM FAILURE TO FOLLOW THESE PLANS, SPECIFICATIONS AND DESIGN INTENT THEY CONVEY, OR FOR PROBLEMS WHICH ARISE FROM OTHER'S FAILURE TO OBTAIN AND OR/ FOLLOW THE PROFESSIONAL ENGINEER GUIDANCE WITH RESPECT TO ANY ERRORS, OMISSIONS, INCONSISTENCIES, AMBIGUITES, OR CONFLICTS WHICH ARE ALLEGED. BUILDINGS TO BE CONSTRUCTED IN FULL CONFORMANCE WITH ALL APPLICABLE CODES AND RESTRICTIONS. PROFESSIONAL ENGINEER TO BE NOTIFIED PRIOR TO CONSTRUCTION IN THE EVENT OF CODE REVISION OR CHANGES.							
DESCRIPTION							
REVISION DATE							
SHEET NAME:							
DATE: 4-11-2022							
PROJECT: CLIENT: CL							
C-8 PROJECT NUMBER: DRAWN BY: CHECKED BY: PRELIMINARY DRAWING							

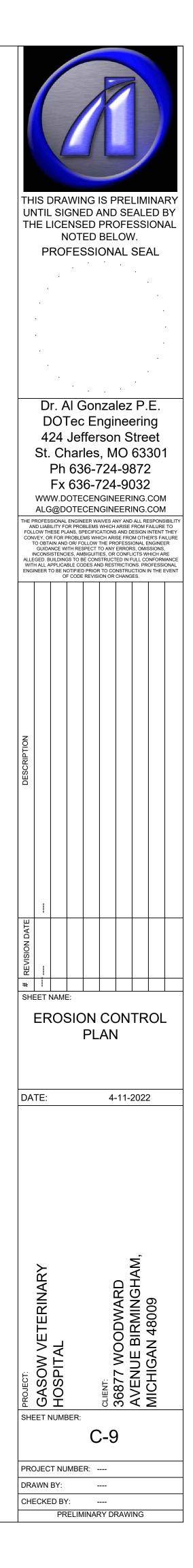


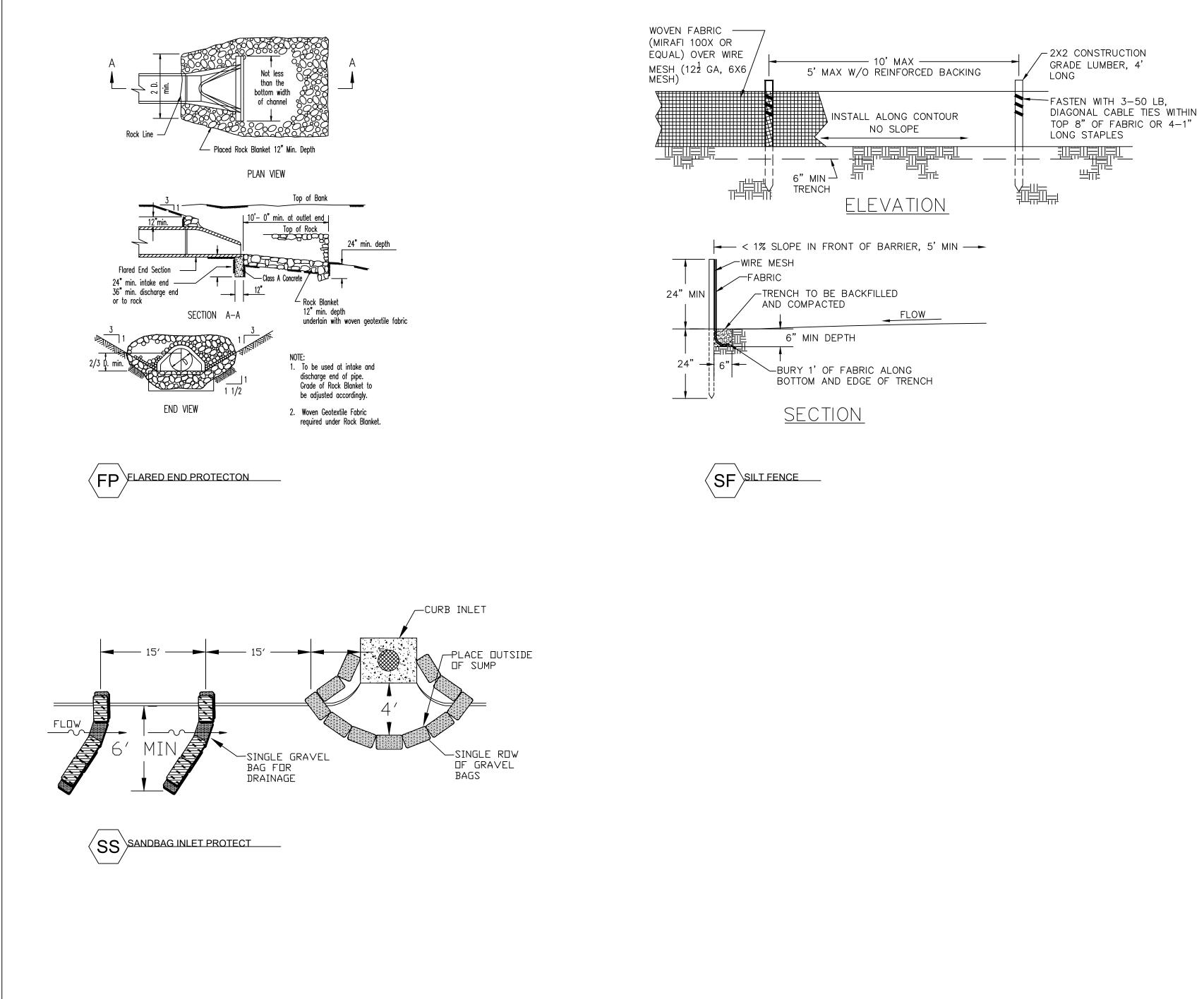
# EROSION CONTROL NOTES

- 1. NO TREES ARE TO BE REMOVED AND/OR VEGETATION DISTURBED EXCEPT AS NECESSARY FOR GRADING PURPOSES.
- 2. TOPSOIL IS TO BE STRIPPED FROM ALL CUT AND FILL AREAS, STOCKPILED, AND REDISTRIBUTED OVER ALL GRADED AREAS TO A MINIMUM OF 4". ALL AREAS NOT COVERED BY BUILDINGS OR PAVING TO RECEIVE TOPSOIL.
- ALL GRADED AREAS INCLUDING SLOPES ARE TO BE STABILIZED WITHIN 14 DAYS AFTER GRADING IS COMPLETED. COORDINATE WITH LANDSCAPING DRAWINGS AS TO TYPE OF PERMANENT GROUND COVER TO BE USED. AT A MINIMUM, ALL DISTURBED AREAS ARE TO BE SEEDED AND MULCHED.
   CUT AND FILL SLOPES ARE NOT TO EXCEED 2.5:1 UNLESS OTHERWISE NOTED
- 5. CONSTRUCT EROSION CONTROL DEVICES AS SHOWN AND WHERE DESIGNATED BY THE ENGINEER.
- 6. ALL NEW STRUCTURES AND EXISTING STRUCTURES SHALL HAVE ALL SEDIMEN REMOVED PRIOR TO ACCEPTANCE.
- ALL DIMENSIONS AND LOCATIONS OF TEMPORARY SOIL EROSION AND WATER POLLUTION CONTROL DEVICES SHALL BE SUBJECT TO ADJUSTMENT AS NECESSARY TO BE EFFECTIVE.
- 8. WHEN THE TEMPORARY SOIL EROSION AND WATER POLLUTION CONTROL DEVICES ARE NO LONGER REQUIRED FOR THE INTENDED PURPOSE THEY SHALL BE REMOVED.
- 9. SILT FENCES ARE TO BE REPLACED WHEN EFFECTIVENESS IS SIGNIFICANTLY REDUCED, OR AS DIRECTED.
- 10. EROSION CONTROL MEASURES SHALL MEET OR EXCEED MINIMUM CRITERIA, STANDARDS AND SPECIFICATIONS SET BY THE CITY OF CASA GRANDE.
- 11. CONTRACTOR SHALL ENSURE THAT ANY EROSION CONTROL MEASURES DO NOT CAUSE WATER TO ENTER ONTO ROADWAY.
- 12. CONTRACTOR IS RESPONSIBLE TO PERFORM ALL REQUIRED INSPECTIONS AND TO SUBMIT ALL REQUIRED DOCUMENTATION TO THE LOCAL AUTHORITY.
- 13. TOPSOIL MATERIAL AND SEEDING
   A. TOPSOIL MATERIAL (STOCKPILED, AS SPECIFIED IN SECTION 02200) HAS BEEN SAVED FOR USE IN FINISH GRADING. AFTER SIFTING OUT ALL PLANT GROWTH, RUBBISH, AND STONES, USE FOR AREAS DESIGNATED TO RECEIVE GRASS. IF STOCKPILED TOPSOIL IS NOT SUFFICIENT QUANTITY TO COMPLETE WORK, FURNISH ACCEPTABLE TOPSOIL FOR GRASS AREAS UNLESS NOTED OTHERWISE ON THE DRAWINGS. GRASS AREAS SHALL BE DEFINED AS THAT GRADED AREA DISTURBED DURING CONSTRUCTION NOT TO BE PAVED OR BUILT UPON.
  - B. ACCEPTABLE TOPSOIL MATERIAL SHALL BE DEFINED AS NATURAL FERTILE AGRICULTURAL SOIL, CAPABLE FOR SUSTAINING VIGOROUS PLANT GROWTH, UNIFORM COMPOSITION THROUGHOUT, WITHOUT ADMIXTURE OF SUBSOIL, FREE OF STONES, LUMPS, PLANTS AND THEIR ROOTS, STICKS,OR OTHER EXTRANEOUS MATTER; DO NOT DELIVER WHILE IN A FROZEN OR MUDDY CONDITION.
- C. GRASS SEED SHALL BE OF THE PREVIOUS SEASON'S CROP AND THE DATE OF ANALYSIS SHOWN ON EACH BAG FOR TESTING. GRADING CONTRACTOR SHALL HIRE A QUALIFIED LANDSCAPE CONTRACTOR TO PREP FOR AND PERFORM ALL PERMANENT SEEDING.
  D. THE SEED SHALL COMPLY WITH ALL PROVISIONS OF THE U.S. DEPENTMENT OF ACPLICIT TUPE AS TO LARELING BURITY AND
- DEPARTMENT OF AGRICULTURE AS TO LABELING, PURITY, AND GERMINATION. E. PERMANENT STAND OF GRASS SHALL BE ESTABLISHED 30 DAYS PRIOR
- TO GRAND OPENING. ALL WATERING, MAINTENANCE, MOWING, ETC. SHALL BE PERFORMED BY THE SITE CONTRACTOR WITH ACCEPTANCE BY OWNER.

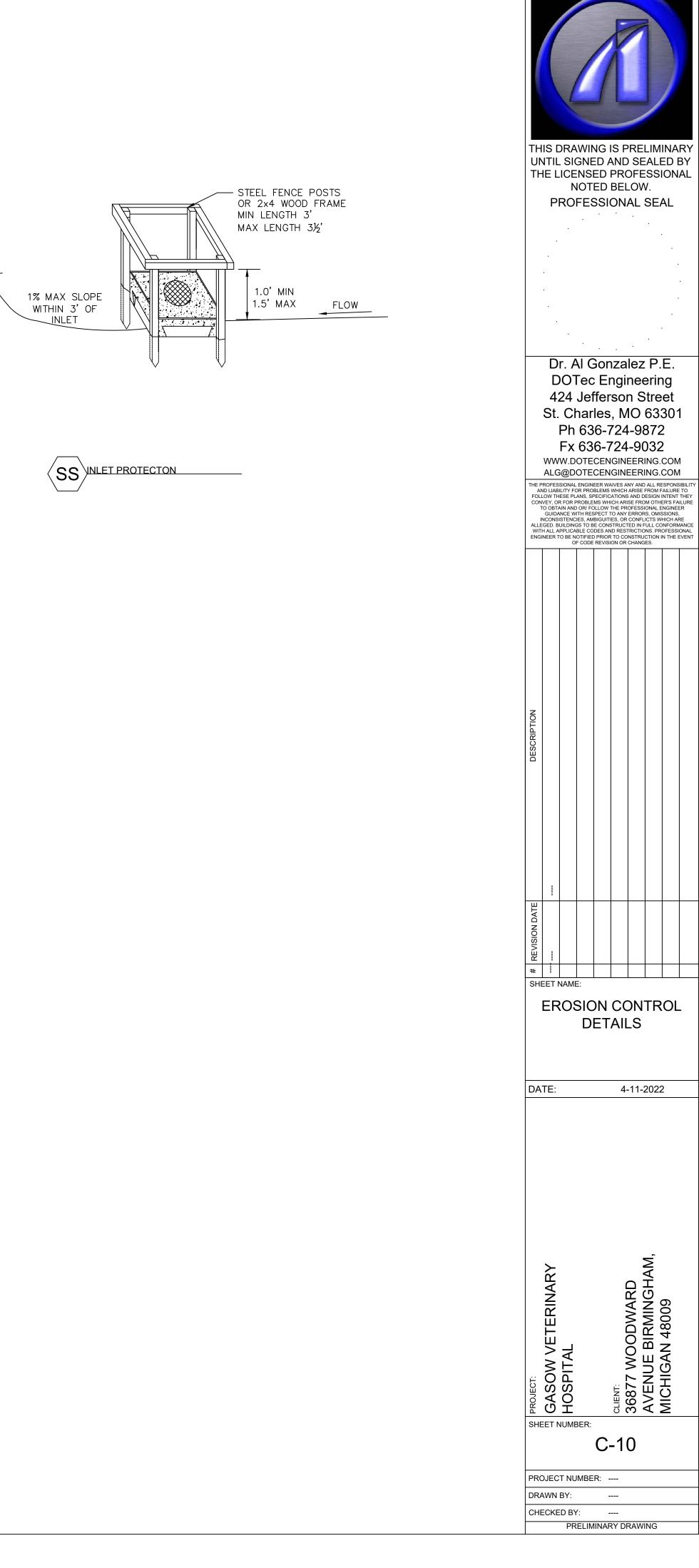
FP	FLARED END PROTECTION	
TV	TEMPORARY VEGETATION	
PV	PERMANENT VEGETATION	
GA	GRAVEL AREA	
CW	CONCRETE WASHOUT	CONCRETE WASHOUT
CE	CONSTRUCTION EXIT	
SF	SILT FENCE	SF
SS	INLET PROTECTION	
	LIMITS OF DISTURBED AREA	

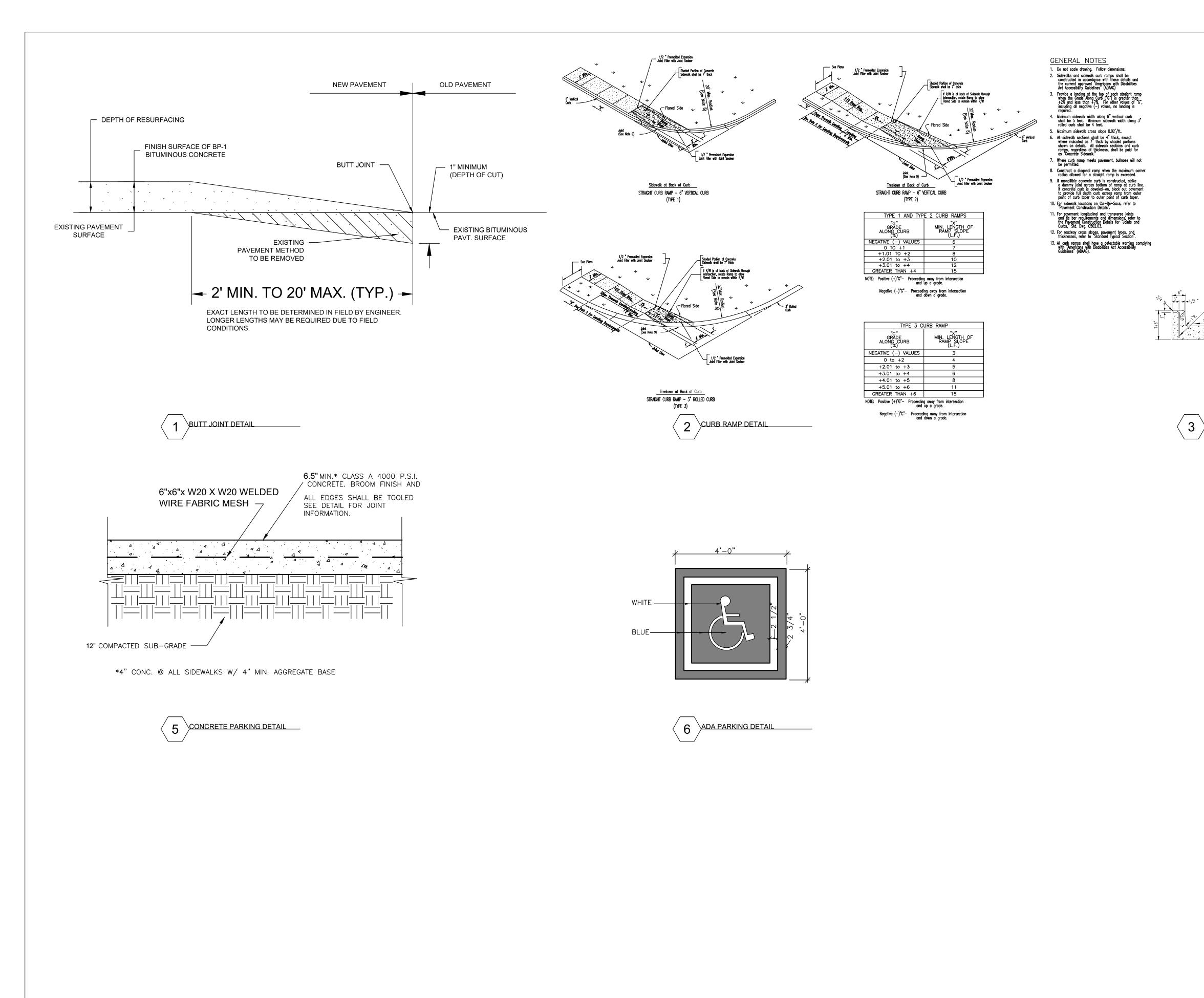
Total Disturbed Area = ±0.45 acres

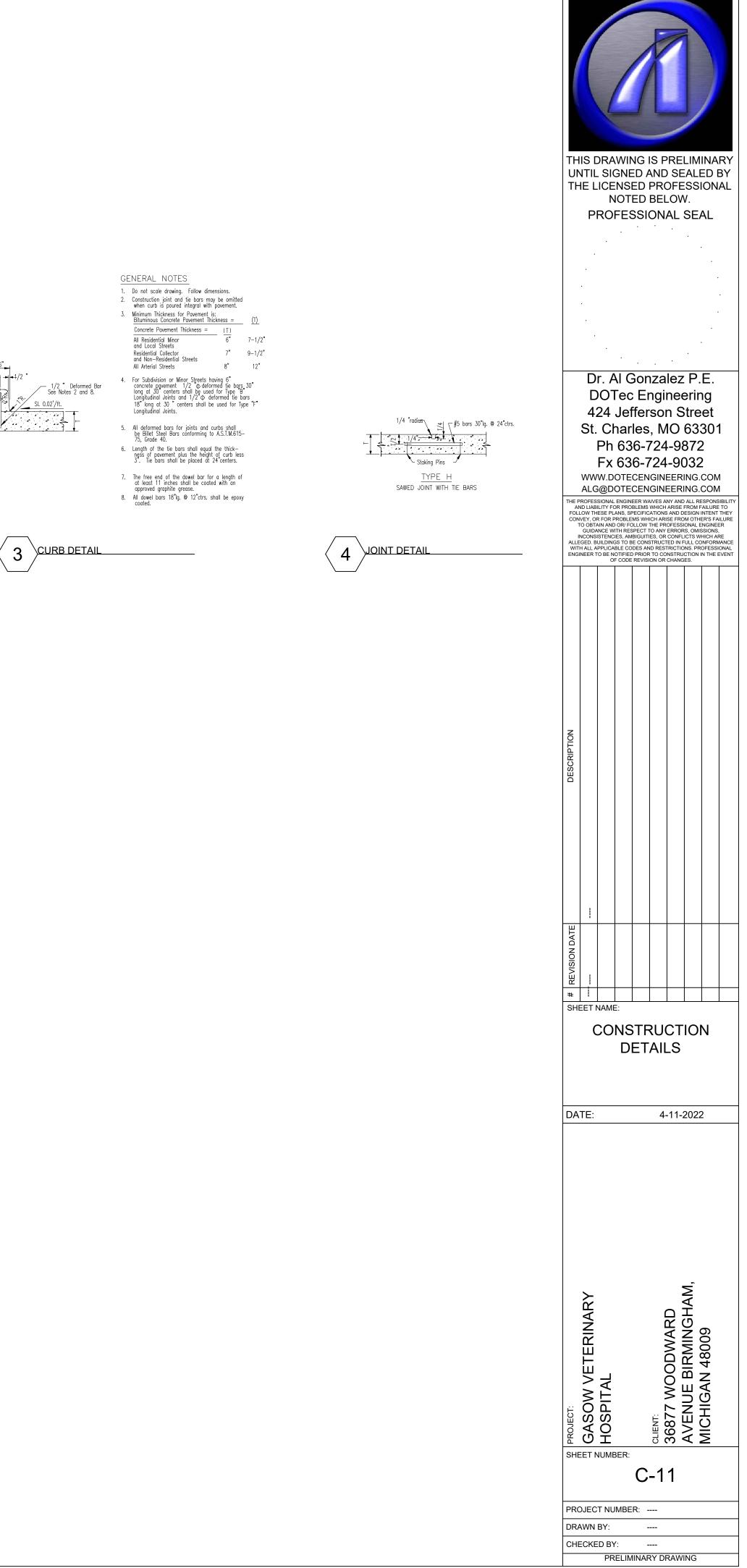




1' MIN TEMPORARY BERM  $\Delta$ 1' HIGHER THAN SILT FENCE TO PREVENT BYPASS









Qty.	Botanical Name	Common Name	Size	Root	Comments
	Deciduous Trees				
1 1 1	Acer x freemanii 'Jeffersred' Ginkgo biloba 'Autumn Gold' Hydrangea pan. 'Pinky Winky Tree Form'	Autumn Blaze Maple Autumn Gold Ginkgo Tree Form Pinky Winky Hydrangea	3-3 1/2" cal. 3-3 1/2" cal. 15 gal.	B4B B4B Can	Full uniform head, single stem Full uniform head, single stem Full head min. 36" dia., single stem
	Shrubs				
52 12 16 13 15 3	Buxus 'Green Velvet' Hydrangea paniculata 'Little Lime' Itea virginica 'Sprich' Juniperus chinensis 'Hetzii Columnaris' Pinus mugo var. pumilio Viburnum carlesii 'Cayuga'	Green Velvet Boxwood Little Lime Hydrangea Little Henry Itea Hetzii Green Columnar Juniper Dwarf Mugo Pine Koreanspice Viburnum	15-18" 24-30" 24-30" 36" 36" 30-36"	B4B Can Can B4B B4B	Space 18" o.c., acidify, clip to hedge Min. 3 gal., space 36" o.c., acidify soil Min. 3 gal., space 42" o.c. Min. 3 gal., spc. 30" o.c., clip to hedge Space 36" o.c. Space 48" o.c., acidify soil
	Perennials, Grasses & Vines				
126 11 9	Hakonechloa macra 'All Gold' Pennisetum alopecuroides 'Hameln' Parthenocissus tricuspidata 'Veitchii'	All Gold Japanese Forest Grass Hameln Fountain Grass Veitchii Boston Viy	l gal. 15 gal. 3 gal.	Can Can Can	Space 15" o.c. Space 30" o.c. Stake, spacing varies 18' to 27' o.c.

LANDSCAPE ARCHITECTURE

**MICHAEL J. DUL** 

**212 DAINES STREET** BIRMINGHAM MICHIGAN 48009

> P 248 644 3410 F 248 644 0819

www.mjdul.com

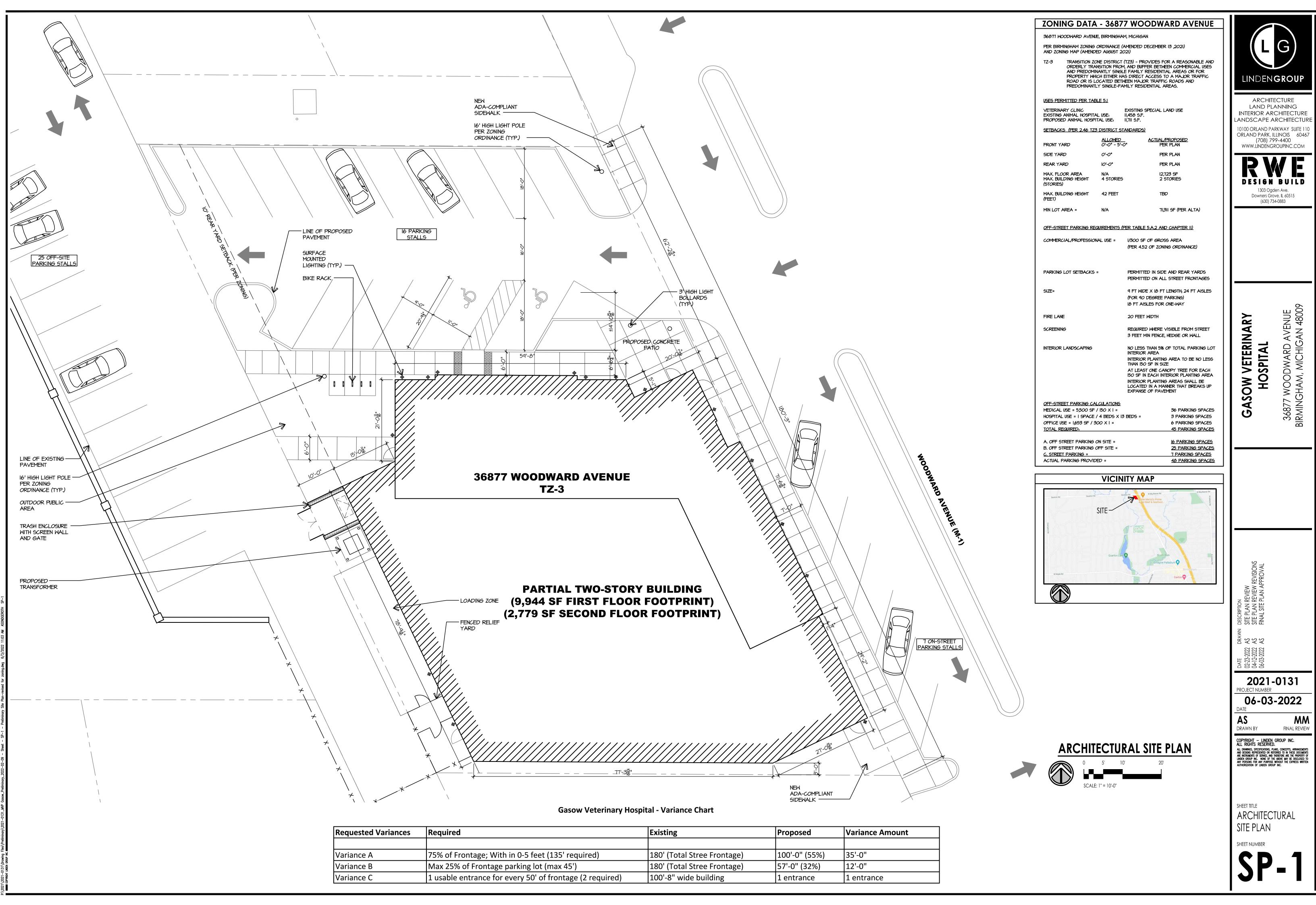
Gasow Veterinary Hospital 36877 Woodward Avenue Birmingham, Michigan 48009

Landscape Development Preliminary Landscape Plan SHEET TITLE ICHAEL J. LANDSCAPE ARCHITECT NO.

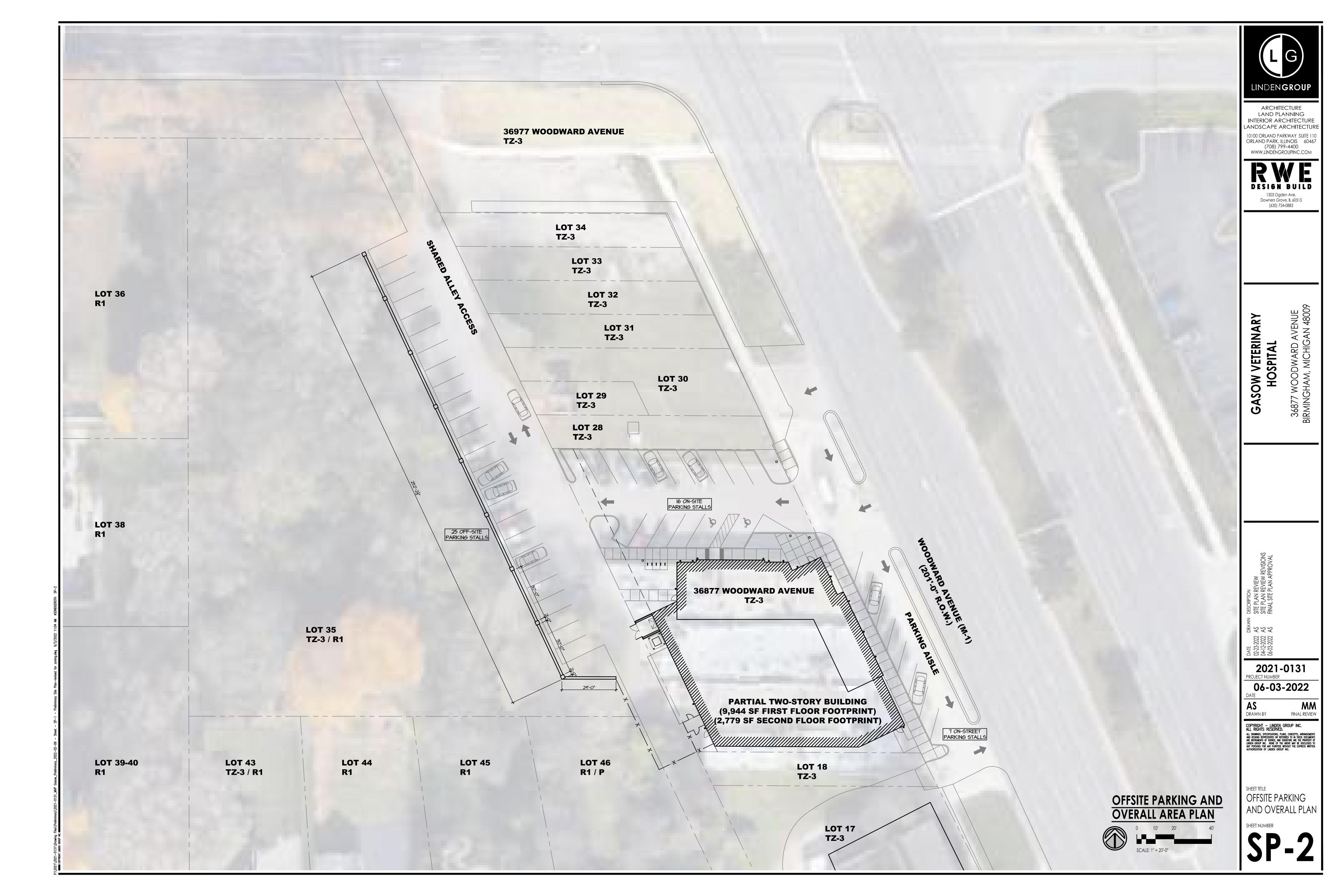
> NORTH

22106 T. Shoemaker M. Dul February 16, 2022 February 22, 2022 April 11, 2022 June 2, 2022

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

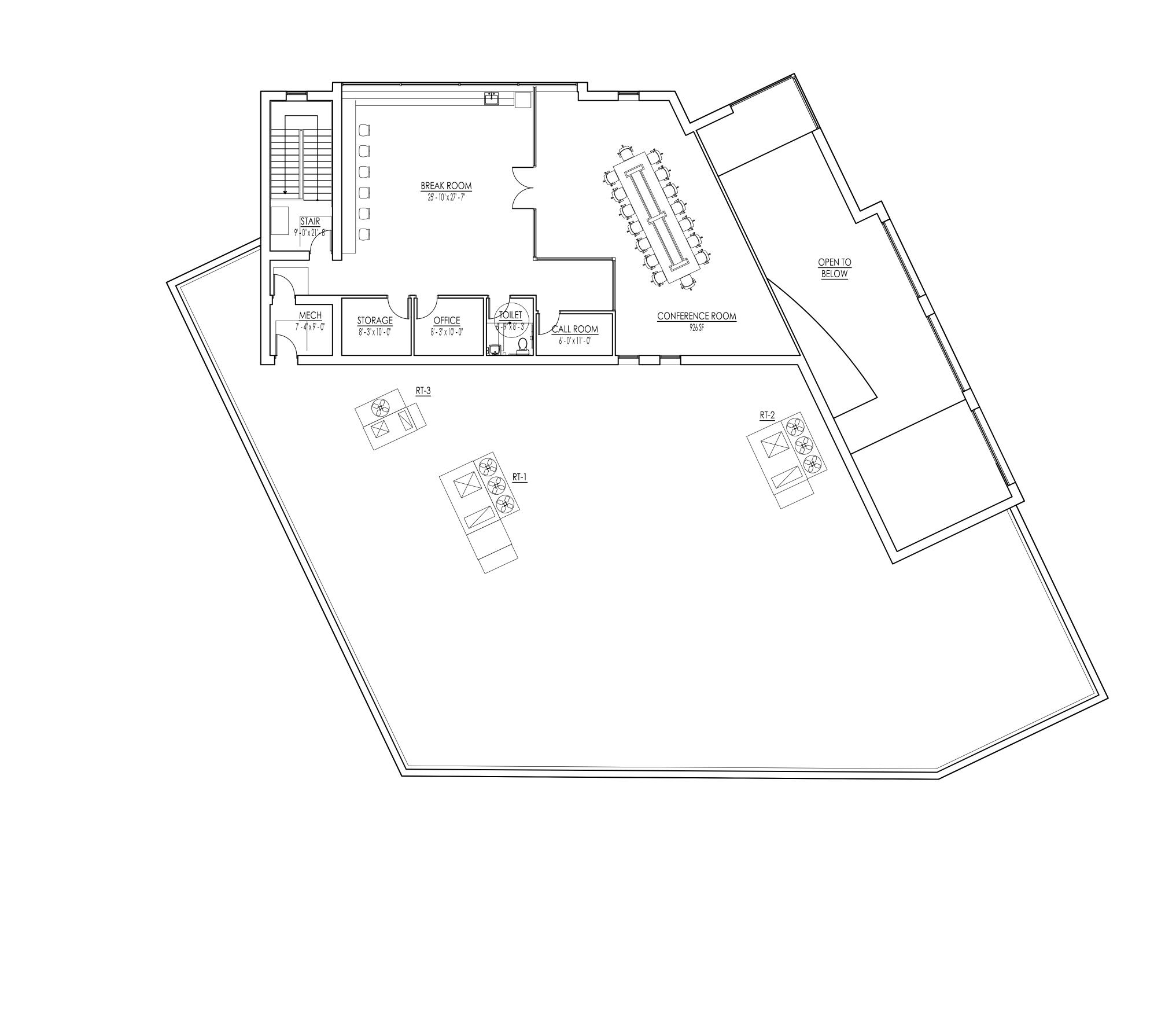


Required	Existing	Proposed	Variance Amount
75% of Frontage; With in 0-5 feet (135' required)	180' (Total Stree Frontage)	100'-0" (55%)	35'-0"
Max 25% of Frontage parking lot (max 45')	180' (Total Stree Frontage)	57'-0" (32%)	12'-0"
1 usable entrance for every 50' of frontage (2 required)	100'-8" wide building	1 entrance	1 entrance





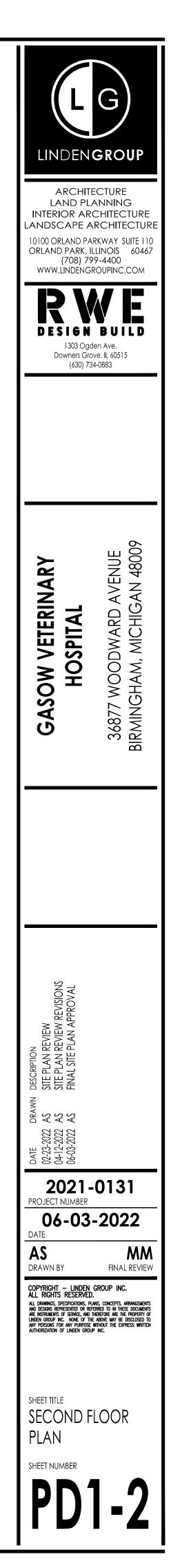
2021\2021-0131\Draving Files\Preliminary\2021-0131\_MVP Gasow\_Preliminary\_2022-02-09 - Sheet - PD-1-1 - PRELIMINARY FLOOR PLAN.dwg 6/3/2022 11:00 AM ASONDSER0TH PD1-2



AIR	HAND

TAC						SEER		FAN	DATA			CEILING	G DATA		HTG.	DATA		ELECTRIC	CAL DATA		MIN O/A	GAS	DRAIN	UNIT WT.	
TAG	MANUFACTURER	MODEL	TONS	/EER	CFM	ESP	RPM	HP	tot. Mbh	sens MBH	EAT (db)	EAT (wb)	mbh In	MBH OUT	МСА	MOC P	VOLT	PH	(%)	conn. size	CONN. SIZE	(LB.)	REMARKS		
RT-	AAON	RNOI680EB093C9	3.5	12.2			1760	5									208	3				3574			
RT-	2 AAON	RNOI380EA092F2	1.9	12			1760	5									208	3				1936			
RT-	3 AAON	RN00880EA092K2	1.2	.4			1760	2									208	3				1223			

# DLING UNIT SCHEDULE



# PRELIMINARY SECOND FLOOR PLAN







	GL
WALL	total area of wall (S.F.)
NORTH	534.2974
EAST	104.6669



21/2021-0131/Drawing Files/Preliminary/2021-0131\_MVP Casow\_Preliminary\_2022-02-09 - Sheet - PD-1-3 - PRELIMINARY ELEVATIONS.dwg 6/3/2022 11:07 AM ASONDGEROTH PD1-5

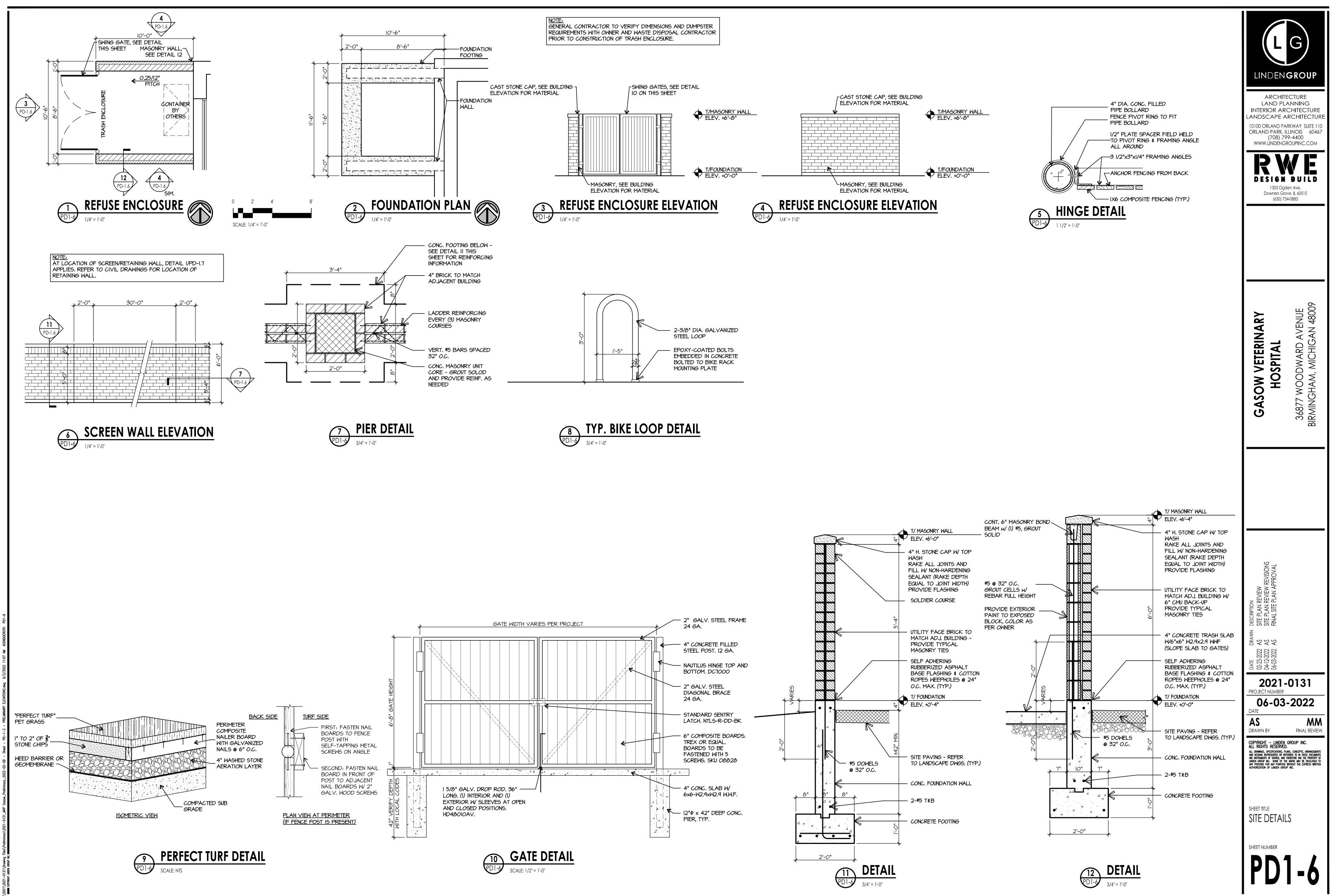




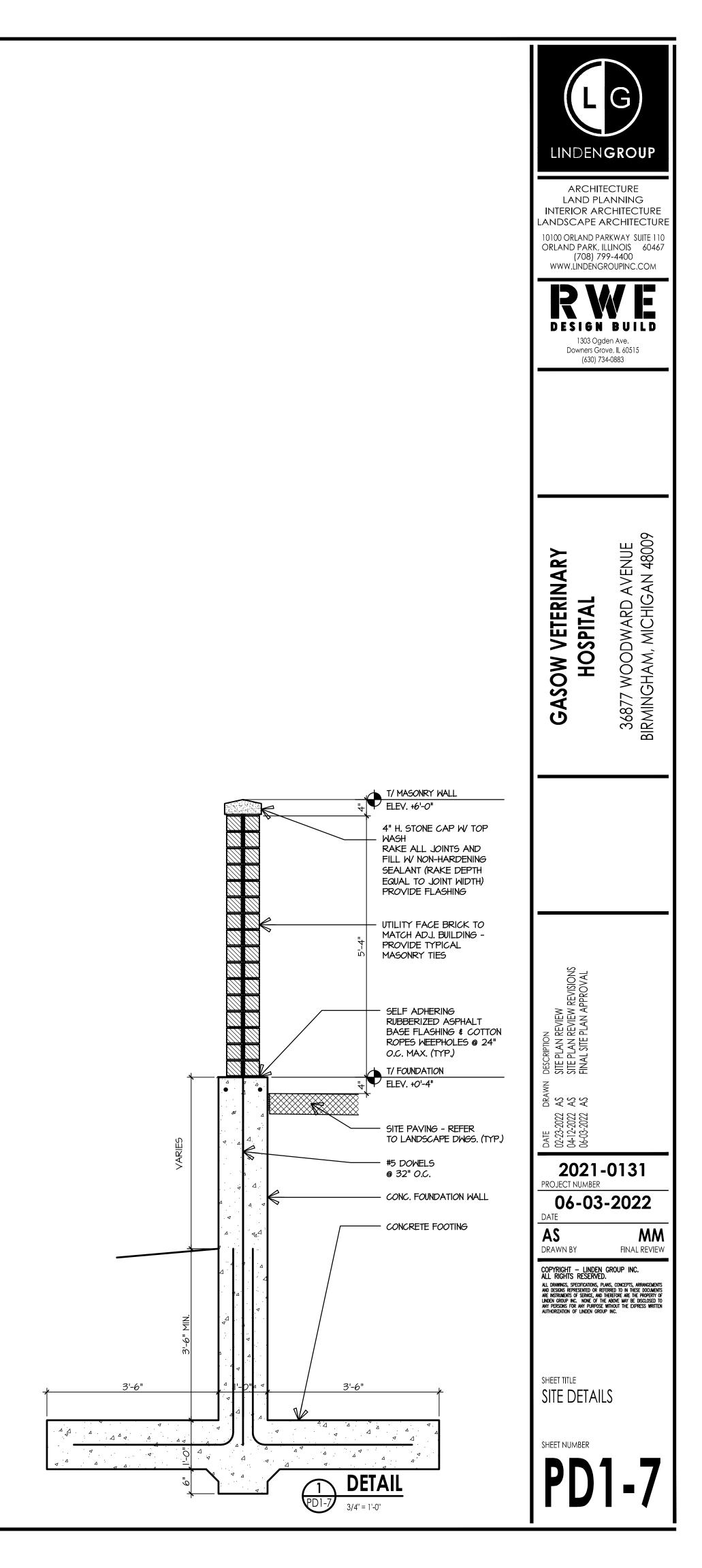


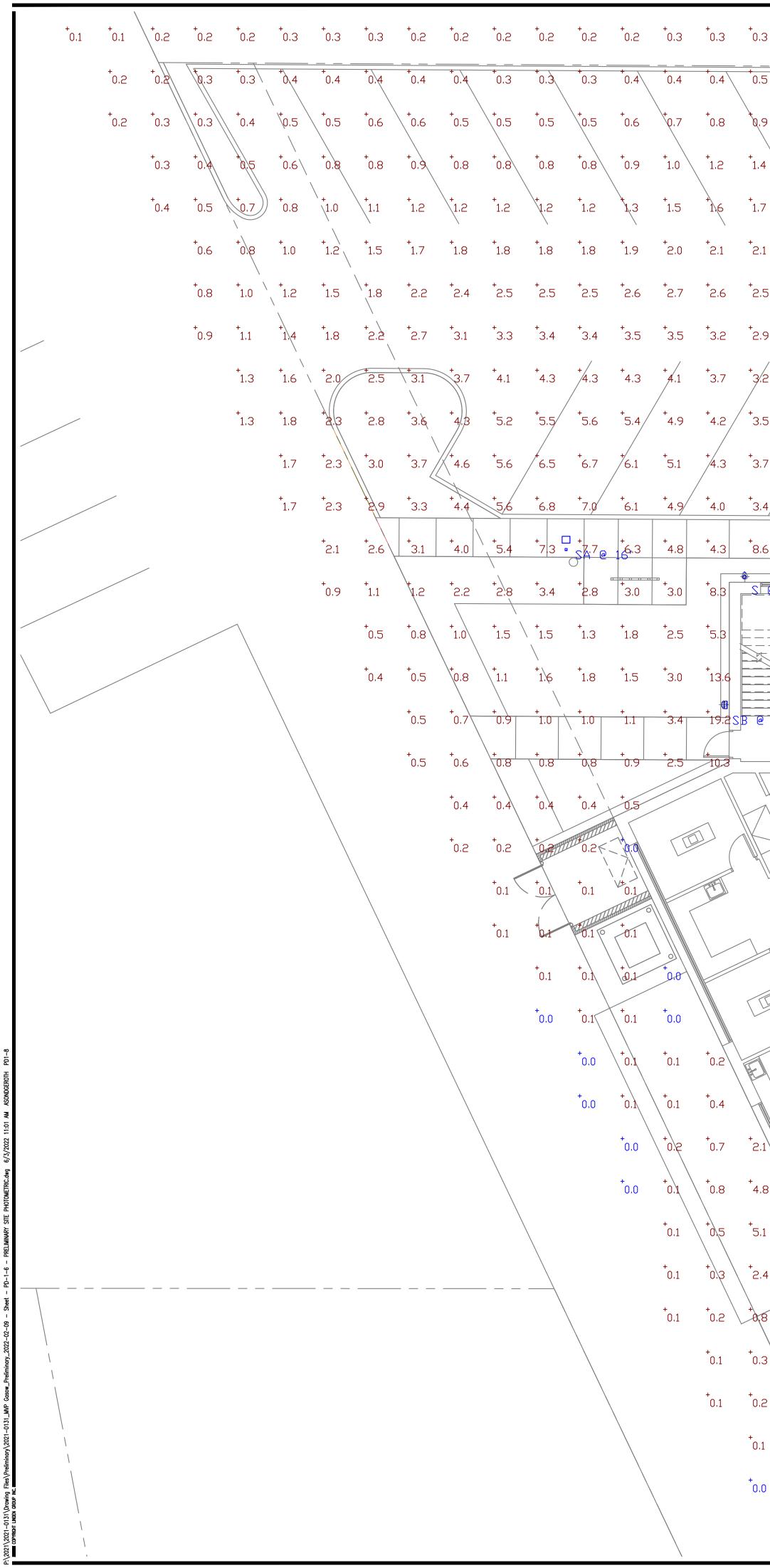


ARCHITE LAND PLA INTERIOR ARG LANDSCAPE A 10100 ORLAND PAR (ANDSCAPE A 10100 ORLAND PARK, IL (708) 79 WWW.LINDENGE <b>RRN</b> DESIGN 1303 Ogd Downers Gro (630) 73.	ECTURE ANNING CHITECTURE RCHITECTURE RCHITECTURE RKWAY SUITE 110 LINOIS 60467 9-4400 ROUPINC.COM
GASOW VETERINARY HOSPITAL	36877 WOODWARD AVENUE BIRMINGHAM, MICHIGAN 48009
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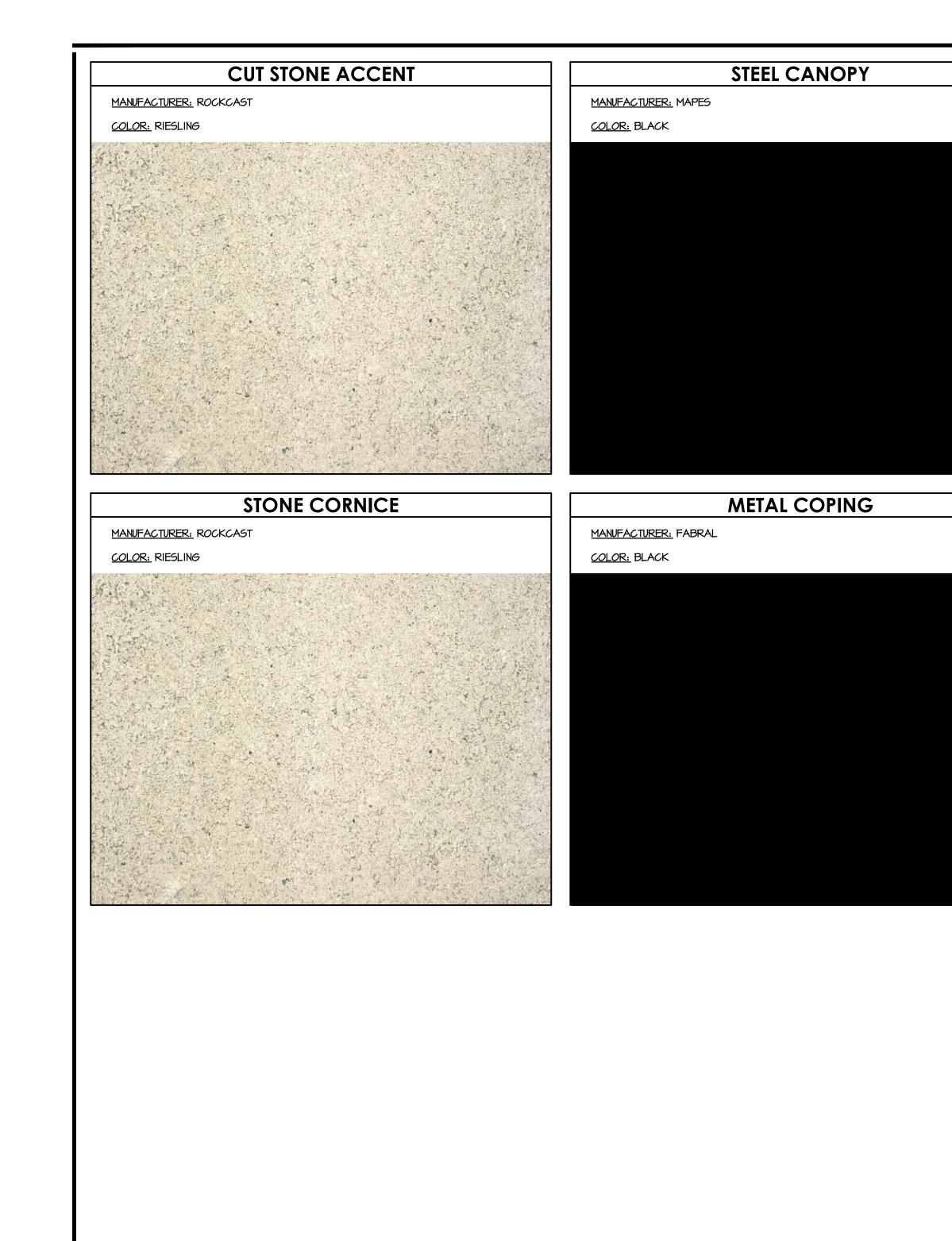


2021/2011/2014/Development Files/Preliminary/2021-0131\_MVP Gasow\_Preliminary\_2022-02-09 - Sheet - PD-1-3 - PRELIMINARY ELEVATIONS.dwg 6/3/2022 11:07 AM ASONDERDIH PD1-7



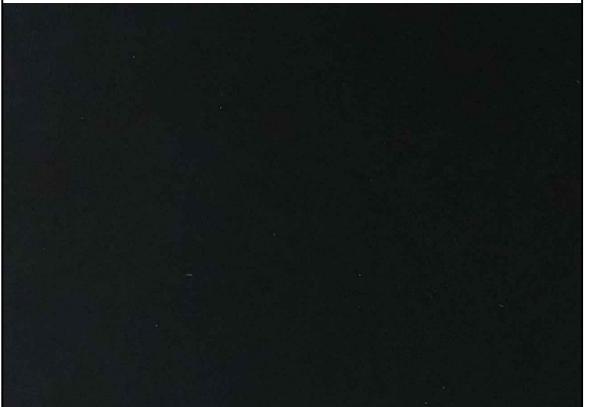


*0.3 <sup>+</sup> 0.4 <sup>+</sup> 0.4 <sup>+</sup> 0.5 <sup>+</sup> 0.5 <sup>+</sup> 0.7 <sup>+</sup> 0.8 <sup>+</sup> 1.1 <sup>+</sup> 1.7 <sup>+</sup> 2.0 <sup>+</sup> 1.7 <sup>+</sup> 1.2 <sup>+</sup> 0.8 <sup>+</sup> 0.6	Schedule Symbol Label Image Quantity Manufacturer Catalog Number Description Lumps Per Lamp Factor Plot	
0.5 0.6 0.6 0.7 0.7 0.7 1.0 1.5 1.9 2.3 1.6 2.4 2.1 1.6 1.0	SA         2         Lithonia Lighting         DSX1 LED P5 40K T4M DSX1 LED P5 40K T4M MVDLT         1         15495         0.95         138           SA	
$t_{0.9}$ $t_{1.0}$ $t_{1.2}$ $t_{1.4}$ $t_{1.7}$ $t_{2.2}$ $t_{2.6}$ $t_{3.1}$ $t_{4.2}$ $t_{5.7}$ $t_{00}$ $t_{6.3}$ $t_{4.7}$ $t_{3.3}$ $t_{2.5}$ $t_{2.1}$	B         3         BEGA         84029         84029K3         1         352         0.95         10	LINDENGROUP
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ten	Statistics	
	DescriptionSymbolAvgMaxMinMax/MinAvg/MinCalc Zone #1+1.6 fc80.8 fc0.0 fcN/AN/A	DESIGNBUILD 1303 Ogden Ave. Downers Grove, IL 60515
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$\begin{array}{c ccccccccccccccccccccccccccccccccccc$	No.         Label         X         Y         MH         Drientation         Tilt           1         B         154.50         151.70         3.00         0.00         0.00           2         B         165.30         146.70         3.00         0.00         0.00	
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S & 8' S	5S149.30133.308.000.000.006S157.10133.308.000.000.007S164.60130.108.00340.000.00	GASOW VETERINARY HOSPITAL 36877 WOODWARD AVENUE BIRMINGHAM, MICHIGAN 48009
	8         S         185.60         126.50         8.00         60.00         0.00           9         S         192.50         111.90         8.00         60.00         0.00           10         S         200.30         95.50         8.00         60.00         0.00	W VETERII HOSPITAL 100DWARD / 1AM, MICHIG,
	11         S         206.70         82.20         8.00         60.00         0.00           12         S         221.50         44.20         8.00         150.00         0.00	GASOW HO 36877 WOO RMINGHAM
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	+ 0.1 + 0.0 + 0.0 + 0.0	COPYRIGHT - LINDEN GROUP INC. ALL RIGHTS RESERVED. ALL DRAWINGS, SPECIFICATIONS, PLANS, CONCEPTS, ARRANGEMENTS AND DESIGNS REPRESENTED OR REPERRED TO IN THESE DOCUMENTS ARE UNSTRUMENTS OF SERVICE, AND THEREFORE ARE THE ROPERTY OF LINDEN GROUP INC. NONE OF THE ABOVE MAY BE DISCLOSED TO ANY PERSONS FOR ANY PURPOSE WITHOUT HE EXPRESS WRITTEN AUTHORIZATION OF LINDEN GROUP INC.
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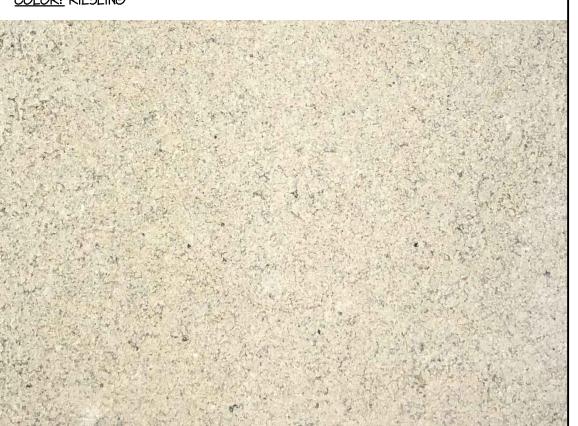
## COMPOSITE ALUMINUM

MANUFACTURER: ALUCOBOND <u>COLOR:</u> DUSTY CHARCOAL



## **CUT STONE BASE**

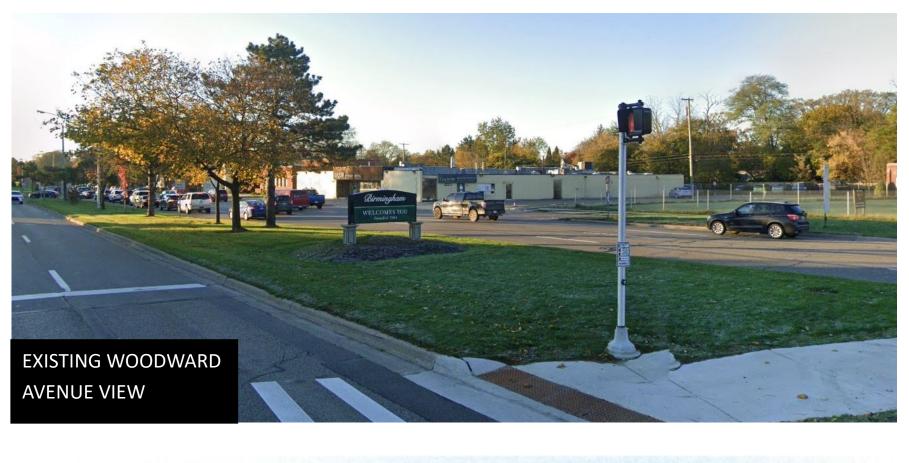
MANUFACTURER: ROCKCAST <u>COLOR:</u> RIESLING





## Gasow Veterinary Hospital

Woodward Avenue—Birmingham







## **MEMORANDUM**

**Planning Division** 

DATE: June 3<sup>rd</sup>, 2022

TO: Planning Board

FROM: Brooks Cowan, Senior Planner

**APPROVED:** Nicholas Dupuis, Planning Director

SUBJECT: 36877 Woodward Ave – Gasow Veterinary Clinic – SLUP and Final Site Plan Review

The applicant is proposing a 2-story veterinary clinic in the TZ-3 Transition Zone. A veterinary clinic use in the TZ-3 Transition Zone requires a Special Land Use Permit (SLUP). The subject site is located near the intersection of Woodward Avenue and Quarton Road. The existing building is currently used as a single story veterinary clinic that has operated in Birmingham since the 1960s and appears to be in need of updates. The proposed building will remain a single occupant with additional second floor space. The subject property's location is significant as an entrance and exit to and from the City of Birmingham.

The proposed Gasow Veterinary clinic and its on-site parking lot currently exists upon 4 parcels; 19-25-101-008, 19-25-101-009, 19-25-101-010, and 19-25-101-011. **The applicant will be required to apply for a lot combination to consolidate the parcels where the updated veterinary clinic is proposed.** The applicant also owns a large trapezoidal shaped property to the west of the veterinary clinic across the alley, parcel #19-25-101-001, Quarton Lake Estates Replat Lot 35 (Lot 35), which is proposed to host additional parking for the veterinary clinic.

On March 23<sup>rd</sup>, 2022, the applicant appeared before the Planning Board for Preliminary Site Plan Review. There were a number of minor issue to address regarding the TZ3 Transition Zone requirements, however the applicant felt that each one could be addressed by Final Site Plan. The Planning Board motioned to approve the Preliminary Site Plan with the following conditions:

- 1. The applicant apply for a lot combination to consolidate the parcels where the updated veterinary clinic is proposed;
- 2. The applicant modify the site plan to have 75% of the building façade within 0-5 feet of the front lot line, or obtain a variance from the Board of Zoning Appeals;

- 3. The applicant reduce the parking lot frontage to 25% or less of the front lot line, or obtain a from the Board of Zoning Appeals;
- 4. The applicant satisfy all parking lot screening and buffer requirements of Article 4, Section 4.53 and 4.54 of the Zoning Ordinance for the proposed on-site and off-site parking lots through an understanding with the neighbors regarding satisfying to lot screening, or obtain a variance from the Board of Zoning Appeals;
- 5. The applicant indicate materials and dimensions for mechanical units and refuse container screening;
- 6. The applicant obtain approval from the Police Department to count on-street parking spaces towards their parking requirement;
- 7. The applicant modify the site plan to have 6 foot wide sidewalks on-site and a 7 foot wide sidewalk along Woodward Ave;
- 8. The applicant modify the site plan to incorporate two (2) entrances facing Woodward Ave;
- 9. The applicant modify the site plan to eliminate large blank walls on both floors of the southern and western elevations;
- 10. The applicant provide 5 bike racks to service the building;
- 11. The applicant submit material specifications, samples, dimensions, and all other required information for the proposed building to complete the Design Review at Final Site Plan and SLUP review; and,
- 12. The applicant comply with the requests of all City Departments.

# On May 10<sup>th</sup>, 2022, the applicant appeared before the Board of Zoning Appeals to request three variances. The Board of Zoning Apeals approved the request for #2, #3, and #8 of the conditions listed above which enables the applicant to have less than 75% of their building façade within 0-5 feet of the frontage line, more than 25% of their front lot line to consist of parking lot frontage, and to only have one entrance along the frontage.

The applicant has also made modifications to the site plan to address concerns and requirements that were brought up during Preliminary Site Plan review, particularly related to the vehicular entrance and the rear screening.

#### 1.0 Land Use & Zoning

- 1.1 **Existing Land Use** The existing land use for the proposed structure along Woodward Ave is commercial and consists of a one-story veterinary clinic. The trapezoidal shaped property (Lot 35) currently has parking along the alley and mostly consists of wooded area to the west of the parking.
- 1.2 **Zoning** The veterinary clinic site exists within the TZ-3 Transition Zone. Lot 35 consists of two zones; the easternmost 61 feet parallel to the alley is zoned TZ-3 Transition, while the remaining portion is zoned R1-Single Family Residential.
- 1.3 **Summary of Adjacent Land Use & Zoning** The following chart summarizes existing land use and zoning classifications of the adjacent and/or nearby properties:

	North	South	East	West
Existing Land Use	Vacant	Commercial	Commercial	Parking & Residential
Existing Zoning District	TZ-3 Transition	TZ-3 Transition	(Bloomfield)	TZ-3, P & R1 Transition Parking Single Family Residential
Overlay Zoning District	N/A	N/A	N/A	N/A



#### 2.0 Setback, Height, & Placement Requirements

The attached zoning compliance summary analysis provides the required and proposed bulk, area, and placement regulations for the proposed project. The applicant appears to satisfy a majority of the bulk, height, and placement requirements of the TZ-3 Transition zoning districts.

Article 2, Section 2.46.2 of the Zoning Ordinance requires the minimum front yard setback for the building façade to be built within 0-5 feet of the front setback requirement for a minimum of 75% of the street frontage length. The site plan indicates a building façade of 100 feet within 0-5 feet of the front lot line that is 180 feet in length, totaling 55% of frontage. The Ordinance requires that the building be within 0-5 feet of the street frontage for a total of 135 feet. On May 10<sup>th</sup>, 2022, the applicant obtained a variance of 35 feet from the Board of Zoning Appeals, enabling the building to be within 0-5 of the frontage line for less than 75% of the street frontage length. Article 4, Section 4.53(A)(1) requires that no more than 25% of the total site's frontage, or 60 feet, whichever is less, shall be occupied by a parking lot. 25% of a 180 foot front lot line equates to 45 feet of permissible parking lot frontage on a public right-of-way. The site plan indicates 57 feet of parking lot frontage, exceeding the permissible amount by 12 feet. On May 10<sup>th</sup>, 2022, the applicant obtained a dimensional variance of 12 feet from the Board of Zoning Appeals, enabling the site to have greater than 25% of the frontage occupied by a parking lot.

Article 4, Section 4.83 requires main entrances to be located along the street frontage, and that buildings longer than 100 feet are required to have one usable entrance for every 50 feet of frontage. The subject building is 100 feet long and therefore is required to provide two front entrances facing Woodward Ave. **On May 10<sup>th</sup>, 2022, the applicant obtained a dimensional variance of one door from the Board of Zoning Appeals, enabling the site to have only one door along the street frontage.** 

#### 3.0 Screening & Landscaping

- 3.1 <u>Dumpster Screening</u> The applicant is proposing one dumpster in the rear of the building facing the alley with a screen wall and gate. The screen wall is proposed to be 6 feet in height and consist of utility face brick to match the adjacent building and a stone cap. The gate is proposed to consist of trex or equal material.
- 3.2 <u>Parking Lot Screening</u> Article 4, Section 4.53(B) of Zoning Ordinance requires a 3 foot masonry screenwall, however the Planning Board may approve an evergreen screen in lieu of masonry material as per Article 4, Section 4.54(C)(d) of the Zoning Ordinance.

The eastern portion of the parking lot is proposed to be screened with 15 Mugo Pine evergreen masses 36" in height. The western side of the on-site parking lot is proposed to be screened with 13 Hetzii Juniper evergreen hedges 36" in height. **The Planning Division recommends that the Planning Board approve the use of evergreen landscaping in lieu of a masonry screenwall for parking lot screening.** 

The applicant also intends to use off-site parking to the west of the alley to satisfy the parking requirement. The off-site parking lot space is under the same ownership of the subject property and within 300 feet of the subject property. There are 25 parking spaces along the west side of the alley that are zoned TZ3 and border an R1 – Single Family Residential Zone to west. The 25 parking spaces on the west side of the alley adjacent to a single-family residential district are proposed to be screened with a 6 foot brick screen wall as per Article 4, Section 4.53(B) of the Zoning Ordinance.

For parking spaces adjacent to a single-family residential zone, Article 4, Section 4.59(A) Buffer Requirements also require that the 6 foot brick screen wall have a sloping stone cap, include a two (2) foot row of landscaping on the parking lot side, and provide varying textures, materials and/or design along the length. Blank, monotonous wall are not permitted. The applicant has indicated a 2 foot

buffer between the screenwall and parking spaces. The screenwall will have a sloping stone cap, and the blank walls will be broken up with sections of Boston Ivy.

In order to address concerns discussed from nearby residents during Preliminary Site Plan, the applicant has also extended the Lot 35 screen wall further south to screen the residential areas from on-site parking headlights pointing southwest and the loading activity near the rear dumpster.

3.3 <u>Mechanical Equipment Screening</u> – The site plan indicates a ground transformer facing an alley which is screened by the building.

The site plan indicates three rooftop mechanical units that are 44" to 59.25" in height. The mechanical units are screened by a metal mechanical screenwall 5'6" in height.

<u>Landscaping</u> – The entry plaza near Woodward Avenue is proposed to have (4) Mugo Pine evergreen masses, one Tree Form Hydrangea, and Japanese Forest Grass and 14 Boxwood evergreen hedges south of the main entrances.

The rear entrance facing the alley will have detailed landscaping with an Autumn Gold Ginko tree, Japanese Forest Grass, (12) Little Lime Hydrangea flowering shrubs, (38) Boxwood evergreen hedges, (3) Koreanspice Viburnum, and lawnspace.

The southeast corner is proposed to have additional landscaping surrounding the door to the comfort room with Japanese Forest Grass perennials and (5) Itea Little Henry.

As previously mentioned, the western side of the on-site parking lot is proposed to be landscaped with (13) Hetzii Juniper evergreen hedges along with Hameln Fountain Grass and Japanese Forest Grass.

Landscaping has also been included at the southern edge of the Lot 35 screenwall with (11) Little Henry ITEA.

3.4 <u>Streetscape Elements</u> – The Michigan Department of Transportation (MDOT) owns and controls Woodward Avenue as well as the sidewalk, angled parking spaces, access drive, and divider island on the east side of the subject property. The City of Birmingham has not required City standard lights and street trees in the MDOT right-of-way with previous applicants.

Article 4, Section 4.73(G) Street Standards –Bicycle Facilities requires 1 bike rack for every 10 cars required. The applicant is required to provide 45 parking spaces, therefore 5 bike racks are required. The applicant has proposed 5 inverted U bike racks near the rear entrance.

#### 4.0 Parking, Loading & Circulation

4.1 <u>Parking</u> – The applicant is proposing a total of 48 parking spaces between three locations to count towards their parking requirement.

The site plan indicates 7 parking spaces in the MDOT of right-of-way. Article 4, Section 4.53(E) permits the Police Department to permit the use of on-street parking spaces to count towards parking requirement in the TZ-3 Transition Zone. The Police Department has approved of the use of the 7 on-street parking spaces along Woodward Avenue towards the applicant's total parking requirements.

There are 16 angled parking spaces on-site. The 16 parking spaces are only accessible from the Woodward Avenue entrance through the one way drive aisle.

The site plan also indicates 25 off-site parking spaces on the west side of the alley. 5 additional spaces have been added since preliminary site plan review. The 25 parking spaces are within 300 feet of the subject property and are under the same ownership, therefore they may be counted towards the building's parking requirement (Article 4, Section 4.53(D)). The owner is not allocating the 25 parking spaces for other uses at this time.

Article 4, Section 4.46 of the Zoning Ordinance requires the applicant to provide the following off-street parking for the uses proposed in the site plans submitted:

Proposed Use	Requirements	Area or Units	Spaces
Medical	1 space per 150 SF	5,500 SF	36
Hospital	1 space per 4 beds	13 beds	3
Office	1 space per 300 SF	1,653 SF	6
Total Required	-	-	45
Total Proposed	-	-	48

It is of note that there is no official parking category for veterinary use and that City staff have determined that the floor plan submitted indicates part medical and part hospital for the first floor. Based on the calculations above, the applicant meets the parking requirements for the proposed development.

- 4.2 <u>Loading</u> Total square footage of the building is 11,711 SF, therefore one loading space is required. The site plan indicates a loading zone within the 10 foot rear setback. Article 4, Section 4.24(C)(2) also allows an off-street loading space to be reduced for any building abutting an alley 18' or more in width. The rear alley is 20' in width and therefore may count towards the loading space requirement and does not require loading to be screened.
- 4.3 <u>Vehicle Circulation & Access</u> The subject site may be accessed via southbound Woodward. There are two entryways off of Woodward Avenue into the MDOT access drive near the northeast corner of the property which lead to the property's

vehicular one-way entrance. The onsite parking lot access drive remains one way from Woodward Ave to the public alley in the rear. Vehicles parking on-site must enter from Woodward Ave and exit the site via the public alley northbound to Quarton Road. The public alley dead ends at the southern boundary of the subject property where the public alley has been vacated.

Concerns regarding the flow of traffic on-site from southbound Woodward Avenue were discussed during Preliminary Site Plan review. In order to address the concerns, the applicant reduced the sidewalk bumpout and eliminated the curved on-site entrance from Woodward Ave. The applicant has indicated the ability of a City fire truck to complete the turn on-site from Woodward Avenue on sheet C-7.

Vehicles that park in the MDOT right-of-way along Woodward Ave may exit the site by continuing south in the MDOT access drive and turning right onto southbound Woodward Ave.

The subject site may also be accessed from the 20 foot wide public alley located behind the Gasow Veterinary clinic. Vehicles traveling east or west on Quarton Road can turn southbound into the alley and park in the 25 spaces on the west side of the alley. The 16 on-site parking spaces are not accessible from the alley.

4.4 <u>Pedestrian Circulation & Access</u> – Article 4, Section 4.73(B) requires sidewalks in the TZ-3 Transition Zones to be a minimum of 6 feet, and that sidewalks along Woodward Ave shall be a minimum of 7 feet wide.

The site plan indicates that new ADA compliant sidewalks will be installed along the Woodward side of the building, the on-site parking lot, and connecting to the stairwell from the alley. The site plan indicates a 6 foot sidewalk for the proposed on-site sidewalks and a 7 foot sidewalk along Woodward Ave as required by the TZ-3 Transition Zone.

The Woodward Ave and parking lot sidewalks connect to the main lobby entrance for pedestrian access on the northeast corner of the building. The building's entry plaza has an extended sidewalk area with landscaping and bench seating that also acts as a bumpout for vehicles entering the site.

Two new sidewalk locations are proposed where they do not currently exist. One connects the alley to the building's stairwell entrance in the rear, and another in the southeast corner of the building connecting to the comfort room where there is a third entry and exit point for the building.

#### 5.0 Lighting

Two 16 foot light poles are proposed on-site, one in the landscaping bed of the northeast corner of the property and another next to the landscaping bed near the rear entrance and alley.

Three LED garden and pathway bollards 3 feet in height are also proposed in the entry plaza to help direct vehicular traffic through the entrance to the parking lot. Twelve wall luminaires with double sided light output and three direct light wall mount luminaires are proposed for the building's exterior.

In regards to the photometric plan, the circulation area has a range of 1.0 to 4.8 foot candles, therefore satisying the criteria of 0.2 minimum and a maximum ratio of 20:1.

The Photometric Plan appears to reflect the sidewalk entry plaza design from Preliminary Site Plan Review which has been slightly modified for Final Site Plan Review. The applicant must submit an updated photometric plan reflecting the updated parking lot and pedestrian plaza layout.

#### 6.0 Departmental Reports

- 6.1 **Engineering Department** Please see the attached Engineering Division comments dated June 3<sup>rd</sup>, 2022.
- 6.2 **Department of Public Services** The Department of Public Services will provide comments by June 8<sup>th</sup>, 2022 (Updated landscaping plan received Friday June 3<sup>rd</sup>, 2022)
- 6.3 **Fire Department** Please see the attached Fire Department comments dated May 31<sup>st</sup>, 2022.
- 6.4 **Police Department** The Police Department has no concerns at this time and approves the use of the on-street parking towards the overall parking count as it is the only business in this area.
- 6.5 **Building Department** Please see the attached Building Division comments dated May 31<sup>st</sup>, 2022.
- 6.6 **Parking Manager** The Parking Manager has no concerns at this time.

#### 7.0 Design Review

#### Façade Materials

The applicant has submitted elevation drawings with material notes and material specifications for the proposed building. The exterior will be predominantly brick with a cut stone base and cornice, vertical windows, aluminum storefront glazing, and a steel canopy. The site plan also indicates signage on the building and attached to the canopy.

Two colors of brick are proposed for the exterior of the building. The main entrance will have walnut brick spanning two stories at the public entrance while the remainder of the building will have titanium gray brick. The cut stone base, cornice, and accents will be riesling color while the steel canopy and metal coping will be black. Composite aluminum and aluminum storefront glazing is also proposed around the window areas. All materials appear to be of high quality and provide architectural enhancements to the site.

#### <u>Glazing</u>

The first floor frontage along Woodward Avenue is proposed to have a glazing value of 71.5% which satisfies the 70% minimum requirement. The northern elevation with a pedestrian entrance is proposed to have a glazing value of 36.7% which satisfies the 30% minimum requirement. The Planning Division does not consider the doors on the western and southern elevation to be entrances for the "public", therefore the western and southern elevations do not require 30% glazing.

Article 4, Section 4.83(B)(1) of the Zoning Ordinance states "blank walls longer than 30 feet are not permitted on on any façade." There are large sections of blank walls on the second story of the western facade. **The applicant must provide additional glazing on the western façade of the second floor to break up the blank wall longer than 30 feet.** 

#### <u>Signage</u>

Two signs are proposed for the new building. A building identification sign reading "Gasow Veterinary Hospital" is proposed along the eastern elevation on the second floor. The sign area is 65.8 square feet total, satisfying the Sign Ordinance requirements of a building identification sign.

A canopy sign is also proposed on the northern elevation. The canopy wraps around the corner of the entrance with dimensions of  $28.5' \times 1.5'$ . The Canopy signage reading "Gasow Veterinary" is proposed to face the north and is  $1'4'' \times 15'$  in dimension.

The maximum area for a canopy sign is no more than 0.33 square feet for each linear foot of canopy length of the canopy upon which the sign will be placed. The applicant is allowed 9.4 square feet of canopy signage ( $28.5' \times 0.33$ ), however the plans indicate 20 square feet of canopy signage ( $1.4' \times 15'$ ). The applicant must submit updated signage plans satisfying the canopy signage requirements.

#### 8.0 Required Attachments

	Submitted	Not Submitted	Not Required
Existing Conditions Plan	$\boxtimes$		
Detailed and Scaled Site Plan	$\boxtimes$		
Certified Land Survey	$\boxtimes$		
Interior Floor Plans	$\boxtimes$		
Landscape Plan	$\boxtimes$		
Photometric Plan	$\boxtimes$		
Colored Elevations	$\boxtimes$		
Material Specification Sheets	$\boxtimes$		
Material Samples			
Site & Aerial Photographs	$\square$		

#### 9.0 Approval Criteria

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property nor diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

In addition, Article 7, Section 7.36 requires applications for a Special Land Use Permit to meet the following criteria:

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

#### **10.0** Recommendation

Based on a review of the site plans submitted and the requirements outlined in Article 7, Section 7.27 and 7.36 of the Zoning Ordinance, the Planning Division recommends that the Planning Board recommend **APPROVAL** of the SLUP and Final Site Plan for 36877 Woodward Ave, Gasow Veterinary Clinic, with the following conditions:

- 1. The applicant apply for a lot combination to consolidate the parcels where the updated veterinary clinic is proposed;
- 2. The Planning Board approve the use of evergreen landscaping in lieu of a masonry screenwall for parking lot screening;
- 3. The applicant submit an updated photometric plan with the updated parking lot and pedestrian plaza layout;
- 4. The applicant provide additional glazing on the western façade of the second floor to break up the blank wall longer than 30 feet;
- 5. The applicant submit updated signage plans satisfying the canopy signage requirements to be approved administratively;
- 6. The applicant comply with the requests of all City Departments.

#### **11.0** Sample Motion Language for Special Land Use Permit (SLUP)

Motion to recommend **APPROVAL** of the SLUP for 36877 Woodward Ave, Gasow Veterinary Clinic, with the following conditions:

- 1. The applicant apply for a lot combination to consolidate the parcels where the updated veterinary clinic is proposed;
- 2. The Planning Board approve the use of evergreen landscaping in lieu of a masonry screenwall for parking lot screening;
- 3. The applicant submit an updated photometric plan with the updated parking lot and pedestrian plaza layout;
- 4. The applicant provide additional glazing on the western façade of the second floor to break up the blank wall longer than 30 feet;
- 5. The applicant submit updated signage plans satisfying the canopy signage requirements to be approved administratively;
- 6. The applicant comply with the requests of all City Departments.

#### OR

Motion to **POSTPONE** the SLUP for 36877 Woodward Ave, Gasow Veterinary Clinic, pending receipt of the following:

Motion to **DENY** the SLUP for 36877 Woodward Ave, Gasow Veterinary Clinic, for the following reasons:

1.	
2.	
3.	

#### **12.0** Sample Motion Language for the Final Site Plan

Motion to recommend **APPROVAL** of the Final Site Plan for 36877 Woodward Ave, Gasow Veterinary Clinic, with the following conditions:

- 1. The applicant apply for a lot combination to consolidate the parcels where the updated veterinary clinic is proposed;
- 2. The Planning Board approve the use of evergreen landscaping in lieu of a masonry screenwall for parking lot screening;
- 3. The applicant submit an updated photometric plan with the updated parking lot and pedestrian plaza layout;
- 4. The applicant provide additional glazing on the western façade of the second floor to break up the blank wall longer than 30 feet;
- 5. The applicant submit updated signage plans satisfying the canopy signage requirements to be approved administratively;
- 6. The applicant comply with the requests of all City Departments.

#### OR

Motion to **POSTPONE** the Final Site Plan for 36877 Woodward Ave, Gasow Veterinary Clinic, pending receipt of the following:

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#### OR

Motion to **DENY** the Final Site Plan for 36877 Woodward Ave, Gasow Veterinary Clinic, for the following reasons:

4.	
5.	
6.	

#### Zoning Compliance Summary Sheet Preliminary Site Plan Review 36877 Woodward Ave

**Existing Site:** 1 story commercial/veterinary clinic

Zoning: TZ-3 Transition Zoning

Land Use: Commercial/Office

#### Existing Land Use and Zoning of Adjacent Properties:

	North	South	East	West
Existing Land Use	Vacant	Commercial	Commercial	Parking & Residential
Existing Zoning District	TZ-3 Transition	TZ-3 Transition	(Bloomfield)	TZ-3, P & R1 Transition Parking Single Family Residential
Overlay Zoning District	N/A	N/A	N/A	N/A

Land Area:	Existing: Proposed:	71,311 SF 71,311 SF
Dwelling Units:	Existing: Proposed:	N/A N/A
Minimum Lot Area/Unit:	Required: Proposed:	N/A N/A
Min. Floor Area /Unit:	Required:	N/A
	Proposed:	N/A
Max. Total Floor Area:	Required: Proposed:	N/A N/A
Min. Open Space:	Required:	N/A

Zoning Compliance Summary | 36877 Woodward Ave | 03/07/2022

	Proposed:	N/A
Max. Lot Coverage:	Required: Proposed:	N/A N/A
Front Setback:	Required:	0-5 Feet Building façade shall be built to within 5 feet of the front lot line for a minimum of 75% of the street frontage length.
	Proposed:	100 ft building façade within 0-5 feet of 180 ft front lot line = 55%. Applicant obtained variance of 35 feet on May $10^{\text{th}}$ , 2022.
Min. Side Setbacks	Required: Proposed:	0 ft. 0 ft.
Rear Setback:	Required: Proposed:	10 ft. 10 ft.
Min. Front+Rear Setback	Required: Proposed:	N/A
Max. Bldg. Height:	Permitted: Proposed:	42 ft., 4 stories 31' 7.25"
Min. Bldg. Height	Required:	24 ft., 2 stories
	Proposed:	31' 7.25"
Min. Eave Height:	Required: Proposed:	N/A N/A
Floor-Floor Height:	Required: Proposed:	14 ft 14 ft
Front Entry:	Required:	Main entrance located on at least one (1) street front One (1) usable entrance for every 50 feet of frontage along the front public sidewalk for buildings longer than 100 feet.
	Proposed:	One (1) front entry facing the parking lot. Applicant obtained a variance for one (1) door from the Board of Zoning Appeals on May 10 <sup>th</sup> , 2022.
Absence of Bldg. Façade:	Required: Proposed:	N/A N/A
Opening Width:	Required: Proposed:	N/A N/A

Parking:	Required:	1 per 300 SF Office 1 per 150 SF Medical <u>1 per 4 bed Hospital use</u> 45 Total
	Proposed:	16 off-street spaces 20 off-site spaces <u>9 on-street spaces</u> 45 Total
Min. Parking Space Size:	Required: Proposed:	180 sq. ft. 180 sq. ft.
Parking Lot Frontage:	Required:	No more than 25% of total site's frontage, or 60 feet, whichever is less. 180 ft * 25% = 45 ft maximum
	Proposed:	57 feet The applicant obtained a variance of 12 feet from the Board of Zoning Appeals on May 10 <sup>th</sup> , 2022.
Loading Area:	Required:	1 off-street loading spaces
	Proposed:	40 ft. x 12 ft. x 14 ft. Loading space in the rear of building. Alley is also 20 feet wide – therefore acceptable
Screening:		
<u>Parking</u> :	Required:	3 ft. masonry screen wall 6 ft. brick screen wall abutting residential with a buffer including a two (2) foot row of landscaping on the parking lot side of the wall.
	Proposed:	3ft evergreen in lieu of masonry material 6 ft. brick screen wall abutting residential with a buffer including a two (2) foot row of landscaping on the parking lot side of the wall.
Loading:	Required: Proposed:	Screened from view Alley / Via loading area screened by building
Rooftop Mechanical:	Required: Proposed:	Screened from view 5'6" metal rooftop screenwall
Elect. Transformer:	Required: Proposed:	Screened from public view Located in rear of building
Dumpster:	Required: Proposed:	Masonry screen wall with wood gates Masonry screen wall with wood gates



### Special Land Use Permit Application Planning Division

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

#### 1. Applicant

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

Phone Number:	
Fax Number:	
Email address:	

#### 3. Applicant's Attorney/Contact Person

Name:	
Address:	
Phone Number:	
Fax Number:	
Email address:	

#### 5. Required Attachments

- I. Two (2) paper copies and one (1) digital copy of all project plans including:
  - i. A detailed Existing Conditions Plan including the subject site in its entirety, including all property lines, buildings, structures, curb cuts, sidewalks, drives, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft. of the subject site's property lines;
  - ii. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
  - iii. A certified Land Survey;
  - iv. Interior floor plans;

#### 6. Project Information

Address/Location of the property:

#### 2. Property Owner

Name:	
Address:	
Phone Number:	
Fax Number:	
Email address:	

#### 4. Project Designer/Developer

Name:		
Address:		
Phone Number:		
Fax Number:		
Email address:		

- v. A Landscape Plan;
- vi. A Photometric Plan;
- vii. Colored elevation drawings for each building elevation;
- II. Specification sheets for all proposed materials, light fixtures and mechanical equipment;
- III. Samples of all proposed materials;
- IV. Photographs of existing conditions on the site including all structures, parking areas, landscaping and adjacent structures;
- V. Current aerial photographs of the site and surrounding properties;
- VI. Warranty Deed, or Consent of Property Owner if applicant is not the owner;
- VII. Any other data requested by the Planning Board, Planning Department, or other City Departments.

 Date of Application for Final Site Plan:

 Date of Final Site Plan Approval:

 Date of Revised Final Site Plan Approval:

 Date of Design Review Board Approval:

 Is there a current SLUP in effect for this site?

 Date of SLUP Approval:

 Date of Last SLUP Amendment:

 Will proposed project require the division of platted lots?

Will proposed project require the combination of platted lots?

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

_		
-		
_		
B. E	Buildings and Structures	
N T	Number of Buildings on Site:	_ Use of Buildings: Height of Rooftop Mechanical Equipment:
		Height of Roottop Mechanical Equipment:
). F	Floor Use and Area (in Square Feet)	
P	Proposed Commercial Structures:	
	Fotal basement floor area:	_ Office Space:
Ν	Number of square feet per upper floor:	Retail Space:
Т	Floor area ratio (total floor area ÷ total land area):	Industrial Space:
F	Floor area ratio (total floor area ÷ total land area):	Assembly Space:
	· · · · · · · · · · · · · · · · · · ·	Seating Capacity Seating Capacity Maximum Occumancy Load:
Ō	Dpen space:	Maximum Occupancy Load:
Р	Percent of open space:	
P	Proposed Residential Structures:	
Т	Fotal number of units.	Rental units or condominiums?
1		Size of one pedroom units:
Ν	Number of two bedroom units:	Size of two bedroom units:
Ν	Number of three bedroom units:	Size of three bedroom units:
C	Dpen space:	Seating Canacity:
Р	Percent of open space:	Seating Capacity: Maximum Occupancy Load:
P	Proposed Additions:	
Т	Fotal basement floor area, if any, of addition:	Use of addition:
N	Number of floors to be added:	Height of addition:
S	Square footage added per floor:	Office space in addition:
Т	Total building floor area (including addition):	Retail space in addition:
F	Floor area ratio (total floor area ÷ total land area):	Industrial space in addition:
	× /	· · · · · · · · · · · · · · · · · · ·
C	Dpen Space:	Maximum building occupancy load (including addition):
Р	Percent of open space:	
10. F	Required and Proposed Setbacks	
R	Required front setback:	Proposed front setback:
K	Required rear setback:	Proposed rear setback
R	Required total side setback:	Proposed total side setback:
S	Side setback:	Second side setback:
11. F	Required and Proposed Parking	
	Required number of parking spaces:	Proposed number of parking spaces:
Т	Typical angle of parking spaces:	Typical size of parking spaces:
Т	Typical width of maneuvering lanes:	Number of spaces <180 sq. ft.:
I	Location of parking on site:	Number of handicap spaces:
L	Location of parking off site:	Shared parking agreement?
N	Number of light standards in parking area:	Height of light standards in parking area:
S	Screenwall material:	Height of screenwall:

2. Landscaping	
Location of landscape areas:	Proposed landscape material:
3. Streetscape	
Sidewalk width:	Description of benches or planters:
Number of benches:	Species of existing trees:
Number of planters:	Species of existing trees
Number of existing street trees:	Species of proposed trees:
Streetscape plan submitted?	
4. Loading	
Required number of loading spaces:	Proposed number of loading spaces:
Typical angle of loading spaces:	Typical size of loading spaces:
Screenwall material:	Height of screenwall:
Location of loading spaces on site:	Height of screenwall: Typical time loading spaces are used:
5. Exterior Waste Receptacles	
Required number of waste receptacles:	Proposed number of waste receptacles:
Location of waste receptacles:	Size of waste receptacles:
Screenwall material:	Height of screenwall:
6. Mechanical Equipment	
Utilities and Transformers:	
Number of ground mounted transformers:	Location of all utilities & easements:
Size of transformers (L•W•H):	
Number of utility easements:	
Screenwall material:	Height of screenwall:
Ground Mounted Mechanical Equipment:	
Number of ground mounted units: Size of ground mounted units (L•W•H):	Location of all ground mounted units:
Size of ground mounted units (L•W•H):	Height of screenwall:
Screenwall material:	Height of screenwall:
Rooftop Mechanical Equipment:	
Number of rooftop units: Type of rooftop units:	Location of all rooftop units:
Somoonwall motorial.	Percentage of roottop covered by mechanical units:
Screenwall material:	Height of screenwall:
Location of screenwall:	
7. Accessory Buildings	
Number of accessory buildings:	Size of accessory buildings:
Location of accessory buildings:	Height of accessory buildings:
J 0	

#### 18. Building Lighting

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

#### 19. Site Lighting

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

#### 20. Adjacent Properties

Number of properties	within 200 ft.:
----------------------	-----------------

#### Property #1

#### Property #2

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

#### Property #3

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

#### Property #4

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

#### Property #5

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

Type of light standards on building:
Height from grade:
Height from grade: Proposed wattage per fixture:
Type of light furthered
Type of light fixtures:
Height from grade:
Proposed wattage per fixture: Holiday tree lighting receptacles:
Tionday tree lighting receptacies.
Property Description:
North, south, east or west of property?
Property Description:
North cout of monort of
North, south, east or west of property?

Property Description:\_\_\_\_\_

North, south, east or west of property?

Property Description:\_\_\_\_\_

North, south, east or west of property?

Property Description:\_\_\_\_\_

North, south, east or west of property?

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

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

Signature of Owner:		Date:
Print Name:		
Signature of Applicant:		Date:
Print Name:		
Signature of Architect:		Date:
Print Name:		
	Office Use Only	
Application #:	Date Received:	Fee:
Date of Approval:	Date of Denial:	Accepted by:



## Notice Signs - Rental Application Community Development

#### 1. Applicant

Name: Midwest Veterinary Partners PLLC	
Address: 20450 Civic Center Dr.	
Southfield MI 48076	
Phone Number: 513-312-5749	
Fax Number:	
Email address: kevin.collett@mvetpartners.com	

#### 2. Project Information

Address/Locatio	on of Proper	ty: 36877 WOODWARD AVENUE
Name of Develo	opment: GAS	OW VETERINARY HOSPITAL
Area in Acres:	1.64 ACRES	

#### 3. Date of Board Review

Board of Building Trades Appeals:	_
City Commission:	
Historic District Commission:	
Planning Board:	

#### **Property Owner**

	877 WOODWARD AVENUE LLC/ROMEO PLANK PROPERTIES
Address:	36877 WOODWARD AVENUE

Phone Number:	(248) 644-7171	
Fax Number:		
Email Address	mbailey@mthpartnersllc.com	

Name of Hist	oric District site is in, if any:
Current Use:	VETERINARY CLINIC
Current Zonin	ng: MZ3

Board of Zoning Appeals:	
Design Review Board:	
Housing Board of Appeals:	

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to post the Notice Sign(s) at least 15 days prior to the date on which the project will be reviewed by the appropriate board or commission, and to ensure that the Notice Sign(s) remains posted during the entire 15 day mandatory posting period. The undersigned further agrees to pay a rental fee and security deposit for the Notice Sign(s), and to remove all such signs on the day immediately following the date of the hearing at which the project was reviewed. The security deposit will be refunded when the Notice Sign(s) are returned undamaged to the Community Development Department. Failure to return the Notice Sign(s) and/or damage to the Notice Sign(s) will result in forfeiture of the security deposit.

A. At Signature of Applicant:

Date: 2/2/22

	Office Use Only	Contraction of the second s	
Application #:	Date Received:	Fee:	
Date of Approval:	Date of Denial:	Reviewed by:	1
Date of rippional.	Dur of Demail		

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#### City Of Birmingham Regular Meeting Of The Planning Board Wednesday, March 23, 2022

City Commission Room 151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 23, 2022. Chair Scott Clein convened the meeting at 7:36 p.m.

#### A. Roll Call

- **Present:** Chair Scott Clein; Board Members Robin Boyle, Bert Koseck, Daniel Share, Janelle Whipple-Boyce; Student Representatives MacKinzie Clein, Andrew Fuller
- Absent: Board Member Stuart Jeffares, Bryan Williams; Alternate Board Members Jason Emerine, Nasseem Ramin

#### Administration:

Nick Dupuis, Planning Director Leah Blizinski, City Planner Brooks Cowan, Senior Planner Laura Eichenhorn, City Transcriptionist

# 1. 36877 Woodward – Gasow – Preliminary Site Plan request for a new 2-story building and associated site improvements

SP Cowan presented the item.

In reply to Mr. Koseck's comments about the number of conditions, PD Dupuis noted that approximately a third of the items were topics that the Board does not usually address until final site plan and design review.

Mike Matthys, architect, and Mike Bailey, owner of the property, spoke on behalf of the project. Mr. Matthys said adding sufficient screening to the north parking spots, accommodating the 14 foot floor-to-floor minimum, adjusting the sidewalks to meet the zoning requirements, and providing the materials for refuse container screening would be no issue.

Mr. Matthys said he was hoping to hear Board comment about screening in the rear of the building, screening on the south side of the parking lot, and access to the parking lot from Woodward. He added that the plans could likely meet the glazing requirements without issue.

Mr. Koseck said he would like to see the applicant modify the site plan to come closer to having 75% of the building façade within zero to five feet of the front lot line. He recommended that the lobby area be within zero to five feet of the front lot line with the exam room areas being further back. He said he was excited to see a new building with quality materials in this location, but that aspects of it could come further into compliance with the ordinance.

Birmingham Planning Board Proceedings March 23, 2022

Mr. Bailey noted the site's conditions are difficult since it is bound by Consumers, DTE, and extant MDOT curb cuts. He said that the site could not accommodate more parking in the rear because of the alley and the topography. He opined that while requiring the building façade to be within zero to five feet of the lot line makes sense to prevent a gap in retail in a pedestrian-heavy area, this site does not have those conditions and so the requirement may not be as relevant in this case.

#### Public Comment

Brady Blaine, neighbor of Gasow, summarized his letter to the Board requesting a few areas of additional screening on-site.

Robert Runco, neighbor of Gasow, concurred with Mr. Blaine's comments. He added that the alley to the south should remain closed and that the 16-foot light should be shielded appropriately.

Messrs. Blaine and Runco were both in favor of the general designs and plans for the project.

Ms. Whipple-Boyce said that in this condition she understood why the plans did not comply with TZ-3, and expressed support for the planned improvements to the site. She continued that she would be supportive of having a six-foot masonry screening wall across the rear parking given the comments of the neighbors. She said some creativity would be required to create some screening beyond the parking to the south. She said it did make sense for the wall to be in the southwest portion of the main parking lot, but that landscaping would be adequate in the area facing Woodward.

In reply to an inquiry from Ms. Whipple-Boyce, the applicant confirmed that the lack of a sidewalk from the rear entry to the main parking lot is because only staff would be using the rear entry and would be parking in the alley.

In reply to Mr. Boyle, PD Dupuis noted the applicant would be obligated to improve the alley if they continue using it. He also acknowledged Mr. Boyle's recommendation that Staff see how they might facilitate other improvements to the area surrounding the property, including the utilities uses, in order to make the area to the north more attractive to potential tenants.

Mr. Koseck recommended the applicant consider eliminating a few of the parking spaces on-site in favor of increased landscaping if at all possible.

Chair Clein thanked the applicant for agreeing to install a screening wall according to the neighbors' requests, and advised the applicant that projects that work with the neighbors produce better results. The Chair continued that the screening in the rear will be useful and that he did not see a need to change the screening in the front. He said he would prefer to see evergreen screening along the north property line rather than a masonry wall. He said he felt to some extent that the applicant was trying to skirt the ordinance by characterizing the project as a rebuild. He said he was not sure whether he would support a variance relating to that.

Mr. Matthys said that given the feedback from the neighbors and the Board the applicant would not be seeking a variance for the screening wall. He said he would work with neighbors to design a screen wall they would support. He said the applicant would pursue a variance from the requirement that 75% of the building façade be within zero to five feet of the front lot line. He stated that if the variance is not granted the applicant would attempt to comply with the ordinance.

#### Motion by Ms. Whipple-Boyce

Seconded by Mr. Share to approve the Preliminary Site Plan for 36877 Woodward Ave, Gasow Veterinary Clinic, with the following conditions:

- 1. The applicant apply for a lot combination to consolidate the parcels where the updated veterinary clinic is proposed;
- 2. The applicant modify the site plan to have 75% of the building façade within 0-5 feet of the front lot line, or obtain a variance from the Board of Zoning Appeals;
- 3. The applicant reduce the parking lot frontage to 25% or less of the front lot line, or obtain a from the Board of Zoning Appeals;
- 4. The applicant satisfy all parking lot screening and buffer requirements of Article 4, Section 4.53 and 4.54 of the Zoning Ordinance for the proposed onsite and off-site parking lots through an understanding with the neighbors regarding satisfying to lot screening, or obtain a variance from the Board of Zoning Appeals;
- 5. The applicant indicate materials and dimensions for mechanical units and refuse container screening;
- 6. The applicant obtain approval from the Police Department to count on-street parking spaces towards their parking requirement;
- 7. The applicant modify the site plan to have 6 foot wide sidewalks on-site and a 7 foot wide sidewalk along Woodward Ave;
- 8. The applicant modify the site plan to incorporate two (2) entrances facing Woodward Ave;
- 9. The applicant modify the site plan to eliminate large blank walls on both floors of the southern and western elevations;
- 10. The applicant provide 5 bike racks to service the building;
- 11. The applicant submit material specifications, samples, dimensions, and all other required information for the proposed building to complete the Design Review at Final Site Plan and SLUP review; and,
- **12.** The applicant comply with the requests of all City Departments.

Ms. Whipple-Boyce said she was comfortable moving the item since discussion clarified that many of the items would either be resolved or addressed at the BZA.

Mr. Koseck said he would vote no on the motion until the Board can gain more insight on the curb cuts from Woodward and the related on-site traffic flow. He said he would like to hear from the City's traffic engineer on the safety of that aspect of the design.

Chair Clein directed Staff to ensure that all outstanding issues between the applicant and the City's traffic engineer, BZA, MDOT, neighbors, and other potentially relevant parties are resolved before the project returns to the Board for final site plan and design review. Birmingham Planning Board Proceedings March 23, 2022

## Motion carried, 4-1.

ROLL CALL VOTE Yeas: Share, Boyle, Whipple-Boyce, Clein Nays: Koseck

## DRAFT Board of Zoning Appeals Minutes May 10th, 2022

36877 WOODWARD 22-19

SP Cowan presented the item.

Mike Matthys, architect, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

In reply to Chair Morganroth, Mr. Matthys said variance A was being sought because complying with the ordinance would make the building less architecturally pleasant, especially when viewed from Woodward heading north. He added that meeting the ordinance and maintaining the extant access points would also be problematic. He said he was unsure if he could move the parking to the building's rear if he lengthened the building to the north while making the building shallower.

Chair Morganroth noted that the petitioner was not restrained by the existing footprint since the proposal was for a complete demolition and rebuild.

Mr. Matthys acknowledged that to be the case, but said the plans were constrained by efforts to maintain the same access points, efforts to maximize parking on-site, and the utility on the southern boundary of the site. He said the petitioner has pushed to meet the intent of the ordinance while accommodating the restraints of the site.

In reply to the Chair, Mr. Matthys said variance A could be lessed by approximately 15 feet if the southern trapezoidal corner were eliminated.

BO Johnson confirmed for Mr. Reddy that the locations of the site's curb cuts are determined by MDOT.

#### Motion by Mr. Canvasser

Seconded by Mr. Hart with regard to Appeal 22-19, A. Chapter 126, Article 4, Section 2.46.2 of the Zoning Ordinance requires the minimum front yard setback for the building façade to be built within 5 feet of the front lot line for a minimum of 75% of the street frontage length. The applicant is proposing a building façade within 5 feet of the front lot line for 55% of the street frontage length, therefore a dimensional variance of 35 feet is being requested; B. Chapter 126, Article 4, Section 4.53(A)(1) of the Zoning Ordinance requires that no more than 25% of a property's frontage, or 60 feet, whichever is less, shall be occupied by parking lot. The applicant is proposed 32% of their frontage line to be occupied by parking a parking lot; therefore, a dimensional variance of 12 feet is being requested; and, C. Chapter 126, Article 4, Section 4.83(B)(3) of the Zoning Ordinance requires that buildings longer than 100 feet to have one (1) usable entrance for every full 50 feet of frontage along the front public sidewalk. The applicant is proposing a building width of 100'8" with one door facing the frontage, therefore a dimensional variance of 1 door is being requested.

Mr. Canvasser moved to approve all three variances and tied the approvals to the plans as submitted. He stated that the property had unique circumstances that would render compliance

with the ordinance unnecessarily burdensome. He said the plans would do substantial justice to other property owners and to the City as a whole, especially given the site's gateway location.

Mr. Canvasser said that while the petitioner could meet the ordinance instead of seeking the eight inch variance C, he noted that asking the petitioner to do so would have cascading effects that would change the entire proposal. He said he found the proposed plans reasonable overall, that the door is almost on the frontage, and that the grade of the property also impacted this aspect of the plans.

Mr. Hart said the petitioner worked to make the plans as ordinance-compliant as possible. He noted that there are specific architectural challenges with veterinary medicine that the plans address.

Chair Morganroth said he would not support the motion. He said the requirements of TZ-3 zoning were designed intentionally, and that this proposal could do more to come closer to compliance. He noted that removing the trapezoidal design of the southern corner could lower the request for Variance A to about 20 feet.

Motion carried, 4-2.

ROLL CALL VOTE Yeas: Canvasser, Hart, Reddy, Miller Nays: Kona, Morganroth

### DRAFT Board of Zoning Appeals Minutes May 10th, 2022

36877 WOODWARD 22-19

SP Cowan presented the item.

Mike Matthys, architect, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

In reply to Chair Morganroth, Mr. Matthys said variance A was being sought because complying with the ordinance would make the building less architecturally pleasant, especially when viewed from Woodward heading north. He added that meeting the ordinance and maintaining the extant access points would also be problematic. He said he was unsure if he could move the parking to the building's rear if he lengthened the building to the north while making the building shallower.

Chair Morganroth noted that the petitioner was not restrained by the existing footprint since the proposal was for a complete demolition and rebuild.

Mr. Matthys acknowledged that to be the case, but said the plans were constrained by efforts to maintain the same access points, efforts to maximize parking on-site, and the utility on the southern boundary of the site. He said the petitioner has pushed to meet the intent of the ordinance while accommodating the restraints of the site.

In reply to the Chair, Mr. Matthys said variance A could be lessed by approximately 15 feet if the southern trapezoidal corner were eliminated.

BO Johnson confirmed for Mr. Reddy that the locations of the site's curb cuts are determined by MDOT.

### Motion by Mr. Canvasser

Seconded by Mr. Hart with regard to Appeal 22-19, A. Chapter 126, Article 4, Section 2.46.2 of the Zoning Ordinance requires the minimum front yard setback for the building façade to be built within 5 feet of the front lot line for a minimum of 75% of the street frontage length. The applicant is proposing a building façade within 5 feet of the front lot line for 55% of the street frontage length, therefore a dimensional variance of 35 feet is being requested; B. Chapter 126, Article 4, Section 4.53(A)(1) of the Zoning Ordinance requires that no more than 25% of a property's frontage, or 60 feet, whichever is less, shall be occupied by parking lot. The applicant is proposed 32% of their frontage line to be occupied by parking a parking lot; therefore, a dimensional variance of 12 feet is being requested; and, C. Chapter 126, Article 4, Section 4.83(B)(3) of the Zoning Ordinance requires that buildings longer than 100 feet to have one (1) usable entrance for every full 50 feet of frontage along the front public sidewalk. The applicant is proposing a building width of 100'8" with one door facing the frontage, therefore a dimensional variance of 1 door is being requested.

Mr. Canvasser moved to approve all three variances and tied the approvals to the plans as submitted. He stated that the property had unique circumstances that would render compliance

with the ordinance unnecessarily burdensome. He said the plans would do substantial justice to other property owners and to the City as a whole, especially given the site's gateway location.

Mr. Canvasser said that while the petitioner could meet the ordinance instead of seeking the eight inch variance C, he noted that asking the petitioner to do so would have cascading effects that would change the entire proposal. He said he found the proposed plans reasonable overall, that the door is almost on the frontage, and that the grade of the property also impacted this aspect of the plans.

Mr. Hart said the petitioner worked to make the plans as ordinance-compliant as possible. He noted that there are specific architectural challenges with veterinary medicine that the plans address.

Chair Morganroth said he would not support the motion. He said the requirements of TZ-3 zoning were designed intentionally, and that this proposal could do more to come closer to compliance. He noted that removing the trapezoidal design of the southern corner could lower the request for Variance A to about 20 feet.

Motion carried, 4-2.

ROLL CALL VOTE Yeas: Canvasser, Hart, Reddy, Miller Nays: Kona, Morganroth

### City Of Birmingham Regular Meeting Of The Planning Board Wednesday, June 8, 2022

City Commission Room 151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on June 8, 2022. Chair Scott Clein convened the meeting at 7:30 p.m.

### A. Roll Call

- **Present:** Chair Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Jason Emerine, Nasseem Ramin; Student Representatives MacKinzie Clein, Andrew Fuller
- Absent: None

### Administration:

Nick Dupuis, Planning Director Leah Blizinski, City Planner Brooks Cowan, Senior Planner Laura Eichenhorn, City Transcriptionist Bruce Johnson, Building Official

# 1. 36877 Woodward – Gasow – Request for new 2-story commercial building and associated site improvements

SP Cowan presented the item.

Mike Matthys, architect, and Mike Bailey, property co-owner, spoke on behalf of the request.

Mr. Matthys confirmed:

- There will be a six-foot masonry screening wall with design elements running the length of the parking spots abutting the parcel to the west; and,
- There will be screening of parking towards Woodward and towards the alley.

In reply to Board inquiry, Mr. Bailey stated:

- Screening has been added to the south and the west at the request of the neighbors; and,
- Conversations with the property owner to the north are ongoing.

Mr. Boyle expressed disappointment that the property to the north of 36877 Woodward would be one of the first parcels one sees driving south on Woodward from Bloomfield Hills, given that parcel's current condition.

Mr. Williams said that the project, with the changes integrated between preliminary and final site plan, was tremendous. He said it would be a positive addition to that parcel and visually pleasing for drivers entering Birmingham from the north.

### Public Comment

Brady Blaine, neighbor, thanked the City and the ownership for taking his previously expressed concerns into account. He said he was pleased to hear that a screening wall would extend all the way to the southwest corner.

Robert Runco, neighbor, asked that a deflector be added to the one light post that would cast light towards the residences to the rear of 36877 Woodward. He said that the neighbors to the rear of the property in question are otherwise enthused about the current proposal.

### 06-127-22

### Motion by Mr. Share

Seconded by Mr. Williams to recommend approval of the SLUP for 36877 Woodward Ave, Gasow Veterinary Clinic, with the following conditions:

- 1. The applicant apply for a lot combination to consolidate the parcels where the updated veterinary clinic is proposed;
- 2. The Planning Board approve the use of evergreen landscaping in lieu of a masonry screenwall for parking along the far northeast and far northwest corners of the parking lot screening;
- 3. The applicant submit an updated photometric plan with the updated parking lot and pedestrian plaza layout;
- 4. The applicant provide additional glazing on the western façade of the second floor to break up the blank wall longer than 30 feet;
- 5. The applicant submit updated signage plans satisfying the canopy signage requirements to be approved administratively;
- 6. The applicant install traffic ingress/egress signage within the parking lot as approved by the Engineering Department;
- 7. The material on the fence of the southwest corner of the property be administratively approved; and,
- 8. The applicant comply with the requests of all City Departments.

### Motion carried, 7-0

VOICE VOTE Yeas: Share, Clein, Jeffares, Boyle, Whipple-Boyce, Williams, Koseck Nays: None

Nick Dupuis Planning Director

Laura Eichenhorn City Transcriptionist



## MEMORANDUM

Planning Division

June 27, 2022
Thomas M. Markus, City Manager
Nicholas Dupuis, Planning Director
Set Public Hearing for 220 Merrill – 220 Restaurant – Review for Compliance – Special Land Use Permit

### INTRODUCTION:

The applicant was recently approved for changes to their outdoor dining plan that involved a new platform in the Merrill St. right-of-way and some minor modifications to the existing patio on private property.

### BACKGROUND:

On May 9, 2022, the City Commission moved to approve the Special Land Use Permit, Final Site Plan and Design Review application for 220 Merrill – 220 Restaurant –with the following conditions:

- 1. The applicant must remove all privately owned obstructions such as the existing planter boxes, as well as the hanging planters proposed on the new fence on the east side of the existing patio from the public right-of-way or relocate them to private property;
- 2. The applicant must install city standard tree grates over both tree boxes that exist along the right-of-way adjacent to the property;
- 3. The applicant must appear before the Commission again at the second Commission meeting in July 2022 to review compliance.

### LEGAL REVIEW:

The City Attorney has reviewed this request 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 will be placed in a newspaper of local circulation to advertise the nature of the request in advance of the July 25, 2022 City Commission meeting, and notices will be sent out to all property owners and tenants within 300 ft. of the property.

### SUMMARY:

The Planning Division requests that the City Commission set a public hearing date of July 25, 2022 to review the Special Land Use Permit for 220 Merrill – 220 Restaurant.

### ATTACHMENTS:

No attachments have been included with this memorandum.

### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to set a public hearing date of July 25, 2022 to review the outdoor dining at 220 Merrill – 220 Restaurant for compliance.



## MEMORANDUM

Planning Division

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

FROM: Nicholas Dupuis, Planning Director

**SUBJECT:** Fabrication and Installation of Via Wayfinding Signage

### INTRODUCTION:

In the fall of 2012, the City of Birmingham adopted the Via Activation Overlay District and Activating Urban Space Plan. One of the goals of the plan is to activate alleys and passages through the use of wayfinding. Recommendation #3: Establish Activation Strategies states:

Wayfinding signage can be the most effective method of raising awareness that alleys and passages exist, and that these spaces provide additional retail and recreation opportunities. The signage could also indicate that they provide convenient shortcuts and increased connectivity in commercial areas.

At this point, the City has purchased and installed 9 Via Wayfinding signs across Downtown Birmingham. There exists 24 other alley exit/entry points that do not have signage. Please see the attached map for the locations of existing signage and locations without. At this time, the Planning Division is proposing to purchase and install 8 additional signs to further implement the Activating Urban Space Plan. The locations of the 8 proposed new signs are located on the same attached map.

### BACKGROUND:

The first of the via wayfinding signs were installed in the summer of 2017. 4 signs were installed directing pedestrians through the via alongside Social Kitchen on E. Maple through the alley and out onto Hamilton next to Commonwealth Café. The Old Woodward reconstruction project also includes the installation of 2 additional via signs at the Willits alley entrance on W. Maple and the pedestrian path on S. Old Woodward directing persons into the private alley behind Casa Pernoi.

A second phase of via wayfinding signs was installed in 2018. 5 signs were installed at the other two entrances to Willits Alley, the entrances to the Café Via passage along W. Maple and along Peabody, and then one additional sign on Merrill St. on the east side of 220 restaurant. These locations were selected because there are existing pedestrian light poles that can be used to mount the signs

### LEGAL REVIEW:

The City Attorney has reviewed the documentation as to form and substance and has no objections.

### FISCAL IMPACT:

The Planning Division budgeted \$30,000 in Fiscal Year 21-22 to fund the via wayfinding sign program. There is sufficient funding remaining in the Planning Division budget for the suggested commission action below in account number 101-721.000-825.0100.

### PUBLIC COMMUNICATIONS:

There were no public communications provided or required for this agenda item.

### SUMMARY:

The Planning Division requests that the City Commission enter into a contract with Johnson Sign Co. in the amount of \$19,200.00 to fabricate and install 8 new via wayfinding signs as a part of the Activating Urban Space Plan.

### ATTACHMENTS:

- Draft Agreement for Via Sign Fabrication & Installation
- Via Wayfinding Sign Map
- Via Wayfinding Sign Detail
- Photographs

### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve an agreement with Johnson Sign Co. for the fabrication and installation of via wayfinding signs in the amount not to exceed \$19,200. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for this project has been budgeted in account # 101-721.000-825.0100.

### AGREEMENT OF VIA WAYFINDING SIGNS

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 \_\_\_\_\_<u>JOHNSON SIGN COMPANY, INC.\_\_\_</u> a Michigan \_\_\_\_\_<u>DOMESTIC PROFIT CORPORATION</u>, whose address is \_\_\_\_<u>2240 Lansing Ave. Jackson,</u> <u>MI 4920</u>, (hereafter referred to as \_\_\_<u>CONTRACTOR</u>\_\_\_ and the foregoing shall collectively be referred to as the parties.

**WHEREAS,** the City desires to purchase fabrication and installation services for eight (8) via wayfinding signs.

**WHEREAS,** the CONTRACTOR has unique and sole source qualifications that meet the project requirements and has provided a cost proposal to perform fabrication and installation services for eight (8) via wayfinding signs.

**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 Contractor's cost proposal dated June 16, 2022, which includes a quote for the furnishing and installation of eight new via wayfinding signs shall be fully incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto (attached hereto as Attachment "A").

**2. TERM:** This Agreement shall have a term of two (2) years from the date stated above. The City shall have the right to unilaterally terminate this Agreement on thirty (30) days written notice. In the event of termination, the 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 via wayfinding signs 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.** The 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'S role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the CONTRACTOR nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the CONTRACTOR shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The CONTRACTOR shall not be considered entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.

**8. COMPLIANCE WITH LAWS:** The CONTRACTOR agrees to fully and faithfully carry out the duties of set forth herein using its best efforts in accomplishing 3 all assignments from the City, and further, in addition to upholding all federal, and state laws and applicable codes of professional conduct to which the CONTRACTOR is subject, The 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 the 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; The CONSULTANT agrees and understands that its engagement is at will and may be terminated by the City Manager for any cause or no cause.

**10. INDEMNIFICATION:** To the fullest extent permitted by law, the 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:

<u>For Non-Sole Proprietorships:</u> The CONTRACTOR shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers 4 Liability Coverage, in accordance with all applicable statutes of the State of Michigan.

<u>For Sole Proprietorships</u>: The 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. <u>Commercial General Liability Insurance</u>: The 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. <u>Motor Vehicle Liability:</u> The 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.

E. <u>Additional Insured</u>: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, <u>shall include an endorsement stating the following</u> **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. F. <u>Professional Liability</u>: 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.

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

H. Proof of Insurance Coverage: The 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.

I. <u>Maintaining Insurance</u>: 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: Nicholas Dupuis, Planning Director

Johnson Sign Company, INC.:

Attn:\_\_\_\_\_

**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 the CONTRACTOR'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 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 the 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 7 to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL §600.5001 et seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in

Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in a federal or state court with jurisdiction over Oakland County, Michigan.

**20. COST PROPOSAL:** The CONTRACTOR shall be held to and bound by all terms, conditions, warranties and representations which it made in its written response dated June 16, 2022 (attached hereto as Attachment "B"). In the event of a conflict in any of the terms of this Agreement and the CONTRACTOR'S June 16, 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 the 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.

Johnson Sign Company, INC. By:\_\_\_\_\_\_ Its:\_\_\_\_\_\_

### **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)

Nicholas Dupuis, Planning Director

(Approved as to substance)

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



Johnson Sign Co. Corporate Headquarters 2240 Lansing Ave. Jackson, MI 49202 P: (517) 784-3720 F: (517) 784-1556 Remit all payment and involces to above address

Lansing Office 1800 S. Cedar St. Lansing, MI 48910 P: (517) 482-2090 F: (517) 482-2138 
 Ypsilanti Office

 663 S. Mansfield St.

 Ypsilanti, MI 48197

 P: (734) 483-2000

 F: (734) 483-5164

www.johnsonsign.com

## JSC PROPOSAL Proposal #: 16843

 Proposal Date:
 06/16/22

 Customer #:
 4420

 Page:
 1 of 3

SOLD TO:	JOB LOCATION:
CITY OF BIRMINGHAM	CITY OF BIRMINGHAM
151 MARTIN ST.	151 MARTIN ST.
P.O. BOX 3001	P.O. BOX 3001
BIRMINGHAM MI 48012	BIRMINGHAM MI 48012

Johnson Sign Company (HEREINAFTER CALLED THE "COMPANY") HEREBY PROPOSES TO FURNISH ALL THE MATERIALS AND PERFORM ALL THE LABOR NECESSARY FOR THE COMPLETION OF:

QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	QUOTE #7248	\$19,200.00	\$19,200.00
	Furnish & Install (8) Via Wayfinding Signs on Existing Light Poles		

Scope of Work: -Furnish (8) new Via signs -Install (8) new signs on existing light poles

\*does not include tax & permits - if needed those would be additional

ALL MATERIAL IS GUARANTEED TO BE AS SPECIFIED, AND THE ABOVE TO BE IN ACCORDANCE WITH THE DRAWINGS AND OR SPECIFICATIONS SUBMITTED FOR THE ABOVE WORK AND COMPLETED IN A WORKMANLIKE MANNER FOR THE SUM OF:

TOTAL PROPOSAL AMOUNT: \$19,200.00

**TERMS: 50.0% DOWN, BALANCE DUE ON COMPLETION** 

(INTEREST OF 1.5% PER MONTH WILL BE ADDED TO PAST DUE ACCOUNTS)

#### THIS PRICE DOES NOT INCLUDE ELECTRICAL RAN TO SIGN LOCATION, PERMITS OR TAX UNLESS SPECIFICALLY STATED.

NOTE: THIS PROPOSAL MAY BE WITHDRAWN IF NOT ACCEPTED WITHIN 30 DAYS. WORK WILL NOT BEGIN UNTIL DOWN PAYMENT AND WRITTEN ACCEPTANCE IS RECEIVED.

ANY ALTERATION FROM THE ABOVE SPECIFICATIONS INVOLVING EXTRA COSTS, WILL BE EXECUTED ONLY UPON WRITTEN ORDERS, AND WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THE ESTIMATE TO BE PAID BY THE PURCHASER.

## TERMS AND CONDITIONS JOHNSON SIGN CO.

1. UPON DEFAULT IN THE PAYMENT OF ANY SUMS HEREIN AGREED, Johnson Sign Company MAY, AT ITS OPTION, DECLARE THE ENTIRE BALANCE PRICE FULLY DUE AND PAYABLE WITHOUT FURTHER NOTICE TO CUSTOMER; AND WHEN DECLARED, CUSTOMER AGREES TO PAY INTEREST ON SAID BALANCE, WHEN DECLARED DUE AT THE RATE OF 1.5% PER MONTH. CUSTOMER FURTHER AGREES TO PAY ALL REASONABLE COSTS OF COLLECTION OF SAID BALANCE INCURRED BY THE COMPANY, INCLUDING ATTORNEY'S FEES.

COMPANY INITIALS

CUSTOMER INITIALS



Johnson Sign Co. Corporate Headquarters 2240 Lansing Ave. Jackson, MI 49202 P: (517) 784-3720 F: (517) 784-1556 it all payment and invoices to above address

Lansing Office 1800 S. Cedar St. Lansing, MI 48910 P: (517) 482-2090 F: (517) 482-2138

Ypsilanti Office 663 S. Mansfield St. Ypsilanti, MI 48197 P: (734) 483-2000 F: (734) 483-5164

www.johnsonsign.com

## JSC PROPOSAL **Proposal #: 16843**

Proposal Date:	06/16/22
Customer #:	4420
Page:	2 of 3

- 2. BOTH PARTIES HERETO AGREE THAT THE TITLE TO SAID ELECTRICAL SIGN SHALL REMAIN IN THE COMPANY UNTIL PAID FOR IN FULL, BUT AFTER DELIVERY TO THE CUSTOMER ALL DAMAGE FROM FIRE OR OTHER CAUSES AFTER SAID DELIVERY SHALL BE ASSUMED BY SAID CUSTOMER AND WILL NOT AFFECT THE RIGHTS OF THE COMPANY TO ENFORCE OF THE PURCHASE PRICE THEN UNPAID.
- 3. IT IS FURTHER AGREED BY BOTH PARTIES THAT ALL PROVISIONS IN REGARD TO THE PROJECT ARE CONTAINED IN WRITING HEREIN.
- 4. ALL TERMS AND CONDITIONS OF THIS CONTRACT SHALL BE BINDING UPON ANY SUCCESSORS, ASSIGNEES OR OTHER LEGAL REPRESENTATIVES OF THE RESPECTIVE PARTIES BUT NO ASSIGNMENT SHALL BE MADE BY THE CUSTOMER WITHOUT THE CONSENT IN WRITING OF THE COMPANY UNLESS FULL PAYMENT OF THE TOTAL CONSIDERATION HAS BEEN MADE.
- 5. Johnson Sign Company SHALL SECURE ALL NECESSARY PERMITS FROM THE BUILDING OWNER, AND/OR OTHERS WHOSE PERMISSION IS REQUIRED FOR THE INSTALLATION OF THE SIGN AND SAID SHALL BE LIABLE FOR ANY OBSTRUCTION OF DELIVERY DUE TO DELAY IN OBTAINING SUCH PERMISSION. FURTHERMORE, IF CUSTOMER EXECUTES THIS CONTRACT OF SALES WITHOUT EVER OBTAINING PERMISSION FROM PARTY OR PARTIES NECESSARY FOR THE INSTALLATION OF SAID SIGN, THEN CUSTOMER PURCHASES SAME AND IS BOUND TO THE TERMS AND CONDITIONS OF THIS CONTRACT AS THOUGH SAID PERMISSION WAS OBTAINED AND AGREES TO RELIEVE THE COMPANY FROM ANY LIABILITY FOR ITS FAILURE WITHIN 10 DAYS OF DELIVERY TO ERECT OR INSTALL SAID SIGN.
- 6. CUSTOMER AGREES TO PROVIDE ELECTIRCAL SERVICE FEED WIRE OF SUITABLE CAPACITY AND APPROVED MATERIAL TO LOCATION OF DISPLAY IN ADVANCE OF INSTALLATION. AND TO MAKE CONNECTION OF SAID ELECTRICAL FEED TO DISPLAY.
- 7. WHEN PIER DRILLING IS NECESSARY, THE COMPANY WILL CONTACT APPROPRIATE AGENCY TO LOCATE PUBLIC UTILITIES. LOCATION OF PRIVATE UTILITIES IS SOLE RESPONSIBILITY OF THE CUSTOMER. IN THE EVENT ROCK IS ENCOUNTERED IN THE DRILLING PROCESS, TO THE POINT WHERE SPECIAL EQUIPMENT IS REQUIRED, ADDITIONAL MONIES MAY BE REQUESTED IN WRITING BY THE COMPANY.
- 8. ALL PRODUCTS MANUFACTURED BY THE COMPANY ARE GUARANTEED UNCONDITIONALLY AGAINST DEFECTIVE PARTS, MATERIALS AND WORKMANSHIP, WITH EXCEPTION OF INCANDESCENT AND FLUORESCENT LAMPS AS THEY ARE NEVER GUARANTEED, FOR A PERIOD OF ONE YEAR (1) YEAR. FOR THE NEXT THREE HUNDRED THIRTY (330) DAYS, AND MATERIAL, WITH THE EXCEPTION OF THE LAMPS, WILL BE REPLACED AT NO COST TO THE BUYER FOR THIS MATERIAL, THE COST OF LABOR. HOWEVER, WILL BE CHARGED AT HOURLY RATES.

THIS PROPOSAL DOES NOT BECOME EFFECTIVE UNTIL SIGNED AND DATED BY THE COMPANY; ONCE SIGNED THIS PROPOSAL WILL EXPIRE AFTER 30 DAYS.

THE ABOVE PRICES, SPECIFICATIONS, AND CONDITIONS ARE SATISFACTORY AND ARE HEREBY ACCEPTED. YOU ARE AUTHORIZED TO DO THE WORK AS SPECIFIED. PAYMENT WILL BE MADE AS OUTLINED ABOVE.

SALESPERSON:		

ACCEPTED BY:		

DATE: \_\_\_\_\_

TITI F	
· · · · · · · · · · · · · · · · · · ·	

SIGNATURE:

DATE:



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Lansing Office 1800 S. Cedar St. Lansing, MI 48910 P: (517) 482-2090 F: (517) 482-2138 Ypsilanti Office 663 S. Mansfield St. Ypsilanti, MI 48197 P: (734) 483-2000 F: (734) 483-5164

www.johnsonsign.com

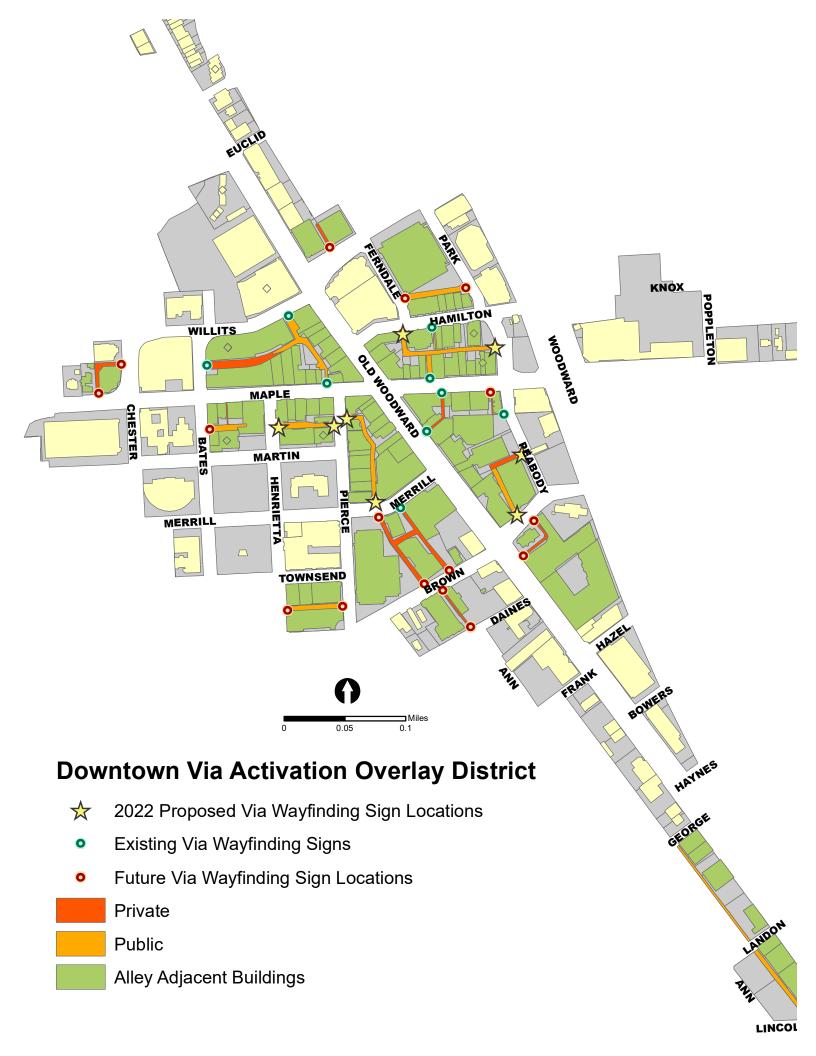
## **DEPOSIT INVOICE** Invoice #: DP16843

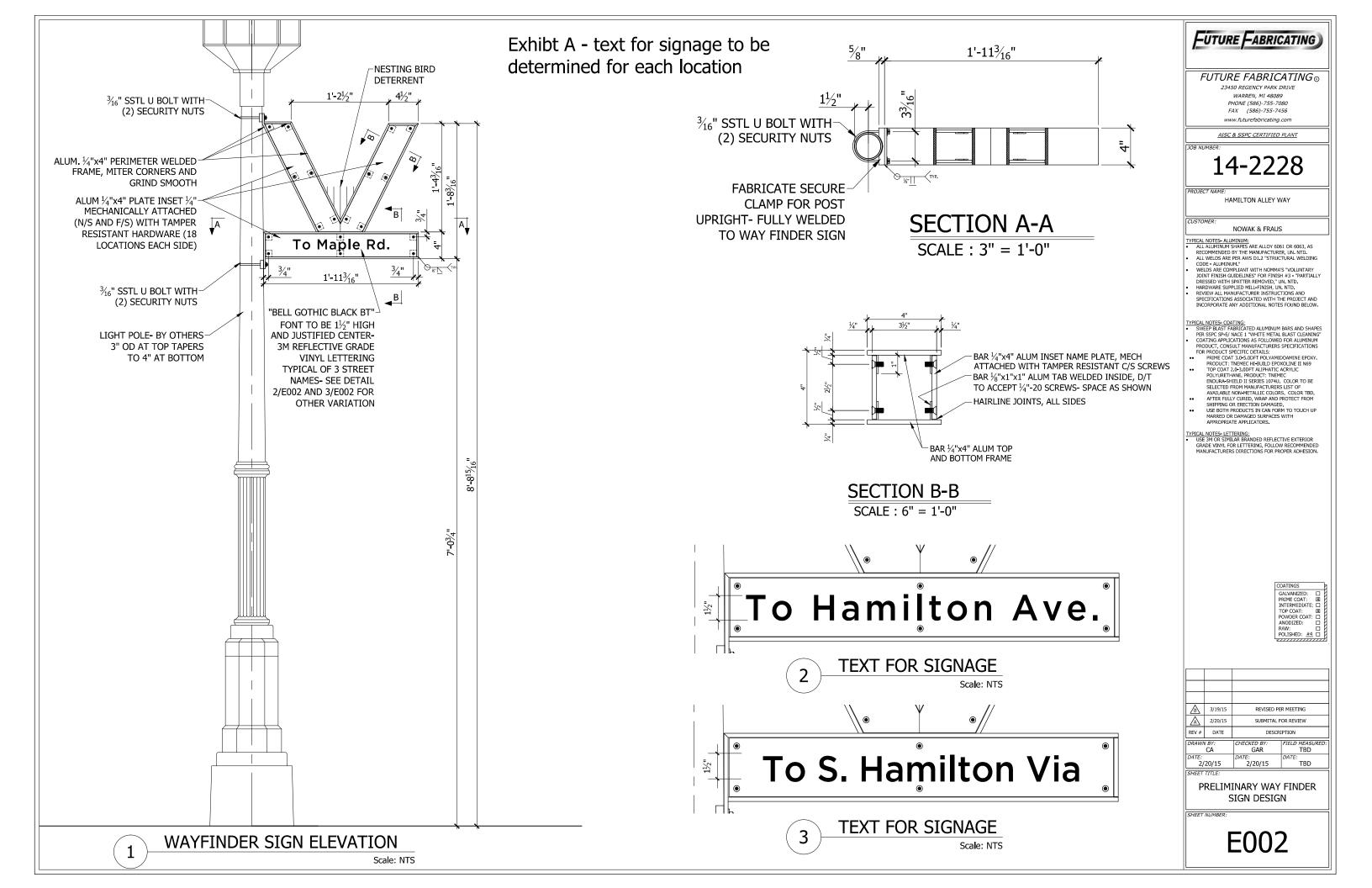
Inv Date: Customer #: Page: 06/16/22 4420 3 of 3

SOLD TO:	JOB LOCATION:
CITY OF BIRMINGHAM	CITY OF BIRMINGHAM
151 MARTIN ST.	151 MARTIN ST.
P.O. BOX 3001	P.O. BOX 3001
BIRMINGHAM MI 48012	BIRMINGHAM MI 48012

ORDERED BY	PO NUMBER	SALESPERSON	ORDER DATE	PAYMENT TERMS	DUE DATE
		Jim Johnson	06/10/22	50.0% Due Upon Receipt	08/01/22

QTY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	QUOTE #7248 Furnish & Install (8) Via Wayfinding Signs on Existing Light Poles Scope of Work: -Furnish (8) new Via signs -Install (8) new signs on existing light poles *does not include tax & permits - if needed those would be additional	\$19,200.00	\$19,200.00
	TOTAL PROPOSAL AMOUNT *** FINAL INVOICE AMOUNT MAY VARY UPON COMPLETION ***		\$19,200.00
	PLEASE PAY THIS DE	POSIT AMOUNT:	\$9,600.00







### **MEMORANDUM**

**Finance Department** 

DATE:	June 16, 2022
то:	Thomas M. Markus, City Manager
FROM:	Mark Gerber, Finance Director/Treasurer
SUBJECT:	Water/Sewer Rate Changes for 2022-2023 REVISON

### INTRODUCTION:

The Great Lakes Water Authority (GLWA) recently revised their water and sewer rates for FY 2022-2023 to exclude the Highland Park bad debt expense. This revision will affect the how much the City has to pay for water and sewer services.

### BACKGROUND:

On June 2, 2022, GLWA voted to remove the Highland Park bad debt expense from water and sewer rates approved in February 2022. However, the City did not receive notice of the revision until after the City Commission approved water and sewer rates for fiscal year 2022-2023 on June 13, 2022.

As the City is not a direct customer of GLWA, these rate changes have to make their way through Southeast Oakland County Water Authority (SOCWA) for water and the Oakland County Water Resources Commissioner (OCWRC) for sewage and storm water. SOCWA approved the revised rate changes at their meeting on June 8, 2022. OCWRC will meet to consider the rate changes at their meeting on June 28, 2022.

LEGAL REVIEW: No legal review necessary.

### FISCAL IMPACT:

Water Rates

The revised rates approved by GWLA for water result in very minor changes to the City of Birmingham which would result in less than \$.01 difference from what the City Commission approved. Therefore, City staff do not recommend making a change to this rate.

### Sewer Rates

The revised rates approved by GLWA for sanitary sewage could result in a decrease of \$99,230 or \$.12 per unit of water if the OCWRC adopts the revised rates. This would lower the rate from

\$9.42 approved by the City Commission to \$9.30 which would be an increase of 8.5% from the prior year rather than the 10% increase.

### Storm Water Rates

The revised rates approved by GWLA for storm water could result in a decrease in storm water costs of \$23,790 for the Southeast Oakland County (GWK) Sewage Disposal District if approved by the OCWRC. The decrease would result in a change to the annual Equivalent Storm Water Unit (ESWU) rate approved by the City Commission from \$278 to \$273. The revised rates approved by GLWA for storm water for the Evergreen-Farmington Sewage Disposal District were minimal and would not change the rate.

The City's revised rates would only take effect if the OCWRC adopts the revised GLWA rates at their meeting on June 28<sup>th</sup>. The City's new rates would be effective for all billings which have a water read date on or after July 1, 2022

Below are the recommended fee changes:

### FEES, CHARGES, BONDS AND INSURANCE AMENDMENT

### FINANCE

Section	Existing Fee	Proposed Fee	Change Code
Sewer Service Rates (Chapter 114)			
For each 1,000 gallons or part thereof	\$ 9.42	\$ 9.30	В
<b>Storm Water Utility Fee (Chapter 114)</b> Southeast Oakland County Sewage Disposal District For each Equivalent Storm Water Unit (ESWU)			
Quarterly Fee	\$ 69.50	\$ 68.25	В
Monthly Fee	\$ 05.50 \$ 23.17	•	B
<ul> <li><u>CHANGE CODES</u></li> <li>A. Fee has remained the same for many years</li> <li>B. Proposed fee covers current costs</li> <li>C. Pass through costs that reflects actual cost of service</li> <li>D. Fee consistent with neighboring communities</li> <li>E. New fee</li> <li>F. Increase to cover normal inflationary increase</li> <li>G. No longer provide this service</li> <li>H. Other – Explain</li> </ul> PUBLIC COMMUNICATIONS:			

Water and sewer rates were discussed at the City Commission meeting on June 13, 2022, and the public hearing on May 7, 2022.

### SUMMARY:

It is recommended that the City Commission amend the Schedule of Fees, Charges, Bonds and Insurance for changes in sewer and storm water rates effective for bills with read dates on or after July 1, 2022 as recommended above contingent on the OCWRC adopting GLWA's revised rates.

### ATTACHMENTS:

Letter from Great Lakes Water Authority

### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to amend the Schedule of Fees, Charges, Bonds and Insurance for changes in sewer and storm water rates effective for bills with read dates on or after July 1, 2022 as recommended in this report, contingent on the Oakland County Water Resources Commissioner adopting the revised Great Lakes Water Authority rates at their June 28<sup>th</sup> meeting.



Office of the Interim Chief Executive Officer 735 Randolph Street, Suite 1900 Detroit, Michigan 48226

June 7, 2022

To Our Member Partners:

I last wrote to you on March 1, 2022, to convey the FY 2023 service charge for your community that was adopted by the Board of Directors for the Great Lakes Water Authority (GLWA) on February 23, 2022. At that time, the adopted charges included an allocation of the Highland Park bad debt expense. Since that time, several positive steps have occurred that allowed the Board of Directors to reverse the bad debt expense allocation and lower the adopted charges for FY 2023. Accordingly, attached is your community's amended approved service charge for FY 2023.

Below is a timeline of the events that have led to this desired outcome for the region related to the complex Highland Park matter.

**May 10, 2022 - Wayne County Circuit Court Clarifies 1996 Agreements and Orders the City of Highland Park to Resume Payments** – As background, the City of Highland Park stopped making payments to GLWA in April 2021, asserting that its charges were capped by 1996 agreements. The Wayne County Circuit Court rejected that argument and made clear that Highland Park's payment obligation is not limited to 1996 levels. Further, the Court ruled that Highland Park's decision to cease making escrow payments to GLWA based upon its interpretation of prior court orders was incorrect. The Court held that "Highland Park's liabilities under the 1996 Agreements are not capped at the amount those agreements required Highland Park to escrow." The Court states in its opinion, "the Court finds that GLWA has established beyond factual and legal dispute that Highland Park breached its escrow obligations under the 1996 settlement agreements, and that: (1) GLWA is entitled to a judgment representing 65% of Highland Park's water and sewer revenue to GLWA for every month it has not deposited such funds into the parties' escrow account; and (2) Highland Park is hereby ordered to continue making such deposits until this Court rules otherwise."

**May 11, 2022 – Governor Whitmer Pledges Support to Resolve Highland Park Matters** – Governor Whitmer reaches out to GLWA recognizing the Highland Park matters, the impact that it has on the region, and communicates that "[t]he State stands ready to support GLWA in resolving outstanding issues."

**May 31, 2022 – GLWA is Notified that Highland Park is Sending a Payment** – This is a key point in evaluating the reversal of the Highland Park bad debt expense allocation. The original driver for including the bad debt expense recovery in FY 2023 charges was Highland Park's nonpayment for nearly a year.

June 2, 2022 – GLWA Board Rolls Back Highland Park Bad Debt Expense Recovery Amounts in FY 2023 Charges - The GLWA Board of Directors voted to eliminate the bad debt expense recovery amounts related to Highland Park in FY 2023 charges that were passed on February 23, 2022. This reduces charges by \$6.7 million (\$1.3 million for water and \$5.4 million for sewer). **June 3, 2022 – GLWA Receives Payment from Highland Park** – An amount received from Highland Park, presented as representing 65% of water and sewer bill payments made from Highland Park residents over the course of 14 months, March 2021 through April 2022, is received (approximately \$1.7 million).

While much has been accomplished, there is still much work ahead. Given the extent of the litigation over the past eight years and the complexity of operational and capital decisions surrounding Highland Park's water and sewer services, a concerted large-scale effort must still be undertaken to reach resolution. Achieving a clear path forward depends on a new level of collaboration and engagement by Highland Park, GLWA and its Member Partners, and the State to provide long-term sustainability and affordability of services for the region.

I sincerely thank you for your ongoing participation and collaboration with GLWA throughout the year. As always, we are available to address any questions you may have. Please contact our Member Outreach Team at <u>outreach@glwater.org</u>.

Sincerely,

Suganne K. Coffey

Suzanne R. Coffey, P.E. Interim Chief Executive Officer





June 9, 2022

Dear Local Leader,

We remain committed to quality and affordable water for Oakland County communities and wanted to provide you an important update on matters related to the Great Lakes Water Authority (GLWA).

Last week the GLWA Board voted to suspend the \$6.7 million water rate increase to suburban member communities that was budgeted for the next fiscal year to cover the debt owed by Highland Park. This came after the state EGLE Department clarified that the \$25 million allocation to GLWA in the recent state supplementation appropriation could only be used for a wastewater project in accordance with the American Rescue Plan Act (ARP). As you know, ARP funds may not be used for debt.

On Tuesday, May 10, 2022, Judge Groner of the Wayne County Circuit Court ordered Highland Park to resume escrow payments and found that Highland Park is obligated to pay and is deficient in paying for the water and sewer services it receives from GLWA. As you know, there continues to be extensive litigation in this matter, but this was an important decision. We will vigorously pursue a permanent resolution and payment by Highland Park for the services they receive.

The stability of the system is of vital importance, and we continue to encourage involvement by the state of Michigan and GLWA's full use of all federal and state infrastructure funds now becoming available.

Please be assured of our continued oversight of GLWA operations to ensure transparency, accountability and quality service to Oakland County communities and residents. We would welcome hearing from you on this and other water infrastructure issues of importance to you.

Sincerely,

Dail Coulta

David Coulter Oakland County Executive

Jim Nash Oakland County Water Resources Commissioner





## **MEMORANDUM**

Police Department

DATE:	June 6, 2022
то:	Thomas M. Markus, City Manager
FROM:	Mark H. Clemence, Chief of Police
SUBJECT:	Outside Agency Agreements Fiscal Year 2022-2023

### INTRODUCTION:

The City Commission reviews outside agency service agreements on an annual basis as part of the budget preparation and expenditure approval process. The police department has supported Birmingham Bloomfield Community Coalition (BBCC), Birmingham Youth Assistance (BYA) and Common Ground for a number of years. Department approved budget request amounts are consistent from year to year. After review of Attachments A and B submitted by the outside agencies the City Commission considers renewal of funding.

The City Commission previously approved a master service agreement to be used by various outside agencies that request funding from the City. The following organizations have completed the required service agreements, Attachment A and Attachment B to provide a description of the services to be provided and the direct benefit of the services to the City and its residents.

Agency Name

### Department Budget Request Amount

Birmingham Bloomfield Community Coalition (BBCC)\$3,000Birmingham Youth Assistance (BYA)\$18,000Common Ground\$1,500

The department request funding totals for BBCC, BYA and Common Ground reflect the same amount of funding received by these agencies for the past fiscal year (2021-2022). The police department recommends approving the (3) attached service contracts for the 2022-23 outside agency agreements for Birmingham Bloomfield Community Coalition, Birmingham Youth Assistance and Common Ground.

Sufficient funds have been budgeted in the police department other contracted services account #101-301-000-811.0000 to provide for these contracts.

### BACKGROUND:

The police department has provided financial support to these (3) agencies since the 2011-12 fiscal year. When the budget preparation season begins, each agency is sent a letter that details the requirements that need to be met in order for the department to include funding in the upcoming fiscal year budget. Those requirements include completion of Attachments A and B in addition to submitting an updated insurance certificate with the City named as additional insured.

Attachment A is a document that summarizes the organization's name, amount of funding requested for current and prior fiscal years and also details the agency's mission, purpose and services provided to Birmingham residents. Attachment B is a detailed explanation of the organization's financial data and also details programs or services provided, number of participants (total attendees and residents) and also includes a quarterly breakdown of funds used for the provided service.

### LEGAL REVIEW:

The City Attorney has reviewed and approved the (3) attached service agreements.

### FISCAL IMPACT:

Sufficient funding in the amount of \$22,500 has been approved in the 2022-23 police department general fund other contracted services account # 101-301-000-811.0000 to support these (3) budgeted outside agency service agreements.

### SUMMARY:

The department recommends that all three agencies receive the same amount of funding from previous fiscal years. BBCC, BYA and Common Ground all submitted funding requests in the same amount as last year.

The (3) attached outside agency service contracts are in compliance with the requirements of Attachment A, Attachment B and insurance regulations have been met. Funding approval for the 2021-22 fiscal year may be granted by the City Commission and the City Commission may direct the Mayor and City Clerk to sign the agreements on behalf of the city.

### ATTACHMENTS:

- 1. Birmingham Bloomfield Community Coalition Service Agreement
- 2. Birmingham Bloomfield Community Coalition Attachment A
- 3. Birmingham Bloomfield Community Coalition Attachment B
- 4. Birmingham Bloomfield Community Coalition Insurance
- 5. Birmingham Youth Assistance Service Agreement
- 6. Birmingham Youth Assistance Attachment A
- 7. Birmingham Youth Assistance Attachment B
- 8. Birmingham Youth Assistance Insurance
- 9. Common Ground Service Agreement
- 10. Common Ground Attachment A
- 11. Common Ground Attachment B
- 12. Common Ground Insurance

### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve the outside agency service agreements for services described in Attachment A of the agreement for fiscal year 2022-23 with Birmingham Bloomfield Community Coalition in the amount of \$3,000, Birmingham Youth Assistance in the amount of \$18,000 and Common Ground in the amount of \$1,500. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

Funding has been budgeted for these agreements in account #101-301.000.-811.0000



### **AGREEMENT OF SERVICES**

**THIS AGREEMENT** ("Agreement"), made 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 Birmingham Bloomfield Community Coalition, whose address is 1525 Covington Road, Bloomfield Hils, MI 48301 (hereinafter referred to as (Services Provider), provides as follows:

### WITNESSETH:

**WHEREAS,** the City desires to have certain services provided, which shall be of the type, nature and extent as set forth on Attachment A; and

**WHEREAS,** The Service Provider desires to provide said services for the City, which it shall do in accordance with the experience it has attained from providing similar services of this nature, under the terms and conditions hereinafter stated.

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

1. **MUTUALLY AGREE:** It is mutually agreed by and between the parties that the City's Agreement of Services dated \_\_\_\_\_\_, 2022, shall be fully incorporated herein by reference and shall become part of this Agreement, and shall be binding upon both parties hereto (attached hereto as Attachment "A").

2. **TERM:** This Agreement shall have a term of 1 Fiscal Year.

3. **TERMS OF PAYMENT:** The City shall pay a total of \$3,000.00 to Service Provider for the performance of this Agreement, which amount shall compensate Service Provider for all aspects of the services to be performed including, but not limited to, all preparation, coordination, management, staffing and all other services incidental thereto. Payment shall be made to Service Provider pursuant to the schedule contained in Attachment A.

4. All services performed shall be of the highest quality and standards that meet or exceed that which is required and expected in that service industry.

5. Service Provider shall provide and designate one supervisor responsible for the coordination of services provided, who shall handle problem solving and be the contact person for the City.

6. This Agreement shall commence immediately after both parties have signed in the place and manner indicated below and shall terminate in accordance with the provisions as set forth in Attachment A.

7. **COMPLIANCE WITH LAWS:** This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. Service Provider agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.

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

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

10. Service Provider agrees that neither it nor its employees will discriminate against any employee, independent contractor, or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. Service Provider shall inform the City of all claims or suits asserted against it by Service Provider's employees or contractors who work pursuant to this Agreement. Service Provider shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.

11. **INDEMNIFICATION:** To the fullest extent permitted by law, the Service Provider and any entity or person for whom the Service Provider 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 Service Provider 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.

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

A. <u>Workers' Compensation Insurance</u>: Service Provider shall procure and maintain during the life of this contract, Workers' Compensation Insurance,

including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.

- B. <u>Commercial General Liability Insurance</u>: Service Provider 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 for combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
- C. <u>Motor Vehicle Liability</u>: Service Provider 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. <u>Additional Insured</u>: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance required from Service Provider under this Section.
- E. <u>Cancellation Notice</u>: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal shall be sent to: Finance Department, City of Birmingham, P.O. Box 3001, 151 Martin Street, Birmingham, Michigan 48012.
- F. <u>Proof of Insurance Coverage</u>: Service Provider shall provide the City at the time the contracts are returned for execution, Certificates of Insurance and/or policies, acceptable to the City, as listed below.
  - 1. Two (2) copies of Certificate of Insurance for Workers' Compensation;
  - 2. Two (2) copies of Certificate of Insurance for Commercial General Liability;
  - 3. Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;

- 4. If so requested, Certified Copies of all policies mentioned above will be furnished.
- G. <u>Coverage Expiration</u>: If any of the above coverages expire during the term of this Agreement, Service Provider shall deliver renewal certificates and/or policies to the City at least (10) days prior to the expiration date.

13. **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 Service Provider, the City shall have the right to terminate this Agreement without further liability to Service Provider if the disqualification has not been removed within thirty (30) days after the City has given Service Provider notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.

14. 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. This Agreement shall be governed by the laws of the State of Michigan and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48<sup>th</sup> District Court.

15. **COMPLETE AGREEMENT:** The parties agree that the conditions set forth in this Agreement sets forth all terms and conditions of the Services agreement with the City. 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 Service Provider 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. **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.

17. **INDEPENDENT:** Service Provider and the City agree that Service Provider shall be liable for its own actions and neither Service Provider nor its employees or contractors shall be construed as employees of the City. 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. Service Provider, including its employees and contractors,

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 and other employer contributions on behalf of Service Provider or Service Provider's employees or contractors.

18. **CONFIDENTIAL AND OR PROPRIETARY INFORMATION:** Service Provider 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. Service Provider recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Service Provider agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. Service Provider shall inform its employees and contractors of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. Service Provider further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.

The said parties have caused this Agreement to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

### WITNESSES / NOTARY PUBLIC

B

Notary Public signature above

Notary Public stamp below:

NOTARY PUBLIC, STATE OF MI COUNTY OF OAKLAND MY COMMISSION EXPIRES Dec 18, 2024 ACTING IN COUNTY OF Dalland

### **BIRMINGHAM BLOOMFIELD COMMUNITY COALITION**

Bv:

Carol Mastroianni

Its: Executive Director

### **CITY OF BIRMINGHAM**

By:

Therese Longe, Mayor

By:

Alexandria D. Bingham, City Clerk

Approved:

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

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

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

where

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

# ATTACHMENT A

- I Name of Organization: Birmingham Bloomfield Community Coalition
- II Amount of Funding Requested: \$3,000
- III Amount of funding received from City in current fiscal year: \$3,000
- IV. Organization's Purpose or Mission:

**The Birmingham Bloomfield Community Coalition (BBCC),** a 501(c)(3), was founded in 1994, and incorporated in September 1995 by a group of Seaholm High School parents who recognized the need for a community wide approach to prevent the abuse of alcohol, tobacco and other drugs. Bloomfield Hills officially joined the Birmingham Coalition in September 2005 and was renamed the Birmingham Bloomfield Community Coalition.

The Coalition works with 13 sectors in the Birmingham Bloomfield community including: Youth, parents, business, media, schools, youth-serving organizations, law enforcement, religious/fraternal organizations, civic/volunteer groups, healthcare professionals, state/local government, other substance abuse organizations., and the recovery community. The Coalition also collaborates with other area substance abuse prevention coalitions, including the Alliance of Coalitions for Healthy Communities (ACHC) and national organizations such as Community Anti-Drug Coalitions of America (CADCA).

**BBCC's service area** includes those who live, work, play, worship, and attend public and private schools within the boundaries of the Birmingham and Bloomfield School Districts. This includes the **primary municipalities** of Birmingham, Bloomfield Hills, Bloomfield Township, and Villages of Beverly Hills Bingham Farms, Franklin. Portions of Orchard Lake, Southfield, Troy and West Bloomfield are covered via the public schools' boundaries.

The **mission of BBCC** is to raise awareness and mobilize the entire community to prevent the abuse of alcohol and other drugs, with a primary focus on our youth. By focusing on prevention, health and wellness, BBCC and its Youth Action Board (YAB) take a research-driven, evidenced-based approach by providing education, tools, activities, and support to help youth rise above life's challenges and encourage adults to thoughtfully support them.

# **BBCC strives to "Save Kids Lives"** through an expanded focus on the overall health and wellness of young people as well as:

- Envision the brightest drug-free future for our youth
- Celebrate kids who are doing the right thing
- Bring the right people and resources together
- Work collaboratively with 12 community sectors, local, state and national coalitions

- Weave sustainable prevention efforts into the fabric of our community
- Have a plan approved by our peers and the Executive Office of the President (of the United States), Office of National Drug Control Policy
- Achieve outcomes for reducing alcohol, marijuana, vaping, and prescription drug use/abuse by teens in our community
- V Description of Services to be provided (Scope of Work):

# Please Note: All services have been updated to be within the safety guidelines prescribed for COVID-19. If a service is unable to be delivered in person, BBCC will make every attempt to provide the service virtually.

**Youth Action Board (YAB)** is an inclusive group of teen volunteers from 11 public and private high schools in the Birmingham and Bloomfield Hills community. YAB's goal is to provide youth with a positive voice and presence to peers and the broader community on issues important to teens with a focus on substance abuse prevention, mental health and wellness. The YAB meets on a regular basis, year-round, to discuss substance abuse trends and other important issues teens face today. Based on this information, they plan and organize safe, fun, community-based events and leadership opportunities for teens.

**Annual Teen Substance Use Survey** administered since 2005 on a bi-annual basis to 8th – 12th grade students in Birmingham and Bloomfield Hills' 5 public high schools and 7 middle schools capturing data from over 5,000 students on alcohol, marijuana and prescription drugs as well as trends, access, influence, and other key points. BBCC uses this information to plan/modify prevention strategies according to what is happening in our community.

**Other surveys** are used throughout the year as needed. For example, in BBCC works with the Alliance of Coalitions for Healthy Communities (ACHC) and the other 19 prevention coalitions in Oakland County to implement parent and youth surveys.

**Covey 7 Habits of Highly Effective Teens training** offered to 9<sup>th</sup> and 10<sup>th</sup> grade high school students provides a step-by-step framework for boosting self-image, building friendships resisting peer pressure, achieving goals, & much more.

Alcohol, Marijuana (vaping), Prescription Drug, and Mental Health/Wellness Campaigns developed by teens for teens provides a visual reminder of making healthy choices for your best future self. Serve as community resource for timely, accurate information about substances abuse prevention, mental health and wellness. For example, since 2015 youth in our community have been experiencing a dramatic increase in abuse of ENDS (electronic nicotine delivery system) products. BBCC has focused its efforts on getting the word out to schools, parents and youth about the dangers of vaping and misinformation being disseminated about it. Some of the other areas that BBCC is focusing on are opioids, buzzed driving, adult binge drinking, youth underage drinking, and stress/anxiety amongst our youth.

**Community dialogues including, CHOICES: Youth Dialogue Day**. Students, parents, and educators from the public and private high schools, witness "eye-opening," live court cases, heard directly from Judge D'Agostini of the 48<sup>th</sup> District Court and selected speaker(s) whose story demonstrates the very real-life consequences that come with impulsive decisions teens make to use drugs and alcohol. Hands-on activities follow to further enhance the learning experience.

**Keep them Safe, Keep them Healthy** provides education and awareness to both parents and their teens to open up the lines of communication between them. By taking a unique perspective in presenting the various reasons why our young people are abusing substances and what can be done to prevent it, parents gain the ability to look at their children with more compassion as well as have doable steps to take to safeguard your child and home. For student assemblies geared for 8<sup>th</sup> – 12<sup>th</sup> graders, young adults in recovery relate their personal experience and tragedies as a result of substance abuse or share their expertise.

**Parent directed campaigns such as Parents Who Host, Lose the Most** provides parents and other adults valuable information to help make teen parties safe and ensure parents/adults know the local laws.

Substance-free community opportunities and activities for teens, families and people of all ages include our Teen Talent Showcase held in the summer. Friday, June 10, 2022 is our next YAB Teen Summer Concert (COVID Safety Guidelines Permitting) that provides youth, families and community members with a safe, fun, substance-free outlet to enjoy and celebrate our talented teens as the opening act of the Shain Park Summer Music Series. Youth Action Board (YAB) teens take the lead in planning and implementing this event that shares key prevention, health and wellness information and recognizes our graduating YAB teens. BBCC also supports many other community programs and events.

**Teen Transitions Program for eighth graders focuses on the "Truths and Consequences of Substance Use"** through an interactive presentation. Data used is from BBCC's Teen Drug and Alcohol Use Survey, along with important and compelling facts. When available, high school students participate by answering the 8th graders' questions about the high school experience and the transition itself. On average each school year, over 400 eighth graders from the middle schools participate in this educational program.

**Strengthening Families Program for Parents and Youth 10-14**. Youth need skills to help them resist the peer pressure that leads to risky behaviors. Research shows that protective parenting improves family relationships and decreases the level of family conflict, contributing to lower levels of substance use. In just seven sessions parents and children learn how to build stronger communication and respect for each other.

**Tobacco and Alcohol Retailer Education visits** take place annually as BBCC works with the County and State to ensure our retail establishments are informed by distributing and reviewing tobacco and alcohol retailer education kits and surveying the establishments.

**Save A Life Narcan Training** is a free community nasal NARCAN training where community members are instructed on the proper administration of this life-saving overdose reversal tool. Everyone who is trained receives a free Alliance of Coalitions for Healthy Communities (a BBCC partner) Safe a Life Kit. Funding for this service is provided by the Oakland Community Health Network.

VI Explain the value of the services to the City of Birmingham:

\*Please note, that the dollar values listed include in-kind donations.

- Youth Action Board (YAB) is the only inclusive group for the 11 public and private high school students in the Birmingham Bloomfield communities where teens come together, on a regular basis throughout the year, to discuss substance abuse trends and other important issues teens face today. YAB gives teens a voice and a presence and the ability to plan and organize safe, fun community-based events and learning/leadership opportunities. BBCC has had teens say that the YAB was the only place they can go to be themselves and be around like-minded individuals individuals who do not want to abuse substances, who want to find healthier ways to manage their life, and be a role model for others. The YAB costs approximately \$1,000/year per student to run.
- \*Bi-annual Teen Substance Use Survey is truly priceless. Nowhere else does Birmingham receive community-specific information about their youth's substance use, perceptions, mental, and other key findings that have been tracked in a selfdesigned survey since 2005. This information is used to adjust, design and

implement prevention programming. Value of survey to develop, administer and analyze is \$45,000. <u>\*Next survey takes place in December 2021 with results analyzed in 2022.</u>

- Other surveys Key information is gathered about parents and used to adjust, design and implement prevention programming.
- Covey 7 Habits of Highly Effective Teens training builds young people up from the inside out by utilizing proven methods to boost self-image, build friendships, resist peer pressure, achieve goals and much more. To have young people in the community who are making positive decisions for their future selves and to be a role model for others is priceless and reduces crime, family heartache, and more. Value is \$2,500 per session for up to 30 students.
- Alcohol, Marijuana (vaping), Prescription Drug, and Mental Health/Wellness Campaigns keep messaging on key issues "top of mind" for youth especially since these campaigns are created by teens for teens. The more youth we have making positive decisions for themselves, the less juvenile delinquency the community will experience. Value is \$6,490.
- Serve as community resource for timely, accurate information about substances abuse prevention, mental health and wellness. BBCC is able to eliminate some of the phone calls by or visits to citizens by the police department. By raising awareness, educating and supporting families and schools in the community, we prevent a number of situations before they get worse.
- Community dialogues including, CHOICES: Youth Dialogue Day provides students with the ability to see real-life consequences unfold and how one decision can change the trajectory of someone's life. This is an extremely impactful event and one where students have commented that they were on the fence about whether or not to use drugs and that this program helped them decide that drugs are not the answer. Value is \$10,000\*.
- Keep them Safe, Keep them Healthy Program has been extremely impactful for students because they are able to hear directly from a young person in recovery, in a relatable way, how insecurities or issues at home, lead them to make a decision that changed the trajectory of their lives. Students are able to understand how this could happen to them and understand ways to make different decisions and reach out for help. This is also one of the only programs that has a separate parent component that encourages parents and children to talk about what is commonly a difficult topic to bring up. Once again, this program reduces youth substance use or self-harm and reduces juvenile delinquency in the community. Value is \$3,950\* per session.
- Parent directed campaigns such as Parents Who Host, Lose the Most reduces parent hosted parties where alcohol is provided to underage youth thus lowering the number of police visits needing to be made. Value is \$10,384\*.
- Substance-free community opportunities and activities for teens, families and people of all ages include our Teen Summer Concert as a way to celebrate youth making great choices and providing a venue that youth and their families can go to that is substance free. This shows young people that you can have fun without getting drunk

or high which can lead to reduced instances where police intervention is needed. Value is \$6,000\* for each event.

- Middle School Transitions Program for eighth graders focuses on the "Truths and Consequences of Substance Use" educates 8<sup>th</sup> graders at a critical juncture in their life about substances and the reality of substance use in high school, the impact of substances on brain development and more. Helping young people to make more informed decisions for themselves, leads to reduce substance use and juvenile delinquency. Value is \$6,000.
- Tobacco and Alcohol Retailer Education visits educate local retailers of the appropriate ages of people to sell tobacco and alcohol to. This reduces youth access, which, in turn, reduces youth use. More compliant retailers lead to less police visits, too.
- Safe A Life Narcan Training. Free community nasal NARCAN training where community members are instructed on the proper administration of this life-saving overdose reversal tool. Everyone who is trained receives a free Alliance of Coalitions for Healthy Communities (a BBCC partner) Safe a Life Kit. Funding for this service is provided by the Oakland Community Health Network. Value of program is \$300/pp.
- VII List <u>all</u> municipal and/or other funding sources, the percentage of programming costs covered by each source, and the actual dollar amount covered by each source in the current fiscal year. (List below. Attach additional sheet if necessary.)

# BBCC Budget October 2020 – September 2021

(2021-2022 budget draft will be approved on December 16, 2021. Amounts will be fairly close to what is represented here.)

		Oct '20 - Sep
		'21
Ordinary Income/Expense		
4000 · Contributions		
	4005 · Board Contributions	900.00
	4010 · Foundations	1,000.00
	4015 · Individuals	1,000.00
	4016 - Corporate	0.00
Total 4000 · Contributions		2,900.00
4300 · Organizations		
	4310 · Chamber of Commerce	0.00
	4325 · Municipalities	
	4326 · Beverly Hills	1,800.00
	4327 · Bingham Farms	1,000.00
	4328 · Birmingham	3,000.00

Total 4325 · Municipalities	5,800.00
4340 ·Schools	
4343 · Bloomfield Hills	10,000.00
4346 · Cranbrook	250.00
4350 · PTO	600.00
4351 · PTSA	100.00
	0.00
4353 · ASH	500.00
Total 4340 · Schools	11,450.00
Total 4300 ·Organizations	17,250.00
4500 · Sponsorships	
4510 · Teen summer concert	1,000.00
4530 ·Choices	0.00
Total 4500 · Sponsorships	1,000.00
4800 · Other Income	
4805 · Amazon Fundraiser	5.00
4810 · Covey	
4820 · Kroger Rewards Fundraiser	25.00
4825 · Miscellaneous	50.00
4830 · Program Service Revenue	
4845 · Tobacco Edu & Synar Inspections	650.00
Total 4800 · Other Income	730.00
4900 · Grants	
4905 · ACHC	35,000.00
490 · SPF - PFS SPF - PFS	221,334.00
Total 4900 · Grants	256,334.00
4980 · Interest Income	14.00
4987 · Uncategorized Income	60.00
	278,288.00

- VIII. Provide a detailed list of services provided in the 2020-2021 Fiscal Year (July 1, 2020 June 30, 2021). Include the following for each quarter:
  - Date & Timeframe of each service provided
  - Explanation of the service provided
  - Number of Birmingham residents in attendance/effected by service
  - Explanation of how the funds were used

(Use Attachment B to record the services. Attach additional sheets if necessary.)

# Individuals Participating in Programs:

- Youth Action Board (YAB)
  - Takes place all year long, at least twice a month
  - o 45 students throughout the year; 8 of those teens are from 48009
  - Since moving to a virtual platform on March 22, 2020, we have even greater participation from our YAB teens. We more than doubled our normal meeting schedule because of the unusual circumstances. The number of leader meetings were increased, too, to more fully understand what teens are experiencing and making sure their voice and presence drove meeting content.
- Bi-annual Teen Substance Use Survey
  - In 2021, created a several page infographic showcasing key results from our December 2019 survey of almost 5,000 8<sup>th</sup>-12<sup>th</sup> grade students from the Birmingham Public Schools and Bloomfield Hills Public Schools.
  - Created and implemented a Teen Survey in 2021 to capture what happened with COVID 19 and its impact on our youth. Most 7<sup>th</sup> – 12<sup>th</sup> grade students in Birmingham Public and Bloomfield Hills Public Schools, Brother Rice, and International Academy participated in the survey ~ 3,900 students.
- Alcohol, Marijuana (vaping), Prescription Drug, and Mental Health/Wellness Campaigns and events
  - Campaign materials are distributed throughout the year. Survey results show several hundred students see the campaigns, many of whom live in 48009
- Serve as community resource for timely, accurate information about substances abuse prevention, mental health and wellness.
  - BBCC distributes information via social media (FaceBook, Instagram and Twitter), all of our high schools and middle schools; we send out an enewsletter with a subscriber based of 1,200, have many of our programs run on Birmingham/Bloomfield Cable TV (in non-COVID times) and we field numerous phone calls and email inquiries. Easily several hundred 48009 residents are impacted.

- Substance-free community opportunities and activities for teens, families and people of all ages include our Teen Summer Concert, are normally held as the first concert in June at Shain Park. Since the park was still closed to concerts in 2021, BBCC utilized Bloomfield Hills Lahser Campus Football Field for the event since our YAB teens really wanted and needed to have this type of substance free activity. We are looking forward to being back at Shain Park in 2022.
- Tobacco and Alcohol Retailer Education visits
  - o 25 retail visits were made of which 11 were located in 48009 in May 2021

Submitted by: Carol Mastroianni	Title: <u>Executive Director</u>
(Print Name)	

Signature: Carol Mastroianni

Date: <u>December 9, 2021</u>

Name of Organization: Birmingham Bloomfield Community Coalition

<b>First Quarter</b>	(July 1	, 2021 – Se	ptember 30	, 2021)
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Name and Explanation of Program/Service	Date of Service	Duration of Service (timeframe)	Cost of Program/Service	# Total Participants	# of Birmingham Participants	Breakdown of funds used for Program/Service
YAB Meeting	10/10/21	1:30-3:30 pm	\$25,000 per year	18	3	Portion of staff time=\$437

# Second Quarter (October 1, 2021 – December 31, 2021)

Name and Explanation of Program/Service	Date of Service	Duration of Service (timeframe)	Cost of Program/Service	# Total Participants	# of Birmingham Participants	Breakdown of funds used for Program/Service
YAB Meeting	November TB	D 1:30 - 3:00 pm	\$25,000 for the year	12	3	Portion of staff time = <b>\$327.30</b>
YAB Meeting	Dec TBD	1:30 - 3:00 pm	\$25,000 for the year	20	2	Portion of staff time = <b>\$327.30</b>

# Third Quarter (January 1, 2022 – March 31, 2022)

Name and Explanation of Program/Service	Date of Service	Duration of Service (timeframe)	Cost of Program/Service	# Total Participants	# of Birmingham Participants	Breakdown of funds used for Program/Service
CHOICES 2022	March TBD	8:00 am - 12:30 pm	\$10,000*	127	24	Portion of staff time that also includes prep, the program, set-up, clean-up: <b>\$650</b>
			*Includes in-kind			

# Fourth Quarter (April 1, 2022 – June 30, 2022)

Name and Explanation of Program/Service	Date of Service	Duration of Service (timeframe)	Cost of Program/Service	# Total Participants	# of Birmingham Participants	Breakdown of funds used for Program/Service
YAB Teen Summer Concert	June 11, 2022	6:00 – 11:00 p.m.	\$6,000	550* This event was recorded by and will be played on Birmingham/ Bloomfield Cable TV	85*	City Events group, \$350 for sound equipment; program booklet, \$44; Jeff the on-site sound engineer \$200; portion of staff time, \$664.50 = <b>TOTAL \$1,258.50</b>
					* = estimated	



CERTIFICATE OF LIABILITY INSURANCE

TCOMBS

DATE (MM/DD/YYYY) 3/8/2022

BIRMBLO-03

C B	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.										
lf	PORTANT: If the certificate holde SUBROGATION IS WAIVED, subje is certificate does not confer rights t	ct to	the	terms and conditions of	the po	licy, certain	policies may				
The	DUCER Huttenlocher Group 7 W. Huron Street			PHONE (A/C, No	o, Ext):		FAX (A/C, No):				
	erford, MI 48328				E-MAIL ADDRE	<sub>ss:</sub> terryc@l	hgway.com				
						INS	SURER(S) AFFOF	RDING COVERAGE		NAIC #	
					INSURE	R A : United	States Liab	ility Insurance Compa	any	25895	
INSU	RED				INSURE	RB:					
	Birmingham Bloomfield Cor	nmui	nity C	Coalition	INSURE	RC:					
	1525 Covington Rd Bloomfield Hills, MI 48301				INSURE	RD:					
					INSURE	RE:					
					INSURE	RF:					
				ENUMBER:				REVISION NUMBER:			
IN CI	HIS IS TO CERTIFY THAT THE POLICII DICATED. NOTWITHSTANDING ANY F ERTIFICATE MAY BE ISSUED OR MAY (CLUSIONS AND CONDITIONS OF SUCH	EQUI PER POLI	REMI TAIN, CIES.	ENT, TERM OR CONDITION THE INSURANCE AFFORE LIMITS SHOWN MAY HAVE	N OF A DED BY	NY CONTRAC 7 THE POLICI REDUCED BY	CT OR OTHER IES DESCRIB PAID CLAIMS.	DOCUMENT WITH RESPE	CT TO	WHICH THIS	
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER		POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMIT	s		
Α	X COMMERCIAL GENERAL LIABILITY							EACH OCCURRENCE	\$	1,000,000	
	CLAIMS-MADE X OCCUR	x		NPP1587571C		3/13/2022	3/13/2023	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$	100,000	
								MED EXP (Any one person)	\$	5,000	
								PERSONAL & ADV INJURY	\$	1,000,000	
	GEN'L AGGREGATE LIMIT APPLIES PER:							GENERAL AGGREGATE	\$	2,000,000	
	X POLICY PRO- JECT LOC							PRODUCTS - COMP/OP AGG	\$ \$	2,000,000	
Α								COMBINED SINGLE LIMIT	\$	1,000,000	
	ANY AUTO	x		NPP1587571C		3/13/2022	3/13/2023	(Ea accident) BODILY INJURY (Per person)	\$		
	OWNED AUTOS ONLY SCHEDULED AUTOS	^				5/15/2022 5/	0,10,2020				
	AUTOS ONLY     AUTOS       HIRED     NON-OWNED       AUTOS ONLY     AUTOS ONLY							BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	\$ \$		
-		-							\$	0.000.000	
Α	X UMBRELLA LIAB X OCCUR			011045000000		2/00/0000	2/00/0000	EACH OCCURRENCE	\$	2,000,000	
	EXCESS LIAB CLAIMS-MADE			CUP1560832C		3/26/2022	3/26/2023	AGGREGATE	\$	2,000,000	
	DED X RETENTION\$	1							\$		
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N							PER OTH- STATUTE ER			
	ANY PROPRIETOR/PARTNER/EXECUTIVE	N/A						E.L. EACH ACCIDENT	\$		
OFFICER/MEMBER EXCLUDED? N/A (Mandatory in NH) If yes, describe under					E.L. DISEASE - EA EMPLOYEE	\$					
	DESCRIPTION OF OPERATIONS below							E.L. DISEASE - POLICY LIMIT	\$		
auth cont cons	CRIPTION OF OPERATIONS / LOCATIONS / VEHIC tional Insureds - The City of Birmingha orities and board members, including of ract(s), written permit(s) or written agre idered to be excess and non-contribut ellation - 10 for non payment of premiu	emplo emer ing w	oyees nt(s).	and volunteers thereof, but This coverage shall be pr	ut only imary a	where require and any other	ed to be adde insurance m	ed as an additional insure aintained by the addition	ed unde al insu	er written reds shall be	

CERTIFICATE HOLDER	CANCELLATION
City of Birmingham 151 Martin Street Birmingham, MI 48009	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE
	55

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#### **AGREEMENT OF SERVICES**

**THIS AGREEMENT** ("Agreement"), made 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 Birmingham Youth Assistance Committee, whose address is 2436 W. Lincoln, Suite F102, Birmingham, MI 48009 (hereinafter referred to as (Services Provider), provides as follows:

#### WITNESSETH:

**WHEREAS,** the City desires to have certain services provided, which shall be of the type, nature and extent as set forth on Attachment A; and

**WHEREAS,** The Service Provider desires to provide said services for the City, which it shall do in accordance with the experience it has attained from providing similar services of this nature, under the terms and conditions hereinafter stated.

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

1. **MUTUALLY AGREE:** It is mutually agreed by and between the parties that the City's Agreement of Services dated \_\_\_\_\_\_, 2022, shall be fully incorporated herein by reference and shall become part of this Agreement, and shall be binding upon both parties hereto (attached hereto as Attachment "A").

2. **TERM:** This Agreement shall have a term of 1 Fiscal Year.

3. **TERMS OF PAYMENT:** The City shall pay a total of \$18,000.00 to Service Provider for the performance of this Agreement, which amount shall compensate Service Provider for all aspects of the services to be performed including, but not limited to, all preparation, coordination, management, staffing and all other services incidental thereto. Payment shall be made to Service Provider pursuant to the schedule contained in Attachment A.

4. All services performed shall be of the highest quality and standards that meet or exceed that which is required and expected in that service industry.

5. Service Provider shall provide and designate one supervisor responsible for the coordination of services provided, who shall handle problem solving and be the contact person for the City.

6. This Agreement shall commence immediately after both parties have signed in the place and manner indicated below and shall terminate in accordance with the provisions as set forth in Attachment A.

7. **COMPLIANCE WITH LAWS:** This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. Service Provider agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.

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

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

10. Service Provider agrees that neither it nor its employees will discriminate against any employee, independent contractor, or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. Service Provider shall inform the City of all claims or suits asserted against it by Service Provider's employees or contractors who work pursuant to this Agreement. Service Provider shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.

11. **INDEMNIFICATION:** To the fullest extent permitted by law, the Service Provider and any entity or person for whom the Service Provider 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 Service Provider 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.

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

A. <u>Workers' Compensation Insurance</u>: Service Provider shall procure and maintain during the life of this contract, Workers' Compensation Insurance,

including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.

- B. <u>Commercial General Liability Insurance</u>: Service Provider 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 for combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
- C. <u>Motor Vehicle Liability</u>: Service Provider 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. <u>Additional Insured</u>: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance required from Service Provider under this Section.
- E. <u>Cancellation Notice</u>: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal shall be sent to: Finance Department, City of Birmingham, P.O. Box 3001, 151 Martin Street, Birmingham, Michigan 48012.
- F. <u>Proof of Insurance Coverage</u>: Service Provider shall provide the City at the time the contracts are returned for execution, Certificates of Insurance and/or policies, acceptable to the City, as listed below.
  - 1. Two (2) copies of Certificate of Insurance for Workers' Compensation;
  - 2. Two (2) copies of Certificate of Insurance for Commercial General Liability;
  - 3. Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;

- 4. If so requested, Certified Copies of all policies mentioned above will be furnished.
- G. <u>Coverage Expiration</u>: If any of the above coverages expire during the term of this Agreement, Service Provider shall deliver renewal certificates and/or policies to the City at least (10) days prior to the expiration date.

13. **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 Service Provider, the City shall have the right to terminate this Agreement without further liability to Service Provider if the disqualification has not been removed within thirty (30) days after the City has given Service Provider notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.

14. **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. This Agreement shall be governed by the laws of the State of Michigan and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48<sup>th</sup> District Court.

15. **COMPLETE AGREEMENT:** The parties agree that the conditions set forth in this Agreement sets forth all terms and conditions of the Services agreement with the City. 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 Service Provider 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. **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.

17. **INDEPENDENT:** Service Provider and the City agree that Service Provider shall be liable for its own actions and neither Service Provider nor its employees or contractors shall be construed as employees of the City. 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. Service Provider, including its employees and contractors,

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 and other employer contributions on behalf of Service Provider or Service Provider's employees or contractors.

18. **CONFIDENTIAL AND OR PROPRIETARY INFORMATION:** Service Provider 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. Service Provider recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Service Provider agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. Service Provider shall inform its employees and contractors of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. Service Provider further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.

The said parties have caused this Agreement to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

#### WITNESSES / NOTARY PUBLIC

B٧

Notary Public signature above

Notary Public stamp below:

**BIRMINGHAM YOUTH ASSISTANCE** 

By

**Richard Stasys** 

Its: Treasurer

NOTARY PUBLIC, STATE OF MI COUNTY OF OAKLAND MY COMMISSION EXPIRES Doc 18, 2024 ACTING IN COUNTY OF Dalland

#### **CITY OF BIRMINGHAM**

By:

Therese Longe, Mayor

By: \_

Alexandria D. Bingham, City Clerk

Approved:

maste

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

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

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

uchar

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

#### ATTACHMENT A

- I. Birmingham Youth Assistance
- II. Funding Request Fiscal Year 2022/2023: \$18,000
- III. Amount of funding received in current fiscal year 2021/2022: \$18,000
- IV. Organization's Purpose or Mission with Emphasis on how Organization Serves the City: Birmingham Youth Assistance's mission is the prevention and reduction of juvenile delinquency, child abuse, and child neglect, by providing community based casework and counseling services as well as providing positive alternatives for children and families that live within the boundaries of the Birmingham Public School District. BYA is a partnership of: the Oakland County Circuit Court – Family Division; the City of Birmingham and the Villages of Beverly Hills, Bingham Farms and Franklin; the Birmingham Public Schools; and community volunteers.

Birmingham Youth Assistance implements its mission through a two-part program. The first component provides family-focused confidential casework services to youth and families residing within the boundaries of the Birmingham Public School District. The second component is various volunteer-based programs. (Examples listed in Section V, below)

V. Description of Services Provided (Scope of Work):

#### A. <u>Casework/Counseling</u>

Short-term counseling and casework services, offered year-round, available during and after school hours, for youth and their families referred by police, school counselors, administrators, or parents. \*Birmingham Youth Assistance Casework/Counseling services are currently being provided remotely due to the physical building/office closure related to Covid 19 and compliance with CDC requirements, March 2020 and ongoing at this time. Through technology, families are receiving counseling contacts, appointments, resources, and continued services that includes additional support from stressors families have experienced throughout the pandemic.

• These services include both preventing juvenile offenses and diverting at-risk youth from the court system, saving the community the costs of prosecution and incarceration.

Birmingham Youth Assistance's caseworker referrals continued at a steady rate from both the schools and the Birmingham Police Department. Casework services have expanded to incorporate more training to help accommodate the increased number of complex referrals. Direct casework services were provided to 85 active caseload families with 40 of these referrals from the police department. An additional 87 families received consult case services with the caseworker.

 Additionally, the caseworker has responsibility for local children reentering the community and school upon completion of formal court placement.

**Birmingham Youth Assistance continues to retain its full-time County-paid caseworker** (not the situation for all Youth Assistance communities) to meet these needs of local youth and families, thanks to strong support from our municipalities, schools, and BYA volunteers.

#### B. Prevention Programs and Positive Alternatives, including:

<u>Camp</u> – Camp scholarships for children from families in financial and/or emotional need. \*BYA Camp and Skill Building Scholarships continue to be offered to families with many summer programs making revisions to their services that comply with CDC recommendations related to Covid 19.

<u>Youth Enrichment Program</u> – Designed to assist caseload families and provide skill building opportunities to their children. This includes but is not limited to: after school tutoring, special camps or clubs, and after school activities. These funds are also used to help offset the costs of boot camp and/or treatment based modalities.

<u>Family Education</u> – Teaching parenting skills through classes and workshops. This also provides for group classes offered to youth and parents.

<u>Mentors PLUS</u> – This is a county based one-to-one program that matches youth who need an extra-supportive relationship with a positive adult role model. The youth are identified by the BYA Caseworker from caseload families. \**During this pandemic period, BYA mentors continue contact with their matches remotely.* 

<u>Youth – In – Service Recognition</u> – A role-model recognition program to honor youth in the community for performing outstanding volunteer service.

C. <u>Public Relations and Events for Children and Families</u> - These events raise funds to reduce program costs, but the main function is to raise awareness of Birmingham Youth Assistance in the community and what BYA offers local youth and families.

<u>Breakfast with Santa</u> – An annual seasonal community event for young children and their families. Caseload families can receive a scholarship to attend. Non-caseload youth and their families pay to attend, which is often is their first exposure to Birmingham Youth Assistance, in a positive setting.

<u>Kids' Dog Show</u> – This annual show is a community event that features a "Best in Show" trophy, ribbons, prizes for pre-school, elementary and middle school age children, which promotes family involvement, and youth self confidence.

<u>Touch-a-Truck</u> – An annual family-oriented event for pre-school and elementary-school age children, featuring a variety of commercial and local municipality vehicles, in an interactive, educational setting.

<u>Birmingham Farmer's Market and Day on the Town</u> – BYA volunteers donate time to help run the Kid's Zone which entails providing a craft for young children while sharing the BYA mission with parents and patrons of these community wide events.

D. Fundraising:

<u>BYA RedRaiser</u> – Our RedRaisers are our signature fundraising events developed to help raise funds and awareness for BYA programming by partnering with a Birmingham restaurant/business.

• Due to Covid 19 pandemic CDC compliant shut downs and stay at home orders, BYA 2020 community programs that were canceled included: Youth In Service Recognition, Touch A Truck, RedRaiser scheduled at a Birmingham restaurant, and the Farmer's Market Kid Zone.

#### VI. Describe Direct Benefit of Services to Birmingham Residents:

Through its intervention and prevention programs, Birmingham Youth Assistance helps prevent and reduce juvenile delinquency, child abuse and child neglect in this community. The services of Birmingham Youth Assistance continues to relieve the City of Birmingham from providing these vital services directly using City personnel and facilities, and saves the much greater costs of sending these youth through the court and corrections facilities. An average stay at Children's Village is \$30,420 vs. \$300 for BYA services.

Birmingham Youth Assistance is a unique and irreplaceable asset in the community. We are proud to celebrate more than 50 years of serving the Birmingham Community.

VII. Provide a list of the other funding sources: O.C. Circuit Court, Birmingham Public Schools, Village of Beverly Hills, Village of Franklin, Bingham Farms, OCYA Emergency Fund Grant, OCYA Cares Grant.

Please Note: Organizations receiving funding are required to provide invoices to the City for services coinciding with the timing of the delivery of those services.

Name of Organization: Birmingham Youth Assistance

- I. Provide a detailed list of services provided in the 2020-2021 Fiscal Year (July 1, 2020 June 30, 2021). Include the following for each quarter:
  - Date & Timeframe of each service provided
  - Explanation of the service provided
  - Number of Birmingham residents in attendance/effected by service
  - Explanation of how the funds were used

NOTE: Organizations receiving funding are required to provide invoices to the City for services coinciding with the timing of the delivery of those services.

Submitted by: <u>Richard Stasys</u>	Title: <u>Treasurer</u>
(Print Name)	

Signature: \_\_\_\_\_\_\_\_ Date: 12/16/2021

Name of Organization: <u>Birmingham Youth Assistance</u>

First Quarter (	(July 1,	, 2020– Septem	ber 30,	2020)	

Name and Explanation of Program/Service	Date of Service	Duration of Service (timeframe)	Cost of Program/Service	# Total Participants	# of Birmingham Participants	Breakdown of funds used for Program/Service
Midcourse Challenge Camp	7/24-7/26	3 Days	\$ 499.00	1	1	Program \$499, BYA Cost \$250
Birmingham YMCA Day Camp	7/29-7/31	3 Days	\$ 360.00	2	2	Program \$360, BYA Cost \$360
Caseload Youth Bike Repair-Skill Bldg	9/29	1 Day	\$ 60.00	1	1	BYA cost \$60.00
Casework Youth and Family-Short Term	7/1-9/30	ongoing	\$	81	81	
Caseload Family Emerency Need-vehicle repair	9/29	1 Time	\$613.05	6	6	OCYACC Emergency Need \$500, BYA Cost \$113.05

1

# Second Quarter (October 1, 2020 – December 31, 2020)

Name and Explanation of Program/Service	Date of Service	Duration of Service (timeframe)	Cost of Program/Service	# Total Participants	# of Birmingham Participants	Breakdown of funds used for Program/Service
BYA PPE equip/materi and Casework/Client	ongoing	1 time purchase	\$ 2,000.00	1	1Ongoing clients	BYA \$2,000.00
BYA Kids Dog Show Materials	NAt	1 Time Purchase	\$ \$82.09	NA	NA	BYA \$82.09
Casework Youth and Family-Short Term	10/1-12/31	Ongoing	\$	78	78	
			\$			
			\$			

# 

Name and Explanation of Program/Service	Date of Service	Duration of Service (timeframe)	Cost of Program/Service	# Total Participants	# of Birmingham Participants	Breakdown of funds used for Program/Service
Casework Youth&Family-short term counseling	1/1-3/31	Ongoing		83	83	
Due to Covid-19 most community progra	amming was car	nceled				

#### Fourth Quarter (April 1, 2021+1June 30, 2021)

Name and Explanation of Program/Service	Date of Service	Duration of Service (timeframe)	Cost of Program/Service	# Total Participants		Breakdown of funds used for Program/Service
Day Camp Scholarships	6/28-8/23	5-10 Days	\$3,346.75	16	16	1799 BYMCA, 1406 BCE, 141.75 iCode Troy
Casework Youth & Family Short Term Counseling	4/1-6/30	Ongoing	\$4,043.19	83	83	BYA Operational Costs
Youth In Service	6/1-6/30	4 Weeks	\$797.90	11 Youth, 6 Adults	17	600 Cash Winner, 120 Amazon Cards, 378 Backdrop
Breakfast with Santa		6 hours	\$1,218.59	120 Youth, 240 Adults	120 Youth, 240 Adults	500 Townsend, 719 Supplies



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 5/5/2022

	SPIEPER

OAKLCOU-14

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PRO	DUCE	R						<sup>c⊤</sup> Sharilyn	Pieper			
		tenlocher Group						o, Ext): (248) 7		FAX (A/C, No):		
		Huron Street rd, MI 48328					E-MAIL	<sub>ss:</sub> sharip@	haway.con			
linai							ADDRE			RDING COVERAGE		NAIC #
							INCUDE			ive Insurance Corpor	ation	19720
INSU	DEN									Insurance Company	ation	23396
INSU	RED	Oakland Co	untv Youth Assi	stan	ce Co	oordinating Council Inc.				rance Company		19682
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		1200 N. Tele							an Family i	Home Insurance Com	pany	23450
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INSR LTR		TYPE OF INSU	RANCE		SUBR	POLICY NUMBER		POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMIT	s	
Α	Χ	COMMERCIAL GENER	RAL LIABILITY							EACH OCCURRENCE	\$	1,000,000
		X CLAIMS-MADE	OCCUR	x		99A2GL0001077-13		6/12/2021	6/12/2022	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$	100,000
										MED EXP (Any one person)	\$	15,000
										PERSONAL & ADV INJURY	\$	1,000,000
												3,000,000
	X	POLICY								GENERAL AGGREGATE	\$	3,000,000
	^									PRODUCTS - COMP/OP AGG	\$	
В		OTHER:								COMBINED SINGLE LIMIT	\$	1,000,000
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						CA20621031107		6/12/2021	6/12/2022	BODILY INJURY (Per person)	\$	
		OWNED AUTOS ONLY	SCHEDULED AUTOS							BODILY INJURY (Per accident)	\$	
	X	HIRED AUTOS ONLY	NON-OWNED AUTOS ONLY							PROPERTY DAMAGE (Per accident)	\$	
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		s, describe under CRIPTION OF OPERAT										500,000
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men	bers					D 101, Additional Remarks Schedi Dointed officials, all emplo of are additional insureds						

CERTIFICATE HOLDER	CANCELLATION
City of Birmingham 151 Martin 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.
Binningham, wi 40003	AUTHORIZED REPRESENTATIVE
	Ja M. Home

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#### **AGREEMENT OF SERVICES**

**THIS AGREEMENT** ("Agreement"), made 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 Common Ground, whose address is 1410 S. Telegraph, Bloomfield Hills, MI 48302 (hereinafter referred to as (Services Provider), provides as follows:

#### WITNESSETH:

**WHEREAS,** the City desires to have certain services provided, which shall be of the type, nature and extent as set forth on Attachment A; and

**WHEREAS,** The Service Provider desires to provide said services for the City, which it shall do in accordance with the experience it has attained from providing similar services of this nature, under the terms and conditions hereinafter stated.

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

1. **MUTUALLY AGREE:** It is mutually agreed by and between the parties that the City's Agreement of Services dated \_\_\_\_\_\_, 2022, shall be fully incorporated herein by reference and shall become part of this Agreement, and shall be binding upon both parties hereto (attached hereto as Attachment "A").

2. **TERM:** This Agreement shall have a term of 1 Fiscal Year.

3. **TERMS OF PAYMENT:** The City shall pay a total of \$1,500.00 to Service Provider for the performance of this Agreement, which amount shall compensate Service Provider for all aspects of the services to be performed including, but not limited to, all preparation, coordination, management, staffing and all other services incidental thereto. Payment shall be made to Service Provider pursuant to the schedule contained in Attachment A.

4. All services performed shall be of the highest quality and standards that meet or exceed that which is required and expected in that service industry.

5. Service Provider shall provide and designate one supervisor responsible for the coordination of services provided, who shall handle problem solving and be the contact person for the City.

6. This Agreement shall commence immediately after both parties have signed in the place and manner indicated below and shall terminate in accordance with the provisions as set forth in Attachment A.

7. **COMPLIANCE WITH LAWS:** This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. Service Provider agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.

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

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

10. Service Provider agrees that neither it nor its employees will discriminate against any employee, independent contractor, or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. Service Provider shall inform the City of all claims or suits asserted against it by Service Provider's employees or contractors who work pursuant to this Agreement. Service Provider shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.

11. **INDEMNIFICATION:** To the fullest extent permitted by law, the Service Provider and any entity or person for whom the Service Provider 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 Service Provider 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.

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

A. <u>Workers' Compensation Insurance</u>: Service Provider shall procure and maintain during the life of this contract, Workers' Compensation Insurance,

including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.

- B. <u>Commercial General Liability Insurance</u>: Service Provider 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 for combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
- C. <u>Motor Vehicle Liability</u>: Service Provider 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. <u>Additional Insured</u>: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance required from Service Provider under this Section.
- E. <u>Cancellation Notice</u>: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal shall be sent to: Finance Department, City of Birmingham, P.O. Box 3001, 151 Martin Street, Birmingham, Michigan 48012.
- F. <u>Proof of Insurance Coverage</u>: Service Provider shall provide the City at the time the contracts are returned for execution, Certificates of Insurance and/or policies, acceptable to the City, as listed below.
  - 1. Two (2) copies of Certificate of Insurance for Workers' Compensation;
  - 2. Two (2) copies of Certificate of Insurance for Commercial General Liability;
  - 3. Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;

- 4. If so requested, Certified Copies of all policies mentioned above will be furnished.
- G. <u>Coverage Expiration</u>: If any of the above coverages expire during the term of this Agreement, Service Provider shall deliver renewal certificates and/or policies to the City at least (10) days prior to the expiration date.

13. **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 Service Provider, the City shall have the right to terminate this Agreement without further liability to Service Provider if the disqualification has not been removed within thirty (30) days after the City has given Service Provider notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.

14. **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. This Agreement shall be governed by the laws of the State of Michigan and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48<sup>th</sup> District Court.

15. **COMPLETE AGREEMENT:** The parties agree that the conditions set forth in this Agreement sets forth all terms and conditions of the Services agreement with the City. 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 Service Provider 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. **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.

17. **INDEPENDENT:** Service Provider and the City agree that Service Provider shall be liable for its own actions and neither Service Provider nor its employees or contractors shall be construed as employees of the City. 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. Service Provider, including its employees and contractors,

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 and other employer contributions on behalf of Service Provider or Service Provider's employees or contractors.

18. **CONFIDENTIAL AND OR PROPRIETARY INFORMATION:** Service Provider 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. Service Provider recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Service Provider agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. Service Provider shall inform its employees and contractors of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. Service Provider further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.

The said parties have caused this Agreement to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

#### WITNESSES / NOTARY PUBLIC

**COMMON GROUND** 

B١

Notary Public signature above

Notary Public stamp below:

the ap By:

Heather Rae

Its: President and CEO

NOTARY PUBLIC, STATE OF MI COUNTY OF OAKLAND MY COMMISSION EXPIRES Doc 18, 2024 -ACTING IN COUNTY OF Dattand

#### **CITY OF BIRMINGHAM**

By:

Therese Longe, Mayor

By:

Alexandria D. Bingham, City Clerk

Approved:

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

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

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

unhar

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

# ATTACHMENT A

Name of Organization: Common Ground
Funding Request: \$1500
Amount of funding received from City in current fiscal year: \$1500
Organization's Purpose or Mission: Helping people move from crisis to hope.
Description of Services to be provided (Scope of Work): Common Ground provides a variety of programs to respond to crisis. The Resource and Crisis Helpline allows individuals to seek immediate access to help and resources via calls, chats or text 24/7.
The Oakland Assessment and Crisis Intervention Service (OACIS) provides recovery-oriented, face to face emergency assessment, crisis intervention,
psychiatric evaluation, peer support, and stabilization services for all Oakland County residents 24/7. The Oakland Crisis Intervention and Recovery Team
(OCIRT) provides recovery oriented trauma informed crisis intervention to those who desire additional supports between a crisis and the onset
of treatment. Other services include: Legal Clinic, Victim Assistance Program, the Sancluary for Runaway and Homoless youth, and various support groups.
Explain the value of the services to the City of Birmingham: Common Ground Is available to anyone experiencing a crisis and last year 24. Birmingham residents were served at a cost of \$15,410 which does not include charges for the
Resource and Crisis Helpline.
Provide a list of the other funding sources: (List below, Attach additional sheet if necessary.) Major sources of funding for the programs that servie Birmingham residents include: Oakland Community Health Network -
\$9.3M and public support of \$600,000.

Name of Organization: Common Ground

VIII. Provide a detailed list of services provided in the 2021-22 Fiscal Year (July 1, 2021 – June 30, 2022). Include the following for each guarter:

- Date & Time frame of each service provided
- Explanation of the service provided
- Number of Birmingham residents in attendance/effected by service
- Explanation of how the funds were used

(Use Attachment B to record the services. Attach additional sheets if necessary.)

NOTE: Organizations receiving funding are required to provide involces to the City for services coinciding with the timing of the delivery of those services.

Submitted by:	Jeff Kapu	scinski	Title:	Chief External Relations Officer		
	(Print Name)		, maar		December 10, 2021	-
Signat <del>ure: //</del>	le for the second se	<u> </u>	<u></u>	Date:	······································	

Date of Service	Duration of Service (timeframe)	Explain the services provided	Number of Birmingham residents in attendance or affected by the service	Breakdown of the funds used for that service

# First Quarter (July 1, 2021 – September 30, 2021)

# Second Quarter (October 1, 2021 – December 31, 2021

Date of Service	Duration of Service (timeframe)	Explain the services provided	Number of Birmingham residents in attendance or affected by the service	Breakdown of the funds used for that service

Date of Service	Duration of Service (timeframe)	Explain the service provided	Number of Birmingham residents in attendance or affected by the service	Breakdown of the funds used for that service			

# Third Quarter (January 1, 2022 – March 31, 2022

#### Fourth Quarter (April 1, 2022– June 30, 2022)

Date of Service	Duration of Service (timeframe)	Explain the service provided	Number of Birmingham residents in attendance or affected by the service	Breakdown of the funds used for that service			



# CERTIFICATE OF LIABILITY INSURANCE

RLEHNERTZ

DATE (MM/DD/YYYY) 10/8/2021

COMMGRO-01

	10/0/2021										
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).											
	DUCER						С				
	Huttenlocher Group			CONTACT Rae L. Lehnertz, CIC							
1007	W. Huron Street			(A/C, No, Ext): (248) 681-2100 (A/C, No): (248) 681-0362							
wat	erford, MI 48328			E-MAIL ADDRESS: rael@hgway.com							
				INSURER(S) AFFORDING COVERAGE				NAIC #			
				· · ·				41297			
INSU	RED			INSURER B : Philadelphia Indemnity Insurance Company 18058					18058		
	Common Ground, Inc.			INSURER C : Accident Fund Insurance Company of America 10166							
	1410 S. Telegraph			INSURE	RD:						
	Bloomfield Hills, MI 48302			INSURE	RE:						
				INSURE	RF:						
CO	VERAGES CERTIFI	САТІ	E NUMBER:				<b>REVISION NUMBER:</b>				
	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 ADD	SUBF	POLICY NUMBER		POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMIT	s			
Α	X COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	\$	5,000,000		
	CLAIMS-MADE X OCCUR X		OPS0070151		9/30/2021	9/30/2022	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$	500,000		
	χ Professional Liabili						MED EXP (Any one person)	\$	10,000		
							PERSONAL & ADV INJURY	\$	5,000,000		
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	\$	6,000,000		
							PRODUCTS - COMP/OP AGG	\$	6,000,000		
							FRODUCTS - COMF/OF AGG				
В	OTHER:						COMBINED SINGLE LIMIT	\$ \$	1,000,000		
_	ANY AUTO		PHPK2331483		9/30/2021	9/30/2022	(Ea accident)				
	OWNED AUTOS ONLY X SCHEDULED AUTOS						BODILY INJURY (Per person)	\$			
							BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)				
	X HIRED AUTOS ONLY X NON-OWNED AUTOS ONLY						(Per accident)	\$			
A								\$	4,000,000		
	UMBRELLA LIAB X OCCUR		XLS0112583		9/30/2021	9/30/2022	EACH OCCURRENCE	\$	4.000.000		
	X EXCESS LIAB CLAIMS-MADE		AL30112303		5/50/2021	9/30/2022	AGGREGATE	\$	4,000,000		
	DED RETENTION \$						V PER OTH-	\$			
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N				9/30/2021	9/30/2022	X PER OTH- STATUTE ER		4 000 000		
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?		WCV8019771	,00019771			E.L. EACH ACCIDENT	\$	1,000,000		
	(Mandatory in NH)					E.L. DISEASE - EA EMPLOYEE	\$	1,000,000			
	DESCRIPTION OF OPERATIONS below						E.L. DISEASE - POLICY LIMIT	\$	1,000,000		
DES	CRIPTION OF OPERATIONS / LOCATIONS / VEHICLES	ACORI	D 101, Additional Remarks Schedu	ile, may b	e attached if mo	re space is requi	red)				
	of Birmingham including all elected and ap bers, including employees and voluteers th										
requ	irements of the contract between the Certif	cate	Holder and the Insured. Th	nis insu	irance is prim	nary with resp	pect to the interest of the	Additic	onal Insured		
and any other insurance maintained by Additional Insured is excess and non-contributory with this insurance. A 30 day notice of cancellation except 10 days											
for nonpayment of premium applies.											
CERTIFICATE HOLDER				CANCELLATION							
City of Birmingham				SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.							
									151 Martin		
1	Birmingham, MI 48009										

Cathy males I

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MEMORANDUM

Department of Public Services

DATE:	June 20, 2022
TO:	Thomas M. Markus, City Manager
FROM:	Lauren A. Wood, Director of Public Services Mike Bernal, Public Services Manager
SUBJECT:	Sensus Meter Replacement Batteries

#### INTRODUCTION:

The battery life in the Sensus Omni T2 water meters have a 10-year life span, and now require replacement. Without replacement, the meters become inactive, and the City cannot obtain accurate water usage readings during billing cycles. DPS recommends purchasing (139) the replacement batteries from ETNA Supply Company, a sole-source provider of Sensus Meter Systems and parts.

#### BACKGROUND:

In late 2011, the Department of Public Services (DPS) implemented a smart water meter system that enabled the City and its residents to access their water usage information through a webbased portal. Among these meters were the Sensus Omni T2, which were used on a service line of  $1\frac{1}{2}$ " and above. There are approximately (490) throughout the City.

#### LEGAL REVIEW:

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

#### FISCAL IMPACT:

The funds for this purchase, totaling \$71,665 are available in the Water Supply System Fund, Account #591-537.001-747.0000.

#### PUBLIC COMMUNICATIONS:

Residents will have an advanced notification to schedule the appointment for the installation of the replacement battery.

#### SUMMARY

The Department of Public Services recommends the phase I purchase of meter replacement batteries in the amount of \$71,665 from ETNA Supply Company, a sole-source provider of Sensus Meter Systems and parts.

#### ATTACHMENTS:

Attached to this report is the quote for the purchase of (139) meter batteries, the purchase agreement, and certificate of insurance.

#### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve an agreement with Etna Supply Company located at 2158 Gratiot Avenue, Detroit, MI 48207, for the purchase of Sensus Meter replacement parts, in the amount of \$71,665. Funds for this purchase are available in the FY 2021-2022 Water Supply System Fund, account #591-537.001-747.0000; and further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

#### AGREEMENT BETWEEN THE CITY OF BIRMINGHAM AND ETNA SUPPLY COMPANY FOR THE PURCHASE OF REPLACEMENT METER CHAMBERS

THIS AGREEMENT is entered into this <u>do</u><sup>11</sup> day of <u>do</u>, 2022, by and between the CITY OF BIRMINGHAM, whose address is 151 Martin Street, Birmingham, MI 48009 (hereinafter referred to as the City) and ETNA SUPPLY COMPANY, a Michigan Corporation, whose address is 2158 Gratiot Avenue, Detroit, MI 48207 (hereafter referred to as "Vendor") and the foregoing shall collectively be referred to as the parties.

WHEREAS, the City desires to purchase replacement chambers for the City' water meters and system, as more fully described in Attachment "A"; and

WHEREAS, Vendor has qualifications that meet the project requirements and has provided a cost proposal to provide the City with the replacement chamber parts, as described in Attachment "A."

**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 Quotation shall be incorporated herein by reference, 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 Quotation, the terms of this Agreement shall prevail.

2. WARRANTY: This Agreement shall have a warranty for the equipment described in Attachment A for a term of forty-eight months (48) from the date stated above. The products offered shall be standard new equipment, current model or most recent regular stock product with all parts regularly used with the type of equipment offered; and no attachment or part has been substituted or applied contrary to the manufacturer's recommendations and standard practice. Vendor further warrants and represents that components or deliverables specified and furnished by or through the Vendor shall individually, and where specified and furnished as a system, be substantially uninterrupted or error free in operation and guaranteed against faulty material and workmanship for the warranty period, or for two (2) years from the date of acceptance, which shall be delivered to the City by common carrier, whichever is longer. During the project warranty period, defects in the materials or workmanship of components or deliverables specified and furnished be repaired or replaced by Vendor at no cost or expense to the City.

**3. TERMS OF PAYMENT:** The City shall pay Seventy-one Thousand Six Hundred Sixty-five and 00/Dollars (\$71,665.00), and shall be payable thirty (30) days after delivery of the equipment and completion of services.

1

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.

6. CONFIDENTIAL AND OR PROPRIETARY INFORMATION: The Vendor 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 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 rendering services pursuant to this Agreement. The Vendor further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.

**INDEPENDENT VENDOR:** The Vendor and the City agree that the Vendor 7. is acting as an independent vendor with respect to the Vendor's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the 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:** 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.

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 Vendor, either by offset to any amounts due and owing Vendor 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; Vendor 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 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 the sole act or behalf of the City.

#### 11. 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:

<u>For Non-Sole Proprietorships</u>: 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.

<u>For Sole Proprietorships</u>: 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. <u>Commercial General Liability Insurance</u>: 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. <u>Additional Insured</u>: Commercial General Liability Insurance, as described above, <u>shall include an endorsement stating the following</u> Additional Insureds: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.

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

E. <u>Proof of Insurance Coverage</u>: Vendor 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.

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

F. <u>Maintaining Insurance</u>: Upon failure of the Vendor 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, Director of DPS

Vendor: ETNA Supply Company 2158 Gratiot Ave. Detroit, MI 48207 Attn: Todd Bennett

13. 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.

**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 Vendor's Quotation shall be incorporated herein by reference, and the parties agree 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.

**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 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.

**18. 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.

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

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

**IN WITNESS WHEREOF,** the parties hereto agree to be bound by the above terms and conditions, and 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.

ETNA SUPPLY COMPANY By: Cel W Its: MUNICIPA DIN. Mg.

STATE OF MICHIGAN ) SS: COUNTY OF OAKLAND )

On this  $\frac{\lambda O^{+ ff}}{\Delta C}$  day of  $\underline{Qure}$ , 2022 before me personally appeared ALWEBER, who acknowledged that with authority on behalf of ETNA SUPPLY COMPANY to do so he/she signed this Agreement.

<u>Acting in \_\_\_\_\_ County, Michigan</u> My commission expires: <u>2/7/2027</u>

Lyone Marie Od Notary Public of Michigan Kent County Expires 02/07/202 Acting in the County of

**CITY OF BIRMINGHAM:** 

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

By:\_\_\_

Alexandria D. Bingham, City Clerk

**APPROVED:** 

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

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

ampoor

Lauren Wood, Director of DPS (Approved as to substance)

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

ATTACHMENT A



ETNA SUPPLY - GRAND RAPIDS 4901 CLAY AVENUE SW GRAND RAPIDS, MI 49548-3038 616 241 5414 Fax 616 241 4786

QUOTE TO:

V. V.

# Quotation

QUOTE DATE	QUOTE	NUMBER
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ETNA SUPPLY		PAGE NO.
PO Box 772107 DETROIT, MI 48277-2107 P-616 248 9182 F-616 245 9940		1 of 1
F-616 245 9940		1011

SHIP TO:

CITY OF BIRMINGHAM 851 S EATON STREET BIRMINGHAM, MI 48012

CITY OF BIRMINGHAM PO BOX 3001 BIRMINGHAM, MI 48012-3001

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his Quotation is controlled by ETNA's standard terms and conditions "ETNA's Standard Terms") found at ttps://www.etnasupply.com/TermsandConditionsofQuotation iny other terms are expressly rejected. To the extent there is a onflict between any of the terms appearing in the face of this Quotation and ETNA's Standard Terms, the terms programs of the Quotation and ETNA's Standard Terms, the terms		lard terms and conditions itionsofQuotation he extent there is a ndard Terms, the terms		Subtota S&H C		71665.00 0.00	
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### **MEMORANDUM**

City Clerk's Office

DATE:	June 27, 2022
то:	Thomas M. Markus, City Manager
FROM:	Alexandria Bingham, City Clerk
SUBJECT:	Public Hearing to determine the removal of Aaron Black from the Advisory Parking Committee

#### INTRODUCTION:

The Advisory Parking Committee's resident shopper member, Aaron Black, has not participated in a meeting nor responded to multiple attempts to contact him since the committee's December 1, 2021 meeting.

#### BACKGROUND:

At the May 23, 2022 Commission Meeting the Birmingham City Commission set a public hearing date of June 27, 2022 to determine if Aaron Black should be removed from the Advisory Parking Committee for cause. The City Clerk's office administered the public noticing procedure, notifying Mr. Black at his last known address via post mail, as well as publishing the notice of public hearing in the June 12, 2022 edition of the Birmingham Eccentric.

On June 10, 2022 Aaron Black submitted a letter of resignation to the Clerks Department.

#### LEGAL REVIEW:

City Attorney has reviewed this action and has no objection to the process.

FISCAL IMPACT:

The Finance Director has reviewed and has no fiscal concerns.

#### PUBLIC COMMUNICATIONS:

A mailed letter was sent to Mr. Black's last known address on May 31, 2022. The Notice of Public Hearing was printed in the June 12, 2022 edition of the Birmingham Eccentric. The notice was also posted on www.bhamgov.org/publicnotices on May 27, 2022.

#### SUMMARY:

The City Commission scheduled a public hearing to be held at the Monday, June 27, 2022 meeting. The Commission should open the public hearing and indicate that no action is required regarding the hearing. Once the hearing has been closed the Commission would then proceed with a motion to accept the resignation of Aaron Black. The clerk will then prepare a notice to procure applicants that could be interviewed to fill the vacant position on the Advisory Parking Committee at a subsequent City Commission meeting.

#### ATTACHMENTS:

- Resignation letter from Aaron Black dated June 10, 2022
- Clerk's Confirmation of Public Hearing Notice: Removal Hearing for Aaron Black from the Advisory Parking Committee

#### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to accept the resignation letter of Aaron Black from the Advisory Parking Committee.

Friday, June 10, 2022

Alexandria Bingham City Clerk 151 Martin Street Birmingham, MI, 48009

Alexandria,

Please accept my letter of resignation from the Advisory Parking Committee, effective immediately. I apologize for not addressing my inability to perform the essential tasks of the Board role earlier this year. Thank you for reaching out to address the topic. I wish the city and committee continued success handling these important matters.

Sincerely,

Aaron Black 2243 Dorchester Road Birmingham, MI



### **MEMORANDUM**

Clerk's Office

DATE:	Thursday, June 16, 2022
TO:	Alex Bingham, City Clerk
FROM:	Christina Woods, Deputy Clerk
SUBJECT:	Clerk's Confirmation of Public Hearing Notice: Removal Hearing for Aaron Black from the Advisory Parking Committee

The public hearing notice process has been completed for the Removal Hearing for Aaron Black from the Advisory Parking Committee. Please see attachments for further confirmation.

Mailing Date: May 31, 2022 Publishing Dates in the Birmingham Eccentric: June 12, 2022 Posted on <u>www.bhamgov.org/publicnotices</u>: May 27, 2022

Attachments:

- 1. Public Hearing Notice
- 2. Mailing Letter
- 3. Affidavit of publishing



### MEMORANDUM

**Planning Division** 

DATE:	June 20 <sup>th</sup> , 2022
то:	Thomas M. Markus, City Manager
FROM:	Brooks Cowan, Senior Planner
APPROVED:	Nick Dupuis, Planning Director
SUBJECT:	Public Hearing – 588 S. Old Woodward - Phoenicia – Special Land Use Permit, Final Site Plan and Design Review

#### INTRODUCTION:

Phoenicia, located at 588 S. Old Woodward, has operated as a restaurant in Birmingham with a Class C Liquor License since 1982. The applicant is proposing to update their kitchen and the rear area of the building with a 1,381 square foot addition.

#### BACKGROUND:

Phoenicia is currently a 2,700 square foot restaurant in a building constructed to be a restaurant in 1978. The applicant is proposing a 1,381 square foot addition in the rear to update the kitchen, provide additional employee storage and bathrooms, and a new private dining room 495 square feet with 14 seats. Updates to the site will also include bringing the rear storage and dumpster into compliance with new screening and additional landscaping surrounding the parking lot.

On April 27<sup>th</sup>, 2022, the applicant appeared before the Planning Board for their SLUP and Final Site Plan review. The addition of 1,381 square feet increases the restaurant's parking requirement from 40 parking spaces to 54. Expanding the rear footprint also occupies former parking spaces, reducing the parking on-site to 34. Given the Zoning Ordinance's requirement of 1 parking space per 75 square feet of gross floor area, the applicant has an on-site parking shortage of 20 parking spaces.

Phoenicia is within 100 feet of the 555 building (555 S. Old Woodward), and is therefore eligible for a parking lease agreement with the property across the street. The 555 building has a total of 376 parking spaces to count towards their requirement, though it only requires 356 parking spaces, an excess of 20 spaces which they are able to lease to Phoenicia.

The applicant, Phoenicia has provided a parking lease agreement with the 555 Building for 20 spaces to the City. Given that the lease agreement enables the applicant to satisfy the parking requirements of the Zoning Ordinance, the applicant will be required to demonstrate that a lease agreement for their required parking spaces has been maintained every year during their annual liquor license review.

The Planning Board motioned to recommend approval of the proposed SLUP and Final Site Plan with the following conditions:

- 1. The applicant submit a signed parking lease agreement for 20 parking spaces or obtain a variance for required parking spaces from the BZA;
- 2. The applicant submit an updated photometric plan that satisfies the foot candle level requirements for parking lot circulation areas;
- 3. The Planning Board allow evergreen parking lot screening in place of a masonry screen wall;
- 4. The Planning Board allow the glazing standards for the northern elevation with a public entrance to be modified; and,
- 5. The City Attorney draft language to be included in the Special Land Use Permit contract to require that the applicant demonstrates satisfactory parking is maintained to satisfy compliance with the current parking ordinance during its review in the annual liquor license review with the City; and,
- 6. The applicant comply with the requests of all City Departments.

The applicant has continued to coordinate with City staff on a photometric plan that satisfies the foot candle requirements for parking lot circulation areas and will provide a final photometric plan for the Public Hearing.

#### LEGAL REVIEW:

The City Attorney has reviewed the application and has no concerns as to the form and content. Additional language regarding the parking lease agreement requirements has been added to the SLUP contract as required by the Planning Board conditions of approval.

#### FISCAL IMPACT:

There are no fiscal impacts for this agenda item.

#### PUBLIC NOTIFICATION:

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 April 27<sup>th</sup>, 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 June 27<sup>th</sup>, 2022.

#### SUMMARY:

The Planning Division requests that the City Commission consider the Special Land Use Permit, Final Site Plan and Design Review application for 588 S. Old Woodward – Phoenicia.

#### ATTACHMENTS:

- Special Land Use Permit Resolution
- Special Land Use Permit Contract
- Site/Design Plans
- Application & Supporting Documents
- Planning Division Report
- April 27<sup>th</sup>, 2022 Planning Board Meeting Minutes

#### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to APPROVE the Special Land Use Permit, Final Site Plan and Design Review application for 588 S. Old Woodward – Phoenicia with the following condition:

1. The applicant submit a signed parking lease agreement for 20 parking spaces or obtain a variance for required parking spaces from the BZA;

#### Phoenicia

#### 588 S. Old Woodward Special Land Use Permit 2022 Resolution

**WHEREAS**, a Special Land Use Permit Application was filed in March of 2022 for approval of an expansion and renovation for additional storage, kitchen, and dining space, and a new outdoor dining patio at an existing food and drink establishment serving alcoholic liquors for on premise consumption known as Phoenicia; and,

**WHEREAS**, the land for which the Special Land Use Permit Agreement is sought is located on the west side of S. Old Woodward Ave across from the intersection of S. Old Woodward and Haynes Street; and,

**WHEREAS**, the land is zoned B2-B (General Business) and D2 (Downtown Overlay) which permits the operation of a food and drink establishment serving alcoholic liquors for on premise consumption with a Special Land Use Permit; and,

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

**WHEREAS,** The Planning Board on April 27, 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 the expansion and renovation for additional storage, kitchen, and dining space, and a new outdoor dining patio with the following conditions:

- 1. The applicant submit a signed parking lease agreement for 20 parking spaces or obtain a variance for required parking spaces from the BZA;
- 2. The applicant submit an updated photometric plan that satisfies the foot candle level requirements for parking lot circulation areas;
- 3. The Planning Board allow evergreen parking lot screening in place of a masonry screen wall;
- 4. The Planning Board allow the glazing standards for the northern elevation with a public entrance to be modified; and,
- The City Attorney draft language to be included in the Special Land Use Permit contract to require that the applicant demonstrates satisfactory parking is maintained to satisfy compliance with the current parking ordinance during its review in the annual liquor license review with the City; and,
- 6. The applicant 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 Phoenicia'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 Phoenicia's application for a Special Land Use Permit, Final Site Plan and Design Review at 588 S. Old Woodward 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. Phoenicia shall abide by all provisions of the Birmingham City Code;
- 2. Phoenicia must maintain a valid Outdoor Dining Permit and enter into a Lease Agreement for the use of public property;
- 3. Phoenicia shall indicate the maintenance of a shared parking agreement during their annual liquor license review and Phoenicia shall demonstrate the property located at 588 S. Old Woodward satisfies all parking requirements of the Zoning Ordinance during their annual liquor license review; and
- 4. 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, Phoenicia 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 Phoenicia to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

BE FURTHER RESOLVED that Phoenicia is recommended for an expansion into an adjacent tenant space, interior renovations, and the operation of a new outdoor dining platform in the Merrill 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 June 27, 2022.

Alexandria Bingham City Clerk

### CONTRACT FOR A SPECIAL LAND USE PERMIT FOR 588 S. OLD WOODWARD – PHOENICIA LLC

This Contract is entered into this 21<sup>c</sup> day of <u>June</u>, 2022 by and between <u>PHOENICIA LLC</u>, whose address is <u>588 S. Old Woodward, Birmingham, MI 48009</u>, (Licensee), <u>EID PROPERTIES, LLC</u> whose address is <u>588 S. Old Woodward</u>, <u>Birmingham, MI 48009</u> (Property Owner), and the **CITY OF BIRMINGHAM**, a Michigan Municipal Corporation, whose address is 151 Martin Street, Birmingham, Michigan 48009 (City).

### RECITALS:

**WHEREAS**, a Special Land Use Permit Application was filed in March of 2022 for approval of an expansion and renovation for additional storage, kitchen, and dining space, and a new outdoor dining patio at an existing food and drink establishment serving alcoholic liquors for on premise consumption known as Phoenicia; and,

**WHEREAS**, the land for which the Special Land Use Permit Agreement is sought is located on the west side of S. Old Woodward Ave across from the intersection of S. Old Woodward and Haynes Street; and,

**WHEREAS**, the land is zoned B2-B (General Business) and D2 (Downtown Overlay) which permits the operation of a food and drink establishment serving alcoholic liquors for on premise consumption with a Special Land Use Permit; and,

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

**NOW, THEREFORE**, the parties agree as follows:

1. Licensee has a liquor license for use solely at the Property. Any transfer of the aforementioned license from the Property to any other location in the CITY OF BIRMINGHAM shall require the approval of the Birmingham City Commission in accordance with Section 10-83. In addition, any expansion, of the Property shall also require the approval of the Birmingham City Commission.

2 Licensee further acknowledges that it must maintain a Special Land Use Permit for a food and drink establishment as required by the Birmingham City Code. It is further agreed that it shall comply with all provisions of the Special Land Use Permit, or any amendments thereto, as a condition of this contract. Licensee further acknowledges and agrees that a violation of any provision of the Special Land Use Permit or the Michigan Liquor Control Code is a violation of the terms of this contract entitling the City to exercise any or all of the remedies provided herein. 3. Licensee acknowledges that no modifications to the site plan, floor plan, elevations or operation of the establishment may be made unless approved by the City Commission through a Special Land Use Permit as required in the Zoning Ordinance. Modifications include, but are not limited to, name changes, ownership changes, remodeling, changes in the number of interior or exterior seats, etc.

4. Licensee further acknowledges that outdoor dining is permitted with a valid Outdoor Dining Permit.

5. Licensee further agrees that it shall not apply or seek from the Michigan Liquor Control Commission any permit endorsements to its liquor license whether available in the current Michigan Liquor Control Code or in future Michigan Liquor Control Codes, or amendments thereto, without the prior approval of the Birmingham City Commission.

6. Licensee further agrees that it shall not seek any change in its license status/class whether such changes are available now in the current Michigan Liquor Control Code or in future Michigan Liquor Control Codes, or amendments thereto, without prior approval of the Birmingham City Commission.

7. Licensee agrees that it shall adhere to all Federal, State and Local laws currently in effect or as subsequently amended or enacted.

8. Licensee agrees that its failure to follow any of the provisions herein may be grounds for the Michigan Liquor Control Commission to suspend, revoke or not renew its liquor license and/or for the Birmingham City Commission to revoke the Special Land Use Permit, either of which would prohibit Licensee from operating the establishment. Licensee agrees that in addition to the City of Birmingham's right to seek suspension, revocation or non-renewal of its liquor license and/or revocation of the Special Land Use Permit, the City retains any and all rights to enforce this Contract that may be available to it in law or in equity. Licensee further agrees that it shall reimburse the City all of its costs and actual attorney fees incurred by the City in seeking the suspension, revocation or non-renewal of its liquor license and revocation of the Special Land Use Permit, as well as enforcing such other rights as may be available at law and/or in equity.

9. To the fullest extent permitted by law, Licensee and Property Owner and any entity or person for whom Licensee and the Property Owner is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City, its elected and appointed officials, employees and volunteers and others working on behalf of the City against any and all claims, demands, suits, or loss, including all costs connected therewith, including all costs and actual attorney fees, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working on behalf of the City, by reason of personal injury, including bodily injury, death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with Licensee's operation of an establishment at the Property.

10. In the event Licensee fails to reimburse the City the costs and/or attorney fees as required herein, or any part thereof, then said amount could be transferred to the tax roll in accordance with Section 1-14 of the Birmingham City Code.

11. Any disputes arising under this Contract, not within the jurisdiction of the Michigan Liquor Control Commission, shall be settled either by commencement of a suit in Oakland County Circuit Court or by compulsory arbitration, at the election of the City. The Licensee and Property Owner shall notify the City of any dispute it has arising out of this Contract and shall demand that the City elect whether the dispute is to be resolved by submitting it to compulsory arbitration or by commencement of a suit in Oakland County Circuit Court. The City shall make its election in writing within thirty (30) days from the receipt of such notice. If the City elects to have the dispute resolved by compulsory arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan, with each of the parties appointing one arbitrator and the two thus appointed appointing a third. In the event the City fails to make such an election, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court.

8

12. This Contract shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan.

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

14. The City Commission determines that to ensure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted subject to the following conditions:

- a. PHOENICIA LLC shall abide by all provisions of the Birmingham City Code; and
- b. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest; and
- c. PHOENICIA LLC shall indicate the maintenance of a shared parking agreement during their annual liquor license review and that PHOENICIA LLC shall demonstrate the property located at 588 S. Old Woodward satisfies all parking requirements of the Zoning Ordinance during their annual liquor license review.

15. Failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

16. Except as herein specifically provided, PHOENICIA LLC 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 PHOENICIA LLC to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

17. PHOENICIA LLC is recommended for the continued operation of a food and drink establishment serving alcoholic beverages for on premise consumption and associated interior/exterior renovations, above all others, subject to final inspection.

18. This Contract shall be binding upon and apply and inure to the benefit of the parties hereto and their respective successors or assigns. The covenants, conditions, and the agreements

herein contained are hereby declared binding on the CITY OF BIRMINGHAM, the Property Owner and Licensee. It is further agreed that there shall be no change, modification, or alteration hereof, except in writing, signed by all of the parties hereto. Neither party shall assign any of the rights under this contract without prior approval, in writing, of the other. Any attempt at assignment without prior written consent shall be void and of no effect.

**IN WITNESS WHEREOF**, the parties hereby have executed this Contract as of the date set forth above.

Q 2
amen (4(Licensee)
BY: SAMEER EID Its: 6/21/22 OWNER
Date: 6/21/22
(Property Owner)
By: UN Its: UNN
Date:

STATE OF MICHIGAN ) ) ss:

COUNTY OF OAKLAND

On this  $21^{4^+}$  day of <u>June</u>, 2022, before me personally appeared <u>Samer up</u>, who acknowledged that with authority on behalf of <u>Phyenua LLC</u> to do so he/she signed this Agreement.

Notary Public Wayne County, Michigan Acting in <u>Dakland</u> County, Michigan My commission expires: <u>316/21</u>

JANAE ELIZABETH NEDWICKI NOTARY PUBLIC - STATE OF MICHIGAN COUNTY OF WAYNE My Commission Expires March 16, 2027 Acting in the County of Walking

#### **CITY OF BIRMINGHAM**

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

By:\_

Alexandria D. Bingham, City Clerk

**APPROVED:** 1 Mook

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

m Kuchark

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

Cill

Nicholas Dupuis, Planning Director (Approved as to substance)



**Phoenicia Expansion - Parking Calculations:** 

Parking F	Required:
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35.57
18.41

Total Parking Required:	54
Parking Provided:	
Surface	34
Excess Parking Agreement	20
Total Parking Provided:	54



430 N. OLD WOODWARD BIRMINGHAM, MI 48009 P. 248.258.5707 F. 248.258.5515 SarokiArchitecture.com

Project: Phoenicia Expansion 588 South Old Woodward Birmingham, Michigan 48009

Date:	Issued For:	

3-29-22 Site Plan Approval

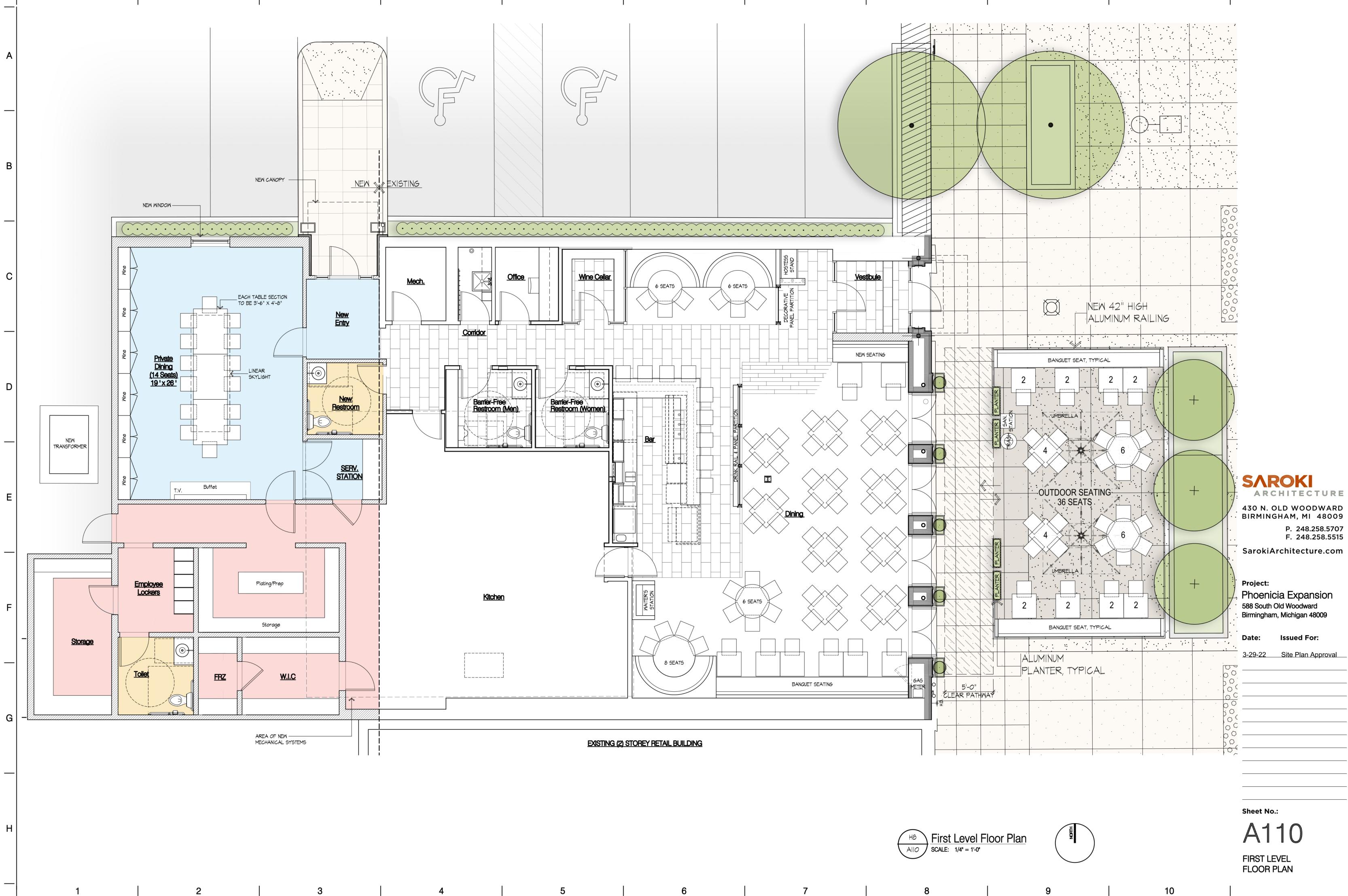
Sheet No.: A050

SITE PLAN



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V DV



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HO A240 Proposed Front Elevation SCALE: 1/4" = 1'-0"

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430 N. OLD WOODWARD BIRMINGHAM, MI 48009 P. 248.258.5707 F. 248.258.5515 SarokiArchitecture.com

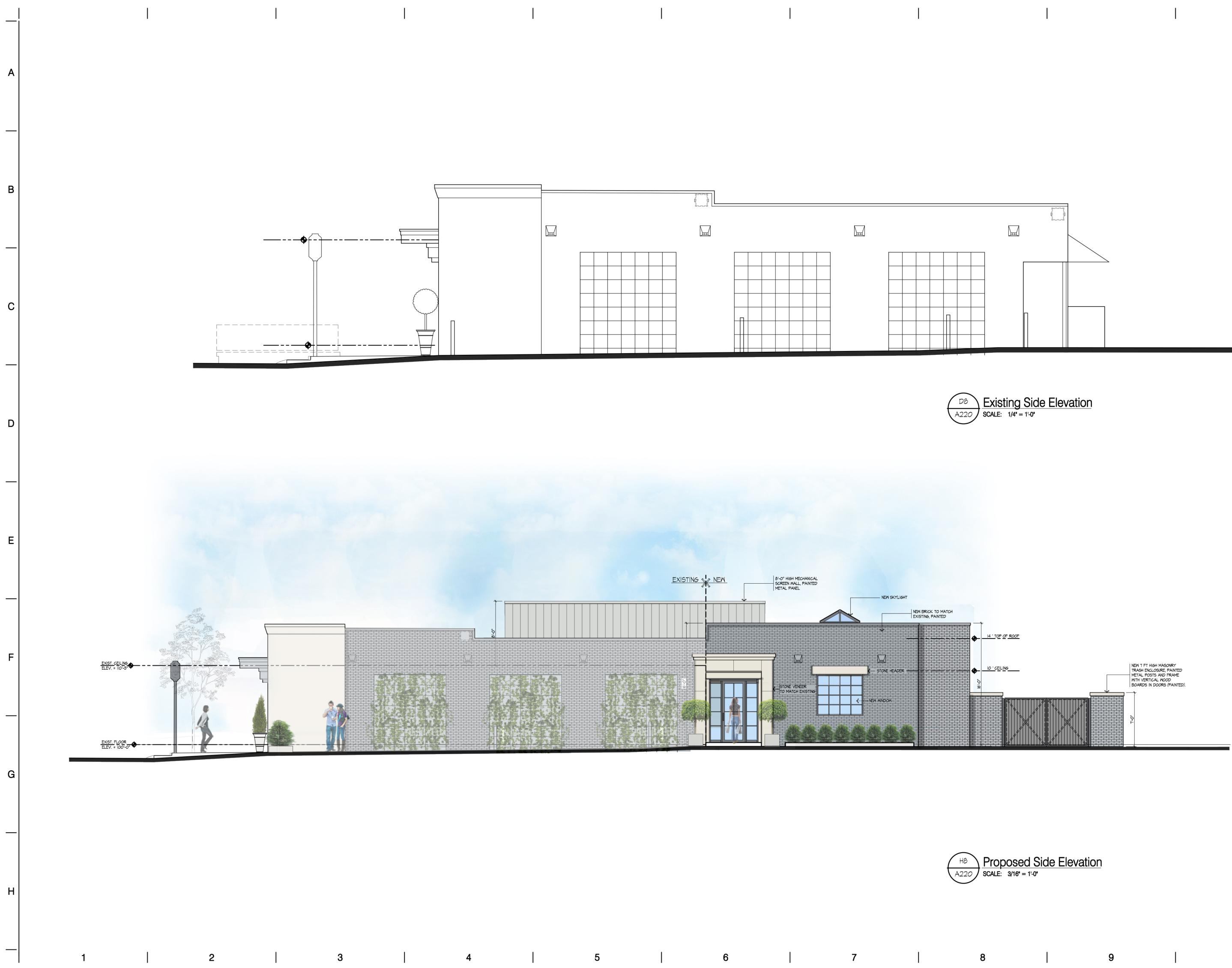
Project:

Phoenicia Expansion 588 South Old Woodward Birmingham, Michigan 48009

Date: Issued For:

3-29-22 Site Plan Approval

Sheet No.: A210FRONT ELEVATION





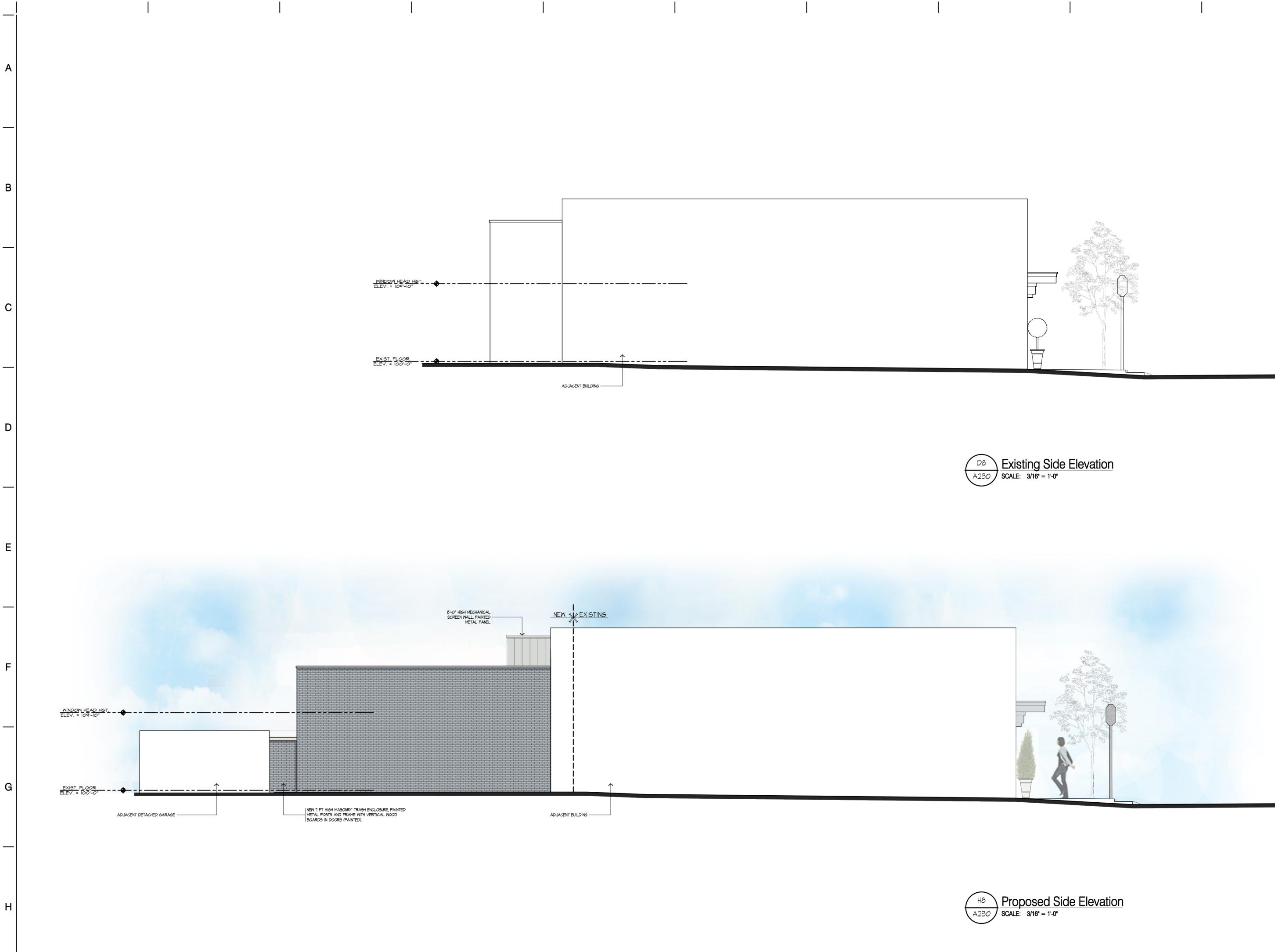
430 N. OLD WOODWARD BIRMINGHAM, MI 48009 P. 248.258.5707 F. 248.258.5515 SarokiArchitecture.com

Project: Phoenicia Expansion 588 South Old Woodward Birmingham, Michigan 48009

Issued For: Date: 3-29-22 Site Plan Approval

Sheet No.: A220

SIDE ELEVATION



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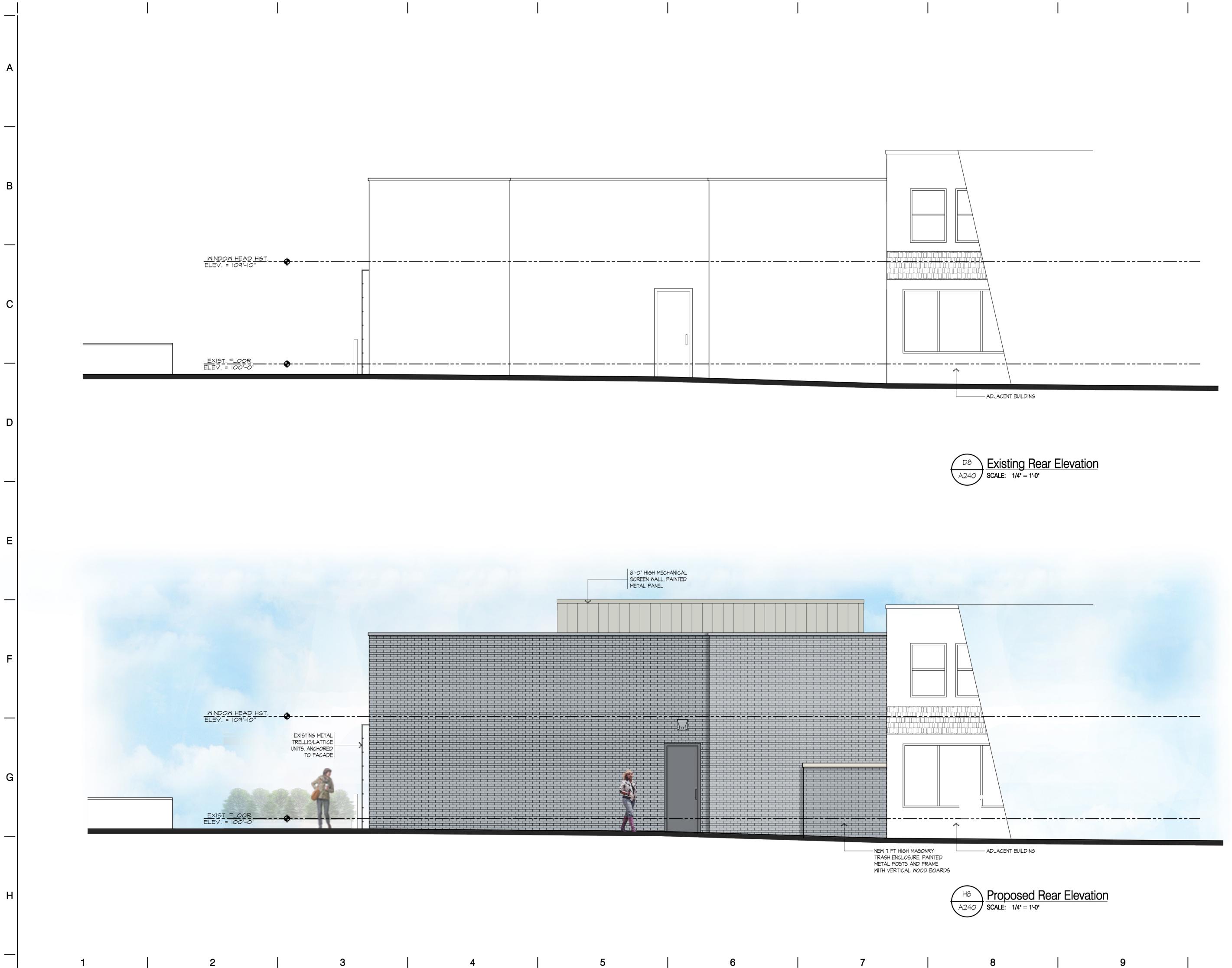
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Project:

Phoenicia Expansion 588 South Old Woodward Birmingham, Michigan 48009

Date: Issued For: 3-29-22 Site Plan Approval

Sheet No.: A230 SIDE ELEVATION



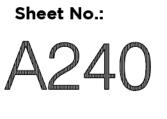


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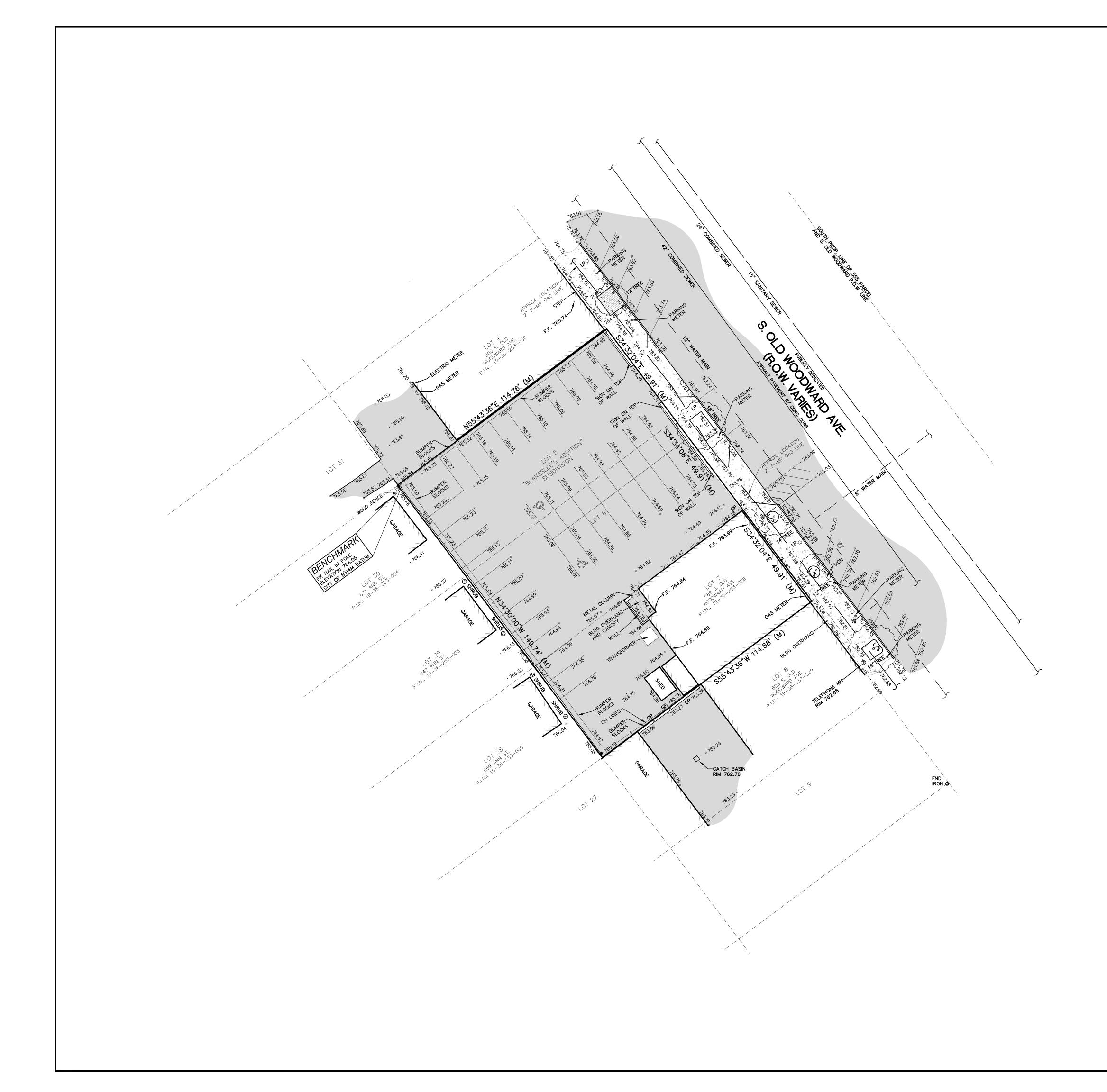
Project: Phoenicia Expansion 588 South Old Woodward Birmingham, Michigan 48009

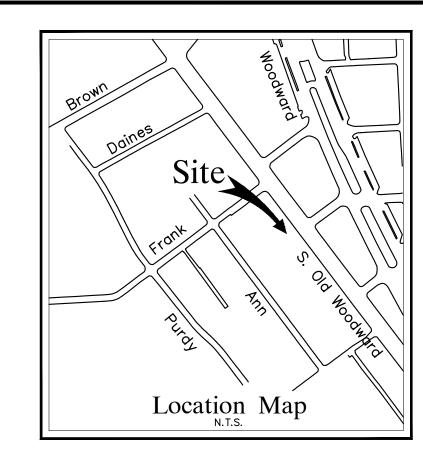
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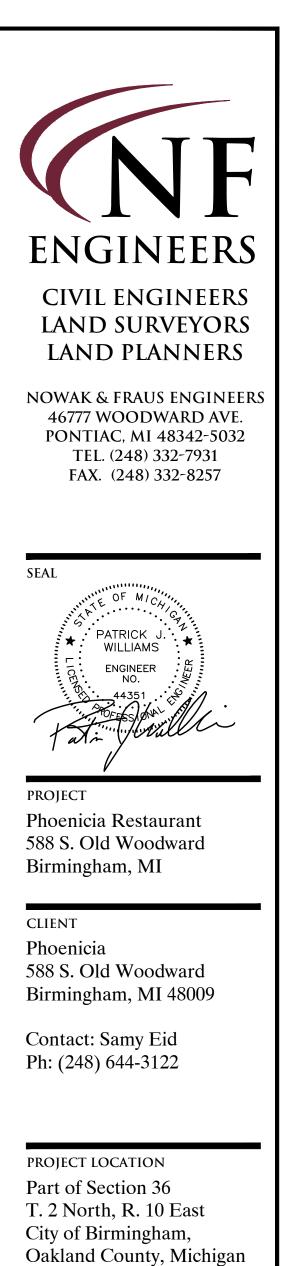
3-29-22 Site Plan Approval



**REAR ELEVATION** 







### LEGAL DESCRIPTION

LAND SITUATED IN SECTION 36, TOWN 2 NORTH, RANGE 10 EAST, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: LOTS 5, 6, AND 7 OF "BLAKESLEE'S ADDITION", EXCEPT THAT PART TAKEN FOR THE HIGHWAY.

P.I.N.: 19-36-253-028

MISS DIG / UTILITY DISCLAIMER NOTE A MISS DIG TICKET NUMBER A080360432, PURSUANT TO MICHIGAN PUBLIC ACT 174 WAS ENTERED FOR THE SURVEYED PROPERTY. DUE TO THE EXTENDED REPORTING PERIOD FOR UNDERGROUND FACILITY OWNERS TO PROVIDE THEIR RECORDS, THE SURVEY MAY NOT REFLECT ALL THE UTILITIES AT THE TIME THE SURVEY WAS ISSUED ON <u>FEBRUARY 15, 2018</u>. THE SURVEY ONLY REFLECTS THOSE UTILITIES WHICH COULD BE OBSERVED BY THE SURVEYOR IN THE FIELD OR AS DEPICTED BY THE UTILITY COMPANY RECORDS FURNISH PRIOR TO THE DATE THIS SURVEY WAS ISSUED. THE CLIENT AND/OR THEIR AUTHORIZED AGENT SHALL VERIFY WITH THE FACILITY OWNERS AND/OR THEIR AUTHORIZED AGENTS, THE COMPLETENESS AND EXACTNESS OF THE UTILITIES LOCATION.

### FLOOD HAZARD NOTE

THE PROPERTY DESCRIBED ON THIS SURVEY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; THE PROPERTY LIES WITHIN ZONE X OF THE FLOOD INSURANCE RATE MAP IDENTIFIED AS MAP NO. 26125C0537F BEARING AN EFFECTIVE DATE OF SEPTEMBER 29, 2006.

### TOPOGRAPHIC SURVEY NOTES

ALL ELEVATIONS ARE EXISTING ELEVATIONS, UNLESS OTHERWISE NOTED.

UTILITY LOCATIONS WERE OBTAINED FROM MUNICIPAL OFFICIALS AND RECORDS OF UTILITY COMPANIES, AND NO GUARANTEE CAN BE MADE TO THE COMPLETENESS, OR EXACTNESS OF LOCATION. THIS SURVEY MAY NOT SHOW ALL EASEMENTS OF RECORD UNLESS

THIS SURVEY MAY NOT SHOW ALL EASEMENTS OF RECORD UNLESS AN UPDATED TITLE POLICY IS FURNISHED TO THE SURVEYOR BY THE OWNER.

LEGEND		]
	EXISTING SANITARY SEWER	
	EXISTING SAN. CLEAN OUT	
MANHOLE CATCH BASIN	EXISTING WATER MAIN	
	EXISTING STORM SEWER	
¤	EX. R.Y. CATCH BASIN	
UTILITY POLE GUY POLE	EXISTING BURIED CABLES	
	OVERHEAD LINES	
Ц.	LIGHT POLE	2
न	SIGN	
· · ·	EXISTING GAS MAIN	



Boundary / Topographic

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

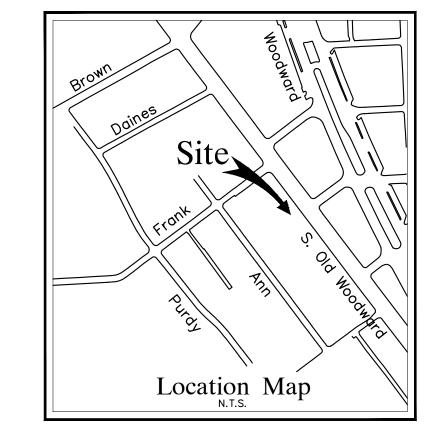
REVISIONS	
03-29-2022 SITE PLAN	APPROVAL

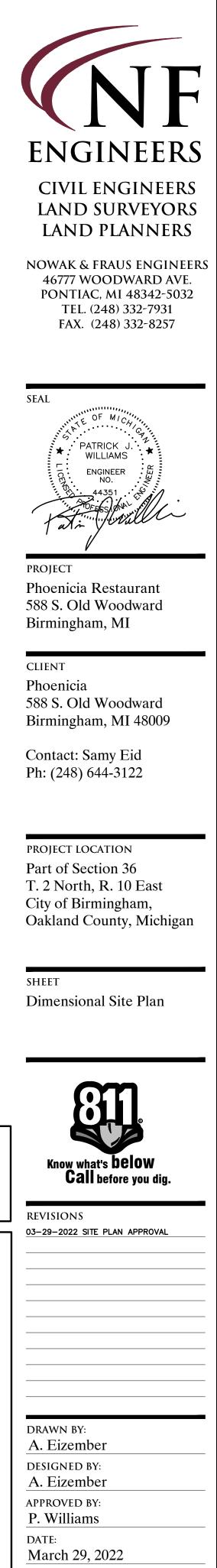
SHEET

Survey

DRAWN BY:			
A. Eizember			
DESIGNED BY:			
APPROVED BY:			
P. Williams			
DATE: March 29, 2022			
Scale: $1'' = 20'$			
	10	20	30
NFE JOB NO.	S	HEET N	0.
I264-01		<b>SP-1</b>	







I264-01

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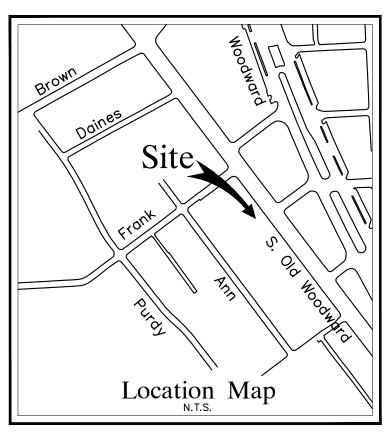
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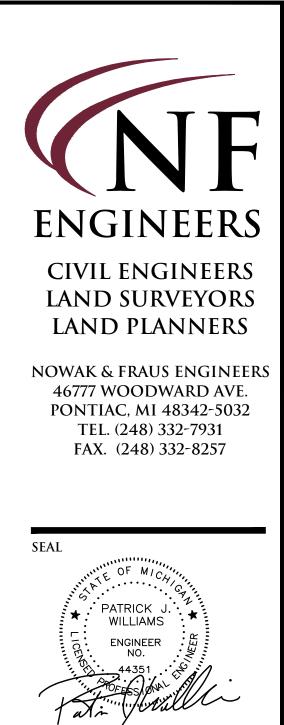
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**SP-2** 

	PAVING LEGEND		
	PRO	POSED CONCRETE PAVEMENT	Know what's b Call befor
	PRO	POSED ASPHALT PAVEMENT	REVISIONS
1			03-29-2022 SITE PLAN
	LEGEND		
	MANHOLE S HYDRANT GATE VALVE MANHOLE CATCH BASIN MANHOLE CATCH BASIN UTILITY POLE GUY POLE GUY WIRE K	EXISTING SANITARY SEWER SAN. CLEAN OUT EXISTING WATERMAIN EXISTING STORM SEWER EX. R. Y. CATCH BASIN EXISTING BURIED CABLES OVERHEAD LINES LIGHT POLE	
	q	SIGN	
	C.O. MANHOLE	· EXISTING GAS MAIN · PR. SANITARY SEWER	DRAWN BY: A. Eizember
	HYDRANT GATE VALVE	PR. WATER MAIN	DESIGNED BY:
	INLET C.B. MANHOLE	PR. STORM SEWER	A. Eizember
	<b>—</b>	PR. R. Y. CATCH BASIN	APPROVED BY: P. Williams
		PROPOSED LIGHT POLE	DATE:
	TC 600.00	PR. TOP OF CURB ELEVATION	March 29, 2022
	GU 600.00	PR. GUTTER ELEVATION	SCALE: $1'' = 20'$
	TW 600.00	PR. TOP OF WALK ELEVATION	20 10 0
	TP 600.00	PR. TOP OF PVMT. ELEVATION	
	FG 600.00	FINISH GRADE ELEVATION	NFE JOB NO.







### PROJECT Phoenicia Restaurant 588 S. Old Woodward Birmingham, MI

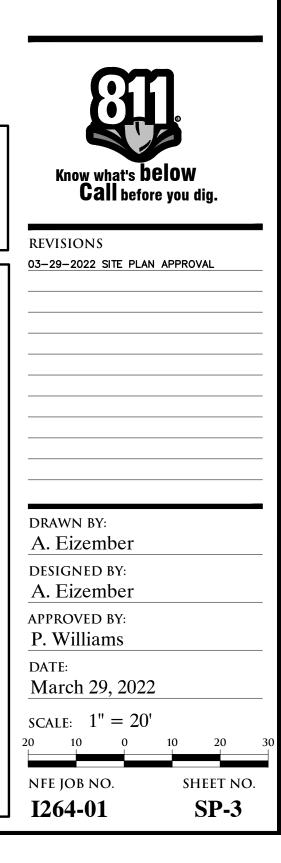
### CLIENT Phoenicia 588 S. Old Woodward Birmingham, MI 48009

## PROJECT LOCATION

Part of Section 36 T. 2 North, R. 10 East City of Birmingham, Oakland County, Michigan

SHEET

Engineering Site Plan



### GENERAL PAVING NOTES

CONCRETE: PORTLAND CEMENT TYPE IA (AIR-ENTRAINED) WITH A MINIMUM CEMENT CONTENT OF SIX SACKS PER CUBIC YARD, MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 3,500 PSI AND A SLUMP OF 1 1/2 TO 3 INCHES. BASE COURSE - MDOT BITUMINOUS MIXTURE NO. 1100L, 20AA; SURFACE COURSE – MDOT BITUMINOUS MIXTURE NO. 1100T, 20AA; ASPHALT CEMENT PENETRATION GRADE 85–100, BOND COAT – MDOT SS–1H EMULSION AT 0.10 GALLON PER SQUARE YARD; MAXIMUM 2 INCH LIFT.

PAVEMENT BASE SHALL BE COMPACTED TO 95% OF THE MAXIMUM DENSITY (MODIFIED PROCTOR) PRIOR TO PLACEMENT OF PROPOSED PAVEMENT. EXISTING SUB-BASE SHALL BE PROOF-ROLLED IN THE PRESENCE OF THE ENGINEER TO DETERMINE STABILITY. ALL CONCRETE PAVEMENT, DRIVEWAYS, CURB & GUTTER, ETC., SHALL BE SPRAY CURED WITH Contact: Samy Eid WHITE MEMBRANE CURING COMPOUND IMMEDIATELY FOLLOWING FINISHING OPERATION. ALL CONCRETE PAVEMENT JOINTS SHALL BE FILLED WITH HOT POURED RUBBERIZED ASPHALT JOINT SEALING COMPOUND IMMEDIATELY AFTER SAWCUT OPERATION. FEDERAL SPECIFICATION Ph: (248) 644-3122 SS-S164.

ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY AND THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION, CURRENT EDITION. ALL TOP OF CURB ELEVATIONS, AS SHOWN ON THE PLANS, ARE CALCULATED FOR A 6" CONCRETE CURB UNLESS UTHERWISE NUTED. ALL SIDEWALK RAMPS, CONFORMING TO PUBLIC ACT NO. 8, 1993, SHALL BE INSTALLED AS INDICATED ON THE PLANS.

CONSTRUCTION OF A NEW OR RECONSTRUCTED DRIVE APPROACH CONNECTING TO AN EXISTING STATE OR COUNTY ROADWAY SHALL BE ALLOWED ONLY AFTER AN APPROVED PERMIT HAS BEEN SECURED FROM THE AGENCY HAVING JURISDICTION OVER SAID ROADWAY. FOR ANY WORK WITHIN THE PUBLIC RIGHT-OF-WAY, THE CONTRACTOR SHALL PAY FOR AND SECURE ALL NECESSARY PERMITS AND LIKEWISE ARRANGE FOR ALL INSPECTION. EXISTING TOPSOIL, VEGETATION AND ORGANIC MATERIALS SHALL BE STRIPPED AND REMOVED FROM PROPOSED PAVEMENT AREA PRIOR TO PLACEMENT OF BASE MATERIALS. EXPANSION JOINTS SHOULD BE INSTALLED AT THE END OF ALL INTERSECTION RADII. SIDEWALK RAMPS, CONFORMING TO PUBLIC ACT NO. 8, 1973, SHALL BE INSTALLED AS SHOWN AT ALL STREET INTERSECTIONS AND AT ALL BARRIER FREE PARKING AREAS AS INDICATED ON THE PLANS.

ALL PAVEMENT AREAS SHALL BE PROOF-ROLLED UNDER THE SUPERVISION OF A GEOTECHNICAL ENGINEER PRIOR TO THE PLACEMENT OF BASE MATERIALS AND PAVING MATERIALS.

FILL AREAS SHALL BE MACHINE COMPACTED IN UNIFORM LIFTS NOT EXCEEDING 9 INCHES THICK TO 98% OF THE MAXIMUM DENSITY (MODIFIED PROCTOR) PRIOR TO PLACEMENT OF PROPOSED PAVEMENT.

PROPOSED CONCRETE PAVEMENT

PROPOSED ASPHALT PAVEMENT

- EXISTING SANITARY SEWER

- EXISTING STORM SEWER EX. R. Y. CATCH BASIN

- EXISTING BURIED CABLES

SAN. CLEAN OUT EXISTING WATERMAIN

OVERHEAD LINES

----- EXISTING GAS MAIN

------ PR. SANITARY SEWER

PR. R. Y. CATCH BASIN

PROPOSED LIGHT POLE

PR. GUTTER ELEVATION

PR. TOP OF CURB ELEVATION

PR. TOP OF WALK ELEVATION

PR. TOP OF PVMT. ELEVATION

FINISH GRADE ELEVATION

LIGHT POLE

SIGN

PAVING LEGEND

MANHOLE

MANHOLE CATCH BASIN

\_\_\_\_\_Q\_\_\_\_

UTILITY POLE GUY POLE 

C.O.

INLET

-¥

MANHOLE

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¥.

TC 600.00

GU 600.00

TW 600.00

TP 600.00

FG 600.00

**—•**—

C.B. MANHOLE

HYDRANT GATE VALVE PR. WATER MAIN

PR. STORM SEWER

\_\_\_\_\_

LEGEND

LED wall luminaire - directed light		BEGA				<b>s Size 0</b> Luminaire	Cotalog Number Notes	
Application This LED wall mounted luminaire has directed light distribution and is designed for the general illumination of pathways, walkways, and plazas. Materials Luminaire housing constructed of die-cast marine grade, copper free (≤0.3% copper content) A360.0 aluminum alloy White safety glass	Type: BEGA Product: Project: Modified:	5 mail	d"series fications	Buy An	nerican		Introdu The mod	uction dern styling btrusive - m
Reflector made of pure anodized aluminum Silicone applied robotically to casting, plasma treated for increased adhesion High temperature silicone gasket Mechanically captive stainless steel fasteners <b>NRTL</b> listed to North American Standards, suitable for wet locations Protection class IP 65 Weight: 7.5 lbs		EPA: Length: Width:	0.95 ft <sup>2</sup>				its enviro of the la perform The outs	ent even as i onment. Th itest in LED ance, high e standing ph n sites with e
Electrical           Operating voltage         120-277VAC           Minimum start temperature         -40° C           LED module wattage         29.8 W           System wattage         34 W           Controllability         0-10V dimmable           Color rendering index         Ra > 80           Luminaire lumens         3558 lumens (3000K)           Lifetime at Ta = 15° C         >500.000 h (L70)           Lifetime at Ta = 40° C         162,000 h (L70)		Height <sub>,</sub> Height <sub>z</sub> Weight (max):	(17.52 cm) ; 7* (17.8 cm)		H, C	H.	pole spa for repla energy s	acing and lo acing up to 4 savings of 70 100,000 hou
LED color temperature 4000K - Product number + K4 500K - Product number + K35 3000K - Product number + K3 2700K - Product number + K27		Orde DSX0 LEC	ering Information		EX	AMPLE: DSX0 LE	D P6 40K T3	M MVOLT
BEGA can supply you with suitable LED replacement modules for up to 20 years after the purchase of LED luminaires - see website for details		Series D5X0 LED		emperature Distribut	tion Type I short (Automotive)	T5S Type V short <sup>3</sup>	Voltage MVOLT (120V-27	Mountin
Finish All BEGA standard finishes are matte, textured polyester powder coat with minimum 3 mil thickness. Available colors  Black (BLK)  White (WHT)  RAL: Bronze (BRZ) Silver (SLV) CUS:			1000 0.25% 10000	5000 K T2M T3S T3M T4M TFTM	Type II short Type II medium Type III medium Type IV medium Forward throw medium Type IV wery short <sup>3</sup>	TSM Type V medium <sup>3</sup> TSW Type V wide <sup>3</sup> BLC Backlight control <sup>4</sup> LCCO Left corner cutoff <sup>4</sup> RCCO Right corner cutoff <sup>4</sup>	XVOLT (277V-48 120 <sup>6</sup> 208 <sup>4</sup> 240 <sup>6</sup> 277 <sup>4</sup> 347 <sup>4</sup> 480 <sup>6</sup>	
		Control o	ptions				Othe	er options
		NLTAIR2	Linstalled nlight AIR generation 2 enabled <sup>ILLIA</sup> Network, high/low motion/ambient se NEMA twist-lock receptacle only (cont Five-pin receptacle only (control order Seven-pin receptacle only (leads exit f separate) <sup>MOT</sup> 0-10V dimming extend out back of hc (control ordered separate) <sup>18</sup>	trol ordered separate) <sup>16</sup> red separate) <sup>16,17</sup> fixture) (control ordered	hei PIRH Hig bei PIRTFC3V Hig PIRHTFC3V Hig hei	h/low, motion/ambient sensor, 8–15 ght, ambient sensor enabled at 5K <sup>TU</sup> h/low, motion/ambient sensor, 15–3 ght, ambient sensor enabled at 5K <sup>-10</sup> h/low, motion/ambient sensor, 8–15 ght, ambient sensor enabled at 1K <sup>-TU</sup> h/low, motion/ambient sensor, 15–3 ght, ambient sensor enabled at 1K <sup>-TU</sup> d adjustable output <sup>21</sup>	of mounting SF mounting DF mounting L90 Of mounting R90 DDL HA BAA Ship BS	pped installed House-side shield Single fuse (120, 7 Double fuse (208, Left rotated optics Right rotated optics Right rotated optics SO <sup>C</sup> ambient optics Buy Amerika(n) Apped separately Bird spikes <sup>23</sup> External glare shiel
LED         A         B         C           22260         29.8W         11         11         5%			LITHONIA	One Lithonia Way	Convers, Georgia 300	112 • Phone: 1-800-705-SER	V (7378) • www.lith	honia.com

COMMERCIAL OUTDOOR

© 2011-2021 Acuity Brands Lighting, Inc. All rights reserved.

Statistics								
Description	Symbol	Avg	Мах	Min	Avg/Min	Max/Min		
Grade @ 6'	+	0.8 fc	8.0 fc	0.0 fc	N/A	N/A		
Parking Circulation Area	ж	1.4 fc	6.1 fc	0.4 fc	3.5:1	15.3:1		
Property Line @ 6' AFG	+	0.1 fc	0.2 fc	0.0 fc	N/A	N/A		

Schedule								
Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Lumens Per Lamp	Wattage
	Α	5	BEGA Converted by LUMCat V 08.12.2016 / H.R.	22 260 K4	22260	LED	3557	34
	В	2	Lithonia Lighting	DSX0 LED P1 40K T4M MVOLT	DSX0 LED P1 40K T4M MVOLT		4611	38
$\bigcirc$	С	1	Lithonia Lighting	LDN6 40/15 LO6AR LSS	6IN LDN, 4000K, 1500LM, CLEAR, SEMI-SPECULAR REFLECTOR, CRI80	LED	1516	17.52
	D	1	Lithonia Lighting	WDGE2 LED P3 40K 80CRI T4M	WDGE2 LED WITH P3 - PERFORMANCE PACKAGE, 4000K, 80CRI, TYPE 4 MEDIUM OPTIC		3147	32.1375

### General Note

BEGA 1000 BEGA Way, Carpinteria, CA 93013 (805) 684-0533 info@bega-us.com

Due to the dynamic nature of lighting products and the associated technologies, luminaire data on this sheet is subject to change at the discretion of BEGA North America. For the most current technical data, please refer to bega-us, com Copyright BEGA 2018

- 1. SEE DRAWING FOR LUMINAIRE MOUNTING HEIGHT.
- 2. CALCULATIONS ARE SHOWN IN FOOTCANDLES AT: 6' 0" 3. LIGHTING ALTERNATES REQUIRE NEW PHOTOMETRIC CALCULATION AND RESUBMISSION TO CITY FOR APPROVAL.

THE ENGINEER AND/OR ARCHITECT MUST DETERMINE APPLICABILITY OF THE LAYOUT TO EXISTING / FUTURE FIELD CONDITIONS. THIS LIGHTING LAYOUT REPRESENTS ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA TAKEN UNDER CONTROLLED CONDITIONS IN ACCORDANCE WITH ILLUMINATING ENGINEERING SOCIETY APPROVED METHODS. ACTUAL PERFORMANCE OF ANY MANUFACTURER'S LUMINAIRE MAY VARY DUE TO VARIATION IN ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS, AND OTHER VARIABLE FIELD CONDITIONS. MOUNTING HEIGHTS INDICATED ARE FROM GRADE AND/OR FLOOR UP.

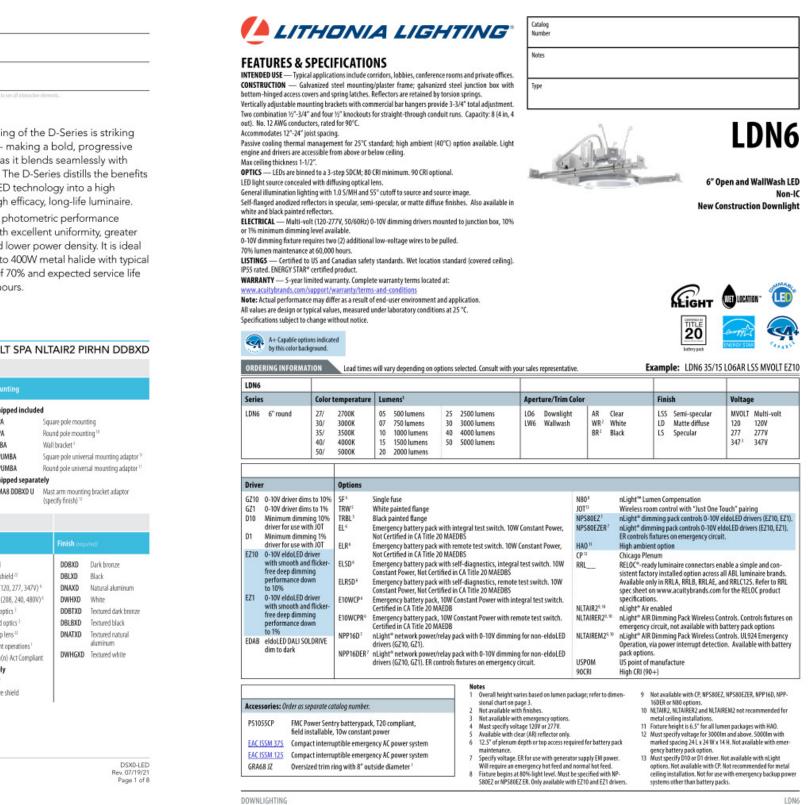
THESE LIGHTING CALCULATIONS ARE NOT A SUBSTITUTE FOR INDEPENDENT ENGINEERING ANALYSIS OF LIGHTING SYSTEM SUITABILITY AND SAFETY. THE ENGINEER AND/OR ARCHITECT IS RESPONSIBLE TO REVIEW FOR MICHIGAN ENERGY CODE AND LIGHTING QUALITY COMPLIANCE.

UNLESS EXEMPT, PROJECT MUST COMPLY WITH LIGHTING CONTROLS REQUIRMENTS DEFINED IN ASHRAE 90.1 2013. FOR SPECIFIC INFORMATION CONTACT GBA CONTROLS GROUP AT ASG@GASSERBUSH.COM OR 734-266-6705.

FOR ORDERING INQUIRIES CONTACT GASSER BUSH AT QUOTES@GASSERBUSH.COM OR 734-266-6705.

THIS DRAWING WAS GENERATED FROM AN ELECTRONIC IMAGE FOR ESTIMATION PURPOSE ONLY. LAYOUT TO BE VERIFIED IN FIELD BY OTHERS.

MOUNTING HEIGHT IS MEASURED FROM GRADE TO FACE OF FIXTURE. POLE HEIGHT SHOULD BE CALCULATED AS THE MOUNTING HEIGHT LESS BASE HEIGHT.



<sup>+</sup> 0.0	+0.1	<sup>+</sup> 0.2	<sup>+</sup> 0.1	
	0.0	0.2		_
+0.1	0.f()	× 10.6	(9) LIMELIGH HYDRANGEA CANOPY TREE GREEN VASE ZELKOVA (3° CAL)	
+0.1	£	+147 (%)	(0) MAGIC CARDET SPIREA bac. / s gal	
+0.2	€.2 *0.6 €	*2.7	B 12 HING FOLE MOUNTED LED L 2.7	K
+0.2	0.2 *0.4	* 1.5	* 1.5	
+0.1	0.1 <sup>*</sup> 0.7	<sup>**</sup> 1.0	<sup>*</sup> 0.9	
+0.2	0.2 *0.5	*0.7	*0.7	
4	0.2			
+0.2	*0.4	0.6	<sup>*</sup> 0.8	
+0.2	*0.4	*	*1.3	
+0.2	<sup>*</sup> 0.5	*1.6	*3.4	
+0.2	0.0 *0.7	*2.3	*5.8	- /
+0.1	0.0 <sup>+</sup> 0.5	+2.4	+8.0	
+ 0.1	0.0 +0.6	+ 2.0	W TRANSFORMER 3.5	
+0.1	- - 0.0 + 0.3	+ 0.8		
+0.1		+0.2		
NEW 7	THIGH MASONRY TRASH ENCLOSURE, P/		STS AND FRAME WITH VERTICAL WOOD BO	,e
+0.0	+0.0	+ GREAS	E	-
+0.0	EXISTING (1) STORY COVERED GARAGE	+0.0	+0.0	
<sup>+</sup> 0.0	+0.0	+0.0	+0.0	
				_

AREA OF NEW MECHANICAL EVERSIO

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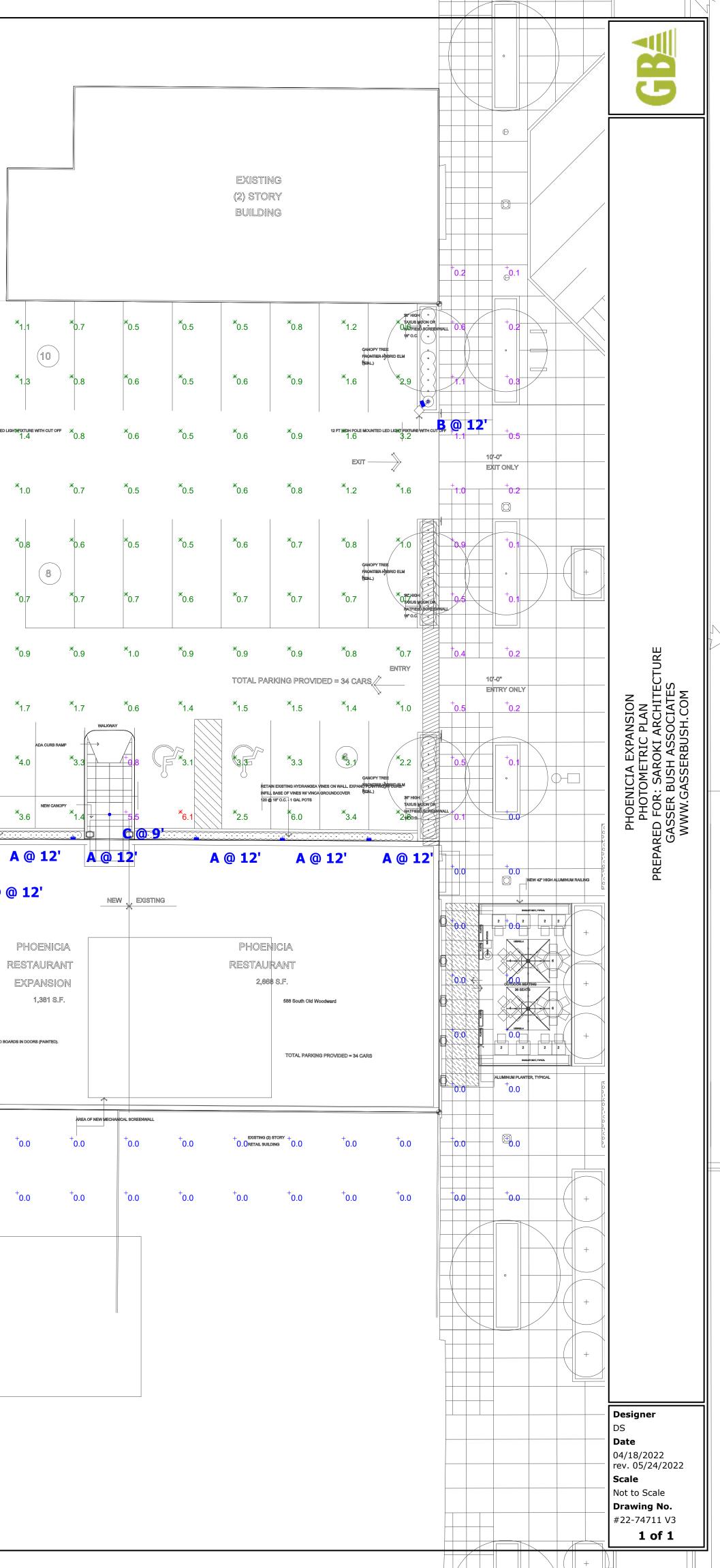
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<sup>+</sup>0.0

+0.0

<sup>+</sup>0.0

<sup>+</sup>0.0





# Special Land Use Permit Application Planning Division

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

#### 1. Applicant

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

Phone Number:	
Fax Number:	
Email address:	

#### 3. Applicant's Attorney/Contact Person

Name:	
Address:	
Phone Number:	
Fax Number:	
Email address:	

#### 5. Required Attachments

- I. Two (2) paper copies and one (1) digital copy of all project plans including:
  - i. A detailed Existing Conditions Plan including the subject site in its entirety, including all property lines, buildings, structures, curb cuts, sidewalks, drives, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft. of the subject site's property lines;
  - ii. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
  - iii. A certified Land Survey;
  - iv. Interior floor plans;

#### 6. Project Information

Address/Location of the property:

### 2. Property Owner

Name:	
Address:	
Phone Number:	
Fax Number:	
Email address:	

#### 4. Project Designer/Developer

Name:		
Address:		
Phone Number:		
Fax Number:		
Email address:		

- v. A Landscape Plan;
- vi. A Photometric Plan;
- vii. Colored elevation drawings for each building elevation;
- II. Specification sheets for all proposed materials, light fixtures and mechanical equipment;
- III. Samples of all proposed materials;
- IV. Photographs of existing conditions on the site including all structures, parking areas, landscaping and adjacent structures;
- V. Current aerial photographs of the site and surrounding properties;
- VI. Warranty Deed, or Consent of Property Owner if applicant is not the owner;
- VII. Any other data requested by the Planning Board, Planning Department, or other City Departments.

 Date of Application for Final Site Plan:

 Date of Final Site Plan Approval:

 Date of Revised Final Site Plan Approval:

 Date of Design Review Board Approval:

 Is there a current SLUP in effect for this site?

 Date of SLUP Approval:

 Date of Last SLUP Amendment:

 Will proposed project require the division of platted lots?

Will proposed project require the combination of platted lots?

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

#### 8. Buildings and Structures

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

### 9. Floor Use and Area (in Square Feet)

#### **Proposed Commercial Structures:**

Total basement floor area:
Number of square feet per upper floor:
Total floor area:
Floor area ratio (total floor area ÷ total land area):

Open space:	
Percent of open space:	

#### **Proposed Residential Structures:**

#### **Proposed Additions:**

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

Open Space:	
Percent of open space:	

#### **10. Required and Proposed Setbacks**

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

#### 11. Required and Proposed Parking

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

Use of Buildings:\_\_\_\_\_\_ Height of Rooftop Mechanical Equipment:\_\_\_\_\_\_

\_\_\_\_\_

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

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

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

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

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

### 12. Landscaping

Location of landscape areas:	Proposed landscape material:
3. Streetscape	
Sidewalk width:	Description of benches or planters:
Number of benches:	
Number of planters:	species of existing frees.
Number of existing street trees:	
Number of proposed street trees:	Species of proposed trees:
Streetscape plan submitted?	
4. Loading	Dranged number of loading groups
Required number of loading spaces:	Proposed number of loading spaces:
Typical angle of loading spaces:	Typical size of loading spaces:
Screenwall material: Location of loading spaces on site:	Height of screenwall: Typical time loading spaces are used:
Location of loading spaces on site:	Typical time loading spaces are used
5. Exterior Waste Receptacles	
Required number of waste receptacles:	Proposed number of waste receptacles:
Location of waste receptacles:	Size of waste receptacles:
Screenwall material:	Height of screenwall:
6. Mechanical Equipment	
Utilities and Transformers:	
Number of ground mounted transformers:	Location of all utilities & easements:
Size of transformers (L•W•H):	
Number of utility easements:	
Screenwall material:	Height of screenwall:
Ground Mounted Mechanical Equipment:	
Number of ground mounted units:	Location of all ground mounted units:
Size of ground mounted units (L•W•H):	Height of screenwall:
Screenwall material:	Height of screenwall:
Rooftop Mechanical Equipment:	
Number of rooftop units:	Location of all rooftop units: Size of rooftop units (L•W•H):
Type of roomop units:	Size of roottop units (L•w•H):
Screenwall material:	retermage of roomop covered by mechanical units: Height of screenwall:
Location of screenwall:	Height of screenwall: Distance from rooftop units to all screenwalls:
7. Accessory Buildings	
Number of accessory buildings:	Size of accessory buildings:
Location of accessory buildings:	Height of accessory buildings:

**18. Building Lighting** Number of light standards on building:\_\_\_\_\_

Type of light standards on building:\_\_\_\_\_

Size of light fixtures (L•W•H):	Height from grade:
Maximum wattage per fixture:	Proposed wattage per fixture:
Light level at each property line:	
Site Lighting	
Number of light fixtures:	Type of light fixtures:
Size of light fixtures (L•W•H):	Height from grade:
Maximum wattage per fixture:	Proposed wattage per fixture:
Light level at each property line:	Holiday tree lighting receptacles:
Adjacent Properties	
Number of properties within 200 ft.:	
Bronorty #1	
Property #1	Description:
Number of buildings on site:	Property Description:
Zoning district:	
Use type:	
Square footage of principal building:	
Square footage of accessory buildings:	North could be to be the second of the second secon
Number of parking spaces:	North, south, east or west of property?
Property #2	
Number of buildings on site:	Property Description:
Zoning district:	
Use type:	
Square footage of principal building:	
Square footage of accessory buildings:	
Number of parking spaces:	North, south, east or west of property?
Property #3	
Number of buildings on site:	Property Description:
Zoning district:	
Use type:	
Square footage of principal building:	
Square footage of accessory buildings:	
Number of parking spaces:	North, south, east or west of property?
Property #4	
Number of buildings on site:	Property Description:
Zoning district:	
Use type:	
Square footage of principal building:	
Square footage of accessory buildings:	
Number of parking spaces:	North, south, east or west of property?
Property #5	
Number of buildings on site:	Property Description:
Zoning district:	
Use type:	
Square footage of principal building:	
Square footage of accessory buildings:	
Number of parking spaces:	North, south, east or west of property?
Number of narking spaces.	

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

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

Signature of Owner:	y Qi	Date:	3/29/2022
Print Name: Samy Eid	0		
Signature of Applicant:	ummy Cir	Date:	3/29/2022
Print Name: Samy Eid	Hiller South		
Signature of Architect:		Date:	3/29/2022
Print Name: Victor Sarok			
	Office Use Only		
Application #:	Date Received:	Fee:	
Date of Approval:	_Date of Denial:	Accepted by:	



# Notice Signs - Rental Application Community Development

#### 1. Applicant

Name: SA	MY EID
Address:	588 S. OLD WOODWARD AVE
BIRMINGH	AM, MI 48009
Phone Nu	umber: (248) 644-3122
Fax Num	ber: <u>N/A</u>
Email add	Iress: SAMYEID@ME.COM

#### 2. Project Information

Address/Locatio	on of Property:	588 S. OLD WOODWARD AVE	
Name of Develo	opment: PHOENIC	IA EXPANSION	
Area in Acres:	0.395 ACRES		

#### 3. Date of Board Review

Board of Building Trades Appeals: N/A
City Commission: TBD
Historic District Commission: N/A
Planning Board: TBD

#### **Property Owner**

Name: SAMY EID		
Address: 588 S. OLD WOODWARD AVE		
BIRMINGHAM, MI 48009		
Phone Number: (248) 644-3122		
Fax Number: N/A		
Email address: SAMYEID@ME.COM		

 Name of Historic District site is in, if any: N/A

 Current Use:
 RESTAURANT

 Current Zoning:
 B2-B / D-2 OVERLAY DISTRICT

Board of Zoning Appeals:	Ν/Α
Design Review Board: N/A	
Housing Board of Appeals:	N/A

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to post the Notice Sign(s) at least 15 days prior to the date on which the project will be reviewed by the appropriate board or commission, and to ensure that the Notice Sign(s) remains posted during the entire 15 day mandatory posting period. The undersigned further agrees to pay a rental fee and security deposit for the Notice Sign(s), and to remove all such signs on the day immediately following the date of the hearing at which the project was reviewed. The security deposit will be refunded when the Notice Sign(s) are returned undamaged to the Community Development Department. Failure to return the Notice Sign(s) and/or damage to the Notice Sign(s) will result in forfeiture of the security deposit.

Signature of Applicant:	eiu	Date: <u>3/29/2022</u>
	Office Use Only	
Application #:	_ Date Received:	Fee:
Date of Approval:	_ Date of Denial:	Reviewed by:

LIBER 39279 PG472



142112 LIBER 37279 PAGE 472 \$10.00 DEED - COMBINED \$4.00 RENDRUMENTATION 06/25/2007 10:41:54 A.M. RECEIPT# 65987

PAID RECORDED - DAKLAND COUNTY RUTH JOHNSON, CLERK/REGISTER DF DEEDS

#### QUIT CLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS: That SAMEER EID and LEILA EID, his wife, whose address is 588 S. Old Woodward, Birmingham, Michigan 48009 convey(s) and warrant(s) to EID PROPERTIES, LLC, whose address is 588 S. Old Woodward, Birmingham, Michigan 48009, the following described premises situated in the City of Birmingham, County of Oakland and State of Michigan, to-wit:

Lots 5 and 6, except East part thereof, said East art being now in Woodward Avenue and being 17.21 feet on North lot line and 17.18 feet on South lot line, Lot 7, except East part thereof, said East part being now in Woodward Avenue and being 17.18 feet as measured on North lot line and 17.15 feet as measured on South lot line, and Lots 28 and 30, Blakeslees Addition as recorded in Liber 2, Page 50, Oakland County Records

for the full consideration of less than One Hundred Dollars (\$100.0) to transfer title to a limited liability company owned by the Grantors, and subject to restrictions and easements of record and to rights of tenants now in possession.

Dated this 1th day of March, 2007

SIGNED and SEALED:

Da Sameer Eid

 $\mathcal{S}$ eilo Leila Fid his wife

STATE OF MICHIGAN

Troy, Michigan 48084

COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this <u>HH</u> day of <u>Harcs</u>, 2007, by Sameer Eid and Leila Eid, both of whom are to me known to be the persons described herein and who acknowledged execution hereof as their free act and deed.

) ss.

)

malla illess

Tax Parcel ID #08 19-36-253-028-L Instrument drafted by: Donald A. Pierce, Jr. 19.36-253-004-L Dean & Fulkerson, P.C. 801 W. Big Beaver Road, 5th Floor

Manuel County of OBMIERIC Acting in and for the County of OBMIERIC State of Michigan My commission expires: My county of County of County of County County of County o

When recorded return to: Draftor

Send subsequent tax bills to: Grantee

Recording Fee: \$14.00 Transfer Tax: Exempt MCLA 207.526(a), MCLA 207.505(a)



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Advanced | Super Index

78 41156 Lawyers Title Insurance Corporation 19617187 Hace 168 Porm 561 8-71 WARRANTY DEED CL. 1948, SUS 151 26 37 1 MBA KNOW ALL MEN BY THESE PRESENTS: The Carl F. Fischer and Marion P. Fischer, his wife, and Richard A. Fischer and Jeanne M. Fischer, his wife, whose address is 1810 Maplelawn, Troy, Michigan Convey(s) and Warrant(s) to Sameer Eid and Loila Eid, his wife whose address is 3576 Upton, Troy, Michigan 48084 the following described premises situated in the City V of Birmingham County of Oakland and Bists of Michigan, to-wit: Lots 5 and 6, except East part thereof, said East part being now in Woodward Avenue and being 17.21 feet on North lot line and 17.18 feet on South lot line, Lot 7, except East part thereof, said East Part being now in Woodward Avenue and being 17.18 feet as measured on North lot line and 17.15 feet as measured on South lot line, and Lots 28 and 30, Blakeslees Addition as recorded in Liber 2, Page 50, Oakland County Records. ET3 MAY for the full consideration of Two Hundred Fourteen Thousand, Nine Hundred and 1. 00/100 (\$214,900.00) Dollars subject to restrictions and easements of record and to rights of tenants now in possession. 315 ŝ 5 Dated this 20th day of April 1978 and Sealed David Barneti WERINC lo E. Greening Gay STATE OF MICHIGAN £1. COUNTY OF \_\_\_\_Oakland (L .) 20 The foregoing instrument was acknowledged before me this f.PR. 19 78 by Carl F. Fischer & Marion P. Fischer, Jeanne M. Fischer, his wife. My commission expires; October 28, 1981 Righard A. Fischer & and Ellen Greening Oakland Notary Fuklie \_\_\_\_Oakland \_\_\_\_\_County, Michigan Juiness 74 W. Long Lake Road, Ste. 3 Idress \_Bloomfield\_Hills, Mich. 48013\_\_\_ Instrument David G. Barnatt Business Address County Tressurer's Certificate 20402 MICHIGAN . . F# 1 30 ..... When recorded return to. Grantee 1.1 Btate Transfer Tax \_\_\_\_\$236 1 Bend subsequent tax bills LAWYERS TITLE INSURANCE CORP. Grantee 51391-Ter Porcel # \_\_\_\_\_\_\_\_ 1936:253028 • . 4.



# 555 S. Old Woodward Ave - Parking Summary

Residential			
Unit Type	Number of Units	Space / Unit	Spaces Required
Studio	11	1	11
One-Bedroom	33	1	33
Two-Bedroom	54	1.25	67.5
Total	98		112
Total (After Parking Reduction)		112 - 51 =	61

Office	Square Footage	Space / SF	Spaces Required
	38,250	300	128

Retail	Square Footage	Space / SF	Spaces Required
	21,191	300	71

Salon	Chairs	Space / Chair	Spaces Required
	24	2	48

Fitness	Square Footage	Space / SF	Spaces Required
	6,392	550	12

Restaurant	Square Footage	Space / SF	Spaces Required
	4,400	75	59
Total (After Parking Reduction)		59 - 23 =	36

Total Parking Required 356

Total Parking Provided 376

### Excess Parking Available 20

\*\* In addition, 36 On-Street Parking Spaces have been allocated to 555 S. Old Woodward Ave.

430 N. OLD WOODWARD, BIRMINGHAM, MI 48009 P 248 258 5707 F 248 258 5515 SarokiArchitecture.com



# 555 S. Old Woodward Ave - Parking Summary (Continued)

Office and Residential Parking (40% Reduction)		
Number of Office Spaces	Reduction	Total
128	40%	51

Office and Restaurant Parking (30% Reduction)		
Number of Office Spaces (Remaining)	Reduction	Total
77	30%	23

which have NOT been included in the numbers above

### PARKING LEASE AGREEMENT 555 South Old Woodward Avenue, Birmingham, Michigan

THIS PARKING LEASE AGREEMENT (this "**Agreement**") is made this <u>14 day of</u> <u>April 2022</u>, between **The 555 Building Condominium Association**, a Michigan nonprofit corporation ("**Landlord**"), and <u>Phoenicia Restaurant</u>, ("**Tenant**"). In consideration of the mutual covenants and conditions set forth herein and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant, intending to be legally bound, agree as follows:

1. <u>Lease</u>. Landlord hereby agrees to lease and make available to Tenant a minimum of **Sixteen (16) and** a maximum of <u>Twenty (20) unassigned</u> parking spots as requested by Tenant on the <u>Ramp to the Fourth deck and Fourth Deck on the North End</u> <u>of the parking structure</u> (the "Premises") on property owned by Landlord, located at 555 South Old Woodward, Birmingham, Michigan (the "Property") containing twenty parking spaces (each, a "Parking Space" and collectively, the "Parking Spaces") within the Premises, subject to and upon the terms and conditions set forth in this Agreement. The Parking Spaces shall be used solely for valet parking by Tenant's employees ("Users") and no other persons whatsoever. Landlord also grants Tenant ingress and egress to and from the Premises solely from the northwest corner street entrances of the Property, and Tenant shall cause Users to only use such points of ingress and egress.

2. <u>Term</u>. The term of this Agreement will commence upon completion by Tenant of an expansion of its restaurant building located at 588 South Old Woodward, Birmingham, Michigan (the "Restaurant") and issuance of a occupancy permit by the City of Birmingham for the Restaurant (the "Commencement Date") and remain in effect for 5 years from the commencement date, unless earlier terminated in accordance with this Agreement. The Commencement Date through the Expiration Date is the "Term". Notwithstanding the foregoing, after two years either party has the right to terminate this Agreement by ninety days' written notice to the other party, and this Agreement will terminate on the ninetieth day (the "Surrender Date") after the delivery of such notice of termination, and Tenant shall surrender the Premises to Landlord on or prior to the Surrender Date, provided that the parties shall remain obligated for all of their obligations under this Agreement through the Surrender Date.

3. <u>Tenant Improvements</u>. If needed, as determined by Tenant in its sole discretion, Tenant shall, on or before using the Premises for the Parking Purpose, at Tenant's sole cost and expense, provide all work of whatsoever nature which is required for the construction and operation of a first-class parking lot ("Tenant's Work"). Prior to commencing any improvements on the Premises, Tenant must furnish to Landlord for Landlord's approval the parking lot design drawings and working drawings and specifications with respect to Tenant's Work together with a budget detailing the costs of Tenant's Work (once approved by Landlord, the "Tenant Improvement Plans"). Tenant shall select and use only contractors, subcontractors or other personnel that have been approved by Landlord in writing. Landlord shall have the right to enter the Premises from time to time to inspect Tenant's Work. Tenant must, promptly following completion of Tenant's Work, provide Landlord with sworn statements and unconditional lien waivers from all contractors and subcontractors constructing the Tenant's Work. No deviation from the

Tenant Improvement Plans, once approved by Landlord, shall be made by Tenant without Landlord's prior written consent. Approval of the Tenant Improvement Plans by Landlord shall not constitute the assumption of any responsibility by Landlord or Landlord's architect or engineer for their accuracy, efficacy or sufficiency, and Tenant shall be solely responsible for such items. Approval by Landlord of Tenant's contractors shall not constitute assumption of responsibility for the competency of Tenant's contractors, and Tenant shall be solely responsible for same. Tenant shall not open the Premises for Users until Tenant's Work has been completed, and Tenant has received a certificate of occupancy (or the like) from the local governmental authorities. Tenant shall engage the services of such bondable, State and County licensed contractors. Landlord shall determine in Landlord's sole and absolute discretion whether Tenant must use union labor for particular construction trade work. Tenant shall not be able to enter the Premises to perform any work or to install any improvements until all of the following conditions have been met by written notice from Landlord to Tenant: (a) receipt by Tenant of Landlord's written approval of the Tenant Improvement Plans; and (b) receipt by Tenant of required building permits and approvals from local governing agencies

4. Lease Fee. As of the commencement date, Tenant shall pay to Landlord the total amount of One Hundred Forty and 00/100 Dollars per Parking Space per month, (the "Lease Fee"), which shall be paid on or before the first of each month in advance. The monthly lease rate shall increase by four (4%) percent per annum on the annual anniversary of the commencement date.

# 5. Use; Rules and Regulations for Parking Spaces.

(a) Users are entitled to use the Parking Spaces during the Restaurant's hours of operation. Users shall use the Parking Spaces solely for valet parking by Tenant's employees ("Users") and no other persons whatsoever for the parking of automobiles that are owned or operated by Users.

(b) Vehicles shall be parked within the striped Parking Spaces and remain locked while parked. Vehicles must not be parked by Users in such a way as to block traffic lanes. The parking of unlicensed or uninsured vehicles, the storage of vehicles or any other personal property or equipment, and the repair and maintenance of vehicles in the Property is prohibited. Further, the parking of vehicles that (in the opinion of Landlord) pose any kind of hazard or have hazardous contents is prohibited. The parking of vehicles for the principal purpose of promotional activities or advertising (in the opinion of Landlord) is also prohibited. Any vehicle remaining in the Premises for more than **Five (5)** consecutive calendar days shall be deemed abandoned and may be removed from the Premises by Landlord at Tenant's expense and Landlord shall have no liability to any person for loss or damage on account of such removal. All costs incurred in removing and storing any such abandoned vehicle shall be reimbursed by Tenant upon being billed therefore by Landlord.

(c) Neither Tenant nor its employees shall commit or allow any waste or damage to be committed on any portion of the Property, create any nuisance, or unreasonably interfere with, annoy or disturb any other tenant, licensee, parker or Landlord in its operation of the Property.

(d) Tenant and its employees shall comply with all applicable governmental laws and regulations. In addition, the use of the Parking Spaces by Tenant and its employees under the terms of this Agreement is subject to such rules and regulations as are promulgated from time to time by Landlord and communicated to Tenant (collectively, the "**Rules and Regulations**").

6. <u>Holding Over</u>. If Tenant holds possession of the Premises beyond the expiration of the Term, such continued possession by Tenant shall not have the effect of extending or renewing the Term for any period of time and Tenant shall be presumed to occupy the Premises against the will of Landlord who shall thereupon be entitled to all remedies provided for the expulsion of Tenant, including all claims for loss and damage. If Tenant holds over, the Lease Fee shall be one hundred fifty percent of Tenant's Lease Fee during the last month of the Term. In addition, Landlord has the right, at Tenant's expense, to cause any automobiles parked in the Parking Spaces to be towed if the automobiles are not removed upon the expiration of the Term or earlier termination of this Agreement. Landlord may give to Tenant at any time during such continued possession by Tenant written notice that Tenant may continue to occupy the Premises under a tenancy from month to month at the holdover amount set forth above.

7. <u>Safety / Custody / Bailment</u>. Landlord shall not be considered an insurer or guarantor of the safety and security of Users or of any vehicle parked on the Property. This Agreement constitutes a right to park on the Premises only and no bailment is created. Tenant acknowledges that all employees must self-park the vehicles (except to the extent Landlord otherwise designates) and abide by all provisions of Landlord's Rules and Regulations. Landlord does not guard or assume care custody or control of any vehicle or its contents and is not responsible to Tenant or its employees for fire, theft, damage or loss, including any damage caused by any other vehicle parked on the Property.

# 8. Certain Additional Rights Reserved by Landlord.

(a) Landlord shall have the following rights: with or without closing the Property and/or preventing unreasonable access to the Premises, to decorate and to make inspections, repairs, alterations, additions, changes, or improvements, whether structural or otherwise, in and about the Property, or any part thereof; to enter upon the Property and, during the continuance of any such work, to close points of ingress and egress, street entrances, public space, and drives in the Property; and to enter the Premises to show the parking spaces located on the Property and the Property itself to prospective purchasers, tenants, lenders, or other interested parties. Additionally, Tenant acknowledges that its parking rights under this Agreement are subject to Landlord's right to use the Parking Spaces for parking by persons attending Special Events (as herein defined) and neither Tenant nor its employees may make use of or occupy the Parking Spaces on days of Special Events. For purposes of this Agreement, "**Special Events**" means the Woodward Dream Cruise.

(b) Landlord reserves (i) the right from time to time to make alterations in or to the Property and the fixtures and equipment thereof, as well as in or to the street entrances, drives and other parts of the Property, and to erect, maintain, and use pipes, ducts and conduits in and through the Property, all as Landlord may deem necessary or desirable; (ii) the right to eliminate, substitute and/or rearrange the common areas (which may theretofore

have been so designated) as Landlord deems appropriate in its sole discretion; and (iii) upon three days advance notice to Tenant, use the loading ramp area within the Premises and, upon receipt of such notice and prior to the second day after delivery of such notice, Tenant will cause the loading ramp area to be clear of any obstruction that may impede Landlord's use of the loading area within the Premises.

(c) Landlord, at no cost to Tenant, reserves the right to relocate the Premises to another area within the Property.

# 9. <u>Casualty</u>.

(a) If the Property is damaged by fire or other casualty (each, a "**Casualty**"), Landlord shall deliver to Tenant a good faith estimate (the "**Damage Notice**") of the time needed to repair the damage caused by such Casualty. If a Casualty damages a material portion of the Property and (i) Landlord estimates that the damage to the Property cannot be repaired within sixty days after commencement of repairs, (ii) the damage to the Property exceeds twenty-five percent of the replacement cost thereof (excluding foundations and footings), as estimated by Landlord, (iii) regardless of the extent of damage to the Property, Landlord makes a good faith determination that restoring the Property, as applicable, would be uneconomical, or (iv) Landlord is required to pay a portion of the insurance proceeds arising out of the Casualty to Landlord's mortgagee, then Landlord may, at Landlord's sole option, terminate this Agreement by giving written notice of its election to terminate within sixty days after the Damage Notice has been delivered to Tenant and Landlord will make commercially reasonable efforts to secure suitable replacement parking for Tenant at comparable costs.

(b) If the Property is damaged by a Casualty, the Lease Fee shall be abated based on the number of Parking Spaces rendered unusable from the date of damage until the completion of Landlord's repairs.

10. <u>Eminent Domain</u>. If any part of the Property, as applicable, shall be taken or condemned for public use, this Agreement shall, as to the part taken, terminate as of the date the condemnor acquires possession. Further, if, as a result of such condemnation, more than one-third of the Parking Spaces then being used under this Agreement have been taken, or any material part of the Property has been taken, Tenant or Landlord may, at its respective sole option, terminate this Agreement as to the portion of the Property that is the subject of such condemnation, as applicable.

11. Indemnification. Except to the extent caused by Landlord's gross negligence or willful misconduct, Tenant shall indemnify, defend and hold Landlord harmless from all damage to any property or injury to or death of any person arising from the use of the Premises by Tenant or its agents, representatives or employees. The foregoing indemnity obligation of Tenant shall include reasonable attorneys' fees, investigation costs and all other reasonable costs and expenses incurred by Landlord from the first notice that any claim or demand is to be made or may be made. The provisions of this Section 11 shall survive the expiration or sooner termination of this Agreement with respect to any damage, injury or death occurring prior to such expiration or sooner termination.

### 12. Insurance.

(a) Tenant shall procure and keep in effect a commercial general liability insurance policy for the Premises (the "**CGL Policy**"), with an insurance company reasonably acceptable to Landlord, which shall include bodily injury or death, damage to property of others, personal injury and advertising injury, with minimum limits of liability of: (i) not less than Two Million Dollars per each occurrence and Two Million Dollars in the aggregate, including a "Per Location Aggregate" endorsement, (ii) Five Hundred Thousand Dollars for Fire Damage Legal Liability, and (iii) Five Thousand Dollars for Medical Expense Limits. The CGL Policy shall (A) name Landlord, Landlord's property manager, Landlord's facilities manager and its mortgagee(s) as additional insureds, (B) specifically include the liability assumed hereunder by Tenant, (C) provide that it is primary insurance and not excess over or contributory with any other valid, existing and applicable insurance in force for or on behalf of Landlord's property manager or Landlord's facilities manager, and (D) provide that Landlord shall receive thirty days' notice (ten days for non-payment of the premium) from the insurer prior to any cancellation or change of coverage.

(b) Tenant shall procure and keep in effect a commercial umbrella insurance policy (the "**Umbrella Policy**"), with minimum limits of not less than Two Million Dollars each occurrence and in the aggregate, and shall be on a follow form basis with the CGL Policy with an insurance company reasonably acceptable to Landlord. The Umbrella Policy shall (i) name Landlord, Landlord's property manager, Landlord's facilities manager and Landlord's mortgagee(s) as additional insureds, (ii) specifically include the liability assumed hereunder by Tenant, (iii) provide that it is primary insurance and not excess over or contributory with any other valid, existing and applicable insurance in force for or on behalf of Landlord shall receive thirty days' notice (ten days for non-payment of the premium) from the insurer prior to any cancellation or change of coverage.

(c) Tenant shall deliver policies of the insurance required pursuant to this Section 12 or certificates thereof to Landlord within ten business days of the date of this Agreement, and thereafter at least thirty days before the expiration dates of expiring policies, or anytime as reasonably requested by Landlord.

# 13. **Default**.

(a) The occurrence of any one or more of the following events (each such occurrence shall be deemed an "**Event of Default**") shall constitute a material breach of this Agreement by Tenant: (i) if Tenant shall fail to pay any sums when and as the same become due and payable and such failure continues for more than five days after the date the same is due and payable; (ii) if Tenant shall fail to perform or observe any other term hereof or of the Rules and Regulations of Landlord to be performed or observed by Tenant, such failure shall not within such ten days after written notice thereof from Landlord, and Tenant shall not within such ten day period commence with due diligence and dispatch the curing of such default; (iii) if Tenant shall make a general assignment for the benefit of creditors, or shall admit in writing its inability to pay its debts as they become due or shall file a petition in bankruptcy, or shall be adjudicated as insolvent

or shall file a petition in any proceeding seeking any reorganization, arrangements, composition, readjustment, liquidation, dissolution or similar relief under any present or future law, or shall file an answer admitting or fail timely to contest or acquiesce in the appointment of any trustee, receiver or liquidator of Tenant or any material part of its properties; (iv) if, within sixty days after the commencement of any proceeding against Tenant seeking any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any present or future law, such proceeding shall not have been dismissed, or if, within sixty days after the appointment without the consent or acquiescence of Tenant, of any trustee, receiver or liquidator of Tenant or of any material part of its properties, such appointment shall not have been vacated; or (v) if this Agreement or any estate of Tenant hereunder shall be levied upon under any attachment or execution and such attachment or execution is not vacated within ten days.

If, as a matter of law, Landlord has no right on the bankruptcy of Tenant to (b) terminate this Agreement, then, if Tenant, as debtor, or its trustee wishes to assume or assign this Agreement, in addition to curing or adequately assuring the cure of all defaults existing under this Agreement on Tenant's part on the date of filing of the proceeding (such assurances being defined below), Tenant, as debtor, or the trustee or assignee must also furnish adequate assurances of future performance under this Agreement (as defined below). Adequate assurance of curing defaults means the posting with Landlord of a sum in cash sufficient to defray the cost of such a cure. Adequate assurance of future performance under this Agreement means posting a deposit equal to three months' of the Lease Fee, including all other charges payable by Tenant hereunder, and, in the case of an assignee, assuring Landlord that the assignee is financially capable of assuming this Agreement, and that its use of the Premises will not be detrimental to the other tenants or In a reorganization under Chapter 11 of the licensees in the Property or Landlord. Bankruptcy Code, the debtor or trustee must assume this Agreement or assign it within sixty days from the filing of the proceeding, or he shall be deemed to have rejected and terminated this Agreement.

14. **<u>Remedies</u>**. If an Event of Default shall exist, then Landlord shall have the following remedies:

(a) Landlord, at Landlord's option, may at any time after the occurrence of an Event of Default, give to Tenant seven days' notice of termination of this Agreement, and in the event such notice is given, this Agreement shall come to an end and expire (whether or not the Term shall have commenced) upon the expiration of such seven days, but Tenant shall remain liable for damages as provided herein.

(b) Either with or without terminating this Agreement, Landlord may immediately or at any time after the occurrence of an Event of Default, or after the date upon which this Agreement shall expire, reenter the Premises or any part thereof, without notice, either by summary proceedings or by any other applicable action or proceeding, or by force or otherwise (without being liable to indictment, prosecution or damages therefor), and may repossess the Premises and remove any and all of Tenant's property and effects from the Premises. (c) Either with or without terminating this Agreement, Landlord may license or lease the whole or any part of the Premises from time to time, either in the name of Landlord or otherwise, to such tenant or licensee or licensees or tenants, for such term or terms ending before, on or after the expiration of this Agreement, at such amount or amounts and upon such other conditions, which may include concessions and free license fee or rent periods, as Landlord, in its sole discretion, may determine. In the event of any such reletting or relicensing, Landlord shall not be liable for the failure to collect any fees or amounts due upon any such reletting or relicensing, and no such failure shall operate to relieve Tenant of any liability under this Agreement or otherwise to affect any such liability.

(d) Landlord shall have the right to recover the fees and all other amounts payable by Tenant hereunder as they become due (unless and until Landlord has terminated this Agreement) and all other damages incurred by Landlord as a result of an Event of Default.

(e) The remedies provided for in this Agreement are in addition to any other remedies available to Landlord at law or in equity by statute or otherwise.

15. **Landlord's Liability**. The liability of Landlord (and its members or managers) to Tenant (or any person or entity claiming by, through or under Tenant) for any default by Landlord under the terms of this Agreement or any matter relating to or arising out of the occupancy or use of the Premises shall be limited to Tenant's actual, but not consequential, special or punitive damages, and shall be recoverable only from the interest of Landlord in the Property, including any sale, insurance and condemnation proceeds from the Property, and Landlord's managers or members shall not be personally liable for any deficiency.

Assignment and Subletting. Tenant shall not assign this Agreement or 16. sublicense any portion of the Premises without the prior written consent of Landlord, which consent may be withheld in Landlord's sole discretion. This Agreement shall not, nor shall any interest herein, be assignable as to the interest of Tenant by operation of law without the consent of Landlord. Sales aggregating fifty percent or more of the capital or voting stock of Tenant (if Tenant is a nonpublic corporation) or transfers aggregating fifty percent or more of Tenant's partnership interest (if Tenant is a partnership) or transfers aggregating fifty percent or more of the other ownership interests of Tenant (if Tenant shall be a limited liability company or other legal entity) shall be deemed to be an assignment of this Agreement. Regardless of whether or not Landlord's consent is required, no subletting or assignment shall release Tenant of Tenant's obligation or alter the primary liability of Tenant to pay the Lease Fee and to perform all other obligations to be performed by Tenant hereunder. The acceptance of the Lease Fee by Landlord from any other person shall not be deemed to be a waiver by Landlord of any provision hereof. Consent to one assignment or subletting shall not be deemed consent to any subsequent assignments or subletting. In the event of default of any of the terms hereof, Landlord may proceed directly against Tenant without the necessity of exhausting remedies against such assignee or successor. Landlord may consent to subsequent assignment or subletting of this Agreement or amendments or modifications to this Agreement with assignees of Tenant, without notifying Tenant, or any successor of Tenant, and without obtaining its or their consent thereto and such action shall not relieve Tenant of liability under this Agreement.

17. **Landlord Transfer**. Landlord may transfer any portion of the Property and any of its rights under this Agreement without the consent of Tenant. If Landlord assigns its rights under this Agreement, then Landlord shall thereby be released from any further obligations hereunder arising after the date of transfer, provided that the assignee assumes Landlord's obligations hereunder in writing.

18. **Subordination of Agreement**. This Agreement shall be subordinate to any mortgage, debt instrument, ground lease or master lease that may hereafter encumber or cover any portion of the Property. The provisions of this Section shall be self-operative and no further instrument of subordination shall be required; however, in confirmation of such subordination, Tenant shall execute and return to Landlord (or such other party designated by Landlord) within ten days of Landlord's request, such documentation, in recordable form if required, as a mortgagee or superior interest holder may reasonably request to evidence the subordination provisions of this Agreement in accordance with the terms of this Section. Tenant shall attorn to any party succeeding to Landlord's interest in the Property, whether by purchase, foreclosure, deed in lieu of foreclosure, power of sale, or otherwise, upon such party may reasonably request.

19. **Estoppel Certificates**. From time to time, Tenant shall furnish to any party designated by Landlord, within ten days of Landlord's request, a certificate signed by Tenant confirming and containing such factual certifications and representations as to this Agreement as Landlord may request, including the following facts: (a) this Agreement is in full force and effect, (b) the terms and provisions of this Agreement have not been changed, (c) not more than one monthly installment of the Lease Fee and other charges have been paid in advance, (d) there are no claims against Landlord nor any defenses or rights of offset against collection of the Lease Fee or other charges, (e) Landlord is not in default under this Agreement, and (f) any additional information as may be reasonably requested by Landlord.

20. **Notices**. Any notice given by Landlord or Tenant under this Agreement shall be in writing and shall be deemed to have been duly given when (a) personally delivered; or (b) three days after being deposited in the United States mail, certified or registered, return receipt requested, postage prepaid; or (c) one business day after being deposited with a nationally recognized overnight courier service, sent for and guaranteeing next business day delivery and in all instances to the addresses set forth below, or to such other address as a party hereunder may from time to time designate in a notice to the other party:

Tenant's Address for Notices:	Phoenicia Restaurant 588 S Old Woodward Ave Birmingham, Michigan 48009 Attention: [Samy Eid]
Landlord's Address for Notices:	The 555 Building Condominium Association 555 S. Old Woodward Ave., Suite 705 Birmingham, Michigan 48009 Attn: John J. Reinhart

with required copies to:

Jaffe Raitt Heuer & Weiss, P.C. 27777 Franklin Road, Suite 2500 Southfield, Michigan 48226 Attn: Richard A. Zussman, Esq.

21. **Force Majeure**. Other than for Tenant's obligations under this Agreement that can be performed by the payment of money (e.g., payment of the Lease Fee and maintenance of insurance), whenever a period of time is herein prescribed for action to be taken by either party hereto, such party shall not be liable or responsible for, and there shall be excluded from the computation of any such period of time, any delays due to strikes, riots, acts of God, shortages of labor or materials, war, terrorist acts or activities, governmental laws, regulations, or restrictions, or any other causes of any kind whatsoever which are beyond the reasonable control of such party.

22. **Brokerage**. Neither Landlord nor Tenant has dealt with any broker or agent in connection with the negotiation or execution of this Agreement. Landlord and Tenant shall each indemnify, defend and hold the other harmless from and against all costs, expenses, reasonable attorneys' fees, liens and other liability for commissions or other compensation claimed by any broker or agent claiming the same by, through or under the indemnifying party in connection with this Agreement.

23. <u>Severability</u>. If any clause or provision of this Agreement is illegal, invalid, or unenforceable under present or future laws, then the remainder of this Agreement shall not be affected thereby and in lieu of such clause or provision, there shall be added as a part of this Agreement a clause or provision as similar in terms to such illegal, invalid, or unenforceable clause or provision as may be possible and be legal, valid, and enforceable.

24. <u>Amendments</u>. This Agreement may not be amended, except by an instrument in writing signed by Landlord and Tenant. The terms and conditions contained in this Agreement shall inure to the benefit of and be binding upon the parties hereto, and upon their respective successors in interest and legal representatives, except as otherwise herein expressly provided. This Agreement is for the sole benefit of Landlord and Tenant, and, other than Landlord's current or future mortgagee, if any, no third party shall be deemed a third party beneficiary hereof.

25. <u>Entire Agreement</u>. This Agreement constitutes the entire agreement between Landlord and Tenant regarding the subject matter hereof and supersedes all oral statements and prior writings relating thereto. Except for those set forth in this Agreement, no representations, warranties, or agreements have been made by Landlord or Tenant to the other with respect to this Agreement or the obligations of Landlord or Tenant in connection therewith. The normal rule of construction that any ambiguities be resolved against the drafting party shall not apply to the interpretation of this Agreement or any exhibits or amendments hereto. The captions and headings used throughout this Agreement are for convenience of reference only and shall not affect the interpretation of this Agreement.

26. <u>Waiver</u>. One or more waivers of any covenant or condition by a party shall not be construed as a waiver of a further breach of the same covenant or condition. No provision of this Agreement shall be deemed to have been waived by Landlord unless such waiver is in writing signed by Landlord, and no custom or practice which may evolve between the parties in the administration of the terms hereof shall waive or diminish the right of Landlord to insist upon the performance by Tenant in strict accordance with the terms hereof.

27. **No Representations or Warranties**. Landlord makes no representations or warranties of any kind with respect to the Property or the Premises. The Premises are hereby provided to Tenant in their "as-is" "where is" "with all faults" condition.

28. <u>Waiver of Jury Trial</u>. TO THE MAXIMUM EXTENT PERMITTED BY LAW, LANDLORD AND TENANT EACH WAIVE ANY RIGHT TO TRIAL BY JURY IN ANY LITIGATION OR TO HAVE A JURY PARTICIPATE IN RESOLVING ANY DISPUTE ARISING OUT OF OR WITH RESPECT TO THIS AGREEMENT OR ANY OTHER INSTRUMENT, DOCUMENT OR AGREEMENT EXECUTED OR DELIVERED IN CONNECTION HEREWITH OR THE TRANSACTIONS RELATED HERETO.

29. <u>Miscellaneous</u>. This Agreement will not be recorded by Tenant. Nothing contained in this Agreement is intended to be a gift or dedication of any portion of the Property to the general public or for any public use or purpose whatsoever. This Agreement is for the exclusive benefit of Tenant and Landlord, and nothing in this Agreement, express or implied, confers upon any person, other than Tenant and Landlord, any rights or remedies under or by reason of this Agreement.

30. <u>Applicable Law</u>. This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

[Signature Page Follows]

### [SIGNATURE PAGE TO PARKING LEASE AGREEMENT BETWEEN THE 555 BUILDING CONDOMINIUM ASSOCIATION AND BIRMINGHAM TOWER PARTNERS, LLC]

The undersigned have executed this Parking Lease Agreement as of the date first above written.

### LANDLORD:

The 555 Building Condominium Association, a Michigan nonprofit corporation

Ву:
-----

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

Its: \_\_\_\_\_

# TENANT:

Phoenicia Restaurant a Michigan limited liability company

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

lts:\_\_\_\_\_

Parking Lease Agreement Phoenicia (Clean) (01582843).DOCX

# Exhibit A

# Legal Description of the Property

The land referred to in this policy, situated in the County of Oakland, City of Birmingham, State of Michigan, is described as follows:

Unit 1, THE 555 BUILDING CONDOMINIUM, according to the Master Deed recorded in Liber 39634, page 142, as amended, First Amendment to Master Deed recorded in Liber 43014, page 149 and Second Amendment to Master Deed recorded in Liber 47877, page 153, and designated as Oakland County Condominium Subdivision Plan No. 1955, together with rights in the general common elements and the limited common elements as shown on the Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

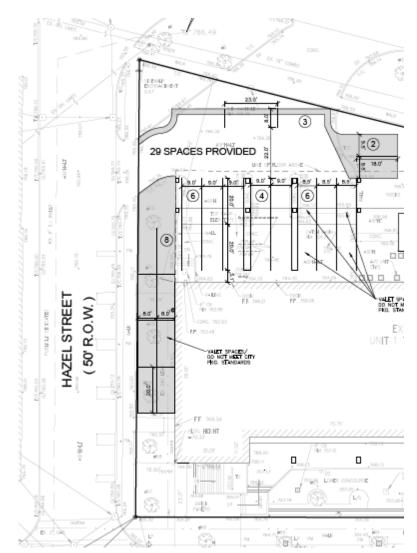
### EASEMENT PARCEL:

Together with non-exclusive easements as created, limited and defined in that certain Declaration of Restrictions and Easements recorded in Liber 48031, page 425, Oakland County Records.

# Exhibit B

# **Depiction of the Premises**

[The below is only a general depiction of the Premises area, which is the area in the north and east of the Landlord's building. The parties will attach a more precise depiction of the Premises after all municipal approvals are obtained.]





**Phoenicia Expansion - Parking Calculations:** 

Parking R	equired:
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35.57
18.41

Total Parking Required:	54	
Parking Provided:		
Surface	37	
Shared/Excess Parking Agreement	17	
Total Parking Provided:	54	



430 N. OLD WOODWARD BIRMINGHAM, MI 48009 P. 248.258.5707 F. 248.258.5515 SarokiArchitecture.com

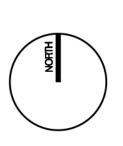
Project: Phoenicia Expansion 588 South Old Woodward Birmingham, Michigan 48009

Date:	Issued For:

3-29-22 Site Plan Approval

Sheet No.: A100

SITE PLAN



City of B	irmingham	MEMORANDUM
	A Walkable Community	Planning Division
DATE:	April 22 <sup>nd</sup> , 2022	
то:	Planning Board Members	
FROM:	Brooks Cowan, Senior Planner	
APPROVED:	Nicholas Dupuis, Planning Director	
SUBJECT:	588 S. Old Woodward - Phoenicia – Amendment, Final Site Plan & Desig	-

The subject site, 588 S. Old Woodward - Phoenicia, is currently a single story restaurant with a Class C Retail – On Premises liquor license. Phoenicia has operated as a restaurant in Birmingham since 1982. Restaurants operating with a Class C license do not have a cap on the amount of indoor or outdoor seating.

The applicant has submitted a Special Land Use Amendment and Final Site Plan and Design Review application proposing a 1,381 square foot addition to the rear of the building to accommodate additional kitchen area and private dining. A new outdoor dining plan is also proposed to accommodate the new sidewalk of the S. Old Woodward Phase 3 construction, as well as some minor changes to the on-site parking lot.

# **1.0 Land Use and Zoning**

- 1. <u>Existing Land Use</u> Single story Food & Drink establishment.
- 2. <u>Zoning</u> B2-B (General Business) and D2 (Downtown Overlay)
- 3. Summary of Adjacent Land Use and Zoning –

	North	South	East	West
Existing Land Use	Commercial	Commercial	Commercial	Residential
Existing Zoning District	B2-B (General - Business)	B2-B (General - Business)	B3 (Office - Residential)	R3 (Single Family Residential)
Overlay Zoning District	D2	D2	D5	N/A

### 2.0 Setback and Height Requirements

there are currently no issues with bulk, height or placement with the Special Land Use Permit, Final Site Plan/Design Review application submitted.

### 3.0 Screening and Landscaping

- <u>Dumpster Screening</u> New dumpster screening is proposed at the southwest corner of the property. The existing dumpster is a 5 yard dumpster that is 7 feet in height which is proposed to be screened by a 7 foot masonry screenwall that will match the existing building, with painted metal posts and painted vertical wood boards for the gates, satisfying requirements of Article 4, Section 4.54(B)(8).
- 2. <u>Parking Lot Screening</u> The parking lot is proposed to be screened from S. Old Woodward with 36 inch high Taxus Moon or Hatfield landscaping spaced 18 inches on center. This is a change from the current masonry screenwall. Article 4, Section 4.54(C)(3)(d) of the Zoning Ordinance enables the Planning Board to approve the use of evergreen screening in place of a masonry wall. The Planning Division recomends the Planning Board approve of the proposed evergreen screening.

The existing 6 foot masonry screenwall on the west side of the property will continue to screen the parking lot from the residential zone, satisfying parking lot screening requirements for parking lots adjacent to residential zones of Article 4, Section 4.54(B)(7).

- 3. <u>Mechanical Equipment Screening</u> A new ground transformer is proposed in the southwest corner of the property which is screened by the building and the 6 foot rear screenwall. New rooftop mechanical units are proposed which are 10 feet from the southern edge of the roof and have a maximum height of 5.5 feet. Rooftop mechanical units will be screened by 8 feet tall painted metal panels to match the grey stone building color.
- 4. <u>Landscaping</u> The applicant has indicated additional landscaping surrounding the building and parking area. As previously mentioned, 36 inch high Taxus Moon or Hatfields will be used to screen three rows of parking from S. Old Woodward. Each row of screening landscaping along S. Old Woodward will be accompanied With a Frontier Hybrid Elm canopy tree 3 to 3.5 inches in caliper.

The building will retain the northern elevation's existing hydrangea vines on the wall trellises. The site plan also indicates expanded landscaping along the north elevation buffering the parking from the building with 120 vinca groundcover

that are 18 inches off center. A new greenspace is proposed in the northwest corner of the property with 6 Limelight Hydrangea, 9 magic carpet spirea, and a Green Vase Zelkova canopy tree 3 inches in caliper.

The proposed landscaping species are not on Birmingham's prohibited species list. Also, Article 4, Section 4.20(C)(1) *Exceptions* excludes properties in the Downtown Overlay District from having to meet the parking lot landscaping requirements of Section 4.20(E) and 4.20(F), therefore the applicant is not required to provide 5% total parking lot landscaping.

 <u>Streetscape</u> – The applicant is not proposing changes to the streetscape at this time. The S. Old Woodward Phase 3 project provides a number of amenities in front of the subject space including 2 street lights, 5 planter boxes and 7 new trees. 3 new bike racks will be installed in the right-of-way at the northeast corner of the property.

### 4.0 Parking, Loading and Circulation

 <u>Parking</u> – The applicant is proposing an additional 1,381 square feet for a total of 4,049 square feet. Food and drink uses in the B2-B zone require 1 parking space for every 75 square foot, therefore the subject site requires 54 parking spaces.

Phoenicia is proposing 34 parking spaces on-site, therefore requiring an additional 20 parking spaces. Article 4.45(G)(3) *Methods of Providing Parking Facilities* enables the parking requirement to be met "*by the collective provisions of the required off-street parking for 2 or more buildings or uses, provided that the total of such off-street parking areas shall not be less than the sum of the requirements of the various buildings or uses computed separately, and the location of such area meets the requirements of subsection (2) of this section, except as provided in Section 4.45(G)(4)..."* 

The applicant has indicated a parking lease agreement with the 555 Building for an additional 20 parking spaces to satisfy the parking requirement. City staff have verified that the 555 building has an excess of 20 parking spaces to share which is provided in a parking analysis below. Parking lease agreements are not required to be recorded on the land titles for all affected properties if there is an excess of required parking spaces to be shared.

The applicant has also demonstrated that the property is within 100 feet of the property in which the parking lease agreement has been entered into upon, satisfying proximity requirements of Article 4, Section 4.45(G)(2) of the Zoning

Ordinance. A breakdown of 555 S. Old Woodward's parking requirement, which is zoned B3 Office-Residential, and the excess of 20 parking spaces for the building is included below.

Article 4, Section 4.50(D) *Office, Residential and Restaurant Parking* enables reductions from residential and restaurant requirements for properties in the B3 Office-Residential zone stating, "*Where there is combined within a single building, an office use, a residential use, and a commercial restaurant, up to 40% of the parking supplied to meet the requirement for office use may also be used to meet the requirements for residential use and up to 30% of the remaining parking requirement for office use may be used to meet the requirement for office use the requirement for the commercial restaurant."* 

The residential and restaurant reduction values enabled by Article 4, Section 4.50(D) for the 555 building were calculated as follows:

	5 ( )
Office Parking	128
Reduction	<u>40%</u>
Total	51* (residential reduction used in final calculations)

Remaining Office	77 (128 – 51*)
Reduction	<u>30%</u>
Total	23** (restaurant reduction used in final calculations)

The residential and restaurant reduction values for a mixed use building were incorporated into the total parking calculations for the 555 building below:

Residential			
Unit Type	Units	space / unit	Spaces Required
Studio	11	1	11
One-Bedroom	33	1	33
Two-Bedroom	54	1.25	67.5
Total	98		111.5 (112)
Total after shared office parking reduction (112-51*)			61
Office	SF	Space / SF	Spaces Required
	38,250 SF	300	128

Commercial			
Use	SF / Chairs	Parking Req.	Spaces Required
Retail	21,191 SF	1/300 SF	71
Salons	24 Chairs	2/ chair	48
Fitness	6,392 SF	1/550 SF	12
		Total	131
<u>Restaurant</u>	SF	Space / SF	Spaces Required
	4,400 SF	1 per 75 SF	59
Total after shared	36		

#### 555 S. Old Woodward Parking Summary

Total Parking Required	356 Spaces
Total Parking Provided	376 Spaces
Excess Parking Available	20 Spaces

A parking analysis of all uses in the 555 building incorporated with the parking reduction due to mixed uses has indicated the site requires 356 parking spaces. City staff have walked the 555 building's parking structure and counted 357 parking spaces on-site on two different occasions within the past 12 months while verifying the property's parking provisions.

555 S. Old Woodward also gained approval from City Commission on February 11<sup>th</sup>, 2013 to count 36 on-street parking spaces towards their total requirement, which currently totals 393 spaces. The S. Old Woodward Phase 3 project reduces the on-street spaces in front of the 555 building to 19 parking spaces which is the value staff have included in the building's total provision of parking calculation.

City staff conducted site visits to the 555 parking structure on Wednesday evening, April 20<sup>th</sup>, 2022 and again on Thursday afternoon, April 21<sup>st</sup>, 2022. Staff counted a total of 101 parked cars in the 555 structure on Wednesday evening between 5:45 pm to 6:30 pm (28% usage). 120 parked cars were counted Thursday afternoon between 12:40 pm to 1:00 pm (34% usage). The parking counts indicated 256 and 237 available parking spaces at these times. Staff intends to conduct a third parking count during evening dinner hours the weekend of April 21<sup>st</sup>-22<sup>nd</sup>, 2022 and will provide count numbers during the Planning Board meeting Wednesday April 27<sup>th</sup>, 2022.

The 555 S. Old Woodward building has 98 residential units and over 30 commercial tenant spaces with a broad range of uses. The 555 building provides 357 parking spaces in its structure at the moment, nearly identical to the total

amount of on-site parking required per the Zoning Ordinance total of all uses (356 spaces).

Considering the excess of 20 total parking spaces at the 555 building, the peak parking demands for Phoenicia, and the amount of available parking spaces in the 555 building's parking structure given recent counts (256-237 spaces), the Planning Division recommends the Planning Board and City Commission approve the parking lease agreement between Phoenicia and the 555 building. The applicant must provide the City with a signed shared parking agreement for 20 parking spaces, or obtain a parking variance from the Board of Zoning Appeals.

- 2. <u>Loading</u> The subject building is less that 5,000 square feet and therefore is not required to provide an on-site loading space that is  $40' \times 12' \times 14'$ .
- 3. <u>Vehicular Circulation and Access</u> Vehicular circulation and access involves a one-way access drive through the parking lot. The proposed ingress and egress access points are proposed to be 10 feet wide and align with the S. Old Woodward Phase 3 plans where thickened concrete will be provided where vehicles must drive across.
- 4. <u>Pedestrian Circulation and Access</u> A new door is proposed facing north with an extended walkway connecting the parking lot to the proposed private dining area. The main access will remain facing east towards the new sidewalk on S. Old Woodward.

### 5.0 Lighting

The photometric plan indicates 5 Bega LED wall sconce luminaires - four located along the northern elevation and one on the south elevation near the rear door. The wall sconces will be installed at a height of 12 feet and appear to be full cut-off lights. The site plan indicates 5 lights on the north elevation wall which is one more than on the photometric plan – the applicant will be required to update the photometric plan with all proposed lights.

One pole mounted, full-cut off luminaire at 13 feet in height in the NW corner of the property is proposed to illuminate the parking lot. The new entrance facing north will also have a new recessed, 6" open wall wash LED light to illuminate the entrance.

The photometric plan indicates a circulation area of foot candles ranging from 0.1 to 9.5. Article 4.21(F)(2) & 4.21(F)(3) of the Zoning Ordinance requires circulation areas to have a minimum foot candle level of 0.2 and may not exceed a maximum-to-minimum

ratio of 20:1. The current ratio is 95:1, therefore the applicant must update their photometric plan to satisfy the foot candle requirements for parking lot circulation areas.

The foot candle levels along the property line abutting the single family zone to the west range from 0.1 to 0.5 which is below the 0.6 maximum, therefore satisfying the Zoning Ordinance requirement for illuminance levels.

The applicant must submit an updated photometric plan with minimum foot candle levels of 0.2 and a minimum to maximum ratio of 20:1 foot candles for the parking lot circulation area or obtain a variance from the Board of Zoning Appeals.

# 6.0 Departmental Reports

- 1. <u>Engineering Division</u> 5 foot clear sidewalk path must be maintained on sidewalk between the building and outdoor patio.
- 2. <u>Department of Public Services</u> Comments will be provided to the Planning Board by April 27<sup>th</sup>, 2022.
- 3. <u>Fire Department</u> See attachment for Fire Department Comments.
- 4. <u>Police Department</u> The Police Department has no concerns at this time.
- 5. <u>Building Division</u> The Building Department has no concerns at this time. See attachment for general comments from the Building Department.
- 6. <u>Parking Manager</u> The Parking Manager has no concerns at this time.

### 7.0 Design Review

The applicant is not proposing any changes to the front of the building facing S. Old Woodward, the windows, planters. And current detailing will remain. All structural changes are proposed in the rear of the building. The existing indoor seating arrangement is proposed to have new seating along the southern portion of the restaurant and have a total of 82 table seats and 9 bar seats. 14 additional seats are proposed in the new expansion with a linear skylight above the table. The private dining area is proposed to be 494 square feet. Two additional indoor bathrooms, kitchen space, and an employee locker room are proposed to modernize the back of house work area. The rear expansion appears to clean up what is now an unorganized and aesthetically unappealing rear storage area with unscreened dumpsters and a wooden shack in close proximity to a residential area.

The northern elevation facing the parking lot will maintain the existing trellises with ivy and add a new door that connects to the private dining area. The new door is emphasized with a grey Mankato stone surrounding. A new window is proposed for the new addition of the private dining area which has a stone header.

The south elevation and west elevation are proposed to continue to be all brick and will be painted to match the existing brick color. A rear door will provide access from the kitchen to dumpster in the back.

Article 4, Section 4.90(B) Window Standards requires building elevations on the ground floor that do not face a frontage line but contain a public entrance to be no less than 30% clear glazing between 1 and 8 feet above grade. The northern elevation is proposed to have a public entrance but very minimal glazing and does not appear to satisfy the window standard requirements. As mentioned previously, the northern elevation is proposed to maintain the existing hydrangea vines on the trellises for the majority of the elevation. Article 4, Section 4.90(E) enables flexibility in glazing requirements and allows the glazing standards to be modified by a majority vote of the Planning Board if the following conditions are met:

a. The subject property must be in a zoning district that allows mixed uses;

b. The scale, color, design and quality of materials mut be consistent with the building and site on which it is located;

c. The proposed development must not adversely affect other uses and buildings in the neighborhood;

d. Glazing above the first story shall not exceed a maximum of 70% of the façade area;

e. Windows shall be verticle in proportion.

The Planning Division finds that the proposed site plan satisfies the requirements of Article 4, Section 4.90(E)(a) through 4.90(E)(e) and recommends that the Planning Board vote to allow Phoenicia's northern elevation with a public entrance to have less than 30% clear glazing between 1 and 8 feet.

### Outdoor Dining

The applicant is proposing a 36-seat outdoor dining patio directly in front of the tenant space. The design incorporates approved streetscape plans for the S. Old Woodward Phase 3 update with an extended sidewalk. Phoenicia's outdoor dining deck will no longer be in the street on top of parking spaces across from an intersection. The dining area will be buffered from the street by a city planter box with three street trees.

The patio is proposed to exist entirely on public property, therefore the applicant will be expected to apply for an Outdoor Dining Permit annually and enter into a lease agreement with the City for the use of public property as a part of that permit.

To define the space, the applicant is proposing a 42 in. black aluminum perimeter railing with circular detailing around all sides with an opening on the west side. Four grey aluminum planter boxes are proposed also proposed along the sidewalk on the west side of the outdoor seating space to delineate the area. The specifications for the tables and chairs indicate metal and wood as per the ordinance requirements. Two Tucci umbrellas are also proposed above the center tables. One trash recepticle within the outdoor dining area is proposed.

The applicant has also provided dimensions indicating that a 5 ft. clear path will be maintained between the planters along the building frontage and the outdoor dining area which includes the planter boxes.

#### <u>Signage</u>

No new signs are proposed, the applicant will maintain the existing sign next to the front entrance reading "588 Phoenicia".

	Submitted	Not Submitted	Not Required
Existing Conditions Plan	$\boxtimes$		
Detailed and Scaled Site Plan	$\boxtimes$		
Certified Land Survey	$\boxtimes$		
Interior Floor Plans	$\boxtimes$		
Landscape Plan			$\boxtimes$
Photometric Plan	$\boxtimes$		
Colored Elevations	$\boxtimes$		
Material Specification Sheets	$\boxtimes$		
Material Samples		$\boxtimes$	
Site & Aerial Photographs	$\boxtimes$		

### 8.0 **Required Attachments**

### 9.0 Approval Criteria

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

(1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.

- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property nor diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

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

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

### **10.0** Recommendation

Based on a review of the site plan submitted, the Planning Division recommends that the Planning Board recommend **APPROVAL** to the City Commission the Special Land Use and Final Site Plan/Design Review application for 588 S. Old Woodward – Phoenicia – with the following conditions:

- 1. The applicant submit a signed parking lease agreement for 20 parking spaces or obtain a variance for required parking spaces from the Board of Zoning Appeals;
- 2. The applicant submit an updated photometric plan that satisfies the foot candle level requirements for parking lot circulation areas;
- 3. The Planning Board allow evergreen parking lot screening in place of a masonry screen wall;

- 4. The Planning Board allow the glazing standards for the northern elevation with a public entrance to be modified; and
- 5. The applicant comply with the requests of all City Departments.

# **11.0** Sample Motion Language (*Special Land Use Permit*)

Motion to recommend **APPROVAL** to the City Commission the Special Land Use Permit for 588 S. Old Woodward – Phoenicia – subject to the conditions of Final Site Plan & Design Review approval.

- 1. The applicant submit a signed parking lease agreement for 20 parking spaces or obtain a variance for required parking spaces from the Board of Zoning Appeals;
- 2. The applicant submit an updated photometric plan that satisfies the foot candle level requirements for parking lot circulation areas;
- 3. The Planning Board allow evergreen parking lot screening in place of a masonry screen wall;
- 4. The Planning Board allow the glazing standards for the northern elevation with a public entrance to be modified; and
- 5. The applicant comply with the requests of all City Departments.

# OR

Motion to **POSTPONE** the Special Land Use Permit for 588 S. Old Woodward – Phoenicia – pending receipt of the following:

1.	
2.	
3	
J.	

### OR

Motion to recommend **DENIAL** to the City Commission the Special Land Use Permit for 588 S. Old Woodward – Phoenicia – for the following reasons:

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_

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

Motion to recommend **APPROVAL** to the City Commission the Final Site Plan & Design Review for 588 S. Old Woodward – Phoenicia – with the following conditions:

- 1. The applicant submit a signed parking lease agreement for 20 parking spaces or obtain a variance for required parking spaces from the Board of Zoning Appeals;
- 2. The applicant submit an updated photometric plan that satisfies the foot candle level requirements for parking lot circulation areas;
- 3. The Planning Board allow evergreen parking lot screening in place of a masonry screen wall;
- 4. The Planning Board allow the glazing standards for the northern elevation with a public entrance to be modified; and
- 5. The applicant comply with the requests of all City Departments.

# OR

Motion to **POSTPONE** the Final Site Plan & Design Review for 588 S. Old Woodward – Phoenicia – pending receipt of the following:

- 1. The applicant submit a signed parking lease agreement for 20 parking spaces or obtain a variance for required parking spaces from the Board of Zoning Appeals;
- 2. The applicant submit an updated photometric plan that satisfies the foot candle level requirements for parking lot circulation areas;
- 3. The Planning Board allow evergreen parking lot screening in place of a masonry screen wall;
- 4. The Planning Board allow the glazing standards for the northern elevation with a public entrance to be modified; and
- 5. The applicant comply with the requests of all City Departments.

# OR

Motion to recommend the **DENIAL** to the City Commission the Final Site Plan & Design Review for 588 S. Old Woodward – Phoenicia – for the following reasons:

 1.

 2.

 3.

### Zoning Compliance Summary Sheet SLUP & Final Site Plan Review 588 S. Old Woodward

**Existing Site:** 1 story commercial/food & drink establishment

- Zoning: B2-B General Business and D2 Overlay
- Land Use: Alcoholic Beverage Sales

### Existing Land Use and Zoning of Adjacent Properties:

	North	South	East	West
Existing Land Use	Commercial	Commercial	Commercial	Residential
Existing Zoning District	B2-B (General - Business)	B2-B (General - Business)	B3 (Office - Residential)	R3 (Single Family Residential)
Overlay Zoning District	D2	D2	D5	N/A

Land Area:	Existing: Proposed:	0.395 acres / 17,206 square feet 0.395 acres / 17,206 square feet
Dwelling Units:	Existing: Proposed:	N/A N/A
Minimum Lot Area/Unit:	Required: Proposed:	N/A N/A
Min. Floor Area /Unit:	Required:	N/A
	Proposed:	N/A
Max. Total Floor Area:	Required: Proposed:	N/A N/A
Min. Open Space:	Required:	N/A

	Proposed:	N/A
Max. Lot Coverage:	Required: Proposed:	N/A N/A
Front Setback:	Required: Proposed:	Front façade on frontage line Front façade on frontage line
Min. Side Setbacks	Required: Proposed:	Min 0 ft. for commecial, office or parking stories 0 ft. to south 97.8 to north
Rear Setback:	Required: Proposed:	Equal to existing adjacent, pre-existing building 22'11"
Min. Front+Rear Setback	Required:	N/A
	Proposed:	N/A
Max. Bldg. Height:	Permitted: Proposed:	2 stories 14', 1 story
Min. Bldg. Height	Required:	N/A
	Proposed:	N/A
Min. Eave Height:	Required: Proposed:	N/A N/A
Floor-Floor Height:	Required:	N/A
	Proposed:	N/A
Front Entry:	Required: Proposed:	Principle entrance on frontange line Main entrance facing S. Old Woodward
Absence of Bldg. Façade:	Required:	N/A
	Proposed:	N/A
Opening Width:	Required:	N/A
	Proposed:	N/A
Daukinar	Doguinado	F4
Parking:	Required:	54
	Proposed:	34 on-site <u>20 via lease agreement</u> 54 Total
Min. Parking Space Size:	Required:	180 sq. ft.

	Proposed:	180 sq. ft.
Parking Lot Frontage:	Required: Proposed:	N/A N/A
Loading Area:	Required:	1 off-street loading spaces
	Proposed:	40 ft. x 12 ft. x 14 ft. Loading space in the rear of building. Alley is also 20 feet wide – therefore acceptable
Screening:		
Parking:	Required: Proposed:	2.5 to 3.5 feet of masonry or evergreen 36 inch evergreen
Loading:	Required: Proposed:	0 (less than 5,000 SF) 0
Rooftop Mechanical:	Required: Proposed:	Screened from view 8' painted metal panel
Elect. Transformer:	Required: Proposed:	Screened from public view Located in rear of building
Dumpster:	Required: Proposed:	Masonry screen wall with wood gates 7' masonry screen wall with wood gates

### CITY OF BIRMINGHAM Community Development – Building Department 151 Martin Street, Birmingham, MI 48009

April 19, 2022

## RE: Final Site Plan Review Comments 588 S. Old Woodward, Phoenicia

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. No building code concerns at this time.



## CITY OF BIRMINGHAM FIRE DEPARTMENT

572 South Adams • Birmingham, Michigan 48009 • 248.530.1900 Fax 248.530.1950

April 20<sup>,</sup> 2022

**RE:** Final Site Plan Review Comments

588 S. Old Woodward, Phoenicia

The Fire Department has examined the submitted plans for the proposed project for 588 S. Old Woodward, Phoenicia.

Applicable Fire Codes:

- 2015 International Fire Code
- All applicable NFPA documents, guides and standards referenced in the 2015 International Fire Code.
- Local Ordinance

### **Review Comments:**

- Installation requirement of Knox Emergency Power Shutdown Device per local ordinance Sec.
   54-32. Consult Fire Marshal for location of installation. Addition is more than 25%.
- 2. Knox key box installation.
- 3. Follow all applicable fire codes regarding fire suppression and fire alarm requirements for assemblies.
- 4. Occupant load determination made by Assistant Building Official and Fire Marshal.
- 5. Size of building, occupant load and usage type shall determine fire suppression requirements. Follow all applicable adopted codes.

Jack D. Pesha

Fire Marshal

**Birmingham Fire Department** 

### City Of Birmingham Regular Meeting Of The Planning Board Wednesday, April 27, 2022

City Commission Room 151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on April 27, 2022. Chair Scott Clein convened the meeting at 7:30 p.m.

### A. Roll Call

- **Present:** Chair Scott Clein (left at 9:40 p.m.); Board Members Robin Boyle, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Student Representatives MacKinzie Clein, Andrew Fuller
- Absent: Board Member Stuart Jeffares; Alternate Board Members Jason Emerine, Nasseem Ramin

### Administration:

Nick Dupuis, Planning Director Leah Blizinski, City Planner Brooks Cowan, Senior Planner Laura Eichenhorn, City Transcriptionist

### I. Special Land Use Permit and Final Site Plan and Design Review

## 1. 588 S. Old Woodward – Phoenicia – Request for small addition to rear of building

SP Cowan presented the item. He added that Phoenicia would be required to provide a parking lease agreement to the City every year during liquor license renewals in order to demonstrate the provision of sufficient parking or risk losing its SLUP agreement, per the City Attorney. He noted that a memo provided to the Board at the beginning of the meeting also provided updated motion language to that effect.

### 04-101-22

### Motion by Mr. Williams

Seconded by Mr. Share to receive and file the memo from SP Cowan dated April 27, 2022 to the Planning Board.

Motion carried, 6-0.

VOICE VOTE Yeas: Share, Boyle, Koseck, Whipple-Boyce, Williams, Clein Nays: None

Mr. Koseck noted a discrepancy between the parking proposals on the architectural site plan and the civil site plan and asked which was correct.

SP Cowan stated that the architectural site plan showed the accurate parking proposal.

Mr. Boyle asked why the City would measure parking based on square footage when the Board has a plan that states the establishment's number of seats. He noted that half of the proposed addition would not be holding seating, and asserted as a result that the number of additional parking spaces being required was excessive. He said the City needed to amend its parking regulations accordingly or the ordinance would result in overparking.

Birmingham Planning Board Proceedings April 27, 2022

Messrs. Share, Williams, and the Chair concurred with Mr. Boyle that the City's parking regulations require updating.

Victor Saroki, architect, and Samy Eid, owner, spoke on behalf of the project.

Mr. Saroki commented that a parking requirement of one parking space per 75 feet of gross area within an establishment is no longer valid by today's standards. He said that the applicant would likely pursue a variance at the Board of Zoning Appeals (BZA) and asked if the Planning Board might be willing to provide comment for that potential appeal. He also asked the City to consider a revision to the City's parking requirements.

Jack Reinhardt, managing partner of The 555 and 555 Commercial, said he was fully in support of Phoenicia and confirmed that 555 Commercial and Phoenicia would be entering into a five year lease to provide Phoenicia with 20 extra parking spaces.

Mr. Reinhardt also contested the parking counts described on page 38 of the agenda packet. He said he does counts at 10 a.m. and 2 p.m. and that he usually counts between 180-200 parked cars in the 555 parking structure at those times. He said he would go further into his objection of the parking counts later on.

Messrs. Eid and Saroki expressed concern that Phoenicia's SLUP agreement would be tied to the continuance of the parking agreement, noting that unforeseen future changes in the 555's management could leave Phoenicia in a difficult situation with no recourse.

Chair Clein acknowledged Mr. Eid's statement but said the Board had no leeway in following direction from the City Attorney.

In reply to Mr. Boyle, Mr. Saroki confirmed that the walls on the east side of the parking lot would be replaced with a well-maintained hedge and three trees.

Mr. Boyle opined that while he appreciates vegetation, this is a very urban space and the walls work well in this context.

In reply to Mr. Koseck, Mr. Saroki confirmed that the front door would continue to be the main entry for the majority of patrons.

In reply to Mr. Share, Mr. Eid confirmed he understood that if he did not maintain an adequate number of parking spaces that he could lose the ability to operate out of the restaurant's addition.

In reply to Mr. Share, SP Cowan confirmed that the parking counts were based off a standard office and a standard retail usage, and not some of the more high-intensity retail usages.

Mr. Share said he wanted to make sure that Mr. Reinhardt understood that if he enters into this parking lease with Phoenicia, it may have an impact on the parking available to other tenants in the building in the future.

Mr. Reinhardt confirmed he understood.

SP Cowan clarified that the parking calculations for this item were based on 100% occupancy, whereas an analysis of a tenant's parking needs would only be based on current demand. He also noted that The 555 would be doing a bit more restriping in its lot, which would add a few more parking spaces.

In reply to the Chair, Mr. Saroki said he could likely expand the clear pedestrian path adjacent to the outdoor dining deck to be closer to six feet.

The Chair said he would appreciate an expansion in the pedestrian clear path adjacent to the outdoor dining deck, and said he would be comfortable with an administrative approval on those changes.

PD Dupuis asked if the Planning Board would be willing to provide comment for the applicant's potential future variance request at the BZA.

Mr. Williams said he was not willing since he wanted to address the issue by ordinance since this is not the only parcel adversely affected by the current parking regulations.

The Chair concurred.

### Public Comment

Wendy Zabriskie stated that the City's parking requirements are archaic. She advocated for the City to change its parking requirements so Phoenicia, a long-running small business, would not be at risk of losing its ability to operate.

Mr. Reinhardt spoke in favor of retaining parking in the S. Old Woodward area.

### 04-102-22

Motion by Mr. Williams

Seconded by Mr. Koseck to approve the Final Site Plan and Design Review for 588 S. Old Woodward – Phoenicia – subject to the following conditions:

- 1. The applicant submit a signed parking lease agreement for 20 parking spaces or obtain a variance for required parking spaces from the BZA;
- 2. The applicant submit an updated photometric plan that satisfies the foot candle level requirements for parking lot circulation areas;
- 3. The Planning Board allow evergreen parking lot screening in place of a masonry screen wall;
- 4. The Planning Board allow the glazing standards for the northern elevation with a public entrance to be modified; and,
- 5. The City Attorney draft language to be included in the Special Land Use Permit contract to require that the applicant demonstrates satisfactory parking is maintained to satisfy compliance with the current parking ordinance during its review in the annual liquor license review with the City; and,
- 6. The applicant comply with the requests of all City Departments.

Birmingham Planning Board Proceedings April 27, 2022

### Motion carried, 6-0.

VOICE VOTE

Yeas: Share, Boyle, Koseck, Whipple-Boyce, Williams, Clein Nays: None

04-103-22

Motion by Mr. Williams

Seconded by Mr. Koseck to recommend approval to the City Commission of the Special Land Use Permit for 588 S. Old Woodward – Phoenicia – subject to the following conditions:

- 1. The applicant submit a signed parking lease agreement for 20 parking spaces or obtain a variance for required parking spaces from the BZA;
- 2. The applicant submit an updated photometric plan that satisfies the foot candle level requirements for parking lot circulation areas;
- 3. The Planning Board allow evergreen parking lot screening in place of a masonry screen wall;
- 4. The Planning Board allow the glazing standards for the northern elevation with a public entrance to be modified; and,
- 5. The City Attorney draft language to be included in the Special Land Use Permit contract to require that the applicant demonstrates satisfactory parking is maintained to satisfy compliance with the current parking ordinance during its review in the annual liquor license review with the City; and,
- 6. The applicant comply with the requests of all City Departments.

### Motion carried, 6-0.

VOICE VOTE

Yeas: Share, Boyle, Koseck, Whipple-Boyce, Williams, Clein Nays: None



### MEMORANDUM

Planning Division

**DATE:** June 20<sup>th</sup>, 2022

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

**FROM:** Brooks Cowan, Senior Planner Jim Surhigh, City Engineer Scott Grewe, Police Operation Commander

**SUBJECT:** Pedestrian Crosswalk Installation Guidelines

### INTRODUCTION:

Birmingham's Multi-Modal Transportation Board has recommended guidelines for a review process that evaluates multiple factors when considering the installation of a new pedestrian crosswalk. If a resident or public official requests the City to consider a crosswalk in a certain location, the City could reference the proposed "Crosswalk Installation Flow Chart" to determine if the installation qualifications have been met.

### BACKGROUND:

Crosswalks are used at certain locations, such as along higher traffic volume streets or major pedestrian routes to alert drivers to yield or stop to allow pedestrians to cross safely. The City of Birmingham currently has crosswalk standards that indicate what types of crosswalks should be implemented, which is the continental design with "24" wide bars. However, the City does not have guidelines on which locations may need a crosswalk.

The Police Department asked the city's transportation team to research best practices from various publications and other cities to develop crosswalk guidelines appropriate for the city. Such research and recommendations were presented to the Multi-Modal Transportation Board on April 7<sup>th</sup>, 2022.

The Multi-Modal Transportation Board (MMTB) provided input on a draft and changes were incorporated. The MMTB recommends these guidelines be adopted by the City Commission to become part of the City's policies.

Current crosswalk guidelines cover the width, not the location. The City's current guidelines address the width of crosswalks at different locations, as shown below:

1. On major streets within the Central Business District, Triangle District, Rail District, or adjacent to schools. Crosswalks shall be 12 feet wide, up to 14 feet wide, when traffic

signals are present. Major Streets, within those specific districts, include Woodward Ave, Oakland Blvd, Old Woodward Ave, Chester St, Maple Rd, Brown St, Southfield Rd, S. Eton Rd, Adams Rd, and E. Lincoln Ave.

- 2. On local streets within the Central Business District, Triangle District, Rail District, or adjacent to schools, crosswalks shall be eight feet wide, or wider if needed to match the adjacent sidewalk width.
- 3. At all other locations, the width of the crosswalk shall be six feet wide.

### Best Practice Review:

MKSK and Fleis & Vandenbrink reviewed various manual and recommendations from the National Association of City Transportation Officials (NACTO), Federal Highway Administration (FHWA), Institute of Transportation Engineers (ITE), and Michigan Department of Transportation (MDOT). We also reviewed standards from other cities including Ann Arbor, Ferndale, and Grand Rapids. Based on these examples, and our combined experience in the city, we developed these new guidelines.

### Implementation of the Guidelines:

The proposed guideline policy would be applied as streets are repaved or constructed to see if additional crosswalks are worth considering. In addition, the The MMTB suggested that the city staff and consultants use this policy to review potential crossings around parks and schools as a priority as the Board considers amendments to the Multi-Modal Transportation Plan. The Police Department may also use the guidelines to respond to questions from residents for the installation of new crosswalks.

Recommended guidelines were placed into a flow chart to help make decisions on crosswalks. These guidelines can be used to:

- 1. Respond to requests by institutions and residents.
- 2. Be used during the design of projects that are part of the city's Capital Improvement Plan.
- 3. Be used during updates of the Multi-Modal Transportation Plan.
- 4. Identify where funding may be needed to install crosswalks at intersections that meet the thresholds established in the flow chart where a capital project is not planned in the near future.
- 5. Where available, pedestrian counts, crash history, and engineering factors may also influence where crosswalks are needed or not required. The City's engineers, transportation and traffic consultants, and police department also review if any special sign or signals are needed.

### LEGAL REVIEW:

The City Attorney has reviewed the proposal and has no concern related to the form or content.

### FISCAL IMPACT:

The City will incur costs related to the materials and labor of pedestrian crosswalk installation for selected locations.

### PUBLIC COMMUNICATIONS:

The subject proposal was posted as an agenda item during the May 5<sup>th</sup>, 2022 Multi-Modal Transportation Board meeting.

### SUMMARY:

The Planning Division requests that the City Commission consider adopting pedestrian crosswalk installation guidelines as described in the attached "Exhibit A" flowchart.

### ATTACHMENTS:

- City of Birmingham Crosswalk Installation Guidelines "Exhibit A"
- MKSK Crosswalk Guidelines Background
- Multi-Modal Transportation Board Memo and relevant minutes.

### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to adopt the Crosswalk Installation Guidelines for pedestrian crosswalk installation as depicted in the flowchart "Exhibit A".

## EXHIBIT A

### CITY OF BIRMINGHAM MI CROSSWALK GUIDELINES

Draft - May 12, 2022

### This guide is intended to identify where a pedestrian crosswalk may be needed.

Are all intersecting streets at the intersection in question under the city's jurisdiction

YES N ↓	0>	Engage with the owner(s) of the roadways (MDOT, RCOC, or the neighboring City of Troy, Royal Oak or the Village of Beverly Hills
Are there sidewalks and curbing, or are th	ey planned as part of a City Capital Initiative	
YES N ↓	0>	No crossing
<ul> <li>Is this intersection within 2 blocks or 500 feet</li> <li>Is one, or both, streets designated as a "Key Cr</li> <li>Is this a mid-block crossing with a high numbresity of the strength o</li></ul>	s stop or shelter, and/or MoGo bike share location? of, or along a main pedestrian route, school, park, libr ossing" or a "Neighborhood Connector" route in the Ci er of pedestrians crossing from a major generator like other crossing along Maple, 14 Mile, Lincoln, Adams, 1 ng concerns that may interfere with pedestrian crossi	ty's Multi-Modal Transportation Plan? e a pedestrian entrance to a parking structure Quarton, Cranbrook, Southfield, or Old Woodward
¥	V	↓
YES on 3 or more: Ensure crosswalks are included in project plans and consider additional pedestrian improvements as outlined in the Multi-Modal Transportation Plan	YES on 1 or 2: The intersection should be evaluated to determine - The level of pedestrian volume - Crash history - The gaps in traffic flow and maintain level of compliance - If traffic volumes are over 1500 per day - Any slight distance issues or other factors	NO on all: No crosswalks unless there are engineering or safety issues

Multi-Modal Transportation Board Training Session:

# Review of Crosswalk Standards

April 7th, 2022





# Purpose

- Pedestrian Crossing Zone a place designated for pedestrians to cross a road, street, or avenue.
- Intended to slow down vehicles or bring them to a complete stop so that pedestrians may cross safely.
- Used to indicate and direct pedestrian to where safe crossings are located and prevent "jaywalking".
- Usually marked on road surface to help visibility of crosswalks for pedestrians and vehicles.





# **Current City Standards**

On Major Streets within the Central Business District, Triangle District, Rail District, or Adjacent to Schools:

- Total width of the crosswalk shall be 12 to 14 feet wide. Crosswalks at the upper width limit may be installed when traffic signals are present.
- The following shall be considered Major Streets (within the specific districts noted) for the purposes of this standard: Woodward Ave, Oakland Blvd, Old Woodward Ave, Chester St, Maple Rd, Brown St, Southfield Rd, S. Eton Rd, Adams Rd, and E. Lincoln Ave.

### On Local Streets within the Central Business District, Triangle District, Rail District, or Adjacent to Schools:

 Total width of the crosswalk shall be 8 feet wide, unless the adjacent sidewalk main walking path is wider, at which point it shall be widened to match the main walking path width.

### At All Other Locations:

• Total width of the crosswalk shall be 6 feet wide.





# **Different Types**

What are the Types of Crosswalks Marking?

Double-Paired Logitudinal Bar High Visability Diagonal Perpendicular Bar

Longitudinal Bar

Double-Paired

Note:

High Visability Crossings are twice as effective single lines for speeds 30 mph or less, costs significantly more

Basic

Transverse

# **Crosswalk Flow Chart – Birmingham**

- Guidance on where crosswalks should go.
- Where are crosswalks needed?
  - Reviewed National Association of City Transportation Officials (NACTO) standards
  - Federal Highway Administration (FHWA) Guidelines
  - ITE standards
  - Standards from other cities



# **Crosswalk Flow Chart – Birmingham**

The City of Birmingham MI Crosswalk Installation Flow Chart was created to accomplish the following objectives:

- 1. Create clear guidelines for when a crosswalk should be installed.
- 2. Leverage planned projects that are part of the city's Capital Improvement Plan.
- 3. Propose to establish a Crosswalks Capital Initiative that allocates funding to install crosswalks at intersections that meet the requirements established in the flow chart where a capital project is not planned in the near future.

Where available, pedestrian counts and crash history may influence where crosswalks are needed or not required. The City of Birmingham is a compact and walkable city. The city's ongoing planning efforts, development trends and public opinion reflect its commitment to continue to improve safety and access for pedestrians.

This set of guidelines will likely determine whether crosswalks are appropriate at an intersection. These are based on NACTO standards, FHWA guidelines and a simplified version of procedures used in other cities such as Ann Arbor.

# **Crosswalk Flow Chart – Birmingham**

### CITY OF BIRMINGHAM MI CROSSWALK INSTALLATION FLOW CHART

plans and consider additional pedestrian

Transportation Plan

improvements as outlined in the Multi-Modal

Draft - April 7, 2022

This guide is intended to identify where a pedestrian crosswalk may be needed.

determine ...

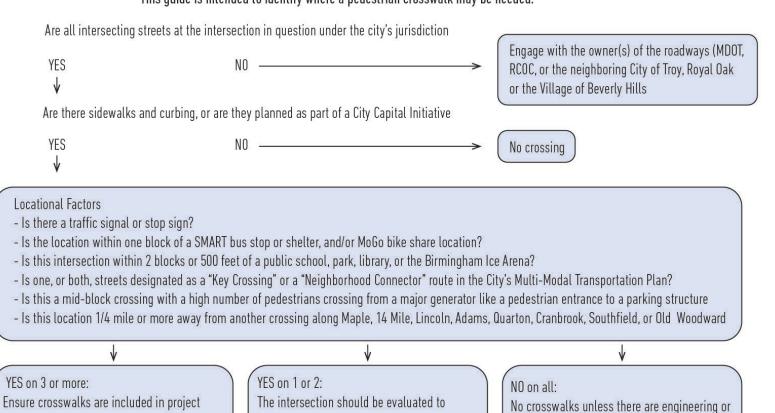
- Crash history

compliance

- The level of pedestrian volume

- The gaps in traffic flow and maintain level of

- If traffic volumes are over 1500 per day - Any slight distance issues or other factors



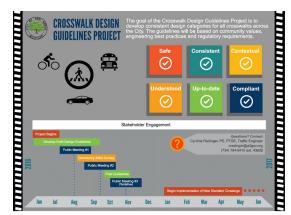
safety issues

Exhibit A

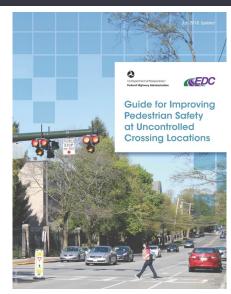
# Appendices

#### Ann Arbor 1.

- Federal Highway Administration (FHWA) 2.
- National Association of City Transportation 3. Officials (NACTO)



Ann Arbor Crosswalk Design Guidelines Project

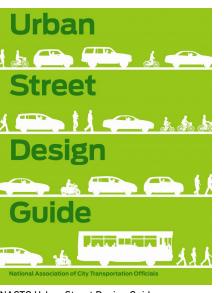


FHWA Guide for Improving Pedestrian Safety at Uncontrolled Crossing Location



ITE Toolkit

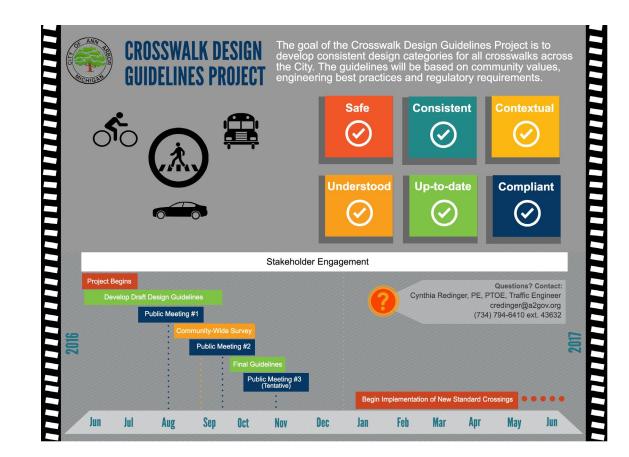
### **ITE Standards** 4.



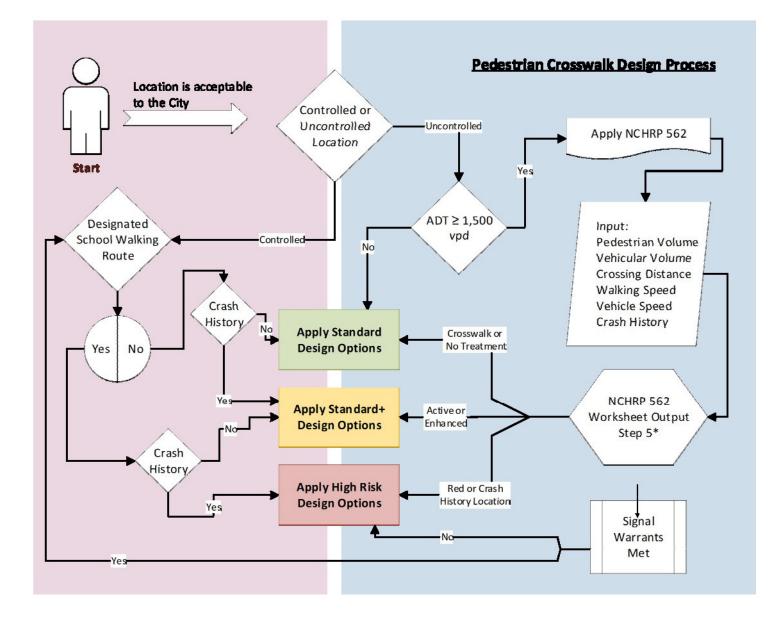
NACTO Urban Street Design Guide

# Ann Arbor Crosswalk Design Guidelines

- Outlines process City uses to select appropriate design for controlled and uncontrolled crossings:
- Factors:
  - Crash history
  - Pedestrian and vehicle volumes
  - Types of streets
  - Whether it's a school route
- Factors help determine features to include such as:
  - High-visibility markings
  - Different signage
  - Audible warning device
  - Flashing beacons
  - Refuge islands
- Design options will continue to be maintained/updated as new research and approved devices emerge

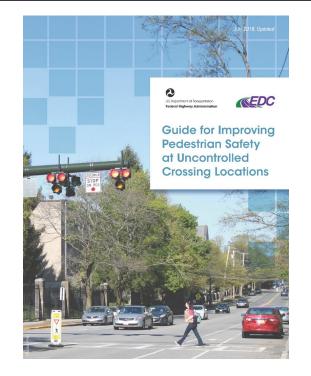


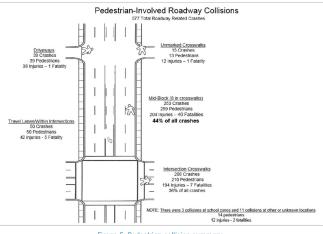
# **Ann Arbor Crosswalk Design Guidelines**



# **FHWA Guidelines**

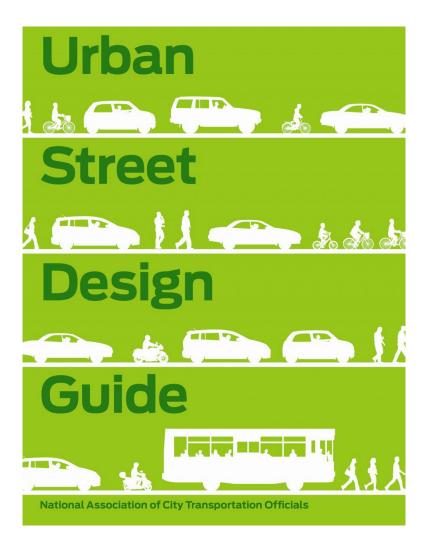
- Marked pedestrian crosswalks may be used:
  - At location with stop or yield signs
  - Designated crossings in a school zone
  - Where engineering judgement dictates based on the number of lanes, higher than average traffic volumes, speed limits over 25 mph, or physical conditions
- Marked crosswalks need traffic calming features, signs, signals, islands, etc. when:
  - 85<sup>th</sup> percentile speeds exceed 40 mi/hr
  - A street with 4 or more lanes with 12,000 vehicles per day





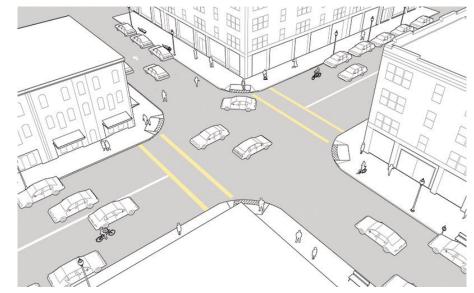
# **NACTO Guidelines**

- On streets with low volume (<3000 ADT, low speeds (<20 mph), and few lanes (1-2)), marked crosswalks are not always necessary at the intersections
  - At schools, parks, plazas, senior centers, transit stops, hospitals, campuses, and major public buildings, marked crosswalks may be beneficial regardless of traffic conditions
- On streets with higher volumes (>3000 ADT) higher speeds (>20 mph), or more lanes (2+), crosswalks should be the norm at intersections

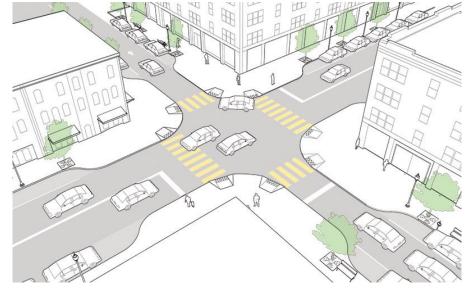


# **NACTO Guidelines**

- Where signalized or stop-controlled pedestrian crossings are not warranted, but demand exists or is anticipated, designers should continue to work toward goals of safety and comfort for people walking through other means, such as actuated crossings or enhanced crossing treatments
- Judgment on application of a crosswalk should be based on multiple factors:
  - Land uses
  - Present and future demand
  - Pedestrian compliance
  - Speed
  - Safety
  - Crash history
- Volumes along are not enough to determine whether a particular device should be used



Example Existing Conditions



Example Reconstruct

# CITY OF BIRMINGHAM MULTIMODAL TRANSPORTATION PLAN 👌 🚳 🖩 🕮 🤗 PHYSICAL ENVIRONMENT RECOMMENDATIONS

### **3.3 ROAD CROSSING IMPROVEMENTS**

### DESCRIPTION

Road crossing improvements are needed in areas where there is demand to cross by pedestrians and/or bicyclists. These areas occur where a bike route crosses a collector or arterial road, a major bus stop or bus shelter is present, there is a long distance between crosswalks, or there is a high demand based on land use and population density.



There are many different types of countermeasures that can be used to improve the safety and visibility of pedestrians at crosswalks. Traffic speeds, traffic volume, number of lanes and location of the crossing in context to the surrounding land use will dictate what type of crossing improvement is appropriate for a specific location. In some instances the improvements are as simple as adding high visibility crosswalk markings and in others signalization may be needed.

For the most up-to-date guidelines please refer to all Chapters of the *MUTCD* and Chapter 3 & 4 of AASHTO's *Guide for the Planning, Design and Operation of Pedestrian Facilities*.

### RECOMMENDATIONS

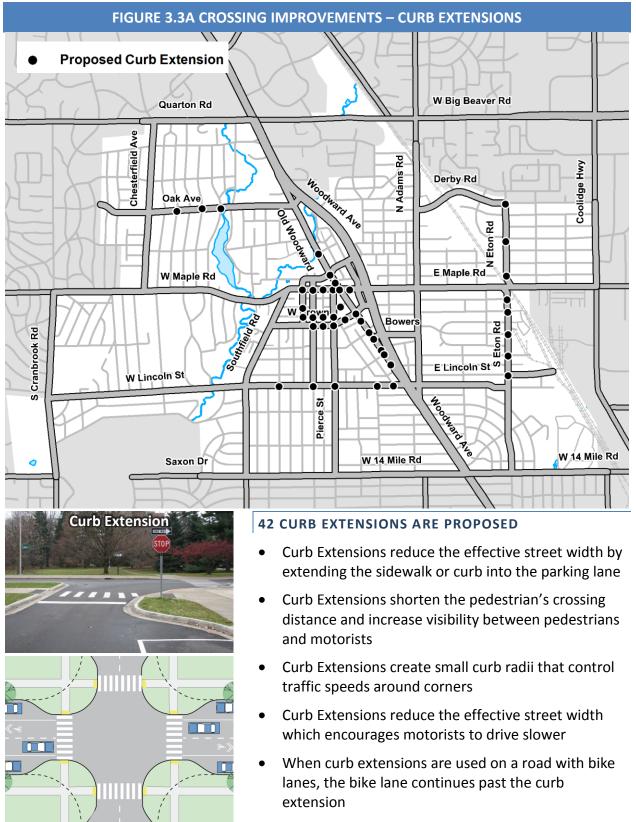
The exact solution for every crossing has not been determined; rather, the location and recommended countermeasure has been identified. Please note that these are initial recommendations and that each crossing needs to be studied further prior to implementation. Please refer to the Network Implementation Plan for specific recommendations on near-term crossing improvements.

At signalized intersections it is recommended that leading pedestrian signals and signal countdowns be implemented.

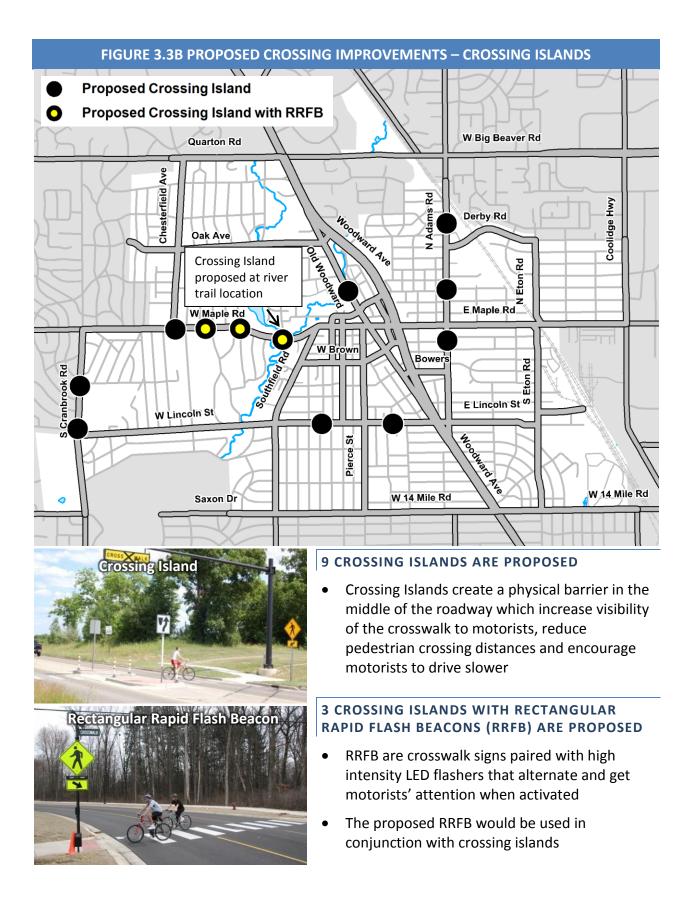
Please refer to Fig. 3.3A, 3.3B and 3.3C for maps of the proposed crossing improvements.

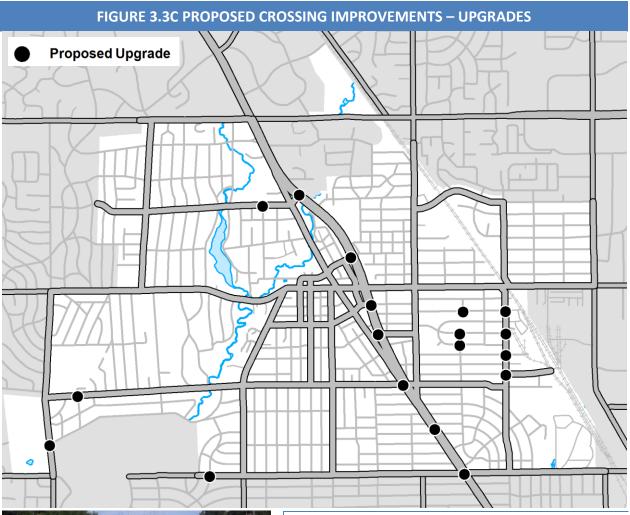
Web Survey Results:

• Around 61% of respondents feel that mid-block crosswalks are very important or somewhat important to making future walking and bicycling trips actually happen



• Landscaping may be incorporated





High Visibility Crosswalk Markings



Curb Ramps with Detectable Warnings

0

**18 ROAD CROSSING UPGRADES ARE PROPOSED** 

Many of the proposed improvements include upgrades such as ramps, detectable warnings, pedestrian signals, and high visibility crosswalk markings.

Please refer to the Network Implementation Plan and Special Area Concept Plans for more details.

City of	Birmingham	<u>IEMORANDUM</u>
		(Planning Division)
DATE:	April 27 <sup>th</sup> , 2022	
то:	Multi-Modal Transportation Board	
FROM:	Brooks Cowan, Senior Planner Scott Zielinski, Assistant City Engineer Commander Scott Grewe, Police Depar	tment
SUBJECT:	Road Crossing Standards	

The City of Birmingham considers itself "a walkable city" and places a high priority on pedestrian safety and connectivity. Birmingham's city standards for crosswalks and the Multi-Modal Transportation Plan's crosswalk recommendations are meant to ensure pedestrian safety and connectivity as well as compliance with the American Disabilities Act.

The City of Birmingham regulates size and dimensions of crosswalks depending on the location, traffic, and the surrounding uses. Birmingham's city standard striping is the continental longitudinal bar pattern. Major streets in commercial districts requires broad striping of 12-14 feet wide. The size of crosswalks are scaled down as areas transition to minor streets with less traffic flow.

The Multi-Modal Transportations Plan identifies key areas for road crossing improvements for both pedestrians and bicyclists. Sections 3.3 of the plan covers recommendations for curb extensions (bump-outs) to reduce the crossing distance, crossing islands to slow traffic and increase pedestrian visibility, and recommends specific intersections for crosswalk upgrades to include pedestrian signals, high visibility markings, and curb ramps with detectable warnings.

On April 7<sup>th</sup>, 2022, the City's traffic consultant team provided examples of how other cities determine crosswalk installation locations as examples for best practices. Guidelines from cities such as Ann Arbor, Grand Rapids, and Detroit were reviewed.

A DRAFT flow chart titled "City of Birmingham MI Crosswalk Installation Flow Chart" (Exhibit A) was also reviewed which is meant to be a guide for pedestrian crosswalk installations. The flow chart is meant to assist in evaluating all variables impacting an intersection under review and to help guide decision makers to consistent policies for pedestrian safety. If a resident or public official requests the City to consider a crosswalk in a certain location, the City could reference the "Crosswalk Installation Flow Chart" to determine if the installation qualifications have been met.

The City of Birmingham MI Crosswalk Installation Flow Chart DRAFT considers factors such traffic signals, stop signs, bus stops, public amenities, master plan recommendations, pedestrian generator locations, and proximity to major intersections. If a proposed location meets 3 or more of the criteria, a crosswalk installation is recommended. If 1 or 2 items within the criteria are met,

further evaluation regarding the pedestrian volume, crash history, traffic flow gaps, and traffic volumes are recommended for consideration.

### Suggested Language:

To Recommend to City Commission that the City of Birmingham adopt the Birmingham MI Crosswalk Installation Flow Chart as indicated on Exhibit A in the packet to serve as a guideline for determining the location of crosswalk installations.

### City Of Birmingham Multi-Modal Transportation Board Thursday, May 5, 2022

151 Martin Street, City Commission Room 205, Birmingham, MI

Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, May 5, 2022. Chair Doug White convened the meeting at 6:02 p.m.

### A. Rollcall

- **Present:** Chair Doug White; Board Members David Hocker, Anthony Long, Tom Peard, Victoria Policicchio, Michael St. Germain; Alternate Board Member Amanda Fishburn; Student Representative Ben Rosenfield
- Absent: Board Member Joe Zane; Alternate Board Member Mark Doolittle; Student Representative Isabela Betanzos

### **Administration:**

Brooks Cowan, Senior Planner Laura Eichenhorn, City Transcriptionist Scott Grewe, Operations Commander Jim Surhigh, Consulting City Engineer

- F&V: Julie Kroll
- MKSK: Brad Strader

Multi-Modal Transportation Board Proceedings May 5, 2022

### F. Unfinished Business 1. Crosswalk Markings and Location Standards

SP Cowan and Mr. Strader introduced the item.

Mr. St. Germain said he wanted to see the City taking a proactive approach to repairing or adding crosswalks in presently unsafe areas, and said he did not see that adequately captured in this document.

In reply, Mr. Strader said the document was intended to prescribe a proactive approach to adding

Multi-Modal Transportation Board Proceedings May 5, 2022

or repairing crosswalks. He said that intent could be emphasized when the standards are presented to the Commission. He said recommending the addition of crosswalks to areas near parks or schools could also be included as part of the Multi-Modal plan review.

OC Grewe stated that faded neighborhood crosswalks are repainted once a year, and that this year's round should be complete by the end of June.

Mr. Hocker stated 'public schools' should be changed to 'schools' on page 43 of the flowchart.

### Motion by Ms. Policicchio

Seconded by Mr. Long to recommend to City Commission that the City of Birmingham adopt the Birmingham MI Crosswalk Installation Flow Chart as indicated on Exhibit A in the packet to serve as a guideline for determining the location of crosswalk installations, with the integration of the changes recommended by the Multi-Modal Transportation Board at its May 5, 2022 meeting.

Motion carried, 7-0.

VOICE VOTE Yeas: White, Peard, Hocker, Long, Policicchio, St. Germain, Fishburn Nays: None



### MEMORANDUM

Planning Division

DATE:	June 16, 2022
то:	Thomas M. Markus, City Manager
FROM:	Brooks Cowan, Senior Planner
SUBJECT:	Brown Street Lane Reduction from Peabody Street to Woodward Avenue.

#### INTRODUCTION:

The City of Birmingham is pursuing a pedestrian crosswalk at Woodward Avenue to connect the south side of Brown Street to the south side of Forest Avenue. In order to install a crosswalk connecting the south side of Brown Street to the Woodward median, the Michigan Department of Transportation (MDOT) has required the City of Birmingham to reduce the dual right-turn lanes on eastbound Brown Street from two lanes down to one lane. Doing so will reduce the right-turn vehicular conflicts with pedestrians.

#### BACKGROUND:

The City of Birmingham has experienced two fatal pedestrian crashes within the past 2 years on Woodward Ave at or near Forest Ave and Brown Street. In order to increase safety at this intersection, the City has coordinated with MDOT to have a traffic signal installed on northbound Woodward Ave at the Forest Ave intersection.

The City is proposing to have pedestrian crosswalks connecting the northern and southern sidewalks on Forest Ave and Brown Street across Woodward Ave. In regards to the proposed crosswalk on southbound Woodward Ave connecting the south side of Brown Street to the Woodward Ave median, MDOT has expressed concern about the two right turn lanes at Brown Street creating pedestrian conflicts with the future crosswalk.

MDOT has informed the City of Birmingham that they are amenable to a crosswalk connecting the south side of Brown Street to the Woodward Ave median if Brown Street is reduced to one travel lane and turn lane at the Woodward Ave intersection.

City traffic consultants Fleis and Vandebrink conducted a trial analysis of converting eastbound Brown Street to one lane from Peabody Street to Woodward Avenue. Their findings were that there was no measurable change in traffic queueing during peak traffic periods. Most drivers using this intersection are traveling to the U-turn across from Brown Street to do a "Michigan left" and travel northbound on Woodward Avenue. **Please find the report and supplementary** 

## information regarding the intersection of Brown & Woodward Avenue from Fleis & Vandebrink in the attachments.

The recommendation from Fleis and Vandebrink (F&V) is that eastbound Brown Street be designed with a one lane approach from Peabody Street to the intersection of Brown Street and Woodward Avenue to enable the installation of a pedestrian crosswalk connecting the south side of Brown Street to the Woodward Ave median.

On June 2<sup>nd</sup>, 2022, the Multi-Modal Transportation Board (MMTB) reviewed the study by Fleis & Vandebrink and held a discussion regarding reducing eastbound Brown Street from two lanes down to one lane from Peabody Street to Woodward Avenue. The City's traffic consultants confirmed that Birmingham has obtained approval from MDOT for the installation of a traffic signal on northbound Woodward Ave at Forest Ave. The lane reduction on eastbound Brown Street would enable the City to complete its design goal of having protected pedestrian crosswalks connecting the north and south sides of Brown Street and Forest Ave across Woodward Ave.

The MMTB reviewed real time videos of traffic queuing during the one-lane trial period as well as a synchro model put together by the City's traffic consultants. There was general consensus from the MMTB that the lane reduction did not create major traffic back-ups and would enable enhanced pedestrian safety features on Woodward. The MMTB then approved a motion to recommend to City Commission that eastbound Brown Street be reduced to one lane from Peabody Street to Woodward Ave to enable the installation of a crosswalk on Woodward Ave connecting the southern sidewalk on Brown Street to the southern sidewalk of Forest Ave.

#### MDOT has indicated that they require Birmingham City Commission approval of the Brown Street lane reduction at Woodward Ave by August of 2022 in order to move forward with the proposed traffic signaling and pedestrian crosswalks.

Upon approval of reducing eastbound Brown Street from two lanes down to one lane at the Woodward Avenue intersection, the City's traffic consultants and Multi-Modal Transportation Board will proceed with reviewing potential design options of a one lane eastbound Brown Street to recommend to City Commission at a later date. MDOT does not need an exact Brown Street road configuration design by August of 2022, they only need verification from City Commission that the City of Birmingham approves of a one lane approach from eastbound Brown Street to the intersection of Woodward Avenue.

Eastbound Brown Street from Peabody Street to Woodward Ave may be temporarily re-striped to one-lane as the Multi-Modal Transportation Board and City Commission considers permanent design recommendations for Brown Street. The temporary re-striping would enable MDOT to install the proposed Woodward Ave pedestrian crosswalks during the fall of 2022.

#### LEGAL REVIEW:

The City Attorney has reviewed the proposal and has no concern related to the form or content.

#### FISCAL IMPACT:

The restriping and reconfiguration of Brown Street will have additional material and construction costs, though the amount will be determined by the final approved design at a later date.

#### PUBLIC COMMUNICATIONS:

The subject proposal was posted as an agenda item during the June 2<sup>nd</sup>, 2022 Multi-Modal Transportation Board meeting.

#### SUMMARY:

The Planning Division requests that the City Commission consider reducing the traffic lanes on eastbound Brown Street from Peabody Street to Woodward Ave from two lanes down to one lane. Doing so would enable the City of Birmingham to resolve MDOT's concerns regarding vehicular and pedestrian right turn conflicts at the intersection of Brown Street and Woodward Ave, and allow for the installation of a pedestrian crosswalk connecting the south side of Brown Street to the Woodward Ave median.

#### ATTACHMENTS:

- Fleis & Vandebrink Brown Street & Woodward Ave Before & After Study
- MDOT letter to City regarding geometric changes to Brown Street & Wooodward Ave
- June 2<sup>nd</sup>, 2022 Multi-Modal Transportation Board Brown & Woodward Memo
- October 20<sup>th</sup>, 2021 Woodward Avenue Pedestrian Safety Issues Memo

#### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve the reduction of vehicular travel lanes on eastbound Brown Street between Peabody Street and Woodward Ave from two lanes down to one lane;

#### AND

To direct the Multi-Modal Transportation Board to evaluate permanent road designs incorporating one eastbound vehicular travel lane for Brown Street from Peabody Street to Woodward Ave to recommend to City Commission at a later date.



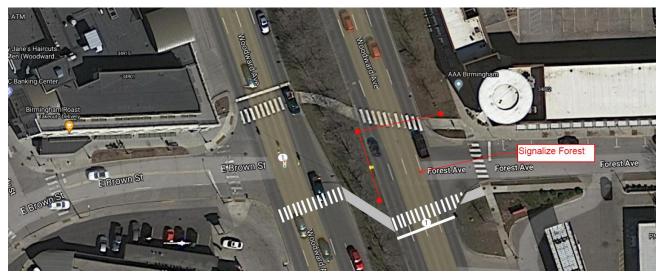
# Мемо

From:	Julie M. Kroll, P.E., PTOE Fleis & VandenBrink
Date:	May 26, 2022
Re:	Brown Street & Woodward Ave. City of Birmingham, Michigan Before & After Study

#### INTRODUCTION

This memorandum presents the methodologies, analyses, and results of the Before & After Study for the Brown Street and Woodward Ave. intersection. This study was prepared to evaluate the impact of providing a single-lane approach on Brown Street at Woodward Ave. pursuant to MDOT requirements for the installation of a pedestrian crossing on the south leg of the intersection as illustrated below in **Figure 1**.

#### Figure 1: MDOT Programmed Pedestrian Improvements at Brown and Forest



#### **DATA COLLECTION**

Turning movement counts were collected on Thursday February 25, 2022 for a period of 13-hours (6:00 AM-7:00PM) at the following intersections to capture the existing traffic operations.

- Brown Street & Peabody Street
- Brown Street & Woodward Ave.
- SB to NB Crossover & Woodward Ave.

The City set-up a temporary lane closure to evaluate the impact on traffic volumes and operations with the proposed one-lane approach. The temporary traffic control as shown in **Figure 2** was set-up on Tuesday March 15, 2022 and the data collection occurred the following week, on Thursday March 24,2022. The before and after data collection performed are attached.



**Figure 2: Temporary Barricade Placement** 

The results of the data collection showed that there was no measurable change on Brown Street or Peabody Street during the peak periods with the barricades in place. It was anticipated that vehicles would redistribute to the adjacent intersections in the event that the intersections were backed-up. However, review of the data showed that the traffic volumes were *higher* with the barricades in place. The traffic volume comparison is summarized in **Table 3**.

Intersection	Approach	Existin	ng Condit	ions (vph)	Trial La	ane Closi	ure (vph)	Di	fferen	се
Intersection	Арргоасп	AM	MD	PM	AM	MD	РМ	AM	MD	PM
	EB	180	203	245	191	218	290	11	15	45
Peabody & Brown	WB	165	167	150	188	183	126	23	16	-24
reabouy & brown	SB	75	87	196	37	122	196	-38	35	0
	Overall	420	457	591	416	523	612	-4	66	21
Woodward & Brown	EB	97	161	290	113	201	312	16	40	22
	SB	1810	1857	2423	2209	1858	2756	399	1	333
SB to NB X/O at Woodward	U-Turn	249	418	375	291	338	395	42	-80	20
	Overall	2156	2436	3088	2613	2397	3463	457	-39	375

Table 3:	Traffic	Volume	Comparison
	ITamo	Volume	Companison

#### **INTERSECTION ANALYSIS**

The intersection operations were evaluated with both the existing operations and then with the proposed intersection geometry as required by MDOT to accommodate a pedestrian crossing on the south leg of Brown Steet. The results of the intersection analysis are summarized in **Table 4** and shows that overall the impact of the geometry changes are minimal, with the exception of the PM peak hour on the eastbound Brown Street approach at Woodward. This intersection was further evaluated using SimTraffic and reviewing the videos that were performed during the trial data collection. This showed brief periods (< 15 min) where vehicle queue lengths on Brown Street extended into the Peabody Street intersection. Therefore, during the PM peak hour there may be occasionally delays for vehicles on this approach, but the impacts will be limited in duration.



				Ex	isting Co	nditio	ns			Tria	al Lane	Closu	ire				Diffe	rence		
Intersection	Control	Approach	AM P	eak	MD Pe	ak	PM P	eak	AM P		MD P		PM P	eak	AM	Peak	MD I	Peak	PM	Peak
interection	Control	Approach	Delay (s/veh	LOS	Delay (s/veh)	LOS	Delay (s/veh	LOS	Delay (s/veh)	LOS	Delay (s/veh	LOS	Delay (s/veh	LOS	Delay (s/veh	LOS	Delay (s/veh)	LOS	Delay (s/veh)	LOS
		EB	8.6	Α	8.9	Α	9.6	Α	8.9	А	9.7	Α	11.4	В	0.3	-	0.8	-	1.8	А→В
Brown St. &	Stop	WB	9.3	Α	9.7	Α	10.2	В	9.3	А	10.0	Α	9.8	А	0.0	-	0.3	-	-0.4	в→А
Peabody St.	(All Way)	SB	8.8	Α	8.6	Α	10.1	В	7.9	Α	9.1	Α	10.7	В	-0.9	-	0.5	-	0.6	-
		Overall	8.9	Α	9.1	Α	9.9	Α	9.0	Α	9.7	Α	10.9	В	0.1	-	0.6	-	1.0	А→В
Brown St &	Cignal	EB	30.5	С	27.2	С	35.8	D	29.9	С	31.8	С	100.4	F	-0.6	-	4.6	-	64.6	D→F
Woodward	Signal	SB	1.2	Α	2.9	Α	1.5	Α	14.6	В	2.9	Α	1.2	Α	13.4	A→B	0.0	-	-0.3	-

#### **Table 4: Intersection Operations Comparison**

#### CONCLUSIONS

The results of this analysis are summarized below and show that reducing the eastbound approach to one lane will have minimal impact on the operations on the existing operations.

#### Traffic Volumes

- The data collection showed that there was no measurable change during the peak periods with the barricades in place.
- Review of the data showed that the traffic volumes were *higher* with the barricades in place.

#### **Intersection Operations**

- There are additional PM peak delays expected on Brown Street at Woodward Ave., however these delays are limited in duration.
- The trade-off for the projected vehicle increases in delay is an improvements to the intersection safety for pedestrians and vehicles.
- The single right-turn lane will allow of the construction of additional east-west pedestrian connectivity across Woodward Ave. with protected, signalized crossings on all six-legs of the Brown/Forest intersection
- The dual right-turns currently create the potential for sideswipe crashes and encourages aggressive driving as vehicles are looking to access the median U-turn on Woodward Ave., south of Brown.
- The dual right-turn lanes have a high crash potential as the number of conflict points is double that of a single lane approach.

#### RECOMMENDATIONS

- It is recommended that the intersection geometry at the Brown Street intersection at Woodward Ave. is designed with a one-lane approach to accommodate the E/W pedestrian crossing on the south leg of the intersection.
- The Brown Street and Peabody Street intersection operations and pedestrian facilities should be considered with the recommendations at Woodward Ave. Eliminating the right-turn lane at Woodward Ave. provides an opportunity to improve the pedestrian safety at the adjacent intersection.

#### Attachments:

Traffic Volume Data

Thu Feb 24, 2022 Full Length (6 AM-7 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924280, Location: 42.545362, -83.211626



625 Forest Edge Drive, Vernon Hills, IL, 60061, US

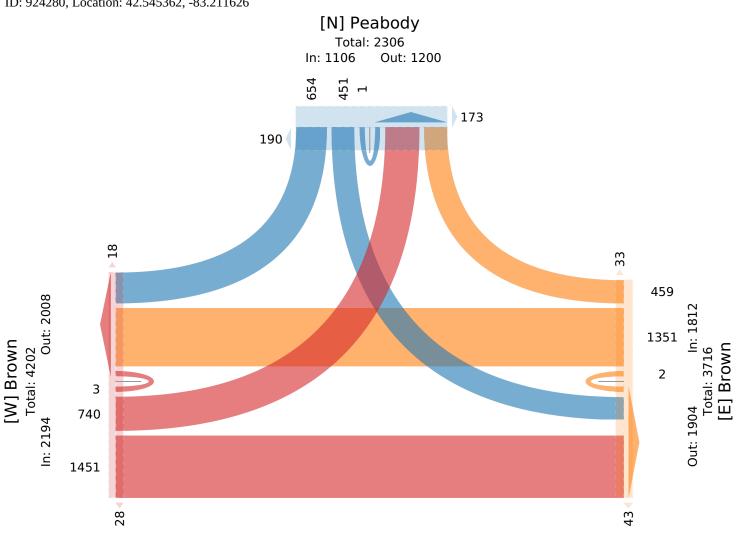
Leg		Peabody					Brown					Brown					
Direction		Southbou	nd				Eastbound					Westbound					
Time		L	R	U	Арр	Ped*	L	Т	U	Арр	Ped*	Т	R	U	Арр	Ped*	Int
2022-02-24	6:00AM	1	1	0	2	1	2	4	0	6	0	3	0	0	3	0	
	6:15AM	0	1	0	1	0	1	3	0	4	0	5	3	0	8	0	13
	6:30AM	1	0	0	1	2	1	9	0	10	0	4	1	0	5	0	16
	6:45AM	3	2	0	5	0	2	16	0	18	2	10	4	0	14	0	37
Hou	ırly Total	5	4	0	9	3	6	32	0	38	2	22	8	0	30	0	77
	7:00AM	3	2	0	5	0	5	10	0	15	0	5	4	1	10	2	30
	7:15AM	0	2	0	2	2	4	11	0	15	0	15	6	0	21	2	38
	7:30AM	0	3	0	3	1	16	15	0	31	0	9	9	0	18	1	52
	7:45AM	2	5	0	7	1	21	17	0	38	1		13	0	39	1	84
Hou	irly Total	5	12	0	17	4	46	53	0	99	1		32	1	88	6	204
	8:00AM	3	2	0	5	0	15	16	0	31	0	28	12	0	40	0	76
	8:15AM	3	4	0	7	5	19	28	0	47	1	26	16	0	42	1	96
	8:30AM	4	8	0	12	4	23	28	0	51	0		17	0	47	2	
	8:45AM	6	8	0	14	16	24	14	0	38	1	26	16	0	42	0	94
Hou	ırly Total	16	22	0	38	25	81	86	0	167	2	110	61	0	171	3	376
	9:00AM	2	8	1	11	7	18	19	0	37	0		14	0	47	3	95
	9:15AM	1	7	0	8	4	17	16	0	33	0		12	0	44	1	85
	9:30AM	3	5	0	8	6	11	18	0	29	2		7	0	37	4	74
	9:45AM	8	9	0	17	8	17	22	0	39	1		19	0	53	2	
Hou	ırly Total	14	29	1	44	25	63	75	0	138	3		52	0	181	10	363
	10:00AM	11	14	0	25	7	19	21	0	40	0	32	17	0	49	1	114
	10:15AM	5	10	0	15	5	21	30	0	51	0	21	8	0	29	1	95
	10:30AM	8	10	0	18	9	16	34	0	50	0		8	0	34	2	102
1	10:45AM	5	12	0	17	11	10	24	0	34	1	39	19	0	58	1	109
	irly Total	29	46	0	75	32	66	109	0	175	1		52	0	170	5	
	11:00AM	3	8	0	11	5	14	22	0	36	0		5	0	42	3	89
	11:15AM	1	14	0	15	11	14	27	0	41	0		6	0	41	2	97
	11:30AM	5	13	0	18	12	8	32	0	40	1		9	1	32	2	90
	11:45AM	5	13	0	18	10	22	36	0	58	2		13	0	47	2	123
	ırly Total	14	48	0	62	38	58	117	0	175	3		33	1	162	9	
	12:00PM		13	0	18	12	14	30	0	44	2		10	0	36	1	98
	12:15PM	6	16	0	22	16	17	49	0	66	1		15	0	53	5	
	12:30PM	11	18	0	29	16	12	23	0	35	1	27	4	0	31	1	95
	12:45PM		24	0	29	13	12	32	0	44	0	-	14	0	45	3	118
Hou	ırly Total		71	0	98	57	55	134	0	189	4		43	0	165	10	452
	1:00PM		17	0	29	14	9	24	1	34	5	-	8	0	37	6	100
	1:15PM	15	7	0	22	13	21	34	1	56	2		11	0	36	2	114
	1:30PM	6	19	0	25	5	15	34	0	49	1		6	0	41	2	
	1:45PM	8	14	0	22	7	18	29	0	47	1		7	0	36	0	
Hou	ırly Total		57	0	98	39	63	121	2	186	9		32	0	150	10	
	2:00PM		15	0	26	11	12	29	0	41	1		6	0	29	4	96
	2:15PM		6	0	16	7	14	26	0	40	1		6	0	27	3	
	2:30PM	1	14	0	21	5	16	35	0	51	1		7	0	42	1	114
	2:45PM		14	0	27	13	13	34	0	47	0		12	0	43	1	117
Hou	irly Total		49	0	90	36	55	124	0	179	3		31	0	141	9	
	3:00PM		13	0	22	13	18	35	0	53	0		4	0	26	3	
	3:15PM		19	0	29	13	18	36	0	54	1		14	0	43	1	126
	3:30PM		15	0	25	9	14	37	0	51	1		5	0	28	1	104
	3:45PM		12	0	22	9	13	32	0	45	0		13	0	41	0	
Hou	Irly Total		59	0	98	44	63	140	0	203	2		36	0	138	5	
	4:00PM	16	25	0	41	3	15	47	1	63	2		16	0	47	1	151
	4:15PM	11	11	0	22	4	13	33	0	46	0		4	0	36	0	
	4:30PM	27	16	0	43	4	16	50	0	66	1	29	10	0	39	2	148

Leg	Peabody					Brown					Brown					
Direction	Southbou	ınd				Eastboun	d				Westbour	nd				
Time	L	R	U	Арр	Ped*	L	Т	U	Арр	Ped*	Т	R	U	Арр	Ped*	Int
4:45PM	22	18	0	40	9	15	36	0	51	4	26	10	0	36	0	127
Hourly Total	76	70	0	146	20	59	166	1	226	7	118	40	0	158	3	530
5:00PM	42	30	0	72	2	13	59	0	72	1	27	5	0	32	1	176
5:15PM	16	25	0	41	4	21	35	0	56	0	36	7	0	43	0	140
5:30PM	24	27	0	51	3	18	42	0	60	0	21	7	0	28	0	139
5:45PM	18	10	0	28	3	17	26	0	43	5	34	3	0	37	1	108
Hourly Total	100	92	0	192	12	69	162	0	231	6	118	22	0	140	2	563
6:00PM	14	26	0	40	10	13	36	0	49	3	31	2	0	33	0	122
6:15PM	12	26	0	38	3	17	30	0	47	0	26	6	0	32	0	117
6:30PM	9	22	0	31	10	15	35	0	50	0	25	3	0	28	1	109
6:45PM	9	21	0	30	5	11	31	0	42	0	19	6	0	25	3	97
Hourly Total	44	95	0	139	28	56	132	0	188	3	101	17	0	118	4	445
Total	451	654	1	1106	363	740	1451	3	2194	46	1351	459	2	1812	76	5112
% Approach	40.8%	59.1%	0.1%	-	-	33.7%	66.1%	0.1%	-	-	74.6%	25.3%	0.1%	-	-	-
% Total	8.8%	12.8%	0%	21.6%	-	14.5%	28.4%	0.1%	42.9%	-	26.4%	9.0%	0%	35.4%	-	-
Lights	442	642	1	1085	-	723	1423	3	2149	-	1330	451	2	1783	-	5017
% Lights	98.0%	98.2%	100%	98.1%	-	97.7%	98.1%	100%	97.9%	-	98.4%	98.3%	100%	98.4%	-	98.1%
Single-Unit Trucks	9	8	0	17	-	14	26	0	40	-	20	7	0	27	-	84
% Single-Unit Trucks	2.0%	1.2%	0%	1.5%	-	1.9%	1.8%	0%	1.8%	-	1.5%	1.5%	0%	1.5%	-	1.6%
Articulated Trucks	0	1	0	1	-	0	2	0	2	-	0	0	0	0	-	3
% Articulated Trucks	0%	0.2%	0%	0.1%	-	0%	0.1%	0%	0.1%	-	0%	0%	0%	0%	-	0.1%
Buses	0	2	0	2	-	1	0	0	1	-	0	0	0	0	-	3
% Buses	0%	0.3%	0%	0.2%	-	0.1%	0%	0%	0%	-	0%	0%	0%	0%	-	0.1%
Bicycles on Road	0	1	0	1	-	2	0	0	2	-	1	1	0	2	-	5
% Bicycles on Road	0%	0.2%	0%	0.1%	-	0.3%	0%	0%	0.1%	-	0.1%	0.2%	0%	0.1%	-	0.1%
Pedestrians	-	-	-	-	362	-	-	-	-	46	-	-	-	-	76	
% Pedestrians	-	-	-	-	99.7%	-	-	-	-	100%	-	-	-	-	100%	-
Bicycles on Crosswalk	-	-	-	-	1	-	-	-	-	0	-	-	-	-	0	
% Bicycles on Crosswalk	-	-	-	-	0.3%	-	-	-	-	0%	-	-	-	-	0%	-

\*Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, T: Thru, U: U-Turn

Thu Feb 24, 2022 Full Length (6 AM-7 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924280, Location: 42.545362, -83.211626





Thu Feb 24, 2022 AM Peak (9:45 AM - 10:45 AM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924280, Location: 42.545362, -83.211626



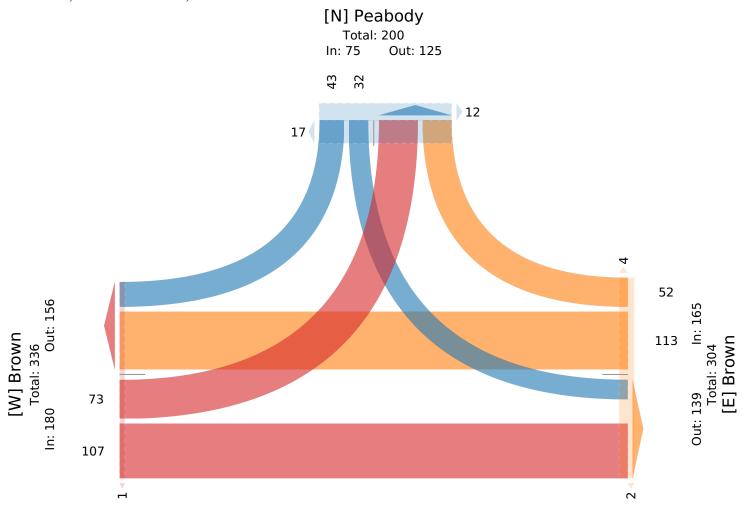
625 Forest Edge Drive, Vernon Hills, IL, 60061, US

Leg		Peabody					Brown					Brown					
Direction		Southboun	ıd				Eastbound	l				Westbound	d				L
Time		L	R	U	Арр	Ped*	L	Т	U	Арр	Ped*	Т	R	U	Арр	Ped*	Int
	2022-02-24 9:45AM	8	9	0	17	8	17	22	0	39	1	34	19	0	53	2	109
	10:00AM	11	14	0	25	7	19	21	0	40	0	32	17	0	49	1	114
	10:15AM	5	10	0	15	5	21	30	0	51	0	21	8	0	29	1	95
	10:30AM	8	10	0	18	9	16	34	0	50	0	26	8	0	34	2	102
	Total	32	43	0	75	29	73	107	0	180	1	113	52	0	165	6	420
	% Approach	42.7%	57.3%	0%	-	-	40.6%	59.4%	0%	-	-	68.5%	31.5%	0%	-	-	-
	% Total	7.6%	10.2%	0%	17.9%	-	17.4%	25.5%	0%	42.9%	-	26.9%	12.4%	0%	39.3%	-	-
	PHF	0.727	0.768	-	0.750	-	0.900	0.787	-	0.895	-	0.831	0.684	-	0.778	-	0.919
	Lights	31	42	0	73	-	69	104	0	173	-	110	51	0	161	-	407
	% Lights	96.9%	97.7%	0%	97.3%	-	94.5%	97.2%	0%	96.1%	-	97.3%	98.1%	0%	97.6%	-	96.9%
	Single-Unit Trucks	1	1	0	2	-	3	3	0	6	-	3	1	0	4	-	12
	% Single-Unit Trucks	3.1%	2.3%	0%	2.7%	-	4.1%	2.8%	0%	3.3%	-	2.7%	1.9%	0%	2.4%	-	2.9%
	Articulated Trucks	0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	0
	% Articulated Trucks	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%
	Buses	0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	0
	% Buses	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%
	Bicycles on Road	0	0	0	0	-	1	0	0	1	-	0	0	0	0	-	1
	% Bicycles on Road	0%	0%	0%	0%	-	1.4%	0%	0%	0.6%	-	0%	0%	0%	0%	-	0.2%
	Pedestrians	-	-	-	-	29	-	-	-	-	1	-	-	-	-	6	
	% Pedestrians	-	-	-	-	100%	-	-	-	-	100%	-	-	-	-	100%	-
	Bicycles on Crosswalk	-	-	-	-	0	-	-	-	-	0	-	-	-	-	0	
%	Bicycles on Crosswalk	-	-	-	-	0%	-	-	-	-	0%	-	-	-	-	0%	-

 $^{*}$ Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, T: Thru, U: U-Turn

Thu Feb 24, 2022 AM Peak (9:45 AM - 10:45 AM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924280, Location: 42.545362, -83.211626





Thu Feb 24, 2022 Midday Peak (11:45 AM - 12:45 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924280, Location: 42.545362, -83.211626



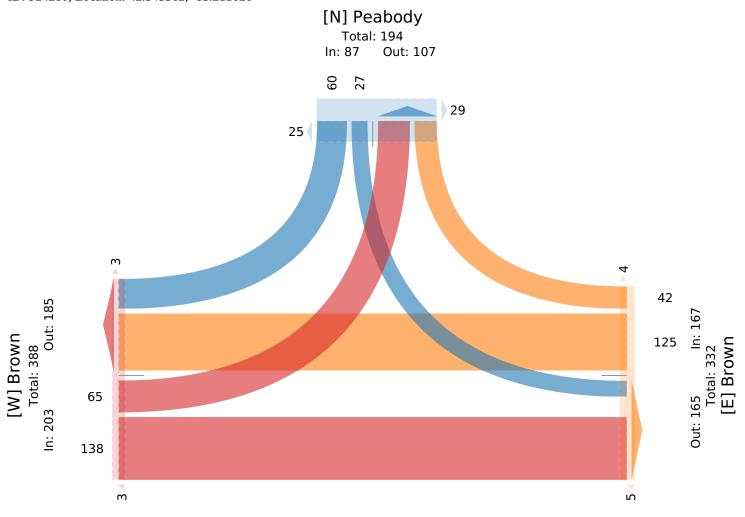
625 Forest Edge Drive, Vernon Hills, IL, 60061, US

Leg		Peabody					Brown					Brown					
Direction		Southboun	d				Eastbound	l				Westbound	ł				
Time		L	R	U	Арр	Ped*	L	Т	U	Арр	Ped*	Т	R	U	Арр	Ped*	Int
	2022-02-24 11:45AM	5	13	0	18	10	22	36	0	58	2	34	13	0	47	2	123
	12:00PM	5	13	0	18	12	14	30	0	44	2	26	10	0	36	1	98
	12:15PM	6	16	0	22	16	17	49	0	66	1	38	15	0	53	5	141
	12:30PM	11	18	0	29	16	12	23	0	35	1	27	4	0	31	1	95
	Total	27	60	0	87	54	65	138	0	203	6	125	42	0	167	9	457
	% Approach	31.0%	69.0%	0%	-	-	32.0%	68.0%	0%	-	-	74.9%	25.1%	0%	-	-	
	% Total	5.9%	13.1%	0%	19.0%	-	14.2%	30.2%	0%	44.4%	-	27.4%	9.2%	0%	36.5%	-	
	PHF	0.614	0.833	-	0.750	-	0.739	0.704	-	0.769	-	0.822	0.700	-	0.788	-	0.810
	Lights	25	60	0	85	-	62	133	0	195	-	124	42	0	166	-	446
	% Lights	92.6%	100%	0%	97.7%	-	95.4%	96.4%	0%	96.1%	-	99.2%	100%	0%	99.4%	-	97.6%
	Single-Unit Trucks	2	0	0	2	-	3	5	0	8	-	1	0	0	1	-	11
	% Single-Unit Trucks	7.4%	0%	0%	2.3%	-	4.6%	3.6%	0%	3.9%	-	0.8%	0%	0%	0.6%	-	2.4%
	Articulated Trucks	0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	(
	% Articulated Trucks	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%
	Buses	0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	(
	% Buses	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%
	Bicycles on Road	0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	(
	% Bicycles on Road	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%
	Pedestrians	-	-	-	-	54	-	-	-	-	6	-	-	-	-	9	
	% Pedestrians	-	-	-	-	100%	-	-	-	-	100%	-	-	-	-	100%	
	Bicycles on Crosswalk	-	-	-	-	0	-	-	-	-	0	-	-	-	-	0	
%	6 Bicycles on Crosswalk	-	-	-	-	0%	-	-	-	-	0%	-	-	-	-	0%	

\*Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, T: Thru, U: U-Turn

Thu Feb 24, 2022 Midday Peak (11:45 AM - 12:45 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924280, Location: 42.545362, -83.211626





Thu Feb 24, 2022 PM Peak (4:30 PM - 5:30 PM) - Overall Peak Hour All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924280, Location: 42.545362, -83.211626



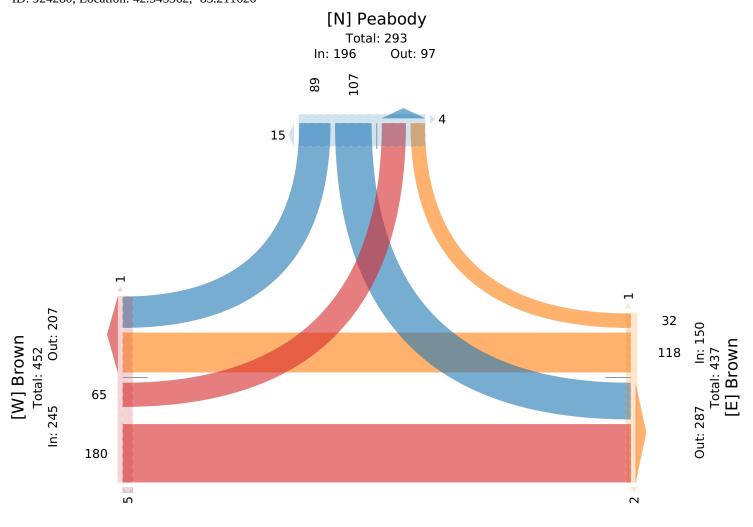
625 Forest Edge Drive, Vernon Hills, IL, 60061, US

Leg		Peabody					Brown					Brown					
Direction		Southboun	d				Eastbound					Westboun	d				
Time		L	R	U	Арр	Ped*	L	Т	U	Арр	Ped*	Т	R	U	Арр	Ped*	Int
2022-0	)2-24 4:30PM	27	16	0	43	4	16	50	0	66	1	29	10	0	39	2	148
	4:45PM	22	18	0	40	9	15	36	0	51	4	26	10	0	36	0	127
	5:00PM	42	30	0	72	2	13	59	0	72	1	27	5	0	32	1	176
	5:15PM	16	25	0	41	4	21	35	0	56	0	36	7	0	43	0	140
	Total	107	89	0	196	19	65	180	0	245	6	118	32	0	150	3	591
	% Approach	54.6%	45.4%	0%	-	-	26.5%	73.5%	0%	-	-	78.7%	21.3%	0%	-	-	
	% Total	18.1%	15.1%	0%	33.2%	-	11.0%	30.5%	0%	41.5%	-	20.0%	5.4%	0%	25.4%	-	
	PHF	0.637	0.742	-	0.681	-	0.774	0.763	-	0.851	-	0.819	0.800	-	0.872	-	0.839
	Lights	107	88	0	195	-	65	180	0	245	-	118	32	0	150	-	590
	% Lights	100%	98.9%	0%	99.5%	-	100%	100%	0%	100%	-	100%	100%	0%	100%	-	99.8%
Single	-Unit Trucks	0	1	0	1	-	0	0	0	0	-	0	0	0	0	-	1
% Single	-Unit Trucks	0%	1.1%	0%	0.5%	-	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0.2%
Articu	ulated Trucks	0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	(
% Articu	ulated Trucks	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%
	Buses	0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	(
	% Buses	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%
Bicy	cles on Road	0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	(
% Bicy	cles on Road	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%
	Pedestrians	-	-	-	-	19	-	-	-	-	6	-	-	-	-	3	
9	% Pedestrians	-	-	-	-	100%	-	-	-	-	100%	-	-	-	-	100%	
Bicycles of	on Crosswalk	-	-	-	-	0	-	-	-	-	0	-	-	-	-	0	
% Bicycles (	on Crosswalk	-	-	-	-	0%	-	-	-	-	0%	-	-	-	-	0%	

 $^{*}$ Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, T: Thru, U: U-Turn

Thu Feb 24, 2022 PM Peak (4:30 PM - 5:30 PM) - Overall Peak Hour All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924280, Location: 42.545362, -83.211626





Thu Feb 24, 2022 Full Length (6 AM-7 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924281, Location: 42.545459, -83.210863



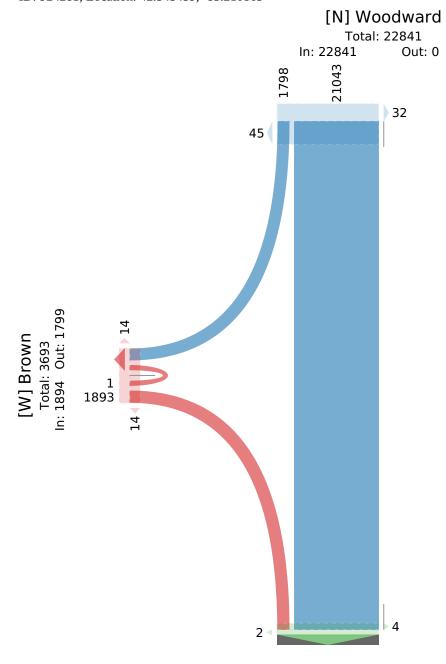
Leg			dward				Woodward					Brown						
Direction		North	nbound				Southbound					Eastbou						
Time		L	Т	U	Арр	Ped*	Т	R	U	Арр	Ped*	L	R	U	RR	Арр	Ped*	-
	2022-02-24 6:00AM	0	0	0	0	0	148	3	0	151	2	0	1	0	4	5	0	156
	6:15AM	0	0	0	0	1	211	10	0	221	1	0	0	0	2	2	1	223
	6:30AM	0	0	0	0	0	281	5	0	286	0	0	11	0	2	13	0	299
	6:45AM	0	0	0	0	0	237	14	0	251	0	0	12	0	5	17	0	268
	Hourly Total	0	0	0	0	1	877	32	0	909	3	0	24	0	13	37	1	946
	7:00AM	0	0	0	0	0	276	12	0	288	0	0	3	0	11	14	0	302
	7:15AM	0	0	0	0	0	331	23	0	354	1	0	2	0	9	11	0	365
	7:30AM	0	0	0	0	0	346	21	0	367	0	0	3	0	12	15	0	382
	7:45AM	0	0	0	0	0	454	37	0	491	2	0	7	0	12	19	0	510
	Hourly Total	0	0	0	0	0	1407	93	0	1500	3	0	15	0	44	5 <b>9</b>	0	1559
	8:00AM	0	0	0	0	0	402	38	0	440	1	0	7	0	12	19	0	459
	8:15AM	0	0	0	0	0	381	41	0	422	1	0	12	0	16	28	0	450
	8:30AM	0	0	0	0	0	408	49	0	457	1	0	12	0	19	31	0	488
	8:45AM	0	0	0	0	0		40	0	431	2	0	6	0	15	21	1	452
	Hourly Total	0	0	0	0	0		168	0	1750	5	0	37	0	62	99	1	1849
	9:00AM	0	0	0	0	1	361	49	0	410	1	0	9	0	11	20	1	430
	9:15AM	0	0	0	0	0	369	43	0	412	2	0	9	0	8	17	1	429
	9:30AM	0	0	0	0	0	418	35	0	453	4	0	9	0	11	20	0	473
	9:45AM	0	0	0	0	0	373	53	0	426	0	0	18	0	10	28	3	454
	Hourly Total	0	0	0	0	1	1521	180	0	1701	7	0	45	0	40	85	5	1786
	10:00AM	0	0	0	0	0	354	48	0	402	1	0	20	0	9	29	0	431
	10:15AM	0	0	0	0	0	310	31	0	341	3	0	24	0	11	35	1	376
	10:30AM	0	0	0	0	1	338	32	0	370	1	0	28	0	14	42	2	412
	10:45AM	0	0	0	0	0	329	59	0	388	1	0	25	0	5	30	0	418
	Hourly Total	0	0	0	0	1	1331	170	0	1501	6	0	97	0	39	136	3	1637
	11:00AM	0	0	0	0	0	351	42	0	393	0	0	19	0	6	25	2	418
	11:15AM	0	0	0	0	0	328	40	0	368	0	0	20	0	8	28	1	396
	11:30AM	0	0	0	0	0	382	30	0	412	0	0	23	0	13	36	3	448
	11:45AM	0	0	0	0	0	434	49	0	483	4	0	32	0	11	43	1	526
	Hourly Total	0	0	0	0	0	1495	161	0	1656	4	0	94	0	38	132	7	1788
	12:00PM	0	0	0	0	1	417	39	0	456	2	0	28	0	7	35	1	491
	12:15PM	0	0	0	0	0	436	46	0	482	3	0	44	0	13	57	0	539
	12:30PM	0	0	0	0	0	393	31	0	424	2	0	24	0	9	33	0	457
	12:45PM	0	0	0	0	0	449	46	0	495	3	0	29	0	7	36	0	531
	Hourly Total	0	0	0	0	1	1695	162	0	1857	10	0	125	0	36	161	1	2018
	1:00PM		0	0	0	0		39	0	447	3	0	25	0	7	32	2	479
	1:15PM	0	0	0	0	0	422	35	0	457	2	0	37	0	14	51	0	508
	1:30PM	0	0	0	0	0		41	0	432	2	0	28	0	12	40	0	472
	1:45PM	0	0	0	0	0		35	0	458	3	0	28	0	8	36	4	494
	Hourly Total	0	0	0	0	0		150	0	1794	10	0	118	0	41	159	6	1953
	2:00PM	0	0	0	0	0	367	28	0	395	3	0	33	0	41 9	42	1	437
	2:15PM	0	0	0	0	0	440	20	0	467	0	0	30	0	6	36	0	437 503
	2:30PM	0	0	0	0	0	440	38	0	467	1	0	33	0	8	41	0	503
	2:45PM		0	0	0	0	429	43	0	472	0	0	31	0	13	44	1	516
	Hourly Total	0	0	0	0	0	1660	136	0	1796	4	0	127	0	36	163	2	1959
	3:00PM	0	0	0	0	1	492	28	0	520	3	0	38	0	7	45	0	565
	3:15PM	0	0	0	0	0	457	38	0	495	1	0	32	0	11	43	0	538
	3:30PM	0	0	0	0	0		26	0	472	5	0	42	0	6	48	0	520
	3:45PM	0	0	0	0	0	447	40	0	487	0	0	33	0	6	39	0	526
	Hourly Total	0	0	0	0	1		132	0	1974	9	0	145	0	30	175	0	
	4:00PM	0	0	0	0	0	499	46	0	545	2	0	49	0	14	63	0	608
	4:15PM	0	0	0	0	0		35	0	576	0	0	36	0	8	44	1	620
	4:30PM	0	0	0	0	0	493	41	0	534	4	0	56	0	21	77	0	611

Leg	Woo	dwaro	ł			Woodward	1				Browr	1					
Direction	North	ıbour	nd			Southbour	nd				Eastbo	ound					
Time	L	Т	U	Арр	Ped*	Т	R	U	Арр	Ped*	L	R	U	RR	Арр	Ped*	Int
4:45PM	0	0	0	0	0	546	35	0	581	3	0	49	0	10	59	1	640
Hourly Total	0	0	0	0	0	2079	157	0	2236	9	0	190	0	53	243	2	2479
5:00PM	0	0	0	0	1	578	31	0	609	2	0	75	0	28	103	0	712
5:15PM	0	0	0	0	0	658	41	0	699	0	0	34	0	17	51	0	750
5:30PM	0	0	0	0	0	512	30	0	542	0	0	51	1	14	66	0	608
5:45PM	0	0	0	0	0	466	38	0	504	3	0	34	0	12	46	0	550
Hourly Total	0	0	0	0	1	2214	140	0	2354	5	0	194	1	71	266	0	2620
6:00PM	0	0	0	0	0	477	33	0	510	0	0	38	0	15	53	0	563
6:15PM	0	0	0	0	0	519	32	0	551	1	0	33	0	10	43	0	594
6:30PM	0	0	0	0	0	380	28	0	408	1	0	33	0	11	44	0	452
6:45PM	0	0	0	0	0	320	24	0	344	0	0	27	0	12	39	0	383
Hourly Total	0	0	0	0	0	1696	117	0	1813	2	0	131	0	48	179	0	1992
Total	0	0	0	0	6	21043	1798	0	22841	77	0	1342	1	551	1894	28	24735
% Approach	0%	0%	0%	-	-	92.1%	7.9%	0%	-	-	0%	70.9%	0.1%	29.1%	-	-	-
% Total	0%	0%	0%	0%	-	85.1%	7.3%	0%	92.3%	-	0%	5.4%	0%	2.2%	7.7%	-	-
Lights	0	0	0	0	-	20623	1776	0	22399	-	0	1317	1	541	1859	-	24258
% Lights	0%	0%	0%	-	-	98.0%	98.8%	0%	98.1%	-	0%	98.1%	100%	98.2%	98.2%	-	98.1%
Single-Unit Trucks	0	0	0	0	-	287	22	0	309	-	0	24	0	9	33	-	342
% Single-Unit Trucks	0%	0%	0%	-	-	1.4%	1.2%	0%	1.4%	-	0%	1.8%	0%	1.6%	1.7%	-	1.4%
Articulated Trucks	0	0	0	0	-	78	0	0	78	-	0	1	0	1	2	-	80
% Articulated Trucks	0%	0%	0%	-	-	0.4%	0%	0%	0.3%	-	0%	0.1%	0%	0.2%	0.1%	-	0.3%
Buses	0	0	0	0	-	55	0	0	55	-	0	0	0	0	0	-	55
% Buses	0%	0%	0%	-	-	0.3%	0%	0%	0.2%	-	0%	0%	0%	0%	0%	-	0.2%
Bicycles on Road	0	0	0	0	-	0	0	0	0	-	0	0	0	0	0	-	C
% Bicycles on Road	0%	0%	0%	-	-	0%	0%	0%	0%	-	0%	0%	0%	0%	0%	-	0%
Pedestrians	-	-	-	-	6	-	-	-	-	75	-	-	-	-	-	27	
% Pedestrians	-	-	-	-	100%	-	-	-	-	97.4%	-	-	-	-	-	96.4%	-
Bicycles on Crosswalk	-	-	-	-	0	-	-	-	-	2	-	-	-	-	-	1	
% Bicycles on Crosswalk					0%	-	-		-	2.6%					-	3.6%	

\*Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, RR: Right on red, T: Thru, U: U-Turn

Thu Feb 24, 2022 Full Length (6 AM-7 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924281, Location: 42.545459, -83.210863





Out: 22936 In: 0 Total: 22936 [S] Woodward

Thu Feb 24, 2022 AM Peak (7:45 AM - 8:45 AM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924281, Location: 42.545459, -83.210863

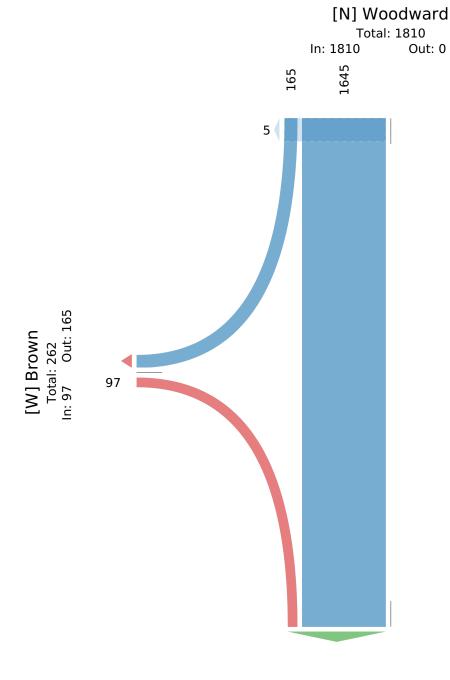


Leg Direction	Wood North					Woodward Southbound					Brown Eastbo						
Time	L	T	-	4.00	Ped*	T	R	U	4.00	Ped*	Lasibo	R	U	RR	A	Ped*	Int
			U	Арр		-			Арр	Ped			-		Арр	Ped.	-
2022-02-24 7:45AM	0	0	0	0	0		37	0	491	2	0	7	0	12	19	0	510
8:00AM	0	0	0	0	0		38	0	440	1	0	7	0	12	19	0	459
8:15AM	0	0	0	0	0	501	41	0	422	1	0	12	0	16	28	0	450
8:30AM	0	0	0	0	0	408	49	0	457	1	0	12	0	19	31	0	488
Total	0	0	0	0	0	1645	165	0	1810	5	0	38	0	59	97	0	1907
% Approach	0%	0%	0%	-	-	90.9%	9.1%	0%	-	-	0%	39.2%	0%	60.8%	-	-	
% Total	0%	0%	0%	0%	-	86.3%	8.7%	0%	94.9%	-	0%	2.0%	0%	3.1%	5.1%	-	
PHF	-	-	-	-	-	0.906	0.842	-	0.922	-	-	0.792	-	0.776	0.782	-	0.935
Lights	0	0	0	0	-	1614	163	0	1777	-	0	37	0	58	95	-	1872
% Lights	0%	0%	0%	-	-	98.1%	98.8%	0%	98.2%	-	0%	97.4%	0%	98.3%	97.9%	-	98.2%
Single-Unit Trucks	0	0	0	0	-	16	2	0	18	-	0	1	0	1	2	-	20
% Single-Unit Trucks	0%	0%	0%	-	-	1.0%	1.2%	0%	1.0%	-	0%	2.6%	0%	1.7%	2.1%	-	1.0%
Articulated Trucks	0	0	0	0	-	9	0	0	9	-	0	0	0	0	0	-	9
% Articulated Trucks	0%	0%	0%	-	-	0.5%	0%	0%	0.5%	-	0%	0%	0%	0%	0%	-	0.5%
Buses	0	0	0	0	-	6	0	0	6	-	0	0	0	0	0	-	6
% Buses	0%	0%	0%	-	-	0.4%	0%	0%	0.3%	-	0%	0%	0%	0%	0%	-	0.3%
Bicycles on Road	0	0	0	0	-	0	0	0	0	-	0	0	0	0	0	-	(
% Bicycles on Road	0%	0%	0%	-	-	0%	0%	0%	0%	-	0%	0%	0%	0%	0%	-	0%
Pedestrians	-	-	-	-	0	-	-	-	-	5	-	-	-	-	-	0	
% Pedestrians	-	-	-	-	-	-	-	-	-	100%	-	-	-	-	-	-	
Bicycles on Crosswalk	-	-	-	-	0	-	-	-	-	0	-	-	-	-	-	0	
% Bicycles on Crosswalk	-	-	-	-	-	-	-	-	-	0%	-	-	-	-	-	-	

<sup>\*</sup>Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, RR: Right on red, T: Thru, U: U-Turn

Thu Feb 24, 2022 AM Peak (7:45 AM - 8:45 AM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924281, Location: 42.545459, -83.210863





Out: 1742 In: 0 Total: 1742 [S] Woodward

Thu Feb 24, 2022 Midday Peak (12 PM - 1 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924281, Location: 42.545459, -83.210863



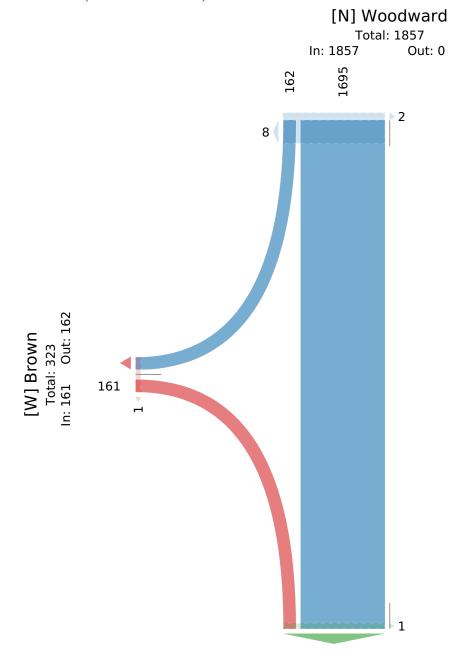
625 Forest Edge Drive, Vernon Hills, IL, 60061, US

Leg	Wood	lward				Woodward					Brown	1					
Direction	North	bound	ł			Southboun	d				Eastbo	ound					
Time	L	Т	U	Арр	Ped*	Т	R	U	Арр	Ped*	L	R	U	RR	Арр	Ped*	Int
2022-02-24 12:00PM	0	0	0	0	1	417	39	0	456	2	0	28	0	7	35	1	491
12:15PM	0	0	0	0	0	436	46	0	482	3	0	44	0	13	57	0	539
12:30PM	0	0	0	0	0	393	31	0	424	2	0	24	0	9	33	0	457
12:45PM	0	0	0	0	0	449	46	0	495	3	0	29	0	7	36	0	531
Total	0	0	0	0	1	1695	162	0	1857	10	0	125	0	36	161	1	2018
% Approach	0%	0%	0%	-	-	91.3%	8.7%	0%	-	-	0%	77.6%	0%	22.4%	-	-	-
% Total	0%	0%	0%	0%	-	84.0%	8.0%	0%	92.0%	-	0%	6.2%	0%	1.8%	8.0%	-	-
PHF	-	-	-	-	-	0.944	0.880	-	0.938	-	-	0.710	-	0.692	0.706	-	0.936
Lights	0	0	0	0	-	1640	161	0	1801	-	0	120	0	34	154	-	1955
% Lights	0%	0%	0%	-	-	96.8%	99.4%	0%	97.0%	-	0%	96.0%	0%	94.4%	95.7%	-	96.9%
Single-Unit Trucks	0	0	0	0	-	44	1	0	45	-	0	5	0	2	7	-	52
% Single-Unit Trucks	0%	0%	0%	-	-	2.6%	0.6%	0%	2.4%	-	0%	4.0%	0%	5.6%	4.3%	-	2.6%
Articulated Trucks	0	0	0	0	-	7	0	0	7	-	0	0	0	0	0	-	7
% Articulated Trucks	0%	0%	0%	-	-	0.4%	0%	0%	0.4%	-	0%	0%	0%	0%	0%	-	0.3%
Buses	0	0	0	0	-	4	0	0	4	-	0	0	0	0	0	-	4
% Buses	0%	0%	0%	-	-	0.2%	0%	0%	0.2%	-	0%	0%	0%	0%	0%	-	0.2%
Bicycles on Road	0	0	0	0	-	0	0	0	0	-	0	0	0	0	0	-	0
% Bicycles on Road	0%	0%	0%	-	-	0%	0%	0%	0%	-	0%	0%	0%	0%	0%	-	0%
Pedestrians	-	-	-	-	1	-	-	-	-	10	-	-	-	-	-	1	
% Pedestrians	-	-	-	-	100%	-	-	-	-	100%	-	-	-	-	-	100%	-
Bicycles on Crosswalk	-	-	-	-	0	-	-	-	-	0	-	-	-	-	-	0	
% Bicycles on Crosswalk	-	-	-	-	0%	-	-	-	-	0%	-	-	-	-	-	0%	-

\*Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, RR: Right on red, T: Thru, U: U-Turn

Thu Feb 24, 2022 Midday Peak (12 PM - 1 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924281, Location: 42.545459, -83.210863





Out: 1856 In: 0 Total: 1856 [S] Woodward

Thu Feb 24, 2022 PM Peak (4:30 PM - 5:30 PM) - Overall Peak Hour All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924281, Location: 42.545459, -83.210863

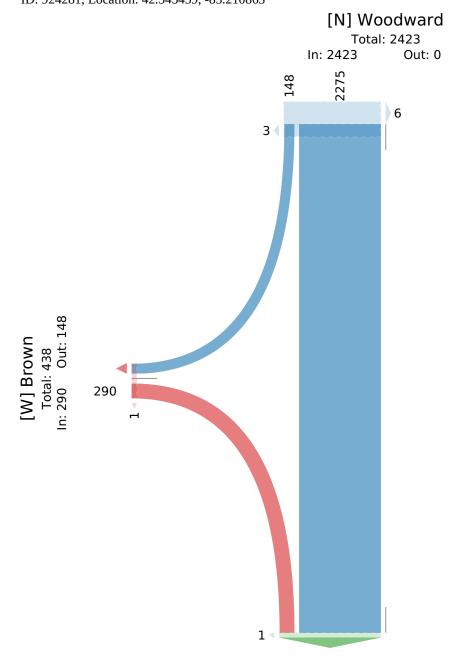


Leg Direction	Wood North		ł			Woodward Southboun					Brown Eastbo						
Time	L	Т	U	Арр	Ped*	Т	R	U	Арр	Ped*	L	R	U	RR	Арр	Ped*	Int
2022-02-24 4:30PM	0	0	0	0	0	493	41	0	534	4	0	56	0	21	77	0	611
4:45PM	0	0	0	0	0	546	35	0	581	3	0	49	0	10	59	1	640
5:00PM	0	0	0	0	1	578	31	0	609	2	0	75	0	28	103	0	712
5:15PM	0	0	0	0	0	658	41	0	699	0	0	34	0	17	51	0	750
Total	0	0	0	0	1	2275	148	0	2423	9	0	214	0	76	290	1	2713
% Approach	0%	0%	0%	-	-	93.9%	6.1%	0%	-	-	0%	73.8%	0%	26.2%	-	-	-
% Total	0%	0%	0%	0%	-	83.9%	5.5%	0%	89.3%	-	0%	7.9%	0%	2.8%	10.7%	-	-
PHF	-	-	-	-	-	0.864	0.902	-	0.867	-	-	0.713	-	0.679	0.704	-	0.904
Lights	0	0	0	0	-	2259	148	0	2407	-	0	213	0	76	289	-	2696
% Lights	0%	0%	0%	-	-	99.3%	100%	0%	99.3%	-	0%	99.5%	0%	100%	99.7%	-	99.4%
Single-Unit Trucks	0	0	0	0	-	6	0	0	6	-	0	1	0	0	1	-	7
% Single-Unit Trucks	0%	0%	0%	-	-	0.3%	0%	0%	0.2%	-	0%	0.5%	0%	0%	0.3%	-	0.3%
Articulated Trucks	0	0	0	0	-	6	0	0	6	-	0	0	0	0	0	-	6
% Articulated Trucks	0%	0%	0%	-	-	0.3%	0%	0%	0.2%	-	0%	0%	0%	0%	0%	-	0.2%
Buses	0	0	0	0	-	4	0	0	4	-	0	0	0	0	0	-	4
% Buses	0%	0%	0%	-	-	0.2%	0%	0%	0.2%	-	0%	0%	0%	0%	0%	-	0.1%
Bicycles on Road	0	0	0	0	-	0	0	0	0	-	0	0	0	0	0	-	0
% Bicycles on Road	0%	0%	0%	-	-	0%	0%	0%	0%	-	0%	0%	0%	0%	0%	-	0%
Pedestrians	-	-	-	-	1	-	-	-	-	9	-	-	-	-	-	1	
% Pedestrians	-	-	-	-	100%	-	-	-	-	100%	-	-	-	-	-	100%	-
Bicycles on Crosswalk	-	-	-	-	0	-	-	-	-	0	-	-	-	-	-	0	
% Bicycles on Crosswalk	-	-	-	-	0%	-	-	-	-	0%	-	-	-	-	-	0%	-

<sup>\*</sup>Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, RR: Right on red, T: Thru, U: U-Turn

Thu Feb 24, 2022 PM Peak (4:30 PM - 5:30 PM) - Overall Peak Hour All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924281, Location: 42.545459, -83.210863





Out: 2565 In: 0 Total: 2565 [S] Woodward

#### Sb Woodward & SB/NB X/O south of Brown - TMC

Thu Feb 24, 2022 Full Length (6 AM-7 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924282, Location: 42.544753, -83.210535



625 Forest Edge Drive, Vernon Hills, IL, 60061, US

Leg Direction	Woodward Northbound	l				Woodward Southboun					Retail Westbo	ound				
Time	Т	R	U	Арр	Ped*	L	Т	U	Арр	Ped*	L	R	U	Арр	Ped*	Int
2022-02-24 6:00AM	82	1	0	83	0	5	134	7	146	0	0	0	0	0	0	
6:15AM	134	8	0	142	0	4	202	10	216	0	0	2	0	2	0	
6:30AM	227	12	0	239	0	5	257	28	290	0	0	1	0	1	1	530
6:45AM	260	6	0	266	0	6	213	28	247	0	0	0	0	0	0	513
Hourly Tota	703	27	0	730	0	20	806	73	899	0	0	3	0	3	1	1632
7:00AM	211	13	0	224	0	7	252	21	280	0	0	0	0	0	0	504
7:15AM	323	12	0	335	0	7	285	40	332	0	0	1	0	1	0	668
7:30AM	435	11	0	446	0	5	337	30	372	0	0	1	0	1	1	819
7:45AM	454	11	0	465	0	7	419	49	475	0	0	0	0	0	0	940
Hourly Tota	1423	47	0	1470	0	26	1293	140	1459	0	0	2	0	2	1	2931
8:00AM	451	14	0	465	0	8	365	48	421	0	0	2	0	2	0	888
8:15AM	417	11	0	428	0	5	356	52	413	0	0	3	0	3	0	844
8:30AM	445	12	0	457	0	9	384	71	464	0	0	0	0	0	1	921
8:45AM	418	15	0	433	0	5	360	62	427	0	0	1	0	1	0	861
Hourly Total	1731	52	0	1783	0	27	1465	233	1725	0	0	6	0	6	1	3514
9:00AM	328	19	0	347	0	2	317	52	371	0	0	1	0	1	0	719
9:15AM	369	12	0	381	0	5	335	54	394	0	0	2	0	2	1	777
9:30AM	293	9	0	302	0	9	367	69	445	0	0	1	0	1	0	748
9:45AM	4	14	0	315	0	8	344	57	409	0	0	0	0	0	0	724
Hourly Tota		54	0	1345	0	24	1363	232	1619	0	0	4	0	4	1	2968
10:00AM		12	0	299	0		324	52	382	0	0	4	0	4	0	
10:15AM		8	0	275	0		275	64	355	0	0	2	0	2	0	
10:30AM		10	0	311	0		340	64	411	0	0	3	0	3	0	
10:45AM		6	0	328	0		321	61	394	0	0	3	0	3	0	725
Hourly Total		36	0	1213	0		1260	241	1542	0	0	12	0	12	0	
11:00AM		18	0	334	0		345	49	401	0	0	0	0	0	0	
11:00AM		10	0	312	0		305	61	373	0	0	2	0	2	0	
11:13AM		17	0	321	0		342	65	418	0	0	0	0	0	0	
11:30AM		11	0	349	0		401	87	503	0	0	2	0	2	0	
Hourly Total		58	0	1316	0		1393	262	1695	0	0	4	0	4	0	3015
12:00PM		22	0	359	0		402	59	471	0	0	2	0	2	0	832
12:00PM 12:15PM		15	0	329	0		402	82	510	0	0	2	0	2	0	841
					0				432	0	0	0	0	2	0	
12:30PM		11	0	316	0		359	66		0	0		0		0	-
12:45PM		14	0	333 1337	0		409 1593	90 297	503 1916		0	3	0	3		
Hourly Total		62	0		0					0					0	
1:00PM		18	0	372	-	-	361	101	471	0		4	0	4	0	
1:15PM		12	0	373	0		398	98	510	0	0	0	0	0	1	883
1:30PM		20	0	359	0		363	91	465	1	0	7	0	7	0	831
1:45PM		16	0	349	0		399	67	479	1	0	3	0	3	0	
Hourly Total	-	66	0	1453	0		1521	357	1925	2	0	14	0	14	1	
2:00PM		16	0	376	0		332	79	418	0	0	1	0	1	0	
2:15PM		14	0	409	0		404	76	490	0	0	3	0	3	0	
2:30PM		10	0	414	1		399	69	478	0	0	0	0	0	1	892
2:45PM		15	0	400	0		410	70	486	0	0	3	0	3	1	889
Hourly Total		55	0	1599	1		1545	294	1872	0	0	7	0	7	2	3478
3:00PM		15	0	424	0		465	84	553	0	0	1	0	1	1	978
3:15PM		10	0	458	0		448	67	520	0	0	3	0	3	2	981
3:30PM		10	0	467	0		422	68	501	0	0	1	0	1	0	
3:45PM		11	0	453	0		423	77	506	0	0	0	0	0	0	959
Hourly Tota	1756	46	0	1802	0		1758	296	2080	0	0	5	0	5	3	
4:00PM	412	11	0	423	0	10	476	96	582	0	0	0	0	0	0	
4:15PM	453	10	0	463	0		464	89	563	0	0	3	0	3	0	1029
4:30PM	451	12	0	463	0	12	445	91	548	0	0	4	0	4	0	1015

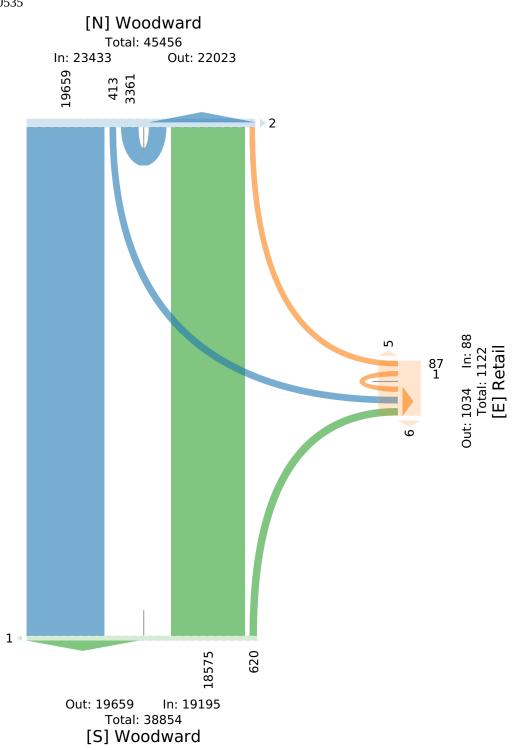
Leg	Woodward	1				Woodwar	d				Retail					
Direction	Northboun	ıd				Southbour	nd				Westl	oound				
Time	Т	R	U	Арр	Ped*	L	Т	U	Арр	Ped*	L	R	U	Арр	Ped*	Int
4:45PN	425	7	0	432	0	3	524	74	601	0	0	2	0	2	0	1035
Hourly Tota	l 1741	40	0	1781	0	35	1909	350	2294	0	0	9	0	9	0	4084
5:00PM	498	16	0	514	0	9	566	111	686	0	0	1	0	1	1	1201
5:15PN	483	11	0	494	0	7	607	81	695	0	0	6	0	6	0	1195
5:30PN	1 504	9	0	513	0	7	513	83	603	0	0	0	0	0	0	1116
5:45PN	446	8	0	454	0	11	440	68	519	0	0	0	0	0	0	973
Hourly Tota	l 1931	44	0	1975	0	34	2126	343	2503	0	0	7	0	7	1	4485
6:00PN	408	10	0	418	0	6	459	78	543	0	0	4	1	5	0	966
6:15PN	1 380	10	0	390	0	10	490	71	571	0	0	1	0	1	0	962
6:30PM	1 302	5	0	307	0	11	364	52	427	0	0	0	0	0	0	734
6:45PN	1 268	8	0	276	0	7	314	42	363	0	0	2	0	2	0	641
Hourly Tota	l 1358	33	0	1391	0	34	1627	243	1904	0	0	7	1	8	0	3303
Tota	l 18575	620	0	19195	1	413	19659	3361	23433	2	0	87	1	88	11	42716
% Approac	h 96.8%	3.2%	0%	-	-	1.8%	83.9%	14.3%	-	-	0%	98.9%	1.1%	-	-	
% Tota	l 43.5%	1.5%	0%	44.9%	-	1.0%	46.0%	7.9%	54.9%	-	0%	0.2%	0%	0.2%	-	
Light	s 18288	606	0	18894	-	405	19285	3303	22993	-	0	86	0	86	-	41973
% Light	s 98.5%	97.7%	0%	98.4%	-	98.1%	98.1%	98.3%	98.1%	-	0%	98.9%	0%	97.7%	-	98.3%
Single-Unit Truck	<b>s</b> 177	14	0	191	-	7	244	46	297	-	0	1	1	2	-	490
% Single-Unit Truck	<b>s</b> 1.0%	2.3%	0%	1.0%	-	1.7%	1.2%	1.4%	1.3%	-	0%	1.1%	100%	2.3%	-	1.1%
Articulated Truck	<b>s</b> 65	0	0	65	-	1	80	9	90	-	0	0	0	0	-	155
% Articulated Truck	s 0.3%	0%	0%	0.3%	-	0.2%	0.4%	0.3%	0.4%	-	0%	0%	0%	0%	-	0.4%
Buse	<b>s</b> 45	0	0	45	-	0	50	3	53	-	0	0	0	0	-	98
% Buse	s 0.2%	0%	0%	0.2%	-	0%	0.3%	0.1%	0.2%	-	0%	0%	0%	0%	-	0.2%
Bicycles on Road	<b>i</b> 0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	0
% Bicycles on Road	<b>i</b> 0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%
Pedestrian	s –	-	-	-	1	-	-	-	-	2	-	-	-	-	11	
% Pedestrian	s –	-	-	-	100%	-	-	-	-	100%	-	-	-	-	100%	
Bicycles on Crosswall	< -	-	-	-	0	-	-	-	-	0	-	-	-	-	0	
% Bicycles on Crosswall	< -	-	-	-	0%	-	-	-	-	0%	-	-	-	-	0%	

\*Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, T: Thru, U: U-Turn

#### Sb Woodward & SB/NB X/O south of Brown - TMC

Thu Feb 24, 2022 Full Length (6 AM-7 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924282, Location: 42.544753, -83.210535





#### Sb Woodward & SB/NB X/O south of Brown - TMC

Thu Feb 24, 2022 AM Peak (7:45 AM - 8:45 AM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924282, Location: 42.544753, -83.210535



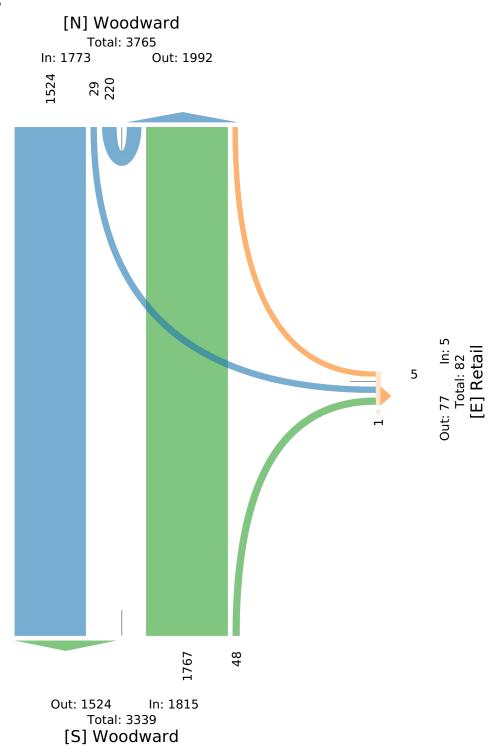
625 Forest Edge Drive, Vernon Hills, IL, 60061, US

Leg	Woodward					Woodward	1				Retail					
Direction	Northboun	d				Southboun	ıd				Westb	ound				
Time	Т	R	U	Арр	Ped*	L	Т	U	Арр	Ped*	L	R	U	Арр	Ped*	Int
2022-02-24 7:45AM	I 454	11	0	465	0	7	419	49	475	0	0	0	0	0	0	940
8:00AM	I 451	14	0	465	0	8	365	48	421	0	0	2	0	2	0	888
8:15AN	I 417	11	0	428	0	5	356	52	413	0	0	3	0	3	0	844
8:30AM	I 445	12	0	457	0	9	384	71	464	0	0	0	0	0	1	921
Tota	l 1767	48	0	1815	0	29	1524	220	1773	0	0	5	0	5	1	3593
% Approach	n 97.4%	2.6%	0%	-	-	1.6%	86.0%	12.4%	-	-	0%	100%	0%	-	-	-
% Tota	<b>4</b> 9.2%	1.3%	0%	50.5%	-	0.8%	42.4%	6.1%	49.3%	-	0%	0.1%	0%	0.1%	-	-
PHI	0.973	0.857	-	0.976	-	0.806	0.909	0.775	0.933	-	-	0.417	-	0.417	-	0.956
Lights	<b>i</b> 1745	47	0	1792	-	28	1496	217	1741	-	0	5	0	5	-	3538
% Lights	98.8%	97.9%	0%	98.7%	-	96.6%	98.2%	98.6%	98.2%	-	0%	100%	0%	100%	-	98.5%
Single-Unit Trucks	12	1	0	13	-	1	14	2	17	-	0	0	0	0	-	30
% Single-Unit Trucks	0.7%	2.1%	0%	0.7%	-	3.4%	0.9%	0.9%	1.0%	-	0%	0%	0%	0%	-	0.8%
Articulated Trucks	6	0	0	6	-	0	8	1	9	-	0	0	0	0	-	15
% Articulated Trucks	0.3%	0%	0%	0.3%	-	0%	0.5%	0.5%	0.5%	-	0%	0%	0%	0%	-	0.4%
Buses	6 4	0	0	4	-	0	6	0	6	-	0	0	0	0	-	10
% Buses	<b>6</b> 0.2%	0%	0%	0.2%	-	0%	0.4%	0%	0.3%	-	0%	0%	0%	0%	-	0.3%
Bicycles on Road	<b>I</b> 0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	0
% Bicycles on Road	l 0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%
Pedestrians	6 -	-	-	-	0	-	-	-	-	0	-	-	-	-	1	
% Pedestrians	s –	-	-	-	-	-	-	-	-	-	-	-	-	-	100%	-
Bicycles on Crosswalk	с –	-	-	-	0	-	-	-	-	0	-	-	-	-	0	
% Bicycles on Crosswalk	- 1	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	-

\*Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, T: Thru, U: U-Turn

Sb Woodward & SB/NB X/O south of Brown - TMC Thu Feb 24, 2022 AM Peak (7:45 AM - 8:45 AM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924282, Location: 42.544753, -83.210535





#### Sb Woodward & SB/NB X/O south of Brown - TMC

Thu Feb 24, 2022 Midday Peak (12:45 PM - 1:45 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924282, Location: 42.544753, -83.210535



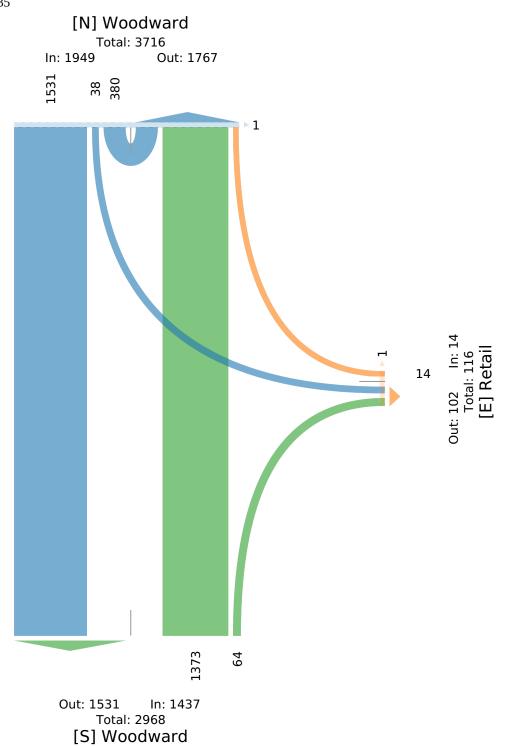
625 Forest Edge Drive, Vernon Hills, IL, 60061, US

Leg	Woodwa	rd				Woodward	1				Retail					
Direction	Northbou	ind				Southboun	d				Westb	ound				
Time	Т	R	U	Арр	Ped*	L	Т	U	Арр	Ped*	L	R	U	Арр	Ped*	Int
2022-02-24 12:4	5PM 319	14	0	333	0	4	409	90	503	0	0	3	0	3	0	839
1:0	OPM 354	18	0	372	0	9	361	101	471	0	0	4	0	4	0	847
1:1	5PM 361	12	0	373	0	14	398	98	510	0	0	0	0	0	1	883
1:3	OPM 339	20	0	359	0	11	363	91	465	1	0	7	0	7	0	831
-	Total 1373	64	0	1437	0	38	1531	380	1949	1	0	14	0	14	1	3400
% Appr	oach 95.5%	4.5%	0%	-	-	1.9%	78.6%	19.5%	-	-	0%	100%	0%	-	-	-
%	<b>`otal</b> 40.4%	1.9%	0%	42.3%	-	1.1%	45.0%	11.2%	57.3%	-	0%	0.4%	0%	0.4%	-	-
	PHF 0.951	0.800	-	0.963	-	0.679	0.936	0.941	0.955	-	-	0.500	-	0.500	-	0.963
L	ghts 1347	64	0	1411	-	36	1499	376	1911	-	0	14	0	14	-	3336
% L	ghts 98.1%	100%	0%	98.2%	-	94.7%	97.9%	98.9%	98.1%	-	0%	100%	0%	100%	-	98.1%
Single-Unit Tr	icks 18	0	0	18	-	2	19	4	25	-	0	0	0	0	-	43
% Single-Unit Tr	icks 1.3%	0%	0%	1.3%	-	5.3%	1.2%	1.1%	1.3%	-	0%	0%	0%	0%	-	1.3%
Articulated Tr	ucks 6	0	0	6	-	0	9	0	9	-	0	0	0	0	-	15
% Articulated Tr	ucks 0.4%	0%	0%	0.4%	-	0%	0.6%	0%	0.5%	-	0%	0%	0%	0%	-	0.4%
E	uses 2	0	0	2	-	0	4	0	4	-	0	0	0	0	-	6
% B	uses 0.1%	0%	0%	0.1%	-	0%	0.3%	0%	0.2%	-	0%	0%	0%	0%	-	0.2%
Bicycles on I	toad 0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	0
% Bicycles on I	toad 0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%
Pedest	ians -	-	-	-	0	-	-	-	-	1	-	-	-	-	1	
% Pedest	ians -	-	-	-	-	-	-	-	-	100%	-	-	-	-	100%	-
Bicycles on Cross	walk -	-	-	-	0	-	-	-	-	0	-	-	-	-	0	
% Bicycles on Cross	walk -	-	-	-	-	-	-	-	-	0%	-	-	-	-	0%	-

\*Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, T: Thru, U: U-Turn

Sb Woodward & SB/NB X/O south of Brown - TMC Thu Feb 24, 2022 Midday Peak (12:45 PM - 1:45 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924282, Location: 42.544753, -83.210535





#### Sb Woodward & SB/NB X/O south of Brown - TMC

Thu Feb 24, 2022 PM Peak (4:45 PM - 5:45 PM) - Overall Peak Hour All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924282, Location: 42.544753, -83.210535



625 Forest Edge Drive, Vernon Hills, IL, 60061, US

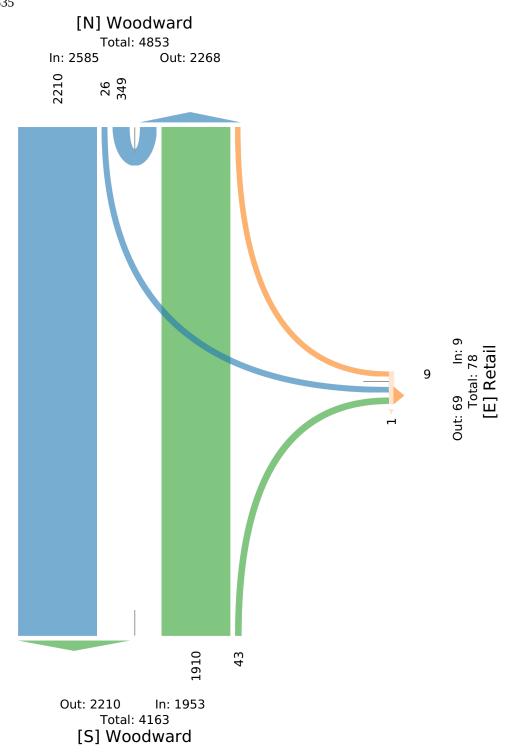
Leg	Woodward	l				Woodward	l				Retail					
Direction	Northboun	d				Southboun	d				Westb	ound				
Time	Т	R	U	Арр	Ped*	L	Т	U	Арр	Ped*	L	R	U	Арр	Ped*	Int
2022-02-24 4:45PM	425	7	0	432	0	3	524	74	601	0	0	2	0	2	0	1035
5:00PM	498	16	0	514	0	9	566	111	686	0	0	1	0	1	1	1201
5:15PM	483	11	0	494	0	7	607	81	695	0	0	6	0	6	0	1195
5:30PM	504	9	0	513	0	7	513	83	603	0	0	0	0	0	0	1116
Total	1910	43	0	1953	0	26	2210	349	2585	0	0	9	0	9	1	4547
% Approach	97.8%	2.2%	0%	-	-	1.0%	85.5%	13.5%	-	-	0%	100%	0%	-	-	-
% Total	42.0%	0.9%	0%	43.0%	-	0.6%	48.6%	7.7%	56.9%	-	0%	0.2%	0%	0.2%	-	-
PHF	0.947	0.672	-	0.950	-	0.722	0.910	0.786	0.930	-	-	0.375	-	0.375	-	0.947
Lights	1898	43	0	1941	-	24	2198	349	2571	-	0	9	0	9	-	4521
% Lights	99.4%	100%	0%	99.4%	-	92.3%	99.5%	100%	<b>99.5%</b>	-	0%	100%	0%	100%	-	99.4%
Single-Unit Trucks	6	0	0	6	-	1	2	0	3	-	0	0	0	0	-	9
% Single-Unit Trucks	0.3%	0%	0%	0.3%	-	3.8%	0.1%	0%	0.1%	-	0%	0%	0%	0%	-	0.2%
Articulated Trucks	3	0	0	3	-	1	7	0	8	-	0	0	0	0	-	11
% Articulated Trucks	0.2%	0%	0%	0.2%	-	3.8%	0.3%	0%	0.3%	-	0%	0%	0%	0%	-	0.2%
Buses	3	0	0	3	-	0	3	0	3	-	0	0	0	0	-	6
% Buses	0.2%	0%	0%	0.2%	-	0%	0.1%	0%	0.1%	-	0%	0%	0%	0%	-	0.1%
Bicycles on Road	0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	0
% Bicycles on Road	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%
Pedestrians	-	-	-	-	0	-	-	-	-	0	-	-	-	-	1	
% Pedestrians	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100%	-
Bicycles on Crosswalk	-	-	-	-	0	-	-	-	-	0	-	-	-	-	0	
% Bicycles on Crosswalk	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	-

\*Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, T: Thru, U: U-Turn

#### Sb Woodward & SB/NB X/O south of Brown - TMC

Thu Feb 24, 2022 PM Peak (4:45 PM - 5:45 PM) - Overall Peak Hour All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 924282, Location: 42.544753, -83.210535





#### Brown & Woodward - TMC

Thu Mar 24, 2022 Full Length (6 AM-7 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931151, Location: 42.545477, -83.210891



Leg		Woodward						Woodwa	rd				
Direction		Northbound						Southbou	nd				
Time		L	Т	R	U	Арр	Ped*	L	Т	R	U	Арр	Ped*
	2022-03-24 6:00AM	0	113	0	0	113	0	0	164	3	0	167	0
	6:15AM	0	189	0	0	189	0	0	233	11	0	244	1
	6:30AM	0	273	1	0	274	0	0	284	16	0	300	1
	6:45AM	0	294	4	0	298	0	0	266	14	0	280	1
	Hourly Total	0	869	5	0	874	0	0	947	44	0	991	3
	7:00AM	0	329	1	0	330	1	0	292	10	0	302	1
	7:15AM	0	453	2	0	455	0	0	349	19	0	368	2
	7:30AM	0	561	7	0	568	0	0	452	32	0	484	
	7:45AM	0	640	7	0	647	0	0	457	36	0	493	
	Hourly Total	0	1983	17	0	2000	1	0	1550	97	0	1647	
	8:00AM		602	10	0	612	1	0	560	52	0	612	(
	8:15AM	0	669	9	0	678	0	0	514	62	0	576	
	8:30AM	0	641	14	0	655	0	0	480	48	0	528	
	8:45AM	0	563	8	0	571	0	0	489	43	0	532	
	Hourly Total	0	2475	41	0	2516	1	0	2043	205	0	2248	4
	9:00AM	0	511	11	0	522	1	0	541	47	0	588	
	9:15AM	0	487	3	0	490	0	0	440	57	0	497	(
	9:30AM	0	459	5	0	464	0		457	51	0	508	(
	9:45AM	0	435	7	0	442	0	0	442	49	0	491	
	Hourly Total	0	1892	26	0	1918	1	0	1880	204	0	2084	4
	10:00AM	0	372	10	0	382	0	0	359	45	0	404	
	10:15AM	0	407	4	0	411	0		362	35	0	397	
	10:30AM	0	470	7	0	477	0	0	386	29	0	415	(
	10:45AM	0	399	7	0	406	0	0	422	36	0	458	
	Hourly Total	0	1648	28	0	1676	0		1529	145	0	1674	
	11:00AM	0	423	9	0	432	0	0	410	27	0	437	
	11:15AM	0	462	7	0	469	0	0	438	35	0	473	(
	11:30AM	0	477	2	0	479	0	0	397	58	0	455	
	11:45AM	0	450	13	0	463	0	0	480	44	0	524	
	Hourly Total	0	1812	31	0	1843	0		1725	164	0	1889	
	12:00PM	0	479	8	0	487	0	0	450	46	0	496	
	12:15PM	1	513	7	0	521	0	0	403	36	0	439	
	12:30PM	0	447	7	0	454	0	0	441	36	0	477	
	12:45PM	0	491	6	0	497	0	0	427	48	0	475	
	Hourly Total	1	1930	28	0	1959	0	0	1721	166	0	1887	
	1:00PM		514	9	0	523	0		412	42	0	454	
	1:15PM		477	8	0	485	0		434	43	0	477	
	1:30PM		496	5	0	501	0		397	46	0	443	
	1:45PM		497	11	0	508	0	0	447	37	0	484	
	Hourly Total		1984	33	0	2017	0	0	1690	168	0	1858	1
	2:00PM		491	7	0	498	0	0	444	39	0	483	
	2:15PM		545	8	0	553	1	0	483	29	0	512	
	2:30PM		527	9	0	536	0		499	40	0	539	
	2:45PM		583	7	0	590	0		541	39	0	580	
	Hourly Total		2146	31	0	2177	1	0	1967	147	0	2114	
	3:00PM		565	12	0	577	0	0	490	42	0	532	
	3:15PM		631	5	0	636	2		522	37	0	559	
	3:30PM		593	9	0	602	0		509	34	0	543	
	3:45PM		635	3	0	638	0		573	36	0	609	
	Hourly Total		2424	29	0	2453	2	0	2094	149	0	2243	
	4:00PM		609	2	0	611	0	0	569	31	0	600	
	4:15PM	0	595	1	0	596	0	0	543	40	0	583	
	4:30PM	0	682	7	0	689	0	0	629	27	0	656	

Leg	Woodward						Woodwa	rd				
Direction	Northbound						Southbou	ınd				
Time	L	Т	R	U	Арр	Ped*	L	Т	R	U	Арр	Ped*
4:45PM	0 1	634	7	0	641	0	0	600	34	0	634	3
Hourly Total	0	2520	17	0	2537	0	0	2341	132	0	2473	6
5:00PM	0 1	682	4	0	686	0	0	663	30	0	693	1
5:15PM	0 1	697	8	0	705	0	0	747	26	0	773	4
5:30PM	0 1	678	12	0	690	0	0	624	36	0	660	1
5:45PM	0 1	538	5	0	543	0	0	582	34	0	616	3
Hourly Total	0	2595	29	0	2624	0	0	2616	126	0	2742	9
6:00PM	0 1	508	5	0	513	0	0	529	27	0	556	8
6:15PM	0 1	508	7	0	515	0	0	514	34	0	548	0
6:30PM	0 1	460	2	0	462	0	0	475	20	0	495	1
6:45PM	0 1	444	4	0	448	0	0	462	19	0	481	0
Hourly Total	0	1920	18	0	1938	0	0	1980	100	0	2080	9
Total	1 1	26198	333	0	26532	6	0	24083	1847	0	25930	72
% Approach	0%	98.7%	1.3%	0%	-	-	0%	92.9%	7.1%	0%	-	-
% Total	0%	47.5%	0.6%	0%	48.1%	-	0%	43.7%	3.3%	0%	47.0%	-
Lights	1	25693	326	0	26020	-	0	23566	1828	0	25394	-
% Lights	100%	98.1%	97.9%	0%	98.1%	-	0%	97.9%	99.0%	0%	97.9%	-
Single-Unit Trucks	0	299	6	0	305	-	0	305	18	0	323	-
% Single-Unit Trucks	0%	1.1%	1.8%	0%	1.1%	-	0%	1.3%	1.0%	0%	1.2%	-
Articulated Trucks	0	114	0	0	114	-	0	119	0	0	119	-
% Articulated Trucks	0%	0.4%	0%	0%	0.4%	-	0%	0.5%	0%	0%	0.5%	-
Buses	0	92	1	0	93	-	0	93	1	0	94	-
% Buses	0%	0.4%	0.3%	0%	0.4%	-	0%	0.4%	0.1%	0%	0.4%	-
Bicycles on Road	0	0	0	0	0	-	0	0	0	0	0	-
% Bicycles on Road	0%	0%	0%	0%	0%	-	0%	0%	0%	0%	0%	-
Pedestrians		-	-	-	-	6	-	-	-	-	-	72
% Pedestrians	-	-	-	-	-	100%	-	-	-	-	-	100%
Bicycles on Crosswalk	-	-	-	-	-	0	-	-	-	-	-	0
% Bicycles on Crosswalk	-	-	-	-	-	0%	-	-	-	-	-	0%

\*Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, RR: Right on red, T: Thru, U: U-Turn

#### Brown & Woodward - TMC

Thu Mar 24, 2022 Full Length (6 AM-7 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931151, Location: 42.545477, -83.210891



625 Forest Edge Drive, Vernon Hills, IL, 60061, US

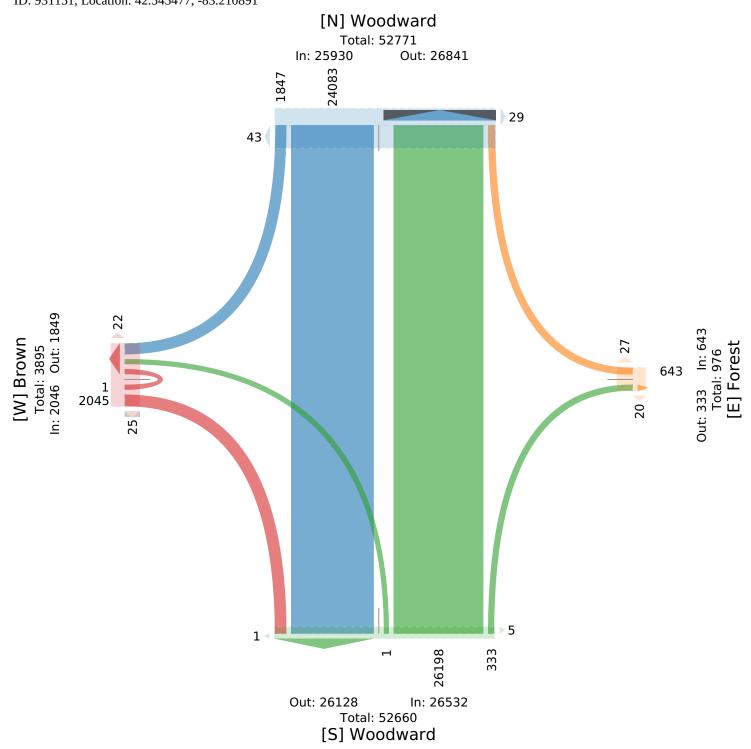
Leg	Brown							Forest	,					
Direction	Eastbo							Westbo						
Time	L	Т	R	U	RR	Арр	Ped*	L	Т	R	U	Арр	Ped*	
2022-03-24 6:00A	_	0	1	0	5	6	0	0	0	0	0	0	0	286
6:15A	-	0	5	0	3	8	0	0	0	4	0	4	0	445
6:30A	_	0	6	0	3	9	2	0	0	7	0	7	1	590
6:45A	_	0	13	0	5	18	1	0	0	6	0	6	0	602
Hourly Tot	_	0	25	0	16	41	3	0	0	17	0	17	1	1923
7:00A	_	0	2	0	8	10	0	0	0	5	0	5	0	647
7:15A	_	0	2	0	11	13	2	0	0	11	0	11	0	847
7:30A	_	0	12	0	12	24	0	0	0	11	0	11	1	1087
7:45A	_	0	16	0	14	30	0	0	0	14	0	14	2	1184
Hourly Tot		0	32	0	45	77	2	0	0	41	0	41	3	3765
8:00A	_	0	14	0	8	22	0	0	0	11	0	11	0	1257
8:15A	_	0	10	0	20	30	2	0	0	11	0	11	0	1295
8:30A	_	0	16	0	15	31	1	0	0	11	0	11	3	1225
8:45A		0	12	0	18	30	0	0	0	15	0	15	1	1148
Hourly Tot	_	0	52	0	61	113	3	0	0	48	0	48	4	4925
9:00A	0 N	0	13	1	12	26	2	0	0	22	0	22	1	1158
9:15A	0 N	0	10	0	12	22	0	0	0	15	0	15	4	1024
9:30A	0 IN	0	10	0	12	22	5	0	0	13	0	13	2	1007
9:45A	0 IN	0	22	0	13	35	0	0	0	7	0	7	0	975
Hourly Tot	al 0	0	55	1	49	105	7	0	0	57	0	57	7	4164
10:00A	0 N	0	13	0	15	28	4	0	0	13	0	13	0	827
10:15A	0 N	0	15	0	6	21	0	0	0	8	0	8	0	837
10:30A	0 Iv	0	21	0	11	32	1	0	0	3	0	3	0	927
10:45A	0 N	0	20	0	12	32	0	0	0	9	0	9	0	905
Hourly Tot	al 0	0	69	0	44	113	5	0	0	33	0	33	0	3496
11:00A	0 N	0	21	0	10	31	0	0	0	13	0	13	3	913
11:15A	0 N	0	18	0	6	24	0	0	0	18	0	18	0	984
11:30A	4 O	0	29	0	18	47	0	0	0	16	0	16	0	997
11:45A	0 N	0	32	0	15	47	0	0	0	16	0	16	1	1050
Hourly Tot	al 0	0	100	0	49	149	0	0	0	63	0	63	4	3944
12:00P	0 N	0	33	0	13	46	0	0	0	16	0	16	2	1045
	M 0	0	39	0	17	56	0	0	0	13	0	13	1	1029
	M 0	0	21	0	16	37	1	0	0	11	0	11	0	979
12:45P	_	0	24	0	9	33	1	0	0	19	0	19	1	1024
Hourly Tot	_	0	117	0	55	172	2	0	0	59	0	59	4	4077
1:00P			28	0	21	49	1	0	0	9	0	9	1	1035
1:15P	_		34	0	17	51	0	0	0	9	0	9	1	1022
1:30P	_		34	0	13	47	1	0	0	17	0	17	0	1008
1:45P		0	42	0	12	54	3	0	0	11	0	11	1	1057
Hourly Tot	_	0	138	0	63	201	5	0	0	46	0	46	3	4122
2:00P		0	30	0	17	47	0	0	0	9	0	9	1	1037
2:15P	_	0	30	0	16	46	3	0	0	15	0	15	1	1126
2:30P	_		28	0	9	37	0	0	0	12	0	12	2	1124
2:45P	_		23	0	11	33	2	0	0	18	0	18	1	1121
Hourly Tot	_	0	110	0	53	163	5	0	0	54	0	54	5	4508
3:00P	_	0	45	0	12	57	1	0	0	25	0	25	1	1191
3:15P	_	0	32	0	12	51	2	0	0	17	0	17	1	1151
3:30P		0	32	0	19	51	4	0	0	17	0	17	3	1203
3:30P	_	0	37	0	5	40	4	0	0	12	0	12	0	1208
3:45P. Hourly Tot	_	0	149	0	50	199	7	0	0	66	0	66	5	4961
	_	0	47		8	55		0				19	5	4961 1285
4:00P				0			1		0	19	0			
4:15P	_	0	51	0	15	66	0	0	0	21	0	21	1	1266
4:30P	0 N	0	55	0	13	68	0	0	0	11	0	11	0	1424

Leg	Brown	l						Forest						
Direction	Eastbo	und						Westb	ound					
Time	L	Т	R	U	RR	Арр	Ped*	L	Т	R	U	Арр	Ped*	Int
4:45PM	1 0	0	43	0	13	56	1	0	0	13	0	13	1	1344
Hourly Tota	1 0	0	196	0	49	245	2	0	0	64	0	64	2	5319
5:00PM	1 0	0	72	0	28	100	0	0	0	17	0	17	0	1496
5:15PM	1 0	0	66	0	22	88	0	0	0	15	0	15	1	1581
5:30PM	1 0	0	44	0	18	62	2	0	0	9	0	9	1	1421
5:45PM	1 0	0	40	0	8	48	0	0	0	11	0	11	1	1218
Hourly Tota	1 0	0	222	0	76	298	2	0	0	52	0	52	3	5716
6:00PM	1 0	0	45	0	11	56	1	0	0	11	0	11	3	1136
6:15PM	1 0	0	33	0	10	43	2	0	0	13	0	13	3	1119
6:30PM	1 0	0	23	0	11	34	0	0	0	10	0	10	0	1001
6:45PM	1 0	0	23	0	14	37	1	0	0	9	0	9	0	975
Hourly Tota	1 0	0	124	0	46	170	4	0	0	43	0	43	6	4231
Tota	<b>l</b> 0	0	1389	1	656	2046	47	0	0	643	0	643	47	55151
% Арргоас	h 0%	0%	67.9%	0%	32.1%	-	-	0%	0%	100%	0%	-	-	-
% Tota	l 0%	0%	2.5%	0%	1.2%	3.7%	-	0%	0%	1.2%	0%	1.2%	-	-
Light	<b>s</b> 0	0	1368	1	652	2021	-	0	0	628	0	628	-	54063
% Light	s 0%	0%	98.5%	100%	99.4%	98.8%	-	0%	0%	97.7%	0%	97.7%	-	98.0%
Single-Unit Truck	<b>5</b> 0	0	16	0	3	19	-	0	0	12	0	12	-	659
% Single-Unit Truck	<b>i</b> 0%	0%	1.2%	0%	0.5%	0.9%	-	0%	0%	1.9%	0%	1.9%	-	1.2%
Articulated Truck	<b>5</b> 0	0	0	0	1	1	-	0	0	1	0	1	-	235
% Articulated Truck	<b>s</b> 0%	0%	0%	0%	0.2%	0%	-	0%	0%	0.2%	0%	0.2%	-	0.4%
Buse	<b>s</b> 0	0	5	0	0	5	-	0	0	2	0	2	-	194
% Buse	s 0%	0%	0.4%	0%	0%	0.2%	-	0%	0%	0.3%	0%	0.3%	-	0.4%
Bicycles on Roa	<b>i</b> 0	0	0	0	0	0	-	0	0	0	0	0	-	0
% Bicycles on Roa	<b>i</b> 0%	0%	0%	0%	0%	0%	-	0%	0%	0%	0%	0%	-	0%
Pedestrian	s –	-	-	-	-	-	45	-	-	-	-	-	47	
% Pedestrian	s –	-	-	-	-	-	95.7%	-	-	-	-	-	100%	-
Bicycles on Crosswal	< -	-	-	-	-	-	2	-	-	-	-	-	0	
% Bicycles on Crosswal	< -	-	-	-	-	-	4.3%	-	-	-	-	-	0%	-

\*Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, RR: Right on red, T: Thru, U: U-Turn

Thu Mar 24, 2022 Full Length (6 AM-7 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931151, Location: 42.545477, -83.210891





Thu Mar 24, 2022 AM Peak (7:45 AM - 8:45 AM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931151, Location: 42.545477, -83.210891



625 Forest Edge Drive, Vernon Hills, IL, 60061, US

Leg	Woodwa	rd					Woodwa	rd				
Direction	Northbou	und					Southbou	ind				
Time	L	Т	R	U	Арр	Ped*	L	Т	R	U	Арр	Ped*
2022-03-24 7:45AM	0	640	7	0	647	0	0	457	36	0	493	0
8:00AM	0	602	10	0	612	1	0	560	52	0	612	0
8:15AM	0	669	9	0	678	0	0	514	62	0	576	2
8:30AM	0	641	14	0	655	0	0	480	48	0	528	2
Total	0	2552	40	0	2592	1	0	2011	198	0	2209	4
% Approach	0%	98.5%	1.5%	0%	-	-	0%	91.0%	9.0%	0%	-	-
% Total	0%	51.4%	0.8%	0%	52.2%	-	0%	40.5%	4.0%	0%	44.5%	-
PHF	-	0.954	0.714	-	0.956	-	-	0.898	0.798	-	0.902	-
Lights	0	2507	40	0	2547	-	0	1964	197	0	2161	-
% Lights	0%	98.2%	100%	0%	98.3%	-	0%	97.7%	99.5%	0%	97.8%	-
Single-Unit Trucks	0	25	0	0	25	-	0	25	1	0	26	-
% Single-Unit Trucks	0%	1.0%	0%	0%	1.0%	-	0%	1.2%	0.5%	0%	1.2%	-
Articulated Trucks	0	12	0	0	12	-	0	9	0	0	9	-
% Articulated Trucks	0%	0.5%	0%	0%	0.5%	-	0%	0.4%	0%	0%	0.4%	-
Buses	0	8	0	0	8	-	0	13	0	0	13	-
% Buses	0%	0.3%	0%	0%	0.3%	-	0%	0.6%	0%	0%	0.6%	-
Bicycles on Road	0	0	0	0	0	-	0	0	0	0	0	-
% Bicycles on Road	0%	0%	0%	0%	0%	-	0%	0%	0%	0%	0%	-
Pedestrians	-	-	-	-	-	1	-	-	-	-	-	4
% Pedestrians	-	-	-	-	-	100%	-	-	-	-	-	100%
Bicycles on Crosswalk	-	-	-	-	-	0	-	-	-	-	-	0
% Bicycles on Crosswalk	-	-	-	-	-	0%	-	-	-	-	-	0%

 $^{*}$ Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, RR: Right on red, T: Thru, U: U-Turn

Thu Mar 24, 2022 AM Peak (7:45 AM - 8:45 AM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931151, Location: 42.545477, -83.210891



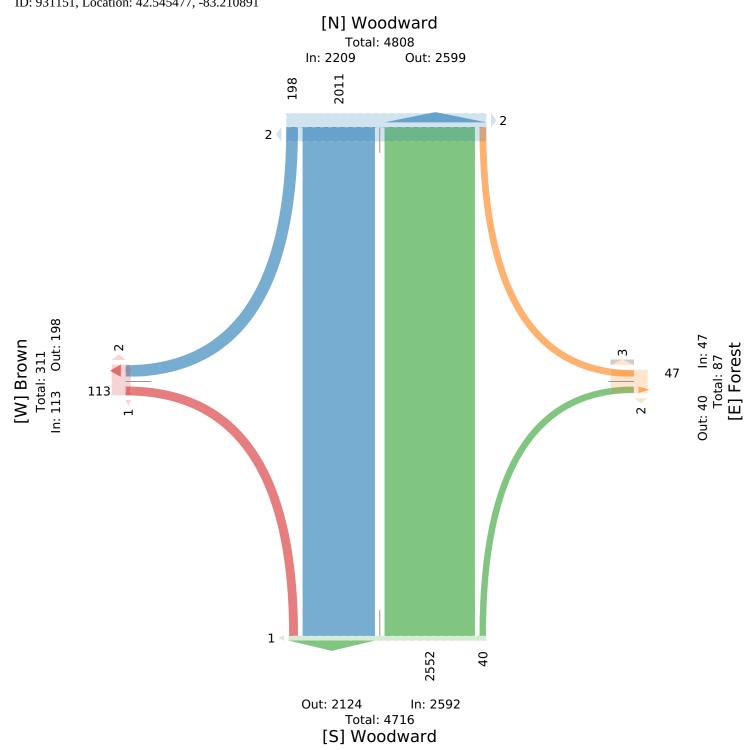
625 Forest Edge Drive, Vernon Hills, IL, 60061, US

Leg	Brown							Forest						
Direction	Eastbo	und						Westbo	und					
Time	L	Т	R	U	RR	Арр	Ped*	L	Т	R	U	Арр	Ped*	Int
2022-03-24 7:45AN	0 1	0	16	0	14	30	0	0	0	14	0	14	2	1184
8:00AM	0 1	0	14	0	8	22	0	0	0	11	0	11	0	1257
8:15AM	0 1	0	10	0	20	30	2	0	0	11	0	11	0	1295
8:30AM	0 1	0	16	0	15	31	1	0	0	11	0	11	3	1225
Tota	<b>I</b> 0	0	56	0	57	113	3	0	0	47	0	47	5	4961
% Approact	n 0%	0%	49.6%	0%	50.4%	-	-	0%	0%	100%	0%	-	-	-
% Tota	l 0%	0%	1.1%	0%	1.1%	2.3%	-	0%	0%	0.9%	0%	0.9%	-	-
PHI	7 -	-	0.875	-	0.713	0.911	-	-	-	0.839	-	0.839	-	0.958
Lights	. 0	0	56	0	57	113	-	0	0	47	0	47	-	4868
% Lights	0%	0%	100%	0%	100%	100%	-	0%	0%	100%	0%	100%	-	98.1%
Single-Unit Trucks	0	0	0	0	0	0	-	0	0	0	0	0	-	51
% Single-Unit Trucks	0%	0%	0%	0%	0%	0%	-	0%	0%	0%	0%	0%	-	1.0%
Articulated Trucks	0	0	0	0	0	0	-	0	0	0	0	0	-	21
% Articulated Trucks	0%	0%	0%	0%	0%	0%	-	0%	0%	0%	0%	0%	-	0.4%
Buse	<b>5</b> 0	0	0	0	0	0	-	0	0	0	0	0	-	21
% Buses	<b>6</b> 0%	0%	0%	0%	0%	0%	-	0%	0%	0%	0%	0%	-	0.4%
Bicycles on Road	l 0	0	0	0	0	0	-	0	0	0	0	0	-	0
% Bicycles on Road	l 0%	0%	0%	0%	0%	0%	-	0%	0%	0%	0%	0%	-	0%
Pedestrians	- 6	-	-	-	-	-	3	-	-	-	-	-	5	
% Pedestrians	-	-	-	-	-	-	100%	-	-	-	-	-	100%	-
Bicycles on Crosswall	-	-	-	-	-	-	0	-	-	-	-	-	0	
% Bicycles on Crosswall	- 1	-	-	-	-	-	0%	-	-	-	-	-	0%	-

 $^{*}$ Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, RR: Right on red, T: Thru, U: U-Turn

Thu Mar 24, 2022 AM Peak (7:45 AM - 8:45 AM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931151, Location: 42.545477, -83.210891





Thu Mar 24, 2022 Midday Peak (1 PM - 2 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931151, Location: 42.545477, -83.210891



Leg	Woodwa	ard					Woodwa	rd				
Direction	Northbo	und					Southbou	nd				
Time	L	Т	R	U	Арр	Ped*	L	Т	R	U	Арр	Ped
2022-03-24 1:00F	M 0	514	9	0	523	0	0	412	42	0	454	
1:15	M 0	477	8	0	485	0	0	434	43	0	477	
1:30F	M 0	496	5	0	501	0	0	397	46	0	443	
1:45	PM 0	497	11	0	508	0	0	447	37	0	484	
То	tal 0	1984	33	0	2017	0	0	1690	168	0	1858	
% Арргоа	<b>ch</b> 0%	98.4%	1.6%	0%	-	-	0%	91.0%	9.0%	0%	-	
% To	tal 0%	48.1%	0.8%	0%	48.9%	-	0%	41.0%	4.1%	0%	45.1%	
P	HF -	0.965	0.750	-	0.964	-	-	0.945	0.913	-	0.960	
Lig	nts 0	1945	33	0	1978	-	0	1647	166	0	1813	
% Lig	nts 0%	98.0%	100%	0%	98.1%	-	0%	97.5%	98.8%	0%	97.6%	
Single-Unit Truc	<b>ks</b> 0	28	0	0	28	-	0	29	2	0	31	
% Single-Unit Truc	<b>ks</b> 0%	1.4%	0%	0%	1.4%	-	0%	1.7%	1.2%	0%	1.7%	
Articulated Truc	<b>ks</b> 0	7	0	0	7	-	0	9	0	0	9	
% Articulated Truc	<b>ks</b> 0%	0.4%	0%	0%	0.3%	-	0%	0.5%	0%	0%	0.5%	
Bus	<b>es</b> 0	4	0	0	4	-	0	5	0	0	5	
% Bus	es 0%	0.2%	0%	0%	0.2%	-	0%	0.3%	0%	0%	0.3%	
Bicycles on Ro	<b>ad</b> 0	0	0	0	0	-	0	0	0	0	0	
% Bicycles on Ro	<b>ad</b> 0%	0%	0%	0%	0%	-	0%	0%	0%	0%	0%	
Pedestria	ns -	-	-	-	-	0	-	-	-	-	-	8
% Pedestria	ns -	-	-	-	-	-	-	-	-	-	-	100%
Bicycles on Crosswa	ılk -	-	-	-	-	0	-	-	-	-	-	
% Bicycles on Crosswa	ılk -	-	-	-	-	-	-	-	-	-	-	0%

<sup>\*</sup>Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, RR: Right on red, T: Thru, U: U-Turn

Thu Mar 24, 2022 Midday Peak (1 PM - 2 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931151, Location: 42.545477, -83.210891



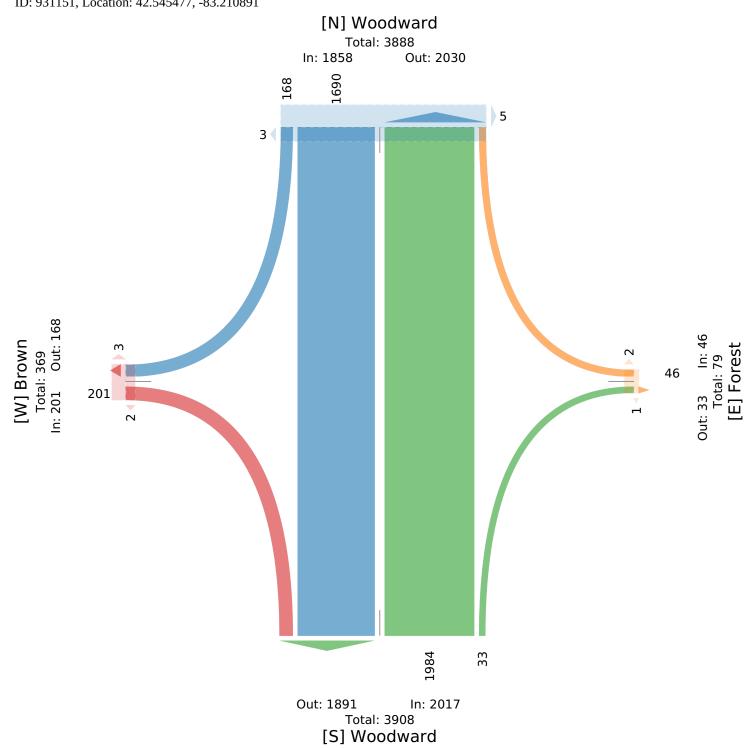
625 Forest Edge Drive, Vernon Hills, IL, 60061, US

Leg	Brown							Forest						
Direction	Eastbo	und						Westbo	ound					
Time	L	Т	R	U	RR	Арр	Ped*	L	Т	R	U	Арр	Ped*	Int
2022-03-24 1:00PM	0	0	28	0	21	49	1	0	0	9	0	9	1	1035
1:15PM	0	0	34	0	17	51	0	0	0	9	0	9	1	1022
1:30PM	0	0	34	0	13	47	1	0	0	17	0	17	0	1008
1:45PM	0	0	42	0	12	54	3	0	0	11	0	11	1	1057
Total	. 0	0	138	0	63	201	5	0	0	46	0	46	3	4122
% Approach	0%	0%	68.7%	0%	31.3%	-	-	0%	0%	100%	0%	-	-	-
% Total	0%	0%	3.3%	0%	1.5%	4.9%	-	0%	0%	1.1%	0%	1.1%	-	
PHF	-	-	0.821	-	0.750	0.931	-	-	-	0.676	-	0.676	-	0.975
Lights	0	0	134	0	62	196	-	0	0	45	0	45	-	4032
% Lights	0%	0%	97.1%	0%	98.4%	97.5%	-	0%	0%	97.8%	0%	97.8%	-	97.8%
Single-Unit Trucks	0	0	3	0	1	4	-	0	0	1	0	1	-	64
% Single-Unit Trucks	0%	0%	2.2%	0%	1.6%	2.0%	-	0%	0%	2.2%	0%	2.2%	-	1.6%
Articulated Trucks	0	0	0	0	0	0	-	0	0	0	0	0	-	16
% Articulated Trucks	0%	0%	0%	0%	0%	0%	-	0%	0%	0%	0%	0%	-	0.4%
Buses	0	0	1	0	0	1	-	0	0	0	0	0	-	10
% Buses	0%	0%	0.7%	0%	0%	0.5%	-	0%	0%	0%	0%	0%	-	0.2%
Bicycles on Road	0	0	0	0	0	0	-	0	0	0	0	0	-	C
% Bicycles on Road	0%	0%	0%	0%	0%	0%	-	0%	0%	0%	0%	0%	-	0%
Pedestrians	-	-	-	-	-	-	4	-	-	-	-	-	3	
% Pedestrians	-	-	-	-	-	-	80.0%	-	-	-	-	-	100%	
Bicycles on Crosswalk	-	-	-	-	-	-	1	-	-	-	-	-	0	
% Bicycles on Crosswalk	-	-	-	-	-	-	20.0%	-	-	-	-	-	0%	

<sup>\*</sup>Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, RR: Right on red, T: Thru, U: U-Turn

Thu Mar 24, 2022 Midday Peak (1 PM - 2 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931151, Location: 42.545477, -83.210891





Thu Mar 24, 2022 PM Peak (4:30 PM - 5:30 PM) - Overall Peak Hour All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931151, Location: 42.545477, -83.210891



Leg Woodward Woodward Northbound Southbound Direction Time L Т R U Арр Ped\* L Т R U Арр Ped\* 682 7 0 629 27 2022-03-24 4:30PM 0 689 0 0 0 656 7 0 4:45PM 0 634 0 641 0 600 34 0 634 3 5:00PM 0 682 4 0 686 0 0 663 30 0 693 1 5:15PM 0 697 8 0 705 0 0 747 26 0 773 4 0 2695 26 0 2721 0 2639 0 2756 9 Total 0 117 % Approach 0% 99.0% 1.0% 0% 0% 95.8% 4.2% 0% % Total 0% 46.1% 0.4% 0% 46.6% 0% 45.1% 2.0% 0% 47.2% PHF 0.967 0.813 0.965 0.883 0.860 0.891 ----Lights 0 2668 26 0 2694 0 2612 117 0 2729 % Lights 0% 99.0% 100% 0% 99.0% 0% 99.0% 100% 0% 99.0% Single-Unit Trucks 0 12 0 13 0 13 0 0 0 12 % Single-Unit Trucks 0.5% 0% 0% 0.5% 0% 0.5% 0.4% 0% 0% 0% Articulated Trucks 0 9 0 0 9 0 0 8 0 8 % Articulated Trucks 0% 0.3% 0% 0% 0.3% 0% 0.3% 0% 0% 0.3% 5 0 5 7 7 Buses 0 0 0 0 0 0% 0.2% 0% 0% 0.2% 0% 0.3% 0% 0% 0.3% % Buses Bicycles on Road 0 0 0 0 0 0 0 0 0 0 % Bicycles on Road 0% 0% 0% 0% 0% 0% 0% 0% 0% 0% Pedestrians -----0 -\_ -\_ \_ 9 % Pedestrians \_ \_ \_ \_ \_ \_ \_ \_ \_ \_ 100% Bicycles on Crosswalk \_ \_ \_ 0 \_ \_ \_ \_ 0 % Bicycles on Crosswalk \_ . 0% \_ \_ \_

Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, RR: Right on red, T: Thru, U: U-Turn

Thu Mar 24, 2022 PM Peak (4:30 PM - 5:30 PM) - Overall Peak Hour All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931151, Location: 42.545477, -83.210891



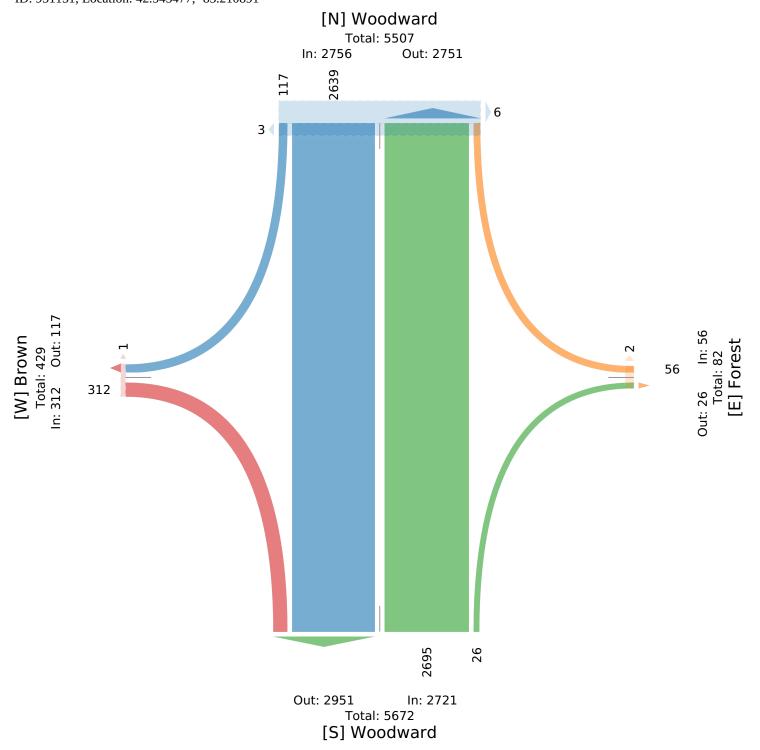
625 Forest Edge Drive, Vernon Hills, IL, 60061, US

Leg	E	Brown							Forest						
Direction	E	Eastbou	ınd						Westbo	und					
Time		L	Т	R	U	RR	Арр	Ped*	L	Т	R	U	Арр	Ped*	Int
2022-03-24 4:	30PM	0	0	55	0	13	68	0	0	0	11	0	11	0	1424
4:	45PM	0	0	43	0	13	56	1	0	0	13	0	13	1	1344
5:	00PM	0	0	72	0	28	100	0	0	0	17	0	17	0	1496
5:	15PM	0	0	66	0	22	88	0	0	0	15	0	15	1	1581
	Total	0	0	236	0	76	312	1	0	0	56	0	56	2	5845
% Арг	roach	0%	0%	75.6%	0%	24.4%	-	-	0%	0%	100%	0%	-	-	-
%	Total	0%	0%	4.0%	0%	1.3%	5.3%	-	0%	0%	1.0%	0%	1.0%	-	-
	PHF	-	-	0.819	-	0.679	0.780	-	-	-	0.824	-	0.824	-	0.924
1	ights	0	0	236	0	76	312	-	0	0	54	0	54	-	5789
% 1	ights	0%	0%	100%	0%	100%	100%	-	0%	0%	96.4%	0%	96.4%	-	99.0%
Single-Unit T	rucks	0	0	0	0	0	0	-	0	0	2	0	2	-	27
% Single-Unit T	rucks	0%	0%	0%	0%	0%	0%	-	0%	0%	3.6%	0%	3.6%	-	0.5%
Articulated T	rucks	0	0	0	0	0	0	-	0	0	0	0	0	-	17
% Articulated T	rucks	0%	0%	0%	0%	0%	0%	-	0%	0%	0%	0%	0%	-	0.3%
	Buses	0	0	0	0	0	0	-	0	0	0	0	0	-	12
%	Buses	0%	0%	0%	0%	0%	0%	-	0%	0%	0%	0%	0%	-	0.2%
Bicycles on	Road	0	0	0	0	0	0	-	0	0	0	0	0	-	0
% Bicycles on	Road	0%	0%	0%	0%	0%	0%	-	0%	0%	0%	0%	0%	-	0%
Pedes	trians	-	-	-	-	-	-	1	-	-	-	-	-	2	
% Pedes	trians	-	-	-	-	-	-	100%	-	-	-	-	-	100%	-
Bicycles on Cros	swalk	-	-	-	-	-	-	0	-	-	-	-	-	0	
% Bicycles on Cros	swalk	-	-	-	-	-	-	0%	-	-	-	-	-	0%	-

<sup>\*</sup>Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, RR: Right on red, T: Thru, U: U-Turn

Thu Mar 24, 2022 PM Peak (4:30 PM - 5:30 PM) - Overall Peak Hour All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931151, Location: 42.545477, -83.210891





Thu Mar 24, 2022 Full Length (6 AM-7 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931150, Location: 42.545386, -83.211648



625 Forest Edge Drive, Vernon Hills, IL, 60061, US

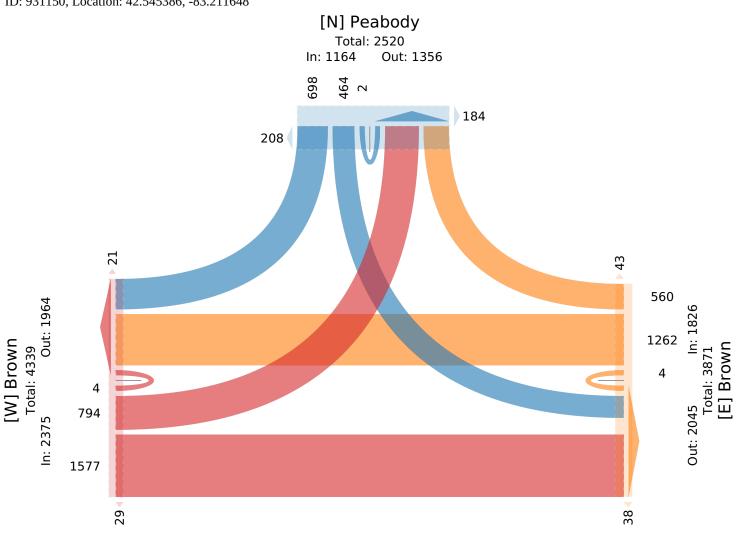
Peabody Brown Brown Brown Southbound Eastbound West	wn stbound			
L R U App Ped* L T U App Ped*	T R	U App	Ped*	Int
AM         4         2         0         6         0         4         2         0         6         1	1 R 1 2	0 3		115
AM         2         0         0         1         2         0         0         1           AM         2         2         0         4         1         2         6         0         8         0	4 6	0 10		22
AM         1         0         2         0         0         9         0         9         0	12 5	0 17		28
AM         5         3         0         8         1         3         15         0         18         0	8 6	0 14		40
Total         12         8         0         20         2         9         32         0         41         1	25 19	0 44		105
AM 1 3 0 4 1 1 9 0 10 0	8 2	0 10		24
AM 3 2 0 5 1 4 13 0 17 0	11 6	1 18		40
AM 3 7 0 10 3 14 18 0 32 0	17 14	0 31	. 3	73
AM 4 5 0 9 4 23 28 0 51 1	29 7	0 36	3	96
Total 11 17 0 <b>28</b> 9 42 68 0 <b>110</b> 1	65 29	1 <b>9</b> 5	8	233
AM 2 5 0 7 1 12 20 1 <b>33</b> 0	35 17	0 52	. 0	92
AM 2 6 0 8 7 24 27 0 51 1	38 19	0 57	3	116
AM 2 10 1 13 9 26 30 0 56 1	25 18	0 43	3	112
AM 2 3 0 5 9 17 25 0 42 1	22 15	1 38	1	85
Total 8 24 1 <b>33</b> 26 79 102 1 <b>182</b> 3	120 69	1 190	7	405
AM 2 4 0 6 10 23 26 0 49 0	35 13	0 48	0	103
AM 3 3 0 6 9 17 17 0 34 0	39 18	0 57	0	97
AM 6 4 0 10 14 20 21 0 41 0	35 16	0 51	. 7	102
AM 3 7 0 <b>10</b> 6 19 27 0 <b>46</b> 1	28 21	0 49	1	105
Total 14 18 0 <b>32</b> 39 79 91 0 <b>170</b> 1	137 68	0 205	8	407
AM 3 13 0 16 9 15 23 0 38 2	22 21	0 43	3	97
AM 4 6 0 <b>10</b> 8 14 17 0 <b>31</b> 1	27 11	0 38	3	79
AM 8 4 0 12 16 11 25 0 36 0	18 11	0 29	2	77
AM 8 10 0 <b>18</b> 9 16 25 0 <b>41</b> 0	30 6	0 36	2	95
Total 23 33 0 56 42 56 90 0 146 3	97 49	0 146	10	348
AM 5 11 0 <b>16</b> 6 15 24 0 <b>39</b> 0	20 7	0 27	2	82
AM 6 6 0 <b>12</b> 6 13 21 0 <b>34</b> 0	29 5	0 34	0	80
AM 10 13 0 23 15 26 37 0 63 3	37 21	0 58	2	144
AM 9 20 0 <b>29</b> 8 19 36 0 <b>55</b> 3	29 16	0 45	0	129
Total 30 50 0 80 35 73 118 0 191 6	115 49	0 164	4	435
DPM         11         19         0         30         14         10         35         0         45         2	27 15	0 42	2	117
5PM 15 25 0 <b>40</b> 9 13 42 0 <b>55</b> 0	25 13	0 38	3	133
OPM         9         15         0         24         8         17         30         0         47         2	25 10	0 35	3	106
5PM 6 19 0 25 11 21 24 0 45 3	36 11	0 47	2	117
Total 41 78 0 119 42 61 131 0 192 7	113 49	0 162	10	473
DPM         15         13         0         28         15         14         38         0         52         1	27 14	0 41	. 1	121
5PM         9         20         0         29         20         17         43         1         61         2	32 13	0 45	1	135
OPM         3         18         0         21         6         10         43         0         53         1	30 16	0 46	0	120
5PM         11         19         0         30         10         7         42         0         49         0	27 10	0 37	<b>'</b> 1	116
Cotal         38         70         0         108         51         48         166         1         215         4         1	116 53	0 169	3	492
DPM         8         18         0         26         10         24         41         0         65         0	29 9	0 38	3	129
5PM         7         20         0         27         8         20         39         0         59         0	24 7	0 31	. 2	117
DPM         15         15         0         30         6         7         23         0         30         0	29 9	0 38	4	98
5PM         7         18         0         25         6         16         23         0         39         0	25 15	0 40	2	104
Total 37 71 0 <b>108</b> 30 67 126 0 <b>193</b> 0	107 40	0 147	<b>1</b> 1	448
OPM         9         8         0         17         2         10         49         1         60         2	34 8	0 42	. 1	119
5PM 8 14 1 23 13 7 43 0 50 3	28 10	0 38	1	111
OPM         7         16         0         23         4         20         42         0         62         2	22 10	0 32	. 0	117
5PM 12 10 0 22 10 23 31 0 54 0	22 14	0 36	3	112
Total 36 48 1 85 29 60 165 1 226 7	106 42	0 148	5	459
DPM         14         26         0         40         5         34         37         0         71         2	24 8	0 32	2 0	143
5PM 24 22 0 46 14 19 43 0 62 1	28 12	0 40	0	148
DPM         14         23         0         37         6         19         55         0         74         0	18 9	0 27	0	138

Leg	Peabody					Brown					Brown					
Direction	Southbou	ınd				Eastboun	d				Westbour	nd				
Time	L	R	U	Арр	Ped*	L	Т	U	Арр	Ped*	Т	R	U	Арр	Ped*	Int
4:45PM	16	19	0	35	11	14	39	0	53	2	25	9	0	34	0	122
Hourly Total	68	90	0	158	36	86	174	0	260	5	95	38	0	133	0	551
5:00PM	40	25	0	65	13	18	64	0	82	3	22	8	0	30	0	177
5:15PM	25	33	0	58	6	26	61	1	88	1	22	4	0	26	0	172
5:30PM	21	17	0	38	1	27	40	0	67	4	25	11	0	36	0	141
5:45PM	12	18	0	30	6	13	37	0	50	0	28	6	0	34	3	114
Hourly Total	98	93	0	191	26	84	202	1	287	8	97	29	0	126	3	604
6:00PM	21	30	0	51	16	13	31	0	44	1	18	6	1	25	6	120
6:15PM	13	25	0	38	1	12	29	0	41	1	24	10	0	34	0	113
6:30PM	11	22	0	33	5	10	21	0	31	1	13	5	1	19	2	83
6:45PM	3	21	0	24	3	15	31	0	46	1	14	5	0	19	0	89
Hourly Total	48	98	0	146	25	50	112	0	162	4	69	26	2	97	8	405
Total	464	698	2	1164	392	794	1577	4	2375	50	1262	560	4	1826	81	5365
% Approach	39.9%	60.0%	0.2%	-	-	33.4%	66.4%	0.2%	-	-	69.1%	30.7%	0.2%	-	-	-
% Total	8.6%	13.0%	0%	21.7%	-	14.8%	29.4%	0.1%	44.3%	-	23.5%	10.4%	0.1%	34.0%	-	-
Lights	462	692	2	1156	-	779	1555	4	2338	-	1247	556	4	1807	-	5301
% Lights	99.6%	99.1%	100%	99.3%	-	98.1%	98.6%	100%	98.4%	-	98.8%	99.3%	100%	99.0%	-	98.8%
Single-Unit Trucks	2	3	0	5	-	13	17	0	30	-	14	4	0	18	-	53
% Single-Unit Trucks	0.4%	0.4%	0%	0.4%	-	1.6%	1.1%	0%	1.3%	-	1.1%	0.7%	0%	1.0%	-	1.0%
Articulated Trucks	0	2	0	2	-	1	0	0	1	-	0	0	0	0	-	3
% Articulated Trucks	0%	0.3%	0%	0.2%	-	0.1%	0%	0%	0%	-	0%	0%	0%	0%	-	0.1%
Buses	0	0	0	0	-	0	5	0	5	-	1	0	0	1	-	6
% Buses	0%	0%	0%	0%	-	0%	0.3%	0%	0.2%	-	0.1%	0%	0%	0.1%	-	0.1%
Bicycles on Road	0	1	0	1	-	1	0	0	1	-	0	0	0	0	-	2
% Bicycles on Road	0%	0.1%	0%	0.1%	-	0.1%	0%	0%	0%	-	0%	0%	0%	0%	-	0%
Pedestrians	-	-	-	-	391	-	-	-	-	50	-	-	-	-	81	
% Pedestrians	-	-	-	-	99.7%	-	-	-	-	100%	-	-	-	-	100%	-
Bicycles on Crosswalk	-	-	-	-	1	-	-	-	-	0	-	-	-	-	0	
% Bicycles on Crosswalk	-	-	-	-	0.3%	-	-	-	-	0%	-	-	-	-	0%	-

\*Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, T: Thru, U: U-Turn

Thu Mar 24, 2022 Full Length (6 AM-7 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931150, Location: 42.545386, -83.211648





Thu Mar 24, 2022 AM Peak (7:45 AM - 8:45 AM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931150, Location: 42.545386, -83.211648



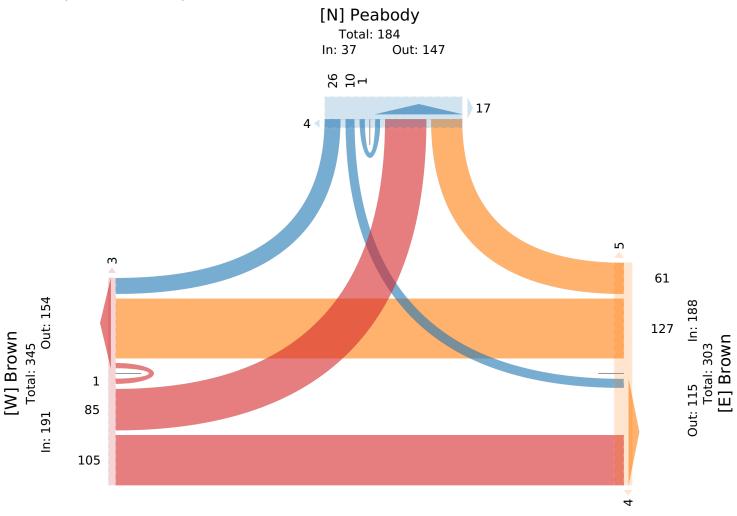
625 Forest Edge Drive, Vernon Hills, IL, 60061, US

Leg	Peabody					Brown					Brown					
Direction	Southbour	nd				Eastbound	1				Westboun	d				
Time	L	R	U	Арр	Ped*	L	Т	U	Арр	Ped*	Т	R	U	Арр	Ped*	Int
2022-03-24 7:45AM	4	5	0	9	4	23	28	0	51	1	29	7	0	36	3	96
8:00AM	2	5	0	7	1	12	20	1	33	0	35	17	0	52	0	92
8:15AM	2	6	0	8	7	24	27	0	51	1	38	19	0	57	3	116
8:30AM	2	10	1	13	9	26	30	0	56	1	25	18	0	43	3	112
Total	10	26	1	37	21	85	105	1	191	3	127	61	0	188	9	416
% Approach	27.0%	70.3%	2.7%	-	-	44.5%	55.0%	0.5%	-	-	67.6%	32.4%	0%	-	-	-
% Total	2.4%	6.3%	0.2%	8.9%	-	20.4%	25.2%	0.2%	45.9%	-	30.5%	14.7%	0%	45.2%	-	-
PHF	0.625	0.650	0.250	0.712	-	0.817	0.875	0.250	0.853	-	0.836	0.803	-	0.825	-	0.897
Lights	10	26	1	37	-	84	105	1	190	-	126	61	0	187	-	414
% Lights	100%	100%	100%	100%	-	98.8%	100%	100%	99.5%	-	99.2%	100%	0%	99.5%	-	99.5%
Single-Unit Trucks	0	0	0	0	-	1	0	0	1	-	1	0	0	1	-	2
% Single-Unit Trucks	0%	0%	0%	0%	-	1.2%	0%	0%	0.5%	-	0.8%	0%	0%	0.5%	-	0.5%
Articulated Trucks	0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	0
% Articulated Trucks	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%
Buses	0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	0
% Buses	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%
Bicycles on Road	0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	0
% Bicycles on Road	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%
Pedestrians	-	-	-	-	21	-	-	-	-	3	-	-	-	-	9	
% Pedestrians	-	-	-	-	100%	-	-	-	-	100%	-	-	-	-	100%	-
Bicycles on Crosswalk	-	-	-	-	0	-	-	-	-	0	-	-	-	-	0	
% Bicycles on Crosswalk	-	-	-	-	0%	-	-	-	-	0%	-	-	-	-	0%	-

<sup>\*</sup>Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, T: Thru, U: U-Turn

Peabody & Brown - TMC Thu Mar 24, 2022 AM Peak (7:45 AM - 8:45 AM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931150, Location: 42.545386, -83.211648





Thu Mar 24, 2022 Midday Peak (11:30 AM - 12:30 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931150, Location: 42.545386, -83.211648



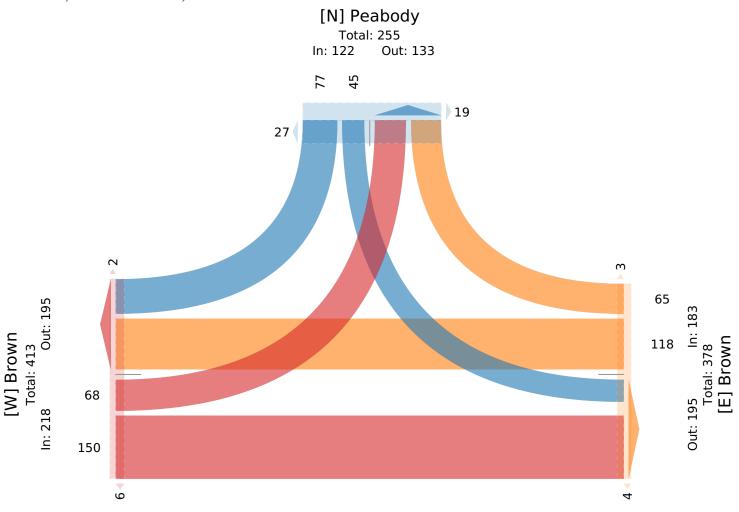
625 Forest Edge Drive, Vernon Hills, IL, 60061, US

Leg		Peabody					Brown					Brown					
Direction		Southboun	ıd				Eastbound					Westboun	d				
Time		L	R	U	Арр	Ped*	L	Т	U	Арр	Ped*	Т	R	U	Арр	Ped*	Int
	2022-03-24 11:30AM	10	13	0	23	15	26	37	0	63	3	37	21	0	58	2	144
	11:45AM	9	20	0	29	8	19	36	0	55	3	29	16	0	45	0	129
	12:00PM	11	19	0	30	14	10	35	0	45	2	27	15	0	42	2	117
	12:15PM	15	25	0	40	9	13	42	0	55	0	25	13	0	38	3	133
	Total	45	77	0	122	46	68	150	0	218	8	118	65	0	183	7	523
	% Approach	36.9%	63.1%	0%	-	-	31.2%	68.8%	0%	-	-	64.5%	35.5%	0%	-	-	-
	% Total	8.6%	14.7%	0%	23.3%	-	13.0%	28.7%	0%	41.7%	-	22.6%	12.4%	0%	35.0%	-	-
	PHF	0.750	0.770	-	0.763	-	0.654	0.893	-	0.865	-	0.797	0.774	-	0.789	-	0.908
	Lights	44	75	0	119	-	67	147	0	214	-	116	65	0	181	-	514
	% Lights	97.8%	97.4%	0%	97.5%	-	98.5%	98.0%	0%	98.2%	-	98.3%	100%	0%	98.9%	-	98.3%
	Single-Unit Trucks	1	1	0	2	-	1	3	0	4	-	2	0	0	2	-	8
	% Single-Unit Trucks	2.2%	1.3%	0%	1.6%	-	1.5%	2.0%	0%	1.8%	-	1.7%	0%	0%	1.1%	-	1.5%
	Articulated Trucks	0	1	0	1	-	0	0	0	0	-	0	0	0	0	-	1
	% Articulated Trucks	0%	1.3%	0%	0.8%	-	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0.2%
	Buses	0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	0
	% Buses	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%
	Bicycles on Road	0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	0
	% Bicycles on Road	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%
	Pedestrians	-	-	-	-	46	-	-	-	-	8	-	-	-	-	7	
	% Pedestrians	-	-	-	-	100%	-	-	-	-	100%	-	-	-	-	100%	-
	Bicycles on Crosswalk	-	-	-	-	0	-	-	-	-	0	-	-	-	-	0	
%	6 Bicycles on Crosswalk	-	-	-	-	0%	-	-	-	-	0%	-	-	-	-	0%	-

\*Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, T: Thru, U: U-Turn

Thu Mar 24, 2022 Midday Peak (11:30 AM - 12:30 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931150, Location: 42.545386, -83.211648





Thu Mar 24, 2022 PM Peak (4:45 PM - 5:45 PM) - Overall Peak Hour All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931150, Location: 42.545386, -83.211648

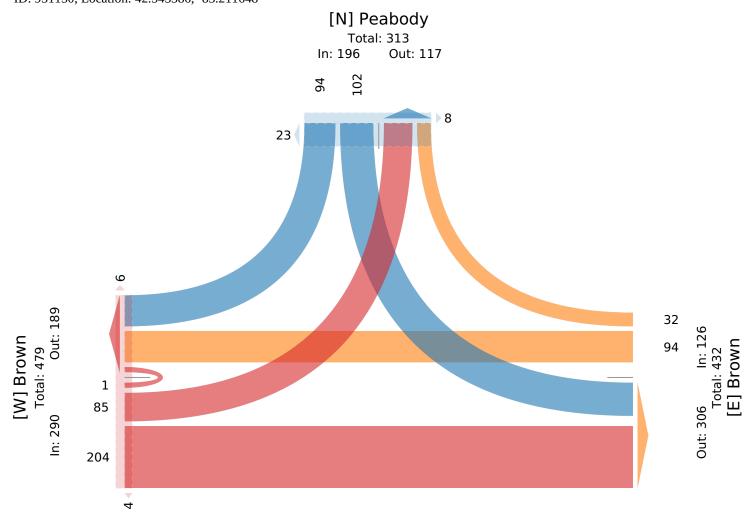


Leg	Peabody					Brown					Brown					
Direction	Southbou	nd				Eastbound	l				Westbound	ł				
Time	L	R	U	Арр	Ped*	L	Т	U	Арр	Ped*	Т	R	U	Арр	Ped*	Int
2022-03-24 4:45P	M 16	19	0	35	11	14	39	0	53	2	25	9	0	34	0	12
5:00P	M 40	25	0	65	13	18	64	0	82	3	22	8	0	30	0	17
5:15P	M 25	33	0	58	6	26	61	1	88	1	22	4	0	26	0	17
5:30P	M 21	17	0	38	1	27	40	0	67	4	25	11	0	36	0	14
То	tal 102	94	0	196	31	85	204	1	290	10	94	32	0	126	0	612
% Approa	<b>ch</b> 52.0%	48.0%	0%	-	-	29.3%	70.3%	0.3%	-	-	74.6%	25.4%	0%	-	-	
% To	t <b>al</b> 16.7%	15.4%	0%	32.0%	-	13.9%	33.3%	0.2%	47.4%	-	15.4%	5.2%	0%	20.6%	-	
PI	<b>IF</b> 0.638	0.712	-	0.754	-	0.787	0.797	0.250	0.824	-	0.940	0.727	-	0.875	-	0.864
Ligl	its 102	94	0	196	-	85	204	1	290	-	94	32	0	126	-	61
% Ligl	its 100%	100%	0%	100%	-	100%	100%	100%	100%	-	100%	100%	0%	100%	-	100%
Single-Unit Truc	<b>ks</b> 0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	. (
% Single-Unit Truc	ks 0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%
Articulated Truc	<b>ks</b> 0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	. (
% Articulated Truc	<b>ks</b> 0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%
Bus	<b>es</b> 0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	. (
% Bus	<b>es</b> 0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%
Bicycles on Ro	<b>ad</b> 0	0	0	0	-	0	0	0	0	-	0	0	0	0	-	. (
% Bicycles on Ro	ad 0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%	0%	0%	0%	-	0%
Pedestria	ns -	-	-	-	31	-	-	-	-	10	-	-	-	-	0	
% Pedestria	ns -	-	-	-	100%	-	-	-	-	100%	-	-	-	-	-	
Bicycles on Crosswa	lk -	-	-	-	0	-	-	-	-	0	-	-	-	-	0	
% Bicycles on Crosswa	lk -	-	-	-	0%	-	-	-	-	0%	-	-	-	-	-	

\*Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, T: Thru, U: U-Turn

Thu Mar 24, 2022 PM Peak (4:45 PM - 5:45 PM) - Overall Peak Hour All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931150, Location: 42.545386, -83.211648





Thu Mar 24, 2022 Full Length (6 AM-7 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931152, Location: 42.544801, -83.210548



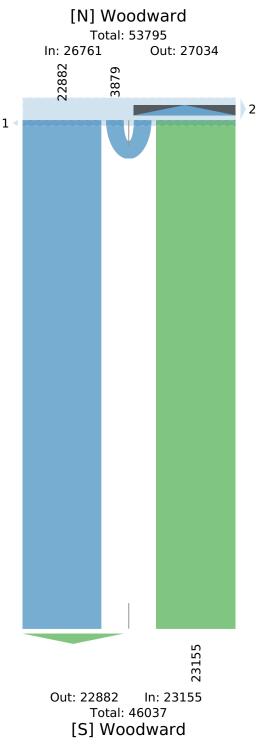
Leg		Woodward				Woodward				
Direction		Northbound				Southbound				
Time		Т	U	Арр	Ped*	Т	U	Арр	Ped*	Int
	2022-03-24 6:00AM	102	0	102	0	162	14	176	0	278
	6:15AM	176	0	176	0	228	23	251	0	427
	6:30AM	261	0	261	0	283	16	299	0	560
	6:45AM	268	0	268	0	248	42	290	0	558
	Hourly Total	807	0	807	0	921	95	1016	0	1823
	7:00AM	302	0	302	0	263	32	295	0	597
	7:15AM	425	0	425	0	342	38	380	0	805
	7:30AM	525	0	525	0	493	51	544	0	1069
	7:45AM	580	0	580	0	513	67	580	0	1160
	Hourly Total	1832	0	1832	0	1611	188	1799	0	3631
	8:00AM	515	0	515	0	504	73	577	0	1092
	8:15AM	605	0	605	0	498	70	568	0	1173
	8:30AM	591	0	591	0	453	81	534	0	1125
	8:45AM	501	0	501	0	461	76	537	0	1038
	Hourly Total	2212	0	2212	0	1916	300	2216	0	4428
	9:00AM	450	0	450	0	477	84	561	0	1011
	9:15AM	443	0	443	0	405	68	473	0	916
	9:30AM	401	0	401	0	411	75	486	0	887
	9:45AM	388	0	388	0	417	72	489	0	877
	Hourly Total	1682	0	1682	0	1710	299	2009	0	3691
	10:00AM	317	0	317	0	355	62	417	1	734
	10:15AM	355	0	355	0	339	52	391	0	746
	10:30AM	401	0	401	0	342	83	425	0	826
	10:45AM	338	0	338	0	389	64	453	0	791
	Hourly Total	1411	0	1411	0	1425	261	1686	1	3097
	11:00AM	374	0	374	0	379	74	453	0	827
	11:15AM	419	0	419	0	407	78	485	0	904
	11:30AM	425	0	425	0	401	75	476	0	901
	11:45AM	408	0	408	0	455	93	548	2	956
	Hourly Total	1626	0	1626	0	1642	320	1962	2	3588
	12:00PM	416	0	416	0	417	85	502	0	918
	12:15PM	437	0	437	0	393	85	478	0	915
	12:30PM	386	0	386	0	406	79	485	0	871
	12:45PM	432	0	432	0	385	87	472	0	904
	Hourly Total		0	1671	0	1601	336	1937	0	3608
	1:00PM		0	439	0	393	85	478	0	917
	1:15PM		0	414	0	407	81	488	0	902
	1:30PM	435	0	435	0		89	457	0	892
	1:45PM		0	427	0	430	82	512	0	939
	Hourly Total	1715	0	1715	0	1598	337	1935	0	3650
	2:00PM		0	440	0	413	87	500	0	940
	2:15PM		0	494	0	430	88	518	0	1012
	2:30PM		0	476	0	446	77	523	0	999
	2:45PM		0	532	0	484	78	562	0	1094
	Hourly Total		0	1942	0		330	2103	0	4045
	3:00PM		0	500	0	475	88	563	0	1013
	3:15PM		0	579	0	506	82	588	0	1167
	3:30PM		0	521	0	485	89	574	0	1095
	3:45PM		0	562	0	534	83	617	0	1033
	Hourly Total	2162	0	2162	0		342	2342	0	4504
	4:00PM	515	0	515	0	559	89	648	0	1163
	4:00PM 4:15PM	477	0	477	0	533	99	632	0	1103
	4:15PM 4:30PM		0	576	0		106	695	0	1109
	4:30PM	0/6	U	5/0	0	203	100	660	U	12/1

Leg	Woodward				Woodward				
Direction	Northbound				Southbound				
Time	Т	U	Арр	Ped*	Т	U	Арр	Ped*	Int
4:45P	M 553	0	553	0	567	88	655	0	1208
Hourly Tot	al 2121	0	2121	0	2248	382	2630	0	4751
5:00P	M 601	0	601	0	674	99	773	0	1374
5:15P	M 601	0	601	0	729	122	851	0	1452
5:30P	M 620	0	620	0	612	86	698	0	1318
5:45P	M 474	0	474	0	552	79	631	0	1105
Hourly Tot	al 2296	0	2296	0	2567	386	2953	0	5249
6:00P	M 433	0	433	0	512	85	597	0	1030
6:15P	M 445	0	445	0	474	90	564	0	1009
6:30P	M 408	0	408	0	447	64	511	0	919
6:45P	M 392	0	392	0	437	64	501	0	893
Hourly Tot	al 1678	0	1678	0	1870	303	2173	0	3851
Tot	al 23155	0	23155	0	22882	3879	26761	3	49916
% Approac	<b>h</b> 100%	0%	-	-	85.5%	14.5%	-	-	-
% Tot	al 46.4%	0%	46.4%	-	45.8%	7.8%	53.6%	-	-
Ligh	ts 22720	0	22720	-	22457	3807	26264	-	48984
% Ligh	ts 98.1%	0%	98.1%	-	98.1%	98.1%	98.1%	-	98.1%
Single-Unit Truck	s 269	0	269	-	260	36	296	-	565
% Single-Unit Truck	s 1.2%	0%	1.2%	-	1.1%	0.9%	1.1%	-	1.1%
Articulated Truck	s 89	0	89	-	87	14	101	-	190
% Articulated Truck	s 0.4%	0%	0.4%	-	0.4%	0.4%	0.4%	-	0.4%
Buse	<b>s</b> 77	0	77	-	78	22	100	-	177
% Buse	es 0.3%	0%	0.3%	-	0.3%	0.6%	0.4%	-	0.4%
Bicycles on Roa	<b>d</b> 0	0	0	-	0	0	0	-	0
% Bicycles on Roa	<b>d</b> 0%	0%	0%	-	0%	0%	0%	-	0%
Pedestriar	15 -	-	-	0	-	-	-	3	
% Pedestriar	1S -	-	-	-	-	-	-	100%	-
Bicycles on Crosswa	- k	-	-	0	-	-	-	0	
% Bicycles on Crosswal	k -	-	-	-	-	-	-	0%	-

\*Pedestrians and Bicycles on Crosswalk. T: Thru, U: U-Turn

Thu Mar 24, 2022 Full Length (6 AM-7 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931152, Location: 42.544801, -83.210548





Thu Mar 24, 2022 AM Peak (7:45 AM - 8:45 AM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931152, Location: 42.544801, -83.210548



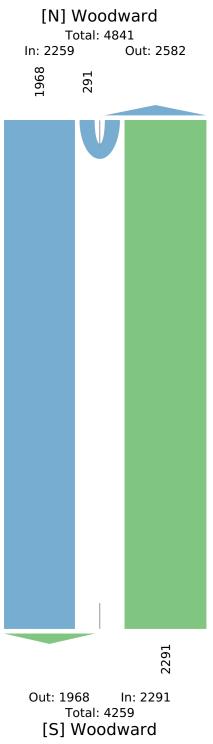
625 Forest Edge Drive, Vernon Hills, IL, 60061, US

Leg		Woodward				Woodward				
Direction		Northbound				Southbound				
Time		Т	U	Арр	Ped*	Т	U	Арр	Ped*	Int
	2022-03-24 7:45AM	580	0	580	0	513	67	580	0	1160
	8:00AM	515	0	515	0	504	73	577	0	1092
	8:15AM	605	0	605	0	498	70	568	0	1173
	8:30AM	591	0	591	0	453	81	534	0	1125
	Total	2291	0	2291	0	1968	291	2259	0	4550
	% Approach	100%	0%	-	-	87.1%	12.9%	-	-	
	% Total	50.4%	0%	50.4%	-	43.3%	6.4%	49.6%	-	
	PHF	0.947	-	0.947	-	0.959	0.898	0.974	-	0.970
	Lights	2257	0	2257	-	1935	283	2218	-	4475
	% Lights	98.5%	0%	98.5%	-	98.3%	97.3%	98.2%	-	98.4%
	Single-Unit Trucks	23	0	23	-	15	3	18	-	41
	% Single-Unit Trucks	1.0%	0%	1.0%	-	0.8%	1.0%	0.8%	-	0.9%
	Articulated Trucks	6	0	6	-	8	2	10	-	16
	% Articulated Trucks	0.3%	0%	0.3%	-	0.4%	0.7%	0.4%	-	0.4%
	Buses	5	0	5	-	10	3	13	-	18
	% Buses	0.2%	0%	0.2%	-	0.5%	1.0%	0.6%	-	0.4%
	Bicycles on Road	0	0	0	-	0	0	0	-	C
	% Bicycles on Road	0%	0%	0%	-	0%	0%	0%	-	0%
	Pedestrians	-	-	-	0	-	-	-	0	
	% Pedestrians	-	-	-	-	-	-	-	-	
	Bicycles on Crosswalk	-	-	-	0	-	-	-	0	
	% Bicycles on Crosswalk	-	-	-	-	-	-	-	-	

\*Pedestrians and Bicycles on Crosswalk. T: Thru, U: U-Turn

Thu Mar 24, 2022 AM Peak (7:45 AM - 8:45 AM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931152, Location: 42.544801, -83.210548





Thu Mar 24, 2022 Midday Peak (11:30 AM - 12:30 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931152, Location: 42.544801, -83.210548



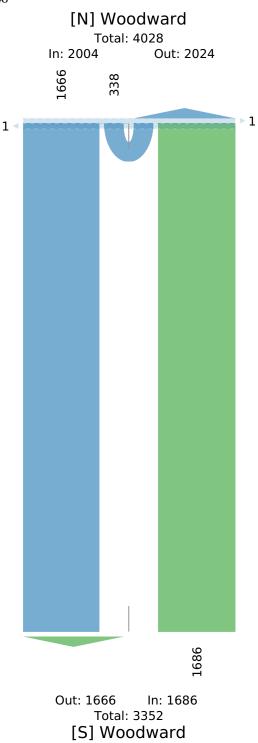
625 Forest Edge Drive, Vernon Hills, IL, 60061, US

Leg		Woodward				Woodward				
Direction		Northbound				Southbound				
Гіme		Т	U	Арр	Ped*	Т	U	Арр	Ped*	Int
	2022-03-24 11:30AM	425	0	425	0	401	75	476	0	90
	11:45AM	408	0	408	0	455	93	548	2	95
	12:00PM	416	0	416	0	417	85	502	0	91
	12:15PM	437	0	437	0	393	85	478	0	91
	Total	1686	0	1686	0	1666	338	2004	2	369
	% Approach	100%	0%	-	-	83.1%	16.9%	-	-	
	% Total	45.7%	0%	45.7%	-	45.1%	9.2%	54.3%	-	
	PHF	0.965	-	0.965	-	0.915	0.909	0.914	-	0.965
	Lights	1637	0	1637	-	1623	329	1952	-	358
	% Lights	97.1%	0%	97.1%	-	97.4%	97.3%	97.4%	-	97.3%
	Single-Unit Trucks	31	0	31	-	32	7	39	-	7
	% Single-Unit Trucks	1.8%	0%	1.8%	-	1.9%	2.1%	1.9%	-	1.9%
	Articulated Trucks	9	0	9	-	. 8	1	9	-	1
	% Articulated Trucks	0.5%	0%	0.5%	-	0.5%	0.3%	0.4%	-	0.5%
	Buses	9	0	9	-	. 3	1	4	-	1
	% Buses	0.5%	0%	0.5%	-	0.2%	0.3%	0.2%	-	0.4%
	Bicycles on Road	0	0	0	-	0	0	0	-	
	% Bicycles on Road	0%	0%	0%	-	0%	0%	0%	-	0%
	Pedestrians	-	-	-	0	-	-	-	2	
	% Pedestrians	-	-	-	-	-	-	-	100%	
	Bicycles on Crosswalk	-	-	-	0	-	-	-	0	
	% Bicycles on Crosswalk	-	-	-	-	-	-	-	0%	i i i i i i i i i i i i i i i i i i i

\*Pedestrians and Bicycles on Crosswalk. T: Thru, U: U-Turn

Thu Mar 24, 2022 Midday Peak (11:30 AM - 12:30 PM) All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931152, Location: 42.544801, -83.210548





Thu Mar 24, 2022 PM Peak (4:45 PM - 5:45 PM) - Overall Peak Hour All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931152, Location: 42.544801, -83.210548



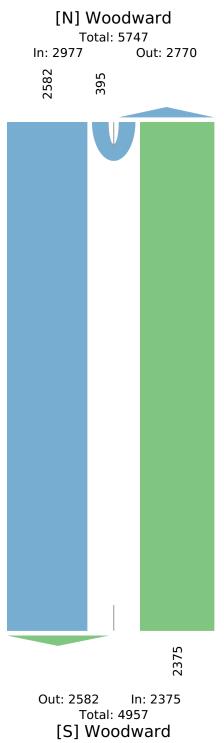
625 Forest Edge Drive, Vernon Hills, IL, 60061, US

Leg		Woodward				Woodward				
Direction		Northbound				Southbound				
Time		Т	U	Арр	Ped*	Т	U	Арр	Ped*	Int
	2022-03-24 4:45PM	553	0	553	0	567	88	655	0	1208
	5:00PM	601	0	601	0	674	99	773	0	1374
	5:15PM	601	0	601	0	729	122	851	0	1452
	5:30PM	620	0	620	0	612	86	698	0	1318
	Total	2375	0	2375	0	2582	395	2977	0	5352
	% Approach	100%	0%	-	-	86.7%	13.3%	-	-	-
	% Total	44.4%	0%	44.4%	-	48.2%	7.4%	55.6%	-	-
	PHF	0.958	-	0.958	-	0.885	0.809	0.875	-	0.921
	Lights	2352	0	2352	-	2564	394	2958	-	5310
	% Lights	99.0%	0%	99.0%	-	99.3%	99.7%	99.4%	-	99.2%
	Single-Unit Trucks	12	0	12	-	9	0	9	-	21
	% Single-Unit Trucks	0.5%	0%	0.5%	-	0.3%	0%	0.3%	-	0.4%
	Articulated Trucks	6	0	6	-	4	1	5	-	11
	% Articulated Trucks	0.3%	0%	0.3%	-	0.2%	0.3%	0.2%	-	0.2%
	Buses	5	0	5	-	5	0	5	-	10
	% Buses	0.2%	0%	0.2%	-	0.2%	0%	0.2%	-	0.2%
	Bicycles on Road	0	0	0	-	0	0	0	-	0
	% Bicycles on Road	0%	0%	0%	-	0%	0%	0%	-	0%
	Pedestrians	-	-	-	0	-	-	-	0	
	% Pedestrians	-	-	-	-	-	-	-	-	-
	Bicycles on Crosswalk	-	-	-	0	-	-	-	0	
	% Bicycles on Crosswalk	-	-	-	-	-	-	-	-	-

\*Pedestrians and Bicycles on Crosswalk. T: Thru, U: U-Turn

Thu Mar 24, 2022 PM Peak (4:45 PM - 5:45 PM) - Overall Peak Hour All Classes (Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk) All Movements ID: 931152, Location: 42.544801, -83.210548







Brooks Cowan <bcowan@bhamgov.org>

# M-1 (Woodward) @ Brown St. & Forest Ave Pedestrian Crossing

2 messages

Pethers, Jacqueline (MDOT) <PethersJ@michigan.gov>

Fri, Mar 25, 2022 at 10:50 AM D@michigan.gov>, "Pozolo,

To: "Seder, Caleb (MDOT)" <SederC1@michigan.gov>, "Adelman, Doug (MDOT)" <AdelmanD@michigan.gov>, "Pozolo, Thomas (MDOT)" <PozoloT@michigan.gov>, "Patel, Kajal (MDOT)" <PatelK8@michigan.gov>, "McQuiston, Carissa (MDOT)" <McQuistonC@michigan.gov>, "Smerdon, Tim (MDOT)" <SmerdonT@michigan.gov>, Randall Wilson <randall.wilson@ohm-advisors.com>, Andrew Sherwood <Andrew.Sherwood@ohm-advisors.com>, "Julie M. Kroll" <jkroll@fveng.com>, "bstrader@mkskstudios.com" <bstrader@mkskstudios.com>, Jana Ecker <jecker@bhamgov.org>, "Gough, Stacey (MDOT)" <goughs@michigan.gov>, "Red, Gina (MDOT)" <RedG@michigan.gov>, "szielinski@bhamgov.org" <szielinski@bhamgov.org>, "Smalley, Erik (MDOT)" <SmalleyE@michigan.gov>, "Hammad, Mohammad (MDOT)" <HammadM@michigan.gov>, "bcowan@bhamgov.org" <bcowan@bhamgov.org>

Good morning,

At our last meeting, we discussed the pedestrian crossing of SB Woodward, south of Brown, to be incorporated following permanent geometric changes on the Brown St approach to a signal right turn lane.

It is MDOT's understanding that the City will put in place a temporary modification on Brown St to evaluate the traffic impacts of changing from two right turn lanes to one right turn lane.

While this is being evaluated, MDOT will proceed with design of new traffic signal on NB Woodard with pedestrian crossings north and south of Forest. And, MDOT will proceed with design of pedestrian crossing on SB Woodward south of Brown.

MDOT requests a deadline of <u>August 1, 2022</u> for the City to determine if the temporary operational change will be implemented permanently or not. If the City will not proceed with the permanent geometric changes, this date allows MDOT's design team to remove the SB Woodward signal work from the plans and still meet our intended final project turn in deadline.

If the City proceeds with implementing the permanent geometric changes, MDOT requests a deadline of <u>March 1, 2023</u> for that work to be completed by the City. Once this work is completed, MDOT will authorize for pick up survey and prepare a Plan Revision to incorporate the final grades prior to the signal construction beginning.

A couple other design items for consideration and input:

- 1. Is the City interested in cost participation for mast arms at these locations?
- 2. With design proceeding for adding the south leg pedestrian crossing on SB Woodward and crossings north & south of Forest on NB Woodward, plans would not include the sidewalk connection between the north and south crossings in the median. This will minimize the number of impacts to the landscaping in that median. With the new crossings, the pedestrians would still be able to maneuver around the intersections like typical other locations. If this is not desirable, please share those concerns.
- 3. Does the City have any ROW information for the area? Particularly for the SW quad of SB Woodward & Brown. MDOT has been researching but not come up with any definitive information yet. We will look to order title information next.

City of Birmingham MI Mail - M-1 (Woodward) @ Brown St. & Forest Ave Pedestrian Crossing

Thank you for your review of this long and detailed email. I can set up a meeting to discuss if that's preferred.

MDOT understands this is a very important location for pedestrian safety changes to be made and we are working on expediting the process as much as is feasible.

Thank you!

Jackie Pethers, PE

ITS/Signals Cost & Scheduling

cell: 810-614-0002

PethersJ@michigan.gov

Julie M. Kroll <jkroll@fveng.com> To: Brooks Cowan <bcowan@bhamgov.org> Fri, May 27, 2022 at 10:28 AM

#### Julie M. Kroll, PE, PTOE

Traffic Services Manager | Associate

#### **FLEIS & VANDENBRINK**

C: 248.342.5786

www.fveng.com

[Quoted text hidden]

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# **MEMORANDUM**

Police Department

DATE: May 27, 2022

TO: Multi-Modal Transportation Board

FROM: Scott Grewe, Operations Commander Jim Surhigh, Engineering Department Brooks Cowan, Planning Department

# SUBJECT: Brown St. at Peabody and Woodward

#### **INTRODUCTION:**

The City of Birmingham is pursuing a new traffic signal for northbound Woodward Avenue at the intersection of Forest Avenue, as well as additional crosswalks connecting the southern sidewalks of Forest Avenue and Brown Street. In order to install a crosswalk connecting the south side of Brown Street to the Woodward median, the Michigan Department of Transportation has requested that the City of Birmingham reduce the travel lanes on eastbound Brown Street from 2 lanes down to 1 lane in order to reduce the right-turn vehicular conflicts with pedestrians.

The City's traffic consultants Fleis & Vandebrink conducted a traffic study testing the viability of the eastbound Brown Street being reduced to 1 lane and have recommended approval of such a change. Please find the report and supplementary information regarding the intersection of Brown & Woodward Avenue from Fleis & Vandebrink following the Memo.

#### BACKGROUND:

The City of Birmingham has experienced two fatal accidents within the past 2 years on Woodward at or near Brown during this same time period involving pedestrians.

- 1. On August 8, 2020 at 0150 hours (PD report #20-13309) a person walking across the northbound lanes of Woodward was struck by a vehicle and passed away. The person was walking on an angle near the gas station lot, in a northwest direction, not in a crosswalk, when struck.
- 2. On September 12, 2021 at 2113 hours (PD report #14244) a person walking eastbound from Brown, in the crosswalk, crossing the southbound lanes of Woodward was struck by a vehicle and passed away. The vehicle had a green light.

In both incidents, the pedestrians were found at fault. However, the safety of the crossing at this location became a primary concern. Staff and our consultants have met numerous times reviewing options at this location. Meetings have also been held with MDOT as Woodward is under their control, and any changes to Woodward have to be approved by them.

To date, additional signage has been placed at the crosswalk on the northbound side to help bring greater awareness of the crosswalk. Flags have been placed on both sides of Woodward that pedestrians can carry while crossing to make themselves more visible to drivers and pedestrian crossing signals have been added. The City has also upgraded the lighting to increase visibility at the crosswalk for Forest and northbound Woodward.

The City has been coordinating with MDOT on the installation of a traffic signal at northbound Woodward Ave and Forest Ave in order to increase pedestrian safety at the intersection. The proposed installation of a traffic signal would be coupled with a pedestrian crosswalk connecting the southern sidewalk paths of Brown Street and Forest Avenue.

In order to install a crosswalk connecting from the southern side of Brown Street to the Woodward Ave median, MDOT is requiring the City of Birmingham to reduce the vehicular lanes on eastbound Brown Street from 2 lanes to 1 lane at the Woodward Ave intersection to reduce the right turn vehicular conflicts with pedestrians.

City traffic consultants Fleis and Vandebrink conducted a trial analysis of converting eastbound Brown Street to 1 lane from Peabody Street to Woodward Avenue. Their findings were that there was no measurable change in traffic queueing during peak traffic periods, most drivers using this intersection are traveling to the U-turn across from Brown Street to travel northbound on Woodward Avenue.

The recommendation from Fleis and Vandebrink (F&V) is that eastbound Brown Street be designed with a 1 lane approach at the intersection of Brown Street and Woodward Avenue. Please view the attached report from F&V for further information.

#### SUGGESTED RECOMMENDATION

Motion to recommend to City Commission that eastbound Brown Street be reduced to one lane from \_\_\_\_\_\_ to Woodward Avenue to enable the installation of a crosswalk on Woodward Avenue connecting the southern sidewalk on Brown Street to the southern sidewalk of Forest Avenue.

City of B	irmingham A Walkable Community	MEMORANDUM
		City Manager's Office
DATE:	October 20, 2021	
TO:	Thomas M. Markus, City Manager	
FROM:	Jana Ecker, Assistant City Manager	
SUBJECT:	Woodward Avenue Pedestrian Safet	y Issues

#### INTRODUCTION:

On September 17, 2021, a second fatal pedestrian accident occurred on Woodward Avenue at the pedestrian crossing at the Brown/Forest intersection. Previously, Wesley Stamps was also fatally injured crossing Woodward on August 8, 2020 in the same vicinity. As a result, the City received extensive public outcry calling for Birmingham to address the safety concerns with this dangerous intersection. However, the entire 200' wide Woodward Avenue right-of-way is owned and controlled by the Michigan Department of Transportation (MDOT) and not by the City. Thus, the City has no jurisdiction over Woodward Avenue, and the design of the roadway is entirely controlled by MDOT, including the location and timing of all vehicle and pedestrian traffic signals, all pedestrian crossings (whether at grade, below grade or on a bridge over Woodward), intersection geometry, speed limits and roadway maintenance and improvements.

#### BACKGROUND:

Birmingham and many other Woodward communities have spent the last several decades working to enhance the Woodward Corridor through the use of pedestrian scale building placement and design, multi-modal amenities, landscaping and other measures to create a human-scale, safe and comfortable corridor for all of our residents, of all ability levels, using all modes of transportation. However, cities do not have the jurisdiction to make required safety improvements in the Woodward Avenue right-of-way.

Over the past several years, the City has repeatedly expressed ongoing safety concerns for pedestrians at the intersection of Woodward and Brown/Forest to MDOT officials. Specifically, the City has requested the addition of a signal to improve the pedestrian crossing over the northbound lanes of Woodward, the addition of an overhead HAWK signal, pedestrian signals, crosswalk enhancements, as well as traffic calming measures to be implemented along the corridor.

The City has continued to press MDOT to invest in pedestrian crossing improvements at the intersection of Woodward and Brown/Forest, and others along the corridor. City officials were able to organize a meeting with MDOT officials on site last month. At the conclusion of the meeting on September 22, 2021, City officials advised MDOT that immediate action was needed to improve pedestrian safety. The City requested additional signage, lighting, pavement markings or even the addition of containers of pedestrian high visibility orange fluorescent crossing flags on both sides of the Woodward crossing, and to have one or more of these safety measures installed within one week. City officials also asked MDOT to schedule a Road Safety Audit as soon as possible.

Over a month has now passed, and MDOT has not installed any permanent or temporary pedestrian safety measures at the Woodward and Brown/Forest pedestrian crossing. The City has reached out to Governor Whitmer and State legislators to request assistance in compelling MDOT to address the safety concerns at Woodward and Brown/Forest. MDOT officials have not formally provided any commitment to install or implement any pedestrian safety measures, nor scheduled a Road Safety Audit.

However, the City was informed by Ms. Swanson, Oakland TSC Manager with MDOT during a telephone call on October 18, 2021, that MDOT had approved the installation of flashing beacons on the crosswalk signage on both sides of Woodward to be installed as soon as possible, funded by MDOT. Ms. Swanson also indicated that MDOT had approved installation of a new traffic signal for the northbound lanes of Woodward, and the addition of pedestrian countdown signal heads on both the southbound and northbound lanes of Woodward, to be funded by MDOT, and installed in the summer of 2022. Ms. Swanson indicated that she was drafting a letter outlining this formal commitment, which she expected to complete by the end of the week.

Ms. Lori Swanson, Oakland TSC Manager, and Ms. Kimberly Webb, Metro Region Engineer, with the Michigan Department of Transportation will be in attendance at the City Commission meeting on October 25, 2021 to update the public regarding MDOT's immediate and long term plans to address the ongoing pedestrian safety issues at Woodward and Brown/Forest.

Since the on site meeting with MDOT representatives, City staff conducted a site inspection of the MDOT right-of-way to survey existing vegetation to determine if any tree trimming was needed to address sight distance concerns. City staff found that there are no trees, tree limbs or other vegetation obstructing sight distance for pedestrians or drivers, nor any vegetation obstructing any of the existing street lighting located in the MDOT right-of-way.

Since the on site meeting, City staff has also surveyed the existing street lighting in the vicinity of the Brown/Forest crosswalk and noted that there are lighting issues in the MDOT right-of-way. Accordingly, City staff also met with a representative of DTE to discuss potential improvements to the overhead street lighting in the MDOT right-of-way. Current deficiencies were noted with regards to overall illumination levels, and light distribution at grade in the vicinity of the Woodward and Brown/Forest pedestrian crossing. After a review of available options, the City Manager has committed to making the lighting improvements to replace the existing high pressure sodium luminaires with new LED luminaires on Woodward from Lincoln to Maple, subject to receipt and approval of the appropriate DTE agreements. In addition, the City Manager has committed to purchasing upgraded LED luminaires to provide brighter lighting at the Woodward and Brown/Forest pedestrian crosswalk, subject to receipt and approval of the appropriate DTE agreements.

Mr. Brandon Faron, DTE Community Lighting Account Manager, will be in attendance via Zoom at the City Commission meeting on October 25, 2021 to respond to any questions on the proposed new lighting.

As mentioned above, the City has received extensive public outcry calling for safety improvements at the Woodward and Brown/Forest pedestrian crossing. Local residents contacted Channel 4 news, WDIV, and on October 14, 2021, Channel 4 ran a segment on the 11:00pm news, with a follow

up web article on October 15, 2021. Clinton Baller purchased and installed pedestrian crossing safety flags, and installed them on either side of the Woodward and Brown/Forest crosswalk. Since the meeting with MDOT officials, City staff has also conducted research into the use of pedestrian flags to increase the visibility of pedestrians in marked crosswalks, and studied other communities that have used the flags as tools to enhance the safety of pedestrians. Based on this research, City staff recommends seeking approval from MDOT for the pedestrian crosswalk flag system that has already been installed on Woodward at Brown/Forest.

# LEGAL REVIEW:

The City Attorney has reviewed the proposed agreement with DTE to upgrade the LED lighting on Woodward and has no objection as to form or substance.

#### FISCAL IMPACT:

As the City does not own or control Woodward Avenue, the City does not have a budget allocated for safety upgrades. However, the City Manager has indicated a willingness to cover the estimated \$23,340 in costs quoted by DTE to install upgraded LED lighting on Woodward to enhance the visibility and safety of pedestrian crossings on Woodward, and to pay for the replacement of pedestrian safety flags as needed.

#### PUBLIC COMMUNICATIONS:

With two pedestrian fatalities having occurred during the past 14 months, there has been media coverage of both the fatal accidents and the need to address the pedestrian safety issues at the intersection of Woodward and Brown/Forest. Local residents have reached out to the City to express their concerns, and the City has responded through discussions at public meetings, social media, and correspondence with MDOT, the Governor and our State legislators, with copies to local news media. The pedestrian safety issues were discussed with Senator Mallory McMorrow personally at the October 4, 2021 City Commission meeting, and with Representative Mari Manoogian on October 20, 2021 via Zoom.

# SUMMARY:

The City requests that MDOT take immediate corrective action at the pedestrian crossing at Woodward and Brown/Forest through the installation of pedestrian signals, LED Enhanced Warning signs, advance yield lines, positive offset lighting and/or pedestrian hybrid beacons or other safety measures.

City staff recommends upgrading Woodward Avenue's median lighting, in the MDOT right-of-way, to LED lighting between Maple Road and Lincoln St., and to include higher illumination LED lighting at the Woodward and Brown/Forest pedestrian crossing to enhance the safety of the crossing. DTE can complete the project in this area by the end of the year if approved. This work will both improve pedestrian safety in this area, and will also reduce lighting costs over time.

City staff also recommends seeking approval from MODT for a pedestrian crosswalk flag system on Woodward Avenue at the Brown/Forest crossing to increase the visibility of pedestrians and improve driver awareness.

ATTACHMENTS:

- Letter from Manager Markus dated September 23, 2021
- Letter from Police Chief Clemence dated October 4, 2021

- Letter from Senator McMorrow and State Representative Manoogian received October 4, 2021
- Letter from Assistant City Manager Ecker dated October 8, 2021
- Letter from Assistant City Manager Ecker dated October 13, 2021
- Engineering Department report and agreement with DTE for upgraded LED lighting on Woodward
- Police Department report on pedestrian crosswalk safety flags

#### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution approving the DTE Purchase Agreement to upgrade to LED lighting on the Woodward Avenue median between Maple Road and Lincoln St.;

Further to authorize and direct the City Manager to sign the DTE Lighting Agreement with funding to be provided from Account #401-901.010-98.0100, in an amount not to exceed \$23,340.00.

#### AND

Make a motion authorizing the Chief of Police and the City Engineer to seek approval from the Michigan Department of Transportation for a pedestrian crosswalk flag system on Woodward Avenue at Brown/Forest;

Further to approve the Chief of Police to purchase additional pedestrian crosswalk flags as needed and to charge this expenditure to the Major Streets Fund Traffic Controls operating supplies account # 202-303.001-729.0000.



September 23, 2021

Ms. Gretchen Whitmer, Governor Ms. Mari Manoogian, State Representative, 40<sup>th</sup> House District Ms. Mallory McMorrow, State Senator, District 13

#### Re: Pedestrian Safety Concerns on Woodward Avenue

It is with great sadness that I pass along the news that we had yet another fatal pedestrian accident this past weekend on Woodward Avenue that involved the loss of life of one of our residents. This is the second pedestrian fatality that has recently occurred at the pedestrian crossing at the Brown/Forest intersection in Birmingham south of Maple Road. In August 2020, there was another pedestrian fatally injured attempting to cross Woodward at the same intersection.

Extensive public outcry has been received in my office, by our City Commission members and City staff this past week calling for Birmingham to address the safety concerns with this dangerous intersection. However, as you are aware, the entire 200' wide Woodward Avenue right-of-way is owned and controlled by the Michigan Department of Transportation (MDOT) and not by the City. Thus, the City has no jurisdiction over Woodward Avenue, and the design of the roadway is entirely controlled by MDOT, including the location and timing of all vehicle and pedestrian traffic signals, all pedestrian crossings (whether at grade, below grade or on a bridge over Woodward), intersection geometry, speed limits and roadway maintenance and improvements. The City's only role in the design and improvement of Woodward Avenue is to investigate incidents, record observations and request assistance and action from MDOT.

Over the past several years, the City has repeatedly expressed ongoing safety concerns for pedestrians at the intersection of Woodward and Brown/Forest to MDOT officials. Specifically, the City has requested the addition of a signal to improve the pedestrian crossing over the northbound lanes of Woodward, the addition of an overhead HAWK signal, pedestrian signals, crosswalk enhancements, as well as traffic calming measures to be implemented along the corridor.

The City continues to press MDOT to invest in pedestrian crossing improvements at the intersection of Woodward and Brown/Forest, and others along the corridor. In fact, the City reached out to MDOT officials through our transportation consultants this summer to attempt yet again to persuade MDOT of the clear danger for pedestrians crossing Woodward Avenue at Brown/Forest. Several weeks ago a meeting was finally scheduled with MDOT officials and traffic engineers to meet on site to discuss our ongoing safety concerns for pedestrians at this intersection. Earlier this week, MDOT officials requested cancellation of this on site meeting due to predicted rain and cold weather. Naturally, this was not well received by the City given the fatal accident that occurred this past weekend. MDOT agreed to meet as originally planned.

This morning, myself, Birmingham Police Chief Clemence, Commander Scott Grewe, City officials from the Planning and Engineering Departments and the City's transportation consultants all met on site, in the rain, to impress upon the two MDOT officials present the clear and present danger at this intersection and the need for immediate action to prevent further injury or death. It was clear from the ensuing discussion that the MDOT officials in attendance did not have the authority to offer any short term or long term solutions to the ongoing safety issues at the intersection of Brown/Forest. We were advised that MDOT could start by conducting pedestrian and traffic counts, perhaps request a Road Safety Audit and study the area to determine what improvements may be warranted.

In response, the City advised MDOT short term efforts needed to be made immediately to address the safety issues and to at least improve pedestrian safety while all of the appropriate studies are conducted. Unfortunately, the City has been told on several occasions in the past that MDOT would conduct safety assessments and studies at this intersection, and get back to us with recommendations. Yet, the dangerous situation remains and another fatality has occurred.

As the top elected officials in Michigan, each of you has the opportunity and obligation to provide executive and legislative oversight for the Michigan Department of Transportation to ensure that the health, safety and welfare of our citizens is protected, and that MDOT takes immediate and appropriate action to address dangerous conditions on our roadways to prevent further loss of life.

Birmingham and many other Woodward communities have spent the last several decades working to enhance the Woodward Corridor through the use of pedestrian scale building placement and design, multimodal amenities, landscaping and other measures to create a human-scale, safe and comfortable corridor for all of our residents, of all ability levels, using all modes of transportation. However, cities do not have the jurisdiction to make the required safety improvements in the Woodward Avenue right-of-way, but the State of Michigan does have this obligation.

The City of Birmingham asks that MDOT stop spending valuable resources and time on an ITS interstate traffic messaging system on Woodward while ignoring the pressing pedestrian safety issues. The addition of interstate-scale equipment and signage will have a significant negative impact on the aesthetics of the corridor and will not be compatible with the efforts of Birmingham, Royal Oak, Ferndale, Pleasant Ridge, Detroit and other local communities to create a less auto-centric corridor. It is incumbent upon MDOT to prioritize and allocate limited funding to those projects that are in fact necessary and valuable for enhancing the safety of our transportation infrastructure, for all users. The City of Birmingham understands that there are many other components of our transportation infrastructure along Woodward that are in dire need of funding, including but not limited to, pedestrian crossing improvements, the provision of a continuous and safe sidewalk network, bicycle infrastructure and traffic calming measures.

The City of Birmingham requests that each of you exercise your executive oversight and require MDOT to prioritize funding along Woodward for the improvement of the pedestrian environment over the vehicular environment, and specifically for safety improvements at the intersection of Woodward and Brown/Forest before another fatality occurs.

Yours truly,

Marker ff.

Thomas M. Markus, City Manager

Cc: Birmingham City Commission Birmingham Eccentric (Open Letter) Downtown Publication (Open Letter)



# **BIRMINGHAM POLICE DEPARTMENT**

MARK H. CLEMENCE, CHIEF OF POLICE

October 4, 2021

Ms. Gretchen Whitmer, Governor

C/O: Ms. Amanda Dietlin, Community Affairs Liaison – Office of the Governor

Ms. Mari Manoogian, State Representative, 40th House District

Ms. Mallory McMorrow, State Senator, District 13

Mr. Chuck Moss, Oakland County Commissioner, District 12

## RE: Pedestrian Safety Concerns on Woodward Avenue – Site Visit

To All,

As you all are aware, the City of Birmingham has had two pedestrian fatalities on Woodward Avenue near Brown/Forest over the past 13 months. As a police officer working in the City for the past 37 years, I can assure you that this loss of life is unprecedented and totally unacceptable to me as the chief of police, to our entire City staff and to our community members. As the elected officials for our City, I would like to invite you to come to your constituent community and meet with me and other City staff to observe the area for yourselves. A site visit would allow the City the opportunity to show each of you first hand where the safety concerns are and discuss potential solutions with you. The primary reason for requesting that you attend a site visit is to detail the urgency of the City's situation and that we move forward together with actions that will lead to swift and immediate changes to dramatically improve the safety of pedestrian and vehicular safety at this location.

I understand that Woodward Avenue is under the jurisdiction of the Michigan Department of Transportation (MDOT). The City is working with MDOT to improve the pedestrian crossings in the area and looking at other possible enhancements that would improve both pedestrian safety and have an impact on traffic calming. It is our hope, that with your assistance, the City can see this process streamlined in order to expeditiously create a safe environment for all. While we have met at the site with MDOT, their record of accomplishment for addressing safety concerns at this location has been buried in bureaucracy. That situation cannot continue. MDOT must address these safety concerns at this location as soon as possible. Once this immediate concern has been addressed, the City would like to move forward with a more comprehensive examination of Woodward Ave to address pedestrian safety as a whole and to integrate the road into the fabric of our "walkable" community. I am quite certain that all of the communities along the Woodward corridor share this desire. It should be noted that Birmingham is unique in that Woodward Avenue effectively runs through the middle of the city. It is imperative that residents on both sides of Woodward Ave are able to safely traverse Woodward Ave in order for our community to truly be united.

In the interest of time, I would be happy to coordinate the site visit. I propose the last week of October (October 26, 27, and 28) or the first week of November (November 2, 3, and 4). Please email me at <u>mclemence@bhamgov.org</u> or call me at 248-530-1875 with your availability on these dates. I look forward to the opportunity to expand your understanding of the safety issues present and to discuss potential solutions.

Respectfully submitted,

Mark H. Clemence Chief of Police



#### MICHIGAN SENATE STATE SENATOR MALLORY MCMORROW

PHONE: (517) 373-2523 FAX: (517) 373-5669 semmomorrow@senate.michigan.gov senate,michigan.gov/momorrow

13TH DISTRICT BINSFELD OFFICE BUILDING PO, BOX 30005 LANSING, MI 48909-7636

Dear City Manager Markus,

Thank you for reaching out to our office regarding the public safety concerns at the pedestrian crossing at the Brown/Forest intersection in Birmingham. After receiving your letter and hearing concerns from a number of residents, our office reached out to the Michigan Department of Transportation (MDOT) to ensure they are aware of the seriousness of this issue and the steps the department is taking to ensure it gets addressed swiftly. MDOT responded to our office with their solutions for improvements to this pedestrian crossing, their communication is shared below.

#### What has been done so far:

- MDOT met internally to discuss possible solutions to improve pedestrian safety.
- MDOT collected pedestrian counts for the Woodward at Forest/Brown crosswalk for two days:
  - 9/8/2021, 4:00 pm -5:00 pm, 17 pedestrians crossed (three elderly pedestrians were included and counts as two pedestrians)
  - o 9/9/2021, 8:00 am to 9:00 am, 9 ped crossed

MDOT had an onsite meeting with Birmingham's City Manager and city officials at the Woodward/Forest Ave. pedestrian crossing. During the field visit, the team observed pedestrian activity, reviewed intersection geometry, and identified a few immediate action steps for both the city of Birmingham and MDOT.

#### **Immediate action steps for MDOT:**

- The Oakland TSC staff will observe pedestrian activities from Forest Ave. to Hazel Street to determine if Forest Ave is the best location for pedestrians to cross.
- MDOT is exploring installing flashing beacons on northbound Woodward Avenue on the existing pedestrian ahead crossing signs.
- MDOT will deploy the speed radar trailer on Woodward Ave.
- MDOT will investigate installing pedestrian countdown signals for SB Woodward at Forest/Brown crosswalk.
- MDOT will evaluate installing a traffic signal with pedestrian countdown signals for NB Woodward at Forest/Brown crosswalk.
- TSC is determining if a pedestrian RSA should be completed.

#### Actions Steps of City Identified by MDOT:

- The city will investigate removing grown tree branches to improve sight distance.
- The city will investigate installing/changing overhead streetlights.
- The city will provide MDOT with a list of upcoming special events so MDOT can observe and conduct a pedestrian count study.
- The city will provide possible origins and destinations on both sides of Woodward Avenue.
- The city will provide input regarding any pedestrian activity to the south of Forest Ave such as pedestrians crossing near Speedway or transit stops.

As this project is currently in the study phase, MDOT is not able to provide us with a specific timeline, however, we have been assured this is a top priority and has been expedited. We will continue to provide updates as we work with MDOT on identifying solutions at the state level.

Sincerely,

Mallauf M.

Mallory McMorrow State Senator 13<sup>th</sup> District

Mari Marig

**Mari Manoogian** State Representative 40<sup>th</sup> District

Cc:

Birmingham City Commission





October 8, 2021

Ms. Gretchen Whitmer, Governor Ms. Mari Manoogian, State Representative, 40<sup>th</sup> House District Ms. Mallory McMorrow, State Senator, District 13

#### Re: Pedestrian Safety Concerns on Woodward Avenue

Today, it will have been four weeks since we had yet another pedestrian fatality occur on Woodward Avenue at the pedestrian crossing located at the Brown/Forest intersection in Birmingham.

City Manager Tom Markus wrote to each of you on September 23, 2021 and requested your assistance to exercise your executive and legislative oversight and require the Michigan Department of Transportation ("MDOT") to take immediate action to correct the dangerous conditions on Woodward at Brown/Forest to prevent further loss of life. City Manager Markus also requested your assistance to require MDOT to prioritize future funding along Woodward for the improvement of the pedestrian environment.

As noted in our previous letter, extensive public outcry has been received from City residents asking for immediate improvements to address the safety concerns at the dangerous intersection of Woodward and Brown/Forest, and concerns continue to come in from citizens. However, the entire 200' wide Woodward Avenue right-of-way is owned and controlled by MDOT and not by the City. The City's only role in the design and improvement of Woodward Avenue is to investigate incidents, record observations and request assistance and action from MDOT.

In response to our previous correspondence, the City received a joint response letter dated October 4, 2021 from State Senator McMorrow and State Representative Manoogian. This letter stated that both offices reached out to MDOT to ensure they were aware of the seriousness of the safety issues at Woodward and Brown/Forest, and to inquire as to the actions taken by MDOT to swiftly address the dangerous conditions. The letter states that MDOT responded to their request with the following solutions for improvements to this pedestrian crossing:

#### What has been done so far:

- MDOT met internally to discuss possible solutions to improve pedestrian safety;
- MDOT collected pedestrian counts on September 8 and 9, 2021 for the Woodward at Brown/Forest crosswalk area; and
- MDOT met onsite with City officials and identified action steps for both the City and MDOT.

#### **Immediate Action Steps for MDOT:**

- The Oakland TSC staff will **observe** pedestrian activities from Forest to Hazel on Woodward to determine if Brown/Forest is the best location for pedestrians to cross;
- MDOT is **exploring** installing flashing beacons on NB Woodward on the existing pedestrian ahead crossing signs
- MDOT will deploy the speed radar trailer on Woodward;
- MDOT will **investigate** installing pedestrian countdown signals for SB Woodward at Brown/Forest
- MDOT will **evaluate** installing a traffic signal with pedestrian countdown signals for NB Woodward at Brown/Forest
- TSC is **determining** if a pedestrian RSA should be completed. (Emphasis added)

### Action Steps of City Identified by MDOT:

- City will investigate removing grown tree branches to improve sight distance;
- City will investigate installing/changing overhead streetlights;
- City will provide MDOT with a list of upcoming specials events so MDOT can observe and conduct a pedestrian count study;
- City will provide possible origins and destinations on both sides of Woodward; and
- City will provide input regarding any pedestrian activity to the south of Forest such as pedestrians crossing near Speedway or transit stops.

While the City appreciates the efforts of Senator McMorrow and State Representative Manoogian to reach out to MDOT for a status update, MDOT's response as outlined in the October 4, 2021 letter continues to demonstrate a lack of urgency to address the clear and present danger to pedestrians at the intersection of Woodward and Brown/Forest.

MDOT's response also conflicts with information provided to the City. MDOT has indicated that so far they met internally to discuss possible solutions to improve pedestrian safety, they have collected pedestrian counts for the Woodward and Brown/Forest intersection, and that they have met with City officials on site. However, when City officials met on site on September 22, 2021, the MDOT representatives stated that they had not conducted any pedestrian counts at the intersection.

MDOT's response further provides that their staff will observe pedestrian activities from Forest to Hazel on Woodward, they will explore installing flashing beacons at the Brown/Forest crosswalk, investigate installing pedestrian countdown signals, evaluate adding a new traffic signal, and determine if a pedestrian Road Safety Audit should be completed. Each of these statements were offered as "solutions for improvements to this pedestrian crossing". Yet these "solutions" involve MDOT agreeing only to observe, explore, investigate and evaluate existing conditions and crossing improvements, with no commitment whatsoever to install or implement any permanent improvements. The only site change MDOT proposes is to temporarily deploy a speed radar trailer on Woodward.

However, MDOT's response assigns specific action items and site improvements to the City of Birmingham. This is clearly a deflection of responsibility for the safety, design and operation of Woodward to the City, despite the fact that MDOT owns and controls the entire 200' width of Woodward Avenue. It should also be noted that the information requested from the City with

regards to upcoming special events and possible origins and destinations on Woodward in the vicinity of the Brown/Forest pedestrian crossing were provided directly to the MDOT representatives present at the site visit on September 22, 2021.

Since the site meeting with MDOT representatives, City staff has conducted a site inspection of the MDOT right-of-way to survey existing vegetation to determine if any tree trimming was needed to address sight distance concerns. City staff found that there are no trees, tree limbs or other vegetation obstructing sight distance for pedestrians or drivers, nor any vegetation obstructing any of the existing street lighting located in the MDOT right-of-way. City staff has also surveyed the existing street lighting in the vicinity of the Brown/Forest crosswalk and noted that there are lighting issues in the MDOT right-of-way.

Accordingly, City staff also met with a representative of DTE earlier this week to discuss potential improvements to the overhead street lighting in the MDOT right-of-way. Current deficiencies were noted with regards to overall illumination levels, and light distribution at grade in the vicinity of the Woodward and Brown/Forest pedestrian crossing. After a review of available options, the City Manager has committed to making the lighting improvements to replace the existing high pressure sodium luminaires with new LED luminaires on Woodward from Lincoln to Maple, subject to receiving the appropriate DTE agreements. In addition, the City Manager has committed to purchasing upgraded LED luminaires to provide brighter lighting at the Woodward and Brown/Forest pedestrian crosswalk, subject to receiving the appropriate DTE agreements.

At the conclusion of the on site meeting on September 22, 2021, City officials advised MDOT that immediate action was needed to improve pedestrian safety. The City requested additional signage, lighting, pavement markings or even the addition of containers of pedestrian high visibility orange fluorescent crossing flags on both sides of the Woodward crossing, and to have one or more of these safety measures installed within one week. City officials also asked MDOT to schedule a Road Safety Audit as soon as possible.

Four weeks have now passed, and MDOT has not installed any permanent or temporary pedestrian safety measures at the Woodward and Brown/Forest pedestrian crossing. MDOT officials have not provided any commitment to install or implement any pedestrian safety measures, nor scheduled a Road Safety Audit.

The City of Birmingham has continued to reach out to MDOT over the past month and has specifically requested the consideration of the following safety improvement alternatives for emergency implementation at the Brown/Forest pedestrian crossing:

- 1. The installation of pedestrian signal heads at the existing west leg of the intersection;
- 2. The installation of LED Enhanced Warning signs;
- 3. The installation of advance yield lines and signage on NB Woodward at the uncontrolled crossing, as recommended on page 27 of MDOT's Best Design Practices manual;
- 4. The installation of additional lighting, with a positive offset, as recommended on page 33 of MDOT's Best Design Practices manual; and/or
- 5. The installation of a Pedestrian Hybrid Beacon, a pedestrian traffic signal or a grade separated crossing to comply with MDOT's Type D crossing standards.

The only response the City has received from MDOT to date was an email that indicated that MDOT was currently working on a guidance document for the installation of LED Enhanced Warning signs, but the document was still being reviewed by the Traffic Safety Statewide

Alignment Team and had not yet been finalized. Despite this response to delay consideration of LED Enhanced Warning signs, these signs are already installed and in use on I-75 within Oakland County and could certainly be considered for the Brown/Forest crossing on Woodward. Advance yield lines, overhead crossing signage with beacons and rapid flashing beacons are also currently in use on Telegraph due to previous pedestrian fatalities, and could immediately be installed on Woodward at the Brown/Forest pedestrian crossing to prevent additional injury or death.

The City of Birmingham has requested pedestrian crossing improvements at Brown/Forest for many years, and has been told on several occasions that MDOT would conduct safety assessments and studies at this intersection, and get back to us with recommendations. The same answer is given each time...MDOT will study the issue. Yet, the dangerous situation remains.

Once again, MDOT has indicated in their response to Senator McMorrow and State Representative Manoogian that they are currently "in the study phase" and thus unable to provide a specific timeline for the implementation of pedestrian safety measures on Woodward at Brown/Forest. This is simply not enough. Two pedestrians have lost their lives at this intersection over the past 13 months, and still no improvements have been made. Years have passed in which MDOT has had more than enough time to study the issues at this crossing. Immediate action is needed, and it is incumbent upon each of you as elected officials to ensure that pedestrian improvements are installed and/or implemented immediately to protect the health, safety and welfare of our citizens.

The City of Birmingham requests your intervention to compel MDOT to take immediate corrective action at the pedestrian crossing at Woodward and Brown/Forest through the installation of pedestrian signals, LED Enhanced Warning signs, advance yield lines, positive offset lighting and/or pedestrian hybrid beacons or other safety measures. Further, the City requests your assistance to compel MDOT officials to appear before the Birmingham City Commission on October 25, 2021 to inform the public of both immediate and long term plans to address the pedestrian safety issues on Woodward at Brown/Forest to reduce the clear and present danger to our citizens.

Yours truly,

Jana L Ecker, Assistant City Manager

Cc: Paul Ajegba, Director, MDOT Chuck Moss, Oakland County Commissioner Thomas Markus, Birmingham City Manager Birmingham City Commission City Department Heads



October 13, 2021

Ms. Gretchen Whitmer, Governor Ms. Mari Manoogian, State Representative, 40<sup>th</sup> House District Ms. Mallory McMorrow, State Senator, District 13

#### Re: Pedestrian Safety Concerns on Woodward Avenue

Birmingham City Manager Tom Markus wrote to each of you on September 23, 2021 and requested your assistance to exercise your executive and legislative oversight and require the Michigan Department of Transportation ("MDOT") to take immediate action to correct the dangerous conditions on Woodward at Brown/Forest to prevent further loss of life. City Manager Markus also requested your assistance to require MDOT to prioritize future funding along Woodward for the improvement of the pedestrian environment.

Birmingham Police Chief Clemence wrote to you on October 4, 2021, again seeking your assistance to motivate MDOT to immediately address pedestrian safety concerns at the intersection of Woodward and Brown/Forest. And further, to request that MDOT move forward with a comprehensive review of Woodward Avenue to address pedestrian safety as a whole and to integrate the road into the fabric of our walkable community.

I also wrote to each of you again on October 8, 2021 requesting your intervention to compel MDOT to take immediate corrective action at the pedestrian crossing at Woodward and Brown/Forest through the installation of pedestrian signals, LED Enhanced Warning signs, advance yield lines, positive offset lighting and/or pedestrian hybrid beacons or other safety measures.

To date, more than four weeks after the second pedestrian death occurred at the intersection of Woodward and Brown/Forest, MDOT has not made any permanent or temporary improvements to the existing pedestrian crossing despite ongoing requests for immediate action.

What has MDOT done? They have placed a speed trailer in the median in the vicinity of the crosswalk. In addition, on October 12, 2021 MDOT officials advised the City's transportation consultants at Fleis and VandenBrink that a quote has been requested from the Road Commission for Oakland County ("RCOC") for the following:

• The installation of pedestrian signal heads on the southbound leg of the Woodward and Brown/Forest intersection on the existing signal equipment; and

 The installation of a flashing beacon to the existing advance crosswalk signage located in advance of the marked crosswalks on both the northbound and southbound lanes of Woodward.

While the installation of pedestrian signal heads on the southbound leg of the intersections would certainly enhance the safety of this portion of the pedestrian crosswalk, the addition of flashing beacons to existing signage will likely have a minimal effect on enhancing pedestrian safety in the crossing on the northbound leg of the intersection. Safety measures that would directly improve the safety of pedestrians on the northbound leg include the installation of LED Enhanced Warning signs, advance yield lines, positive offset lighting and/or pedestrian hybrid beacons at the pedestrian crossing, as previously requested by the City of Birmingham.

With that being said, the City is thankful that MDOT has now recognized the pedestrian safety concerns at the intersection of Woodward and Brown/Forest, and has agreed that physical improvements are necessary to ensure the safety of pedestrians at this location. The City certainly supports the installation of the above elements offered by MDOT as an interim measure.

However, MDOT has also advised that they do not have any funding available to implement even the above interim improvements, but that they are able to install the pedestrian signal heads and flashing beacons immediately if the City is willing to fund these improvements. Once again, MDOT's response is to deflect responsibility for safety issues in their right-of-way to the City of Birmingham, despite the fact that MDOT owns and controls the entire 200' width of Woodward Avenue.

This latest response from MDOT raises yet more questions:

- When will the estimated costs be available from the RCOC?
- Is MDOT requesting that the City of Birmingham pay for needed safety improvements on a roadway under MDOT's jurisdiction?
- Is MDOT asking the City of Birmingham to front the costs of these interim safety measures and then reimburse the City these funds at some specified future date?
- If so, when will MDOT be able to free up money to reimburse the City of Birmingham?
- Is it standard practice for MDOT to shirk responsibility for the design, operation and safety of State owned roads and deflect them onto local communities?
- How is it that MDOT has no money available to address clear and pressing pedestrian safety issues only two weeks into the start of their fiscal year?

MDOT continues to demonstrate to the citizens of Birmingham, and all Michigan residents, a lack of urgency to address clear and present danger to pedestrians on roadways owned and operated by MDOT. I implore each of you as elected officials to ensure that pedestrian improvements are installed and/or implemented immediately to protect the health, safety and welfare of our citizens.

Once again the City of Birmingham requests your intervention to compel MDOT to take immediate corrective action at the pedestrian crossing at Woodward and Brown/Forest through the installation of pedestrian signals, LED Enhanced Warning signs, advance yield lines, positive offset lighting and/or pedestrian hybrid beacons or other safety measures. Further, the City requests your assistance to compel MDOT officials to appear before the Birmingham City Commission on

October 25, 2021 to inform the public of both immediate and long term plans to address the pedestrian safety issues on Woodward at Brown/Forest.

Yours truly,

Jana L Ecker, Assistant City Manager

Cc: Paul Ajegba, Director, MDOT Chuck Moss, Oakland County Commissioner Thomas Markus, Birmingham City Manager Birmingham City Commission City Department Heads



**MEMORANDUM** 

(Engineering)

October 20, 2021
Thomas M. Markus, City Manager Jana Ecker, Assistant City Manager
Scott D. Zielinski, Assistant City Engineer
Woodward Ave. Lighting Improvements

#### INTRODUCTION:

As part of the evaluation for safety improvements to the crosswalk across Woodward at E Brown St / Forest Ave, the City contacted DTE to see what improvements could be made to the lighting conditions of the crosswalk intersection, DTE provided recommendations for improving lighting conditions in both the immediate area of this crosswalk and the surrounding area to help improve pedestrian safety.

#### BACKGROUND:

Woodward Avenue has a pedestrian crossing that starts on the north side of E. Brown St. The cross walk proceeds across the southbound lanes of Woodward to the median between the southbound and north bound lanes. From the median the cross walk continues across the northbound lanes to the east to the north side of Forest Ave.

The primary lighting for this particular crosswalk is provided by the DTE lights in the median of Woodward Avenue.

The City met with DTE to discuss options for the best way to increase visibility in the crosswalk area by improving the lighting conditions of the cross walk area. The current lights in the median are High Pressure Sodium lights that provide an orange-amber light. DTE advised that an upgrade to a more efficient LED light would provide an immediate improvement to visibility. DTE advised as part of this work upgrading the lighting from Maple Road all the way to Lincoln St. should be undertaken (see the attached diagram provided by DTE).

By upgrading to LED, how many more lumens of light will be created and will that make this section of roadway more visible?

• The 136w LED luminaire has 17,400 initial delivered lumens. Approximately 128 lumens per watt. This luminaire has a Type II lighting distribution pattern. It will throw the light forward 50' measuring .5fc. Then have a lateral distribution of .5fc at approx. 80', .1fc at approx. 130'.

- The 238w LED luminaire has 29,185 initial delivered lumens. Approximately 123 lumens per watt. This luminaire has a Type II lighting distribution pattern. It will throw the light forward approx. 60' measuring .5fc. Then have a lateral distribution of .5fc at approx. 100', .1fc at approx. 160'.
- The 250w High Pressure Sodium has 23,000 lumens. 92 lumens per watt.

How will this area be brighter if there are less lumens in the LED?

- The existing 250w HPS luminaires have a drop glass lens. These are often referred to as omni-directional emitters because they throw out light/lumens in nearly all directions (including up in the sky). So you "lose" lumens because of that. Whereas LED luminaires have more of a direct light source. Generally, more of the LED light output goes where it is wanted (the road), and less where it's not wanted (up into the sky).
- HPS lamps give off an orange-amber glow and appear darker. Whereas the LEDs emit a bright white light and makes objects (people, buildings, cars, etc...) brighter.

What is the aesthetic difference in the light quality and how has the public reacted to that condition in other communities?

- The current lamp source along this stretch is High Pressure Sodium (HPS). HPS lamps emit an orange-amber light (~2200 Kelvin). Whereas the LED being proposed emit a natural white light (4000 Kelvin) that is comparable to the moonlight.
- Upgrading the lights to LED will brighten the roadway and make objects more visible (compared to HPS)
- For a heavy vehicle and pedestrian traffic area such as this, DTE believes that an overwhelming majority of residents will appreciate the new LED lighting source. All new projects that DTE has worked on with the City in the past 5 years have all been LED. So, the residents are already familiar with the nice white light. It is likely that some people might not like the LEDs. But the focus of this project is making this area safer.

What is the logic behind doing the roadway from Maple to Lincoln if we are prioritizing the Brown/Forest intersection?

If the focus of the project was to concentrate at the crosswalks, why are you recommending converting all the lights (from Maple to Lincoln) to LED?

• In short, it's easier on the eyes (retina, cones/rods) to have a consistent light source (LED), as opposed to the eyes having to adapt to a HPS light, then LED light, then HPS light.

How long will it take to install all the lights after the agreement is signed?

Generally, our process allows 90 days to complete a project of this size. The 90 day
process starts when we receive the signed agreement and payment for the project.
However, the DTE representative feels confident that if DTE receives the signed
agreements and payment by the end of the month, that DTE can have the project
completed by mid/late-December.

#### LEGAL REVIEW:

The DTE Purchase Agreement was reviewed by the City Attorney, they have no objection to the form or substance of the agreement.

#### FISCAL IMPACT:

DTE's Purchase agreement indicates the total cost of the LED upgrade to be \$23,340.00. This cost has been confirmed by DTE. The City will save \$4,032.36 per year in costs related to lighting expenses. Upon completion of the project there will be a rebate of \$1,632.00.

#### SUMMARY:

In summary the City is looking to upgrade Woodward Avenues median lighting between the light on the north side of the Maple/Woodward intersection through the south side of the Lincoln/Woodward intersection to LED lighting for the median poles. DTE can complete the project in this area by the end of the year if approved. This work will both improve pedestrian safety in this area while saving the city money in lighting costs over time.

#### ATTACHMENTS:

DTE Purchase agreement including the Lighting Improvement map.

#### SUGGESTED COMMISSION ACTION:

Make a motion, adopting a resolution approving the DTE Purchase Agreement to upgrade the lighting to LED lighting for the Woodward Avenue Median between the Maple Road and Lincoln St., and to authorize and direct the City Manager to sign the DTE Lighting Agreement to proceed with this work.

#### **Exhibit A to Master Agreement**

#### **Purchase Agreement**

This Purchase Agreement (this "<u>Agreement</u>") is dated as of October 11, 2021 between DTE Electric Company ("<u>Company</u>") and City of Birmingham ("<u>Customer</u>").

This Agreement is a "Purchase Agreement" as referenced in the Master Agreement for Municipal Street Lighting dated April 11, 2013 (the "<u>Master Agreement</u>") between Company and Customer. All of the terms of the Master Agreement are incorporated herein by reference. In the event of an inconsistency between this Agreement and the Master Agreement, the terms of this Agreement shall control.

Customer requests Company to furnish, install, operate and maintain street lighting equipment as set forth below:

1. DTE Work Order	55379363		
Number:	If this is a conversion or replacement, indicate the Work Order Number for current installed equipment: N/A		
2. Location where Equipment will be installed:	[Woodward Ave between Maple and Lincoln], as more fully described on the map attached hereto as <u>Attachment 1</u> .		
3. Total number of lights to be installed:	61		
4. Description of Equipment to be installed (the " <u>Equipment</u> "):	Underground Fed Streetlight Conversion 47 - 250w High Pressure Sodium to 136w LED (Gray) 1 - 400w High Pressure Sodium to 136w LED (Gray) 10 - 250w High Pressure Sodium to 238w LED (Gray) 3 -136w LED to 238w LED (Gray)		
5. Estimated Total Annual Lamp Charges	\$21,131.16		
6. Estimated Total Annual Post Charges if selected	\$0.00		
7. Computation of Contribution in aid of	Total estimated construction cost, including labor, materials, and overhead:	\$23,340.00	
Construction (" <u>CIAC</u>	Revenue credit: \$0.00		
Amount")	CIAC Amount (cost minus revenue) \$23,340		
	Credit for Post Charge, if selected	\$0.00	
8. Payment of CIAC Amount:	Due promptly upon execution of this Agreement <b>\$23,340.00</b>		
9. Term of Agreement	5 years. Upon expiration of the initial term, this a continue on a month-to-month basis until termin written consent of the parties or by either party days prior written notice to the other party.	nated by mutual	
	If Post Charge "box" $\Box$ is checked the Custom following term:	er agrees to	
	10 years. Upon expiration of the initial term, this continue on a month-to-month basis until termin	0	

	written consent of the parties or by either party with thirty (30) days prior written notice to the other party.
10. Does the requested Customer lighting design meet IESNA recommended practices?	(Check One) YES NO If "No", Customer must sign below and acknowledge that the lighting design does not meet IESNA recommended practices Sign here
11. Customer Address for Notices:	City of Birmingham 151 Martin Street Birmingham, MI 48012

12. Special Order Material Terms:

All or a portion of the Equipment consists of special order material: (check one) YES NO

If "Yes" is checked, Customer and Company agree to the following additional terms.

A. Customer acknowledges that all or a portion of the Equipment is special order materials (<u>"SOM</u>") and not Company's standard stock. Customer will purchase and stock replacement SOM and spare parts as provided in Section B below. When replacement equipment or spare parts are installed from Customer's inventory, Company will credit Customer in the amount of the then-current material cost of Company standard street lighting equipment in lieu of which the SOM is being used.

B. Customer will maintain an inventory of at least \_0\_ posts and \_0\_ luminaires and any other materials agreed to by Company and Customer, and will replenish the stock by ordering materials no later than thirty (30) calendar days after the materials are drawn from inventory. Costs of initial inventory are included in this Agreement. If Customer fails to maintain the required inventory, Company, after 30 days' notice to Customer, may (but is not required to) order replacement SOM and Customer will reimburse Company for its costs (including the labor costs associated with Company's management of the supply chain for the SOM) no later than thirty (30) calendar days after receipt of Company's invoice for such costs. Customer's acknowledges that failure to maintain required inventory could result in extended outages due to SOM lead times.

C. The inventory will be stored at \_

Access to Customer's inventory site must be provided between the hours of 9:00 am to 4:00 pm, Monday through Friday with the exceptions of federal Holidays. If Company is unable to access the site during such hours for any reason, Company (i) shall be relieved from any obligation or commitment to complete the work as scheduled, and (ii) may, at its option, procure the inventory itself and have Customer to reimburse Company's costs for doing so. Customer shall name an authorized representative to contact regarding inventory: levels, access, usage, transactions, and provide the following contact information to Company:

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

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

Customer will immediately notify Company of any changes in the Authorized Customer Representative. Customer must comply with SOM manufacturer's recommended inventory storage guidelines and practices. Damaged SOM will not be installed by Company.

D. In the event that SOM is damaged by a third party, Company may (but is not required to) pursue a damage claim against such third party for all of Company's costs incurred because of the claim, including all labor and replacement materials. Company will notify Customer as to whether Company will pursue such claim within a reasonable time of the SOM being damaged.

E. In the event that SOM becomes obsolete, discontinued, or incompatible with Company's infrastructure, Customer shall select new alternate SOM that is compatible with Company's then-existing infrastructure. If Customer does not select compatible alternate SOM, Company reserves the right to select compatible SOM that is, in its reasonable judgment, substantially similar, or replace the SOM with standard materials, in either case being entitled to reimbursement from Customer for Company's costs in providing such transition of supply (including internal overhead and labor costs).

F. Should Customer experience, in Company's reasonable judgment, excessive LED equipment failures that are not supported by LED manufacturer warranties, Company will replace the LED equipment with other Company supported Solid State or High Intensity Discharge luminaires at Company's discretion. The full cost to complete these replacements to standard street lighting equipment will be the responsibility of Customer.

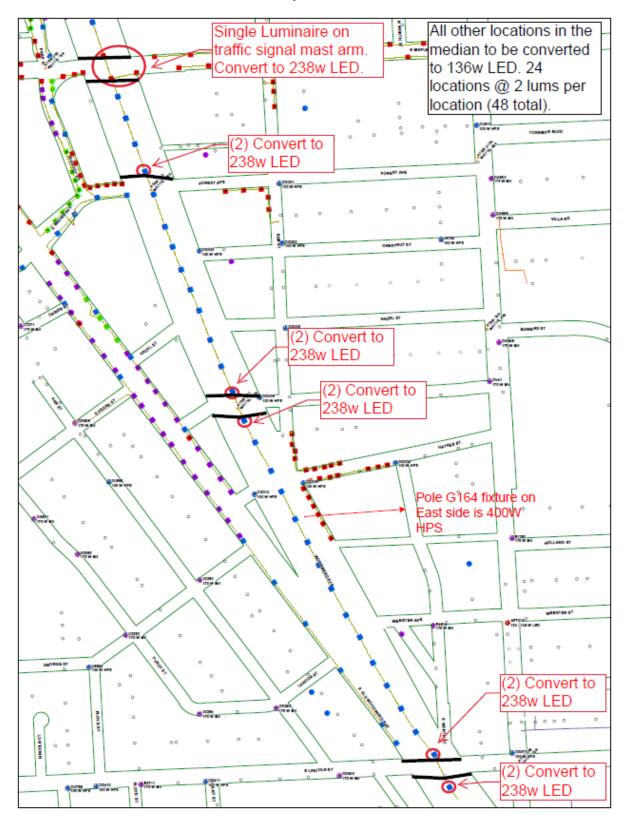
#### \*\*\*\*\*

Company and Customer have executed this Purchase Agreement as of the date first written above.

Company:	Customer:	
DTE Electric Company	City of Birmingham	
Ву:	Ву:	SIGN HERE
Name:	Name:	
Title:	Title:	

#### Attachment 1 to Purchase Agreement

Map of Location





# **MEMORANDUM**

(Police Department)

DATE:	October 13, 2021
то:	Thomas M. Markus, City Manager
FROM:	Mark H. Clemence, Chief of Police
SUBJECT:	Pedestrian Safety – Crosswalk Flags

#### INTRODUCTION:

Two fatal pedestrian crashes at Woodward and Brown/Forest have occurred in the past thirteen months. In both of these incidents the pedestrians were struck by vehicles (northbound and southbound) as they attempted to walk across Woodward Avenue.

Many cities throughout the country have incorporated the use of pedestrian flags at select intersections to reinforce pedestrian safety. Pedestrian flag programs place bright colored flags at crosswalks to help pedestrians obtain the attention of motorists. Pedestrians simply pick up a flag from the storage canister when reaching a crosswalk, hold the flag out raised toward the street, wait for traffic to clear, cross the street holding the flag and leave the flag in the canister on the other side of the street. Pedestrian flags are not traffic control devices. Pedestrian flags are tools to increase visibility and driver awareness. Criteria for determining locations for use of pedestrian flags (pedflags) currently in use by other communities include: the crosswalk must be marked and NOT controlled by any traffic control device (signal, sign or beacon).

#### BACKGROUND:

Pedestrian flags are low cost items and installation is simple. Approximately 10 flags are used at each crosswalk. Flag holder containers are attached to existing sign posts or utility poles near the ends of crosswalks. If no mounting post is available, one could be easily installed. Once the installation of the flag holders and signs are complete the only ongoing cost is for replacement flags. Many communities use volunteers (merchants, scouts, community members) to monitor, redistribute and replace flags.

The proposed flags would be 12"x12" in size, printed on high visibility orange vinyl coated nylon material and would include a reflective strip sewn into each side of the flags. The flags would be attached to a 24" wooden dowel.

The City of Kirkland, Washington implemented a pedflag program in 1995 in an attempt to improve pedestrian safety. This program was instituted following two fatal pedestrian accidents in 1994. A resident of Kirkland had seen a pedestrian flag system in Japan and suggested a similar program. As of 2019, Kirkland has over 90 crosswalks with pedflags.

The City of Bellvue, Washington launched a pedflag pilot project in 2017 to evaluate the effectiveness of pedestrian flags. After a one year study, the engineer evaluating the program noted that although the flags can draw more attention to pedestrians, the use of the flags was limited and most people chose not to pick up and use the flags. Senior Transportation Engineer Kurt Latt of the Bellvue Transportation Department stated that he is "not convinced that the flags are beneficial to pedestrian safety." Mr. Latt stated that he would not promote crosswalk flags on high speed multi-lane divided highways as a higher level of scrutiny is warranted under these circumstances.

Several communities utilize pedestrian crossing flags in school zones to improve pedestrian visibility and enhance driver awareness. The City of Arlington, Massachusetts implemented a pedestrian crossing flag program to improve safety around schools. The pedestrian flags were determined to be a low cost measure to improve pedestrian visibility. Response from this program was reported to be overwhelmingly positive and the program was extended to other schools and locations.

The City of Seattle, Washington installed pedestrian crossing flags at 17 locations as part of a pilot program in 2008. The pilot program lasted for 3 years. After evaluation of the results at the 17 pilot locations (including measuring motorist compliance at the 17 crosswalks) the Seattle Department of Transportation ended the pilot program. The evaluation concluded that availability of flags did not seem to make pedestrians more visible to motorists. Theft and maintenance of flags were other issues cited upon termination of the pilot program. The Seattle program ended after it found that "there was not a consistent pattern of improved compliance observed, and some locations were not able to be evaluated due to frequent theft of the flags."

Berkeley, California implemented a pedflag program at 7 intersections between 2001 and 2004. The results of this program revealed that only 2% of pedestrians used the flags. Theft of flags was also a significant issue in Berkeley and the city had to buy 8,000 flags due to theft related disappearances. The conclusions from Berkley were that "the flag program did not seem to have a significant effect on pedestrian safety."

Salt Lake City, Utah initiated a crosswalk flags program after that city was declared "not pedestrian friendly". In 2000, the mayor of Salt Lake City created a pedestrian safety committee aimed at reducing pedestrian injury accidents. The crosswalk flags program was part of several safety measures initiated in 2000. Pedestrian flag usage in Salt Lake City resulted in increased visibility and the flags clearly signaled pedestrians' desire to cross the street. The Salt Lake City project showed that both pedestrians and drivers thought that there was a benefit of the simple presence of the flags available at crosswalks.

Due to lack of funding and increased demand for additional flagged intersections the Salt Lake City, an Adopt-a-Crosswalk Program was initiated in 2001. This program allows individuals or businesses to "adopt" crosswalks – the sponsor monitors the flags and purchases replacement flags when needed. The city is responsible for the purchase and installation of the flag holders, usage signs and the initial supply of flags. While six initial crosswalks were equipped with flags in 2000, by 2007 there were 40 city maintained flag locations in the Salt Lake City downtown area. The Adopt-a-Crosswalk program resulted in an additional 134 "adopted" crosswalks; 46 adopted by schools and 88 adopted by businesses and residents. Salt Lake City (SLC) Transportation Planner Dan Bergenthal stated that SLC has utilized crosswalk flags on an eight-lane divided highway. This project was initiated after permission was granted from the Utah Department of Transportation (UDOT). Mr. Bergenthal stated that crosswalk flags are used only on unprotected and non-signalized crossings and he added that SLC received "little grief" from UDOT. The SLC city attorney reviewed the crosswalk flag program prior to implementation and found no liability issues or objections as the flags are not official traffic control devices. Mr. Berganthal also stated that there are no COVID policies or procedures for the crosswalk flags.

Salt Lake City modified city ordinances to increase penalties for drivers who fail to yield for disabled pedestrians, pedestrians carrying orange flags and school crossing guards with a recommended fine of \$425.00.

After installation of the initial crosswalk flags in Salt Lake City, observations and interviews revealed that 11% of pedestrians were using the flags. 6 months after installation the flag usage was estimated at 14%. Although the usage was low, media coverage resulted in increased public awareness about pedestrian safety education. The pedestrian flags and Adopt-a-Crosswalk program have been credited with inducing a 31% decrease in citywide pedestrian injury crashes.

Roger Millar, vice president of Smart Growth America and director of the National Complete Streets Coalition created a flag program in McCall, Idaho when he was the community development director for that city. Millar stated that the program worked well and is not concerned by occasional flag theft. Mr. Millar says that the flags are "a great amenity" particularly for families, seniors and people who take additional street crossing cautions.

A crosswalk flag pilot project could be implemented at Woodward Avenue at Brown/Forest at little expense.

- (8) 12"x18" aluminum usage signs (directions for pedestrian flag use)
   @ \$22.00 each = \$176.00 (vendor: Dornbos Signs)
- (4) galvanized U-channel posts @ \$59.70 each = \$238.80 (vendor: Dornbos Signs)
- (24) 12"x12" orange vinyl coded nylon high visibility pedestrian flags with reflective strips sewn into both sides of flag (mounted onto a 24" wooden dowel handle). Includes (4) sturdy all-weather flag storage canisters and post mounting hardware = \$399.98 (vendor: See Me Flags)
- Replacement flags are available for a cost of \$6.00 each sold by the dozen (24 spare flags including shipping = \$166.00) (vendor: See Me Flags)

Total cost for Woodward Avenue at Brown/Forest intersection pedflag project = \$980.78

LEGAL REVIEW:

The city attorney was asked to review this program and found no objections or legal actions required.

#### FISCAL IMPACT:

Funding is available in the Major Streets Traffic Controls operating supplies account number 202303.001-729.0000 to provide for the purchase of the materials needed for the implementation of a crosswalk flag program at the Woodward Avenue Brown/Forest Street intersection. A budget amendment or budget adjustment is not required.

PUBLIC COMMUNICATIONS: None

#### SUMMARY:

The purpose of pedestrian flags is to assist pedestrians in gaining attentiveness from motorists. It is paramount that pedestrians remain vigilant and use safe street crossing techniques at all intersections. Some issues concerning pedestrian crossing flags include clarity of use, management of flags to maintain availability on both sides of the street, theft of flags and consistent monitoring of flag supply. Similar to the SLC experience in Utah, the City of Birmingham would have to receive permission from the Michigan Department of Transportation (MDOT) for the installation of a pedflag system at Woodward and Brown/Forest.

Topics for study during the pedestrian flag pilot project will include:

- Determine whether pedestrians use the flags or choose to cross without them
- Determine whether drivers respond differently to a pedestrian using a flag
- Determine the frequency at which flags go missing and other maintenance required
- Determine if the pedestrian flags increase overall safety for users

#### ATTACHMENTS:

- Crosswalk Flag Usage Instructions Sign Proof
- Crosswalk Flag, Canisters and Usage Photo

#### SUGGESTED COMMISSION ACTION:

Make a motion authorizing the chief of police and the city engineer to seek approval from the Michigan Department of Transportation to install a pedestrian crosswalk flag system on Woodward Avenue at Forest/Brown; further to approve the chief of police to purchase additional pedestrian crosswalk flags as needed; further to charge this expenditure to the Major Streets Fund Traffic Controls operating supplies account # 202-303.001-729.0000.

# CROSSWALK FLAGS — BE SEEN —

12 in

- **1** Grab a flag.
- **2** Wait for traffic to clear.
- **3** Proceed with caution.
- 4 Leave the flag in canister on the other side.

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# CROSSWALK FLAGS

# — BE SEEN

- **1** Grab a flag.
- **2** Wait for traffic to clear.
- **3** Proceed with caution.
- 4 Leave the flag in canister on the other side.









## MEMORANDUM

ENGINEERING DEPARTMENT

DATE:	June 22, 2022
то:	Thomas M. Markus, City Manager
FROM:	James J. Surhigh, Consulting City Engineer
SUBJECT:	Westwood, Raynale & Oak Street Project Interim Report for City-Initiated Unimproved Street Project

#### **INTRODUCTION:**

As part of the City's annual Capital Improvement Plan and budget for 2022, an "unassigned" unimproved street improvement project has been planned for. The Engineering Department selected a group of streets for this project that include Westwood, between Raynale & Oak, Raynale, between N. Glenhurst and the west City limits, and Oak, between N. Glenhurst & the west City Limits. This selection is the first done under the City's new policy for initiating unimproved street improvement projects. This report serves as the Interim Report for City-Initiated Unimproved Street Project, as outlined in the updated 2021 policy statement on procedures for City street improvements.

#### **BACKGROUND:**

The Engineering Department selected a group of streets to fill the "unassigned" unimproved street project in the 2022 budget and capital improvement plan (CIP), and is the first project being proposed under the recently adopted City policy allowing the City to initiate a street improvement project without waiting for a citizen-led petition effort. This project includes Westwood Dr, between Raynale St & Oak St, Raynale St, between N. Glenhurst Dr & the west City limits, and Oak St, between N. Glenhurst Dr & the west City Limits. These streets are part of the "Harrowgate" subdivision, platted in 1929, where the streets were originally constructed as gravel streets with concrete curbs. These streets are part of the Quarton Lake Estates Phase 2 project that has been on the CIP for several years. The rationale for selecting these streets for this project was generally presented at the 2022 Long Range Planning Meeting held on January 22, 2022 (copy included in previous memo to MMTB dated 4/1/2022, which is attached for reference).

The proposed project will include complete reconstruction of the streets within the limits as described. The cost for the street pavement improvements will be subject to a special assessment to the adjoining property owners that benefit from the street improvement project. The special assessment process is a long-standing City policy when unimproved streets are improved. Special assessments for drive approaches, and for water/sewer laterals not meeting current City standards are typical for these type of projects. With this project, improvements will be made to the sewer and water systems, the cost for which is paid from the Sewer and Water Funds, and are not subject to a special assessment. Proposed infrastructure work includes the following components:

- Replace the existing 6" water main (originally installed in 1929) with a new 8" water main meeting current City sizing requirements. The existing 8" water main on Oak (1916 & 1927) will also be replaced with a new 8" water main. A new 8" water main will be installed on Raynale to connect the mains on Westwood and N Glenhurst to improve circulation and reliability. New valves and fire hydrants will be replaced within the project area. Existing fire hydrants in this area do not meet current goals for available fire flow. Water system modeling considering the new mains to be installed with this project indicate significant improvement in fire flows, and should meet current goals for residential areas.
- New storm sewers will be installed to extend the storm sewer system constructed in
  previous years on Raynale & Oak. These storm sewers will reduce the amount of stormrelated flow in the City combined sewer system, which will reduce the risk of basement
  flooding due to extreme rain events. Removing this storm flow will also reduce long term
  costs to the City for treatment of storm flows in the sewer system. Extending these storm
  sewers is one of the goals of the Master Plan for Backyard Sewers adopted by the City in
  2009.
- Repair and rehabilitation work for the existing combined sewers will be completed, if needed, and especially if excavation is required, in conjunction with the proposed project.
- Sidewalk improvements will be completed as needed, especially at intersection crosswalks, to meet current ADA requirements. We are considering employing the use of limited "bump-outs" to improve pedestrian safety by shortening the distance they have to be in the crosswalk, which have also been shown to have a traffic calming effect and reduce average traffic speeds. Any proposed changes along Oak Street will take into account the school-related traffic issues.

The current timeline for this project is complete the final design of the project after receiving direction from the City Commission related to pursuing a potential special assessment for defraying the costs of street improvements. The final design will take several months to complete, and the intent would be to advertise the project for bids in November or December of 2022, with construction beginning in the spring of 2023. A three to four month construction period is anticipated.

#### Multi-Modal Transportation Board Review:

We are in the preliminary design phase for the project, and have presented it to the Multi-Modal Transportation Board (MMTB) for discussion with respect to multi-modal issues, as is the standard practice for any public street project. The City's multi-modal transportation consultant, MKSK, reviewed how the project relates to the City's Multi-Modal Plan and made recommendations that were considered by the MMTB.

The existing width of the streets in the project area do not meet the City's street width policy that was adopted in July of 2018 (copy included in previous memo to MMTB dated 4/29/2022, which is attached for reference). MKSK reviewed the street width conditions for the proposed project, along with the established criteria for allowing deviations from the standard. The table below summarizes the existing and initially recommended widths (face-of-curb to face-of-curb) for consideration.

Street	From	То	Existing	Prop	Criteria for
			Width	Width	Deviation
Westwood	Raynale	Oak	31	26	None
Raynale	N Glenhurst	West City limit	31	31	4c
Oak	N Glenhurst	West City limit	40	38/31	4c

In accordance with the street width policy, the MMTB held a public hearing for the street width change on May 5, 2022, where property owners that are directly impacted, as well as the public at large, had an opportunity to express their positions regarding the proposed street width changes. After consideration of the staff recommendations and opinions expressed by the public, the MMTB recommended that the existing widths of Westwood and Raynale be maintained at 31 feet. The MMTB recommended that Oak be slightly reduced in width to 38 feet between N. Glenhurst and Westwood (functionally the same as the existing 40-ft width), and 31 feet between Westwood and the west City limits. Meeting minutes from the May 5, 2022 MMTB meeting are attached for reference.

#### Neighborhood Informational Meeting:

The Engineering Department hosted a neighborhood informational meeting on May 12, 2022. The Proposed Project Report for the upcoming project was distributed to the impacted property owners at the meeting, which is attached for reference. The Proposed Project Report provides more detailed information about the project, anticipated costs, and the special assessment process for street paving, and sewer and water lateral replacements. The meeting was fairly well attended, with 10 of the 23 impacted properties represented in-person or remotely on Zoom. The sign-in sheet from the informational meeting is attached for reference. The general opinion expressed from the attendees for the street improvement was that they were not supportive of a special assessment for these improvements.

A question was asked by an attendee as to why property owners on N. Glenhurst did not have to pay a special assessment for the street reconstruction completed in 2019. We expressed our belief that the streets included in the 2019 project (phase 1 of the Quarton Lake Estates reconstruction project) were considered to be improved streets already, and would have at some time in the past paid a special assessment to improve the streets. All of the remaining streets in the neighborhood that are part of phase 2 are considered to be unimproved. The attendees debated that belief citing the poor road conditions that previously existing on N Glenhurst were similar to the conditions on the streets that are considered unimproved.

After the meeting, the Engineering Department conducted some research into the history of streets in this neighborhood. While we did not find the specific special assessment documentation, we did find a report to City Commission in 1988 and notice letter to residents from 1989 for an asphalt resurfacing project on the streets that are considered to be improved (attached for reference). The report does not mention having a special assessment for the resurfacing work, which implies that the streets were considered to be improved at that point in time. Asphalt pavements generally would deteriorate to the point where resurfacing is needed after 15 to 20 years, so it is likely that the special assessment occurred in the 1960's or 1970's. If the previous pavement on N Glenhurst was last resurfaced in 1989, it would have been in poor condition leading up to the 2019 reconstruction.

#### **LEGAL REVIEW:**

The City Attorney has reviewed the suggested resolutions and offers no further comment.

#### FISCAL IMPACT:

This project has been planned and is included in the approved FY21/22 budget. The budget items include \$500,000 in Local Streets account 202-449.001-981.0100 (for Westwood & Raynale), \$125,000 in Major Streets account 202-449.001-981.0100 (for Oak), \$585,000 in Sewer Fund account 590-936.001-981.0100, and \$625,000 in Water Fund account 591-537.004-981.0100. Therefore, the total project budget is \$1,835,000. Of this total, approximately \$625,000 (Major & Local Streets) would be part of the proposed street improvement special assessment, with approximately \$530,000 in potential special assessment revenue over a 10-year payback period. The remaining \$1,210,000 would be in the Sewer and Water Funds.

#### **PUBLIC COMMUNICATIONS:**

Property owners that would be directly impacted by this project were given several opportunities to provide feedback on the proposed project. In the initial project notification letter sent to property owners (see attached letter dated 4/7/2022 – included in report to MMTB dated 4/29/2022), an "expression of interest" survey was provided. 13 of 23 property owners chose to return completed surveys. In summary, approximately 23% reported they were generally supportive of water system improvements on their street; 31% reported general support for sewer improvements; 38% reported general support for street improvement; and 38% reported general support for concrete pavement as a new street surface. Admittedly, the questions on the survey could have been more direct, as many of the answers were qualified by concerns over narrowing the street width and/or having a special assessment for the street paving. A number of property owners wrote letters to further clarify their position on the issues related to the project. Copies of any letters that were received are attached for reference.

This project was introduced at the MMTB meeting on 4/7/2022. A number of property owners were present at the meeting and provided comment. The action taken by the MMTB at this meeting was to set the public hearing date for the proposed street width changes for 5/5/2022. The public hearing for proposed street width changes was held on 5/5/2022. A number of property owners were present at the meeting and provided comment. Meeting minutes for the 4/7/2022 and 5/5/2022 meetings are attached for reference.

On May 31, 2022, the City received a petition signed by 19 of the 23 property owners that would be affected by the proposed project. The petition generally states the property owner's opposition to the proposed street improvement, and subsequent special assessment to them. The petition document that was recieved is attached for reference.

Going forward, a project page will be put on the City's website to provide information to the public, and during construction, residents in the affected area will be communicated with through the use of flyers/notices, email updates, and in general through the City's social media outlets.

#### SUMMARY:

The Engineering Department is bringing the proposed Westwood, Raynale & Oak Street project to the City Commission for direction on final design of the project. The streets in the proposed project area are all unimproved streets consisting of a cape-seal road surface with concrete curbs. In accordance with the recently adopted City policy that contains new provisions for the City initiating a street improvement project (as compared to receipt of a petition from residents on a street requesting its improvement), a series of meetings have been held and reports have been prepared for consideration by the City Commission. **The City Commission is being asked consider adopting one of the three suggested resolutions (A, B or C) that will give the Engineering Department the necessary direction to proceed with final design of the project**. After receiving direction, other necessary reports will be brought to the City Commission for future action, including setting public hearing dates for special assessments that will be pursued, holding the public hearings of necessity and confirmation of the roll for those special assessments, and for award of the construction contract for the project that will include any recommended adjustments to the City budget. Special assessments that will be considered include a special assessment for street improvements if Suggested Resolution 'A' is chosen, special assessment for cape-seal treatment if Suggested Resolution 'B' is chosen, and special assessment for water & sewer lateral replacements if Suggested Resolution 'A' or 'B' is chosen.

#### **ATTACHMENTS:**

- Current Policy for Street Improvements (October 2021)
- MMTB Report Packet dated 4/1/2022
- MMTB Meeting Minutes from meeting on 4/5/2022
- MMTB Report Packet dated 4/29/2022 for P.H. on Proposed Street Width Changes
- MMTB Meeting Minutes from P.H. on Proposed Street Width Changes dated 5/5/2022
- Proposed Project Report for Westwood, Raynale and Oak Street Paving, dated 5/12/2022
- Neighborhood Informational Meeting Sign-in Sheet (held on 5/12/2022)
- Engineering Dept Report to City Commission dated 9/5/1988 & Notice Letter to Residents dated 4/12/1989
- Letters from property owners received through 6/20/2022
- Petition from Property Owners in Project Area, dated 5/31/2022

#### SUGGESTED COMMISSION ACTION:

- A. Make a motion adopting a resolution to direct the Engineering Department to proceed with final design of the Westwood, Raynale & Oak Street Project to include the planned improvements to the sewer and water systems, and the full reconstruction of the streets within the project area that will meet the City standards for an improved street; or
- B. Make a motion adopting a resolution to direct the Engineering Department to proceed with final design of the Westwood, Raynale & Oak Street Project to include the planned improvements to the sewer and water systems, and the replacement of pavement surfaces disturbed by the utility construction with a full cape-seal treatment to be completed upon the conclusion of the other construction; or
- C. Make a motion adopting a resolution to direct the Engineering Department to postpone further design of the Westwood, Raynale & Oak Street Project until such a time when the property owners in the project area present a petition requesting the City Commission consider improving their streets or unless emergency conditions arise necessitating repair and/or replacement of the water or sewer utilities in the project area.



## ENGINEERING DEPT. POLICY STATEMENT

## PROCEDURE FOR CITY STREET IMPROVEMENTS (October 25, 2021)

Most of the subdivisions built in Birmingham were complete and in place prior to the Great Depression. The expectations of a public street were different in that era. Cities and villages accepted gravel streets with little provision for drainage.

Subdivisions built today are required to provide public roads with an engineered pavement built to last anywhere from 20 to 40 years. Handling storm drainage is an important part of the design. The cost of the pavement and storm sewer system is paid for by the developer, and that cost is then passed on to the first homeowners who purchase a home or property within the development. After the new street is installed and approved to their standards, the local City then takes over ownership of the pavement, and promises to maintain it into the future.

Birmingham, like other cities built by the 1920's, accepted gravel roads without storm sewer systems to serve as their local streets. By the end of World War II, the public's expectations about what a public road should look like, and how it should function, was changing. Many cities took on ambitious construction programs, funded by bonds, and paid back through special assessments to the adjoining, benefitting properties. Birmingham took a more passive approach, electing to chip seal its gravel roads beginning in the late 1940's. The chip seal helped solve many of the problems of a gravel road, but did not resolve the more complex issues of drainage.

#### **ROAD IMPROVEMENT OPTIONS**

#### A. Citizen-Initiated Project:

Street improvement projects in Birmingham have historically been financed through the creation of a Special Assessment District (SAD). The district was authorized by the City Commission after consideration of a petition that was submitted indicating that over half of the property owners on the street were in favor of having their street paved, and that they were prepared to be charged for a portion of the cost. If your property is located on an unimproved road (one surfaced with a temporary cape seal surface consisting of asphalt emulsion and stone chips), then the property has never been included in a special assessment district to cover the cost of constructing a fully-improved road.

Residents interested in having their streets paved are encouraged to call the Engineering Dept. at 248-530-1850, to get the process started. Usually, one or two residents take charge of the process. A petition with the appropriate language is prepared by the Engineering Department., and forwarded to the petition circulator. They are then



responsible for talking to their neighbors, and collecting signatures on the petition, documenting those that initially support the proposal.

Every street is unique. That is why we ask that petition circulators discuss the specifics with the Engineering Dept. prior to collecting signatures. Generally speaking, a new street will include the following features:

- 1. New concrete pavement with integral curbs to control drainage, built at 26 ft. wide between the face of the curbs. The 26 ft. width provides just enough room for a car to pass through, if other cars are parked on both sides. An asphalt pavement section, designed to provide an equivalent performing pavement as compared to concrete, along with concrete curb and gutter, may be considered as an alternate pavement design on a case-by-case basis.
- 2. The City will review the current conditions of the sewer and water systems in the public right-of-way, referred to as "mains". Unimproved streets often need some or all of these systems replaced. The cost of these improvements would be charged to the City's Sewer and Water Funds, and would not be included in the special assessment.
- 3. In addition to the mains, the City also looks at the age and size of each home's individual water and sewer laterals serving their homes. These pipelines are considered a part of the private system serving each property. If the pavement is being replaced, and these pipes are either too old or too small, they will also be replaced as a part of the project. These costs are charged to the benefitting property in a separate special assessment from that established for the road paving.
- 4. Each driveway approach is removed and replaced to meet the current standards for driveways operating on the street. The size of the approach is measured and billed to the benefitting property through the road paving special assessment. Trees and sidewalks are left in place as much as possible. The grass lawn area between the sidewalk and the new street is removed and regraded to help ensure that the new sidewalk drains correctly. The new lawn area is sodded for quick, high quality restoration. Individual parking areas that may have been built along the edge of the road are removed, and not replaced. The new street is wide enough to support parked cars in most cases.

If a petition is submitted showing over 50% are in favor of the road improvement, the Engineering Department will prepare an informational booklet detailing the project being considered, and an estimate of the costs involved. It is mailed to all owners in the potential district, and a neighborhood meeting is conducted for those that would like to discuss and learn more about what is being considered.



If over 50% remain in favor of the project after this process, it will be moved forward to the City Commission for a public hearing, and possibly authorization. If the project is authorized, it will be designed and built by the City as soon as funding and construction schedules permit.

#### B. City-Initiated Project:

From time to time, the City Engineering Department may determine that construction of a project on an unimproved street should be initiated by the City. The main factors for making this determination would be where public sewer and/or water system improvements are needed, and construction of those utilities would necessitate removal of a portion of the existing roadway. Instead of simply restoring the cape-seal road surface after the utility construction, the City may start the process by engaging the property owners on the street about constructing an improved road. The City-initiated process would include the following steps:

- 1. The Engineering Department will identify project areas as part of the usual Capital Improvement Planning (CIP) process, where projects are planned over the upcoming 5 year time period. Occasionally, the need for a project is more unexpected by nature, and may not be part of the 5-year CIP.
- 2. Before starting the detailed design phase of a project on an unimproved street, the Engineering Department may engage the property owners that are in the project area to survey their opinions on the project by sending them an Expression of Interest form. Information and questions on the Expression of Interest form could include:
  - a. Project description and explanation of the purpose of the project (improvements to sewer or water system, or other reason) including anticipated street width, pavement material, construction period, and estimated SAD cost ranges.
  - b. Ask if they are supportive of the project to improve the sewer and/or water system along the street.
  - c. Ask if they are supportive of constructing an improved street upon completion of the underground utility work.
  - d. Ask their opinion if the finished road surface paving material should be concrete or asphalt.

This preliminary Expression of Interest Survey will be communicated to the affected property owners by mail, and email if that has been provided to the City. General communications can be posted on the City's website and social media



outlets to inform the public in general that design of the project will be starting, and if you are one of the affected properties, to look for the survey. The survey would be open for a minimum of 30 days.

- 3. Begin preliminary design of the project: performing topographic survey; reviewing sewer and water system needs; preparing preliminary plans; and refining cost estimates.
- 4. Prepare an informational booklet for the project, as described in the Citizen-Initiated Project process section of this procedure document. The information booklet will be mailed to all property owners in the potential SAD, and a neighborhood meeting will be conducted for those that would like to discuss and learn more about what is being considered.
- 5. Prepare an Interim Report for City-Initiated Unimproved Street Project and present to the City Commission. Interim report would include: Expression of Interest survey results; feedback from public information meeting; cost estimate update including SAD component; and suggested resolution to proceed with final design of the project.
- 6. Set public hearing dates for road paving SAD and sewer & water lateral replacement SAD; hold public hearings of necessity; and hold public hearings confirming the assessment rolls.
- 7. Complete project design, and issue bid documents (with alternate paving design if warranted).
- 8. Present project to City Commission for award of construction contract, and decision on alternates (if any).

With City-initiated projects, the Special Assessment District process and development of costs to be assessed is exactly the same as that followed for petition-initiated projects.

## SPECIAL ASSESSMENT COSTS

Since costs for constructing road improvement projects change over time, you are encouraged to contact the Engineering Dept. for current estimated costs. Property owners can expect to be charged based on the following general schedule:

• **Paving Assessment** – Charged based on a unit rate times the footage of your property facing the street being improved. The unit rate is based on all paving related costs incurred to complete the project, minus 15% paid for by the City. If the property is on a corner, and the long side is being improved, the owner will be charged 33% of the unit rate, while the other 67% is paid for by the City.



- **Driveway Assessment** Each property that has a driveway or driveways needing approaches to the new street will be charged by the square foot that the contractor charged the City to install them. The driveway assessment cost will be added to the paving assessment for each benefitting property in the district.
- Sewer Lateral Replacement Assessment Each home served by a sewer lateral that is over 50 years old, or constructed with materials or pipe size not meeting current City standards, will have a new 6" PVC pipe installed to replace the existing one. Sewer laterals built with the road improvement projects are usually at least half off the cost of getting this work done on an individual basis, and reduces the chance that the new pavement will need to be damaged by utility cuts in the future.
- Water Lateral Replacement Assessment Each home having a <sup>3</sup>/<sub>4</sub>" dia. pipe, or any size that is constructed with materials not meeting current City standards, will have a new 1" dia. pipe installed to replace the existing one (or larger size to match existing). If the home is significantly improved or replaced in the future, the water lateral would have to be replaced at that time, resulting in damage to the new pavement. The cost of this work is generally significantly less if done in conjunction with the road improvement project as compared to undertaking the water lateral replacement separately.

Special assessments for Paving Assessments, as well as Sewer and Water Lateral Replacement Assessments, can be paid off when due, or paid over a period of time (typically 10 years), with interest charged on the remaining balance, as determined by the City Commission at the special assessment hearing.



## **MEMORANDUM**

**Engineering Department** 

DATE:	April 1 <sup>st</sup> , 2022
TO:	Multi-Modal Transportation Board
FROM:	James J. Surhigh, Consulting City Engineer Brooks Cowan, City Planner Commander Scott Grewe, Police Department
SUBJECT:	Set Public Hearing for Westwood Dr. Improvement from Raynale to Oak St, Raynale St. Improvement from N Glenhurst to west City Limits, and Oak St. Improvement from N Glenhurst to west City Limits

## INTRODUCTION:

As part of the City's annual Capital Improvement Plan and budget for 2022, an "unassigned" unimproved street improvement project has been planned for. The Engineering Department selected a group of streets for this project that include Westwood, between Raynale & Oak, Raynale, between N. Glenhurst and the west City limits, and Oak, between N. Glenhurst & the west City Limits. This selection is the first done under the City's new policy for initiating unimproved street improvement projects. The project is presented for discussion with respect to multi-modal issues early in the engineering design process. The existing width of these streets does not meet the City's street width policy, so this project is also presented for discussion of, and recommendation for, the street widths to be constructed. In accordance with the street width policy, the MMTB is asked to hold a public hearing for the street width change, and a suggested motion is presented for adoption to set a date for that.

## BACKGROUND:

The Engineering Department selected a group of streets to fill the "unassigned" unimproved street project in the 2022 budget and capital improvement plan, and is the first project being proposed under the recently adopted City policy allowing the City to initiate a street improvement project without waiting for a citizen-led petition effort. This project includes Westwood Dr, between Raynale St & Oak St, Raynale St, between N. Glenhurst Dr & the west City limits, and Oak St, between N. Glenhurst Dr & the west City Limits. The rationale for selecting these streets for this project were presented at the 2022 Long Range Planning Meeting held on January 22, 2022. A copy of the Engineering Department memo presented at the meeting is attached for reference.

The proposed project will include complete reconstruction of the streets within the limits as described. The cost for the street pavement improvements will be subject to a special assessment to the adjoining property owners that benefit from the street improvement project. The special assessment process is a long-standing City policy when unimproved streets are improved. Special assessments for drive approaches, and for water/sewer laterals not meeting current City standards are typical for these type of projects. Other infrastructure

improvements that are proposed to be completed, but not subject to the special assess, include the following components:

- Replace the existing 6" water main (originally installed in 1929) with a new 8" water main meeting current City sizing requirements. The existing 8" water main on Oak (1916 & 1927) will also be replaced with a new 8" water main. A new 8" water main will be installed on Raynale to connect the mains on Westwood and N Glenhurst to improve circulation and reliability. New valves and fire hydrants will be replaced in the project area.
- New storm sewers will be installed to extend the storm sewer system constructed in previous years on Raynale & Oak. These storm sewers will reduce the amount of storm-related flow in the City combined sewer system, which will reduce the risk of basement flooding due to extreme rain events and also reduce long term costs to the City for treatment of storm flows in the sewer system.
- Repair and rehabilitation work for the existing combined sewers will be completed, if needed, and especially if excavation is required, in conjunction with the proposed project.
- Sidewalk improvements will be completed as needed, especially at intersection crosswalks, to meet current ADA requirements.

We are in the preliminary design phase for the project, and are presenting it to the MMTB for discussion with respect to multi-modal issues, as is the standard practice for public projects. The City's multi-modal transportation consultant, MKSK, will review how the project relates to the City's Multi-Modal Plan and recommended practices.

The existing width of these streets do not meet the City's street width policy that was adopted in July of 2018, which is attached to this report for reference. MKSK will review the street width conditions for the proposed project, along with the established criteria for allowing deviations from the standard. The table below summarizes the existing and recommended widths (face-of-curb to face-of-curb) for consideration.

Street	From	То	Existing Prop		Criteria for	
			Width	Width	Deviation	
Westwood	Raynale	Oak	31	26	None	
Raynale	N Glenhurst	West City limit	31	31	4c	
Oak	N Glenhurst	West City limit	36	36/31	4c	

In accordance with the street width policy, the MMTB is asked to hold a public hearing for the street width change, where property owners that are directly impacted, as well as the public at large, has an opportunity to express their positions regarding the proposed street width changes. After the public hearing, a report will be presented to the City Commission summarizing the communications, recommendations, and opinions collected during the preliminary design phase, and provide direction to Staff for finalizing design of the project.

## COMMUNICATION:

The City has sent a project announcement letter to the residents directly in the proposed project area. In advance of the proposed public hearing, signs will be posted along the affected streets. The City Clerk's office will notify the public as required by City Ordinance.

## **ATTACHMENTS**

- Upcoming Capital Projects for 2022
- Residential Street Width Standards (2018)
- Westwood Drive Street Design Options (MKSK)

## SUGGESTED BOARD ACTION:

Make a motion adopting a resolution to set a Public Hearing date of May 5<sup>th</sup>, 2022 to consider recommendations for the change in street width for Westwood Dr, between Raynale St and Oak St at the regularly scheduled Multi-Modal Transportation Board meeting.

		(Westwood Dr Attachment)		
T City of	Birmingham	MEMORANDUM		
DATE:	January 13, 2022	Engineering Dept.		
TO:	Thomas Markus, City Manage	er		
FROM:	Scott D. Zielinski, Assistant C James J. Surhigh, Consultant			
SUBJECT:	Upcoming Capital Projects fo	r 2022		

2022 is looking to be a very busy year for construction in Birmingham. There are some projects from 2021 that are scheduled to be finished this spring as soon as weather conditions allow, followed by this years' planned capital projects. Note that all projects are subject to City Commission approval and budget constraints.

## Carry-over Work from 2021

> 2021 Asphalt Resurfacing Project

The Asphalt Resurfacing Project from the 21/22 season that started in 2021 will finish this spring. The project includes multiple street sections that will receive pavement resurfacing to extend the pavement life cycle. The contractor for this project is Pamar Enterprises, with Al's Asphalt as their paving subcontractor. The streets with planned work include:

- Watkins, W. Brown to W. Frank & Hanna to Wallace mill and resurface pavement.
- Stanley, Hanna to Wallace & W. Lincoln to 14 Mile mill and resurface pavement, with extension of the curb island at W. Lincoln to reduce the length of the crosswalk.
- Latham, Northlawn to 14 Mile mill and resurface pavement, with new curbs at the intersections with Norfolk, Worthington, Southlawn and Wakefield constructed along new alignments with reduced radii to help with traffic calming in the neighborhood.
- Fairway, from Pleasant to 600 ft east of Pleasant replace aging water main, patch trenches and excavations, and mill and resurface remainder of pavement.
- Pavement repairs at Parking Lot #5 (behind North Old Woodward Parking Structure)

## > 2021/22 Concrete Sidewalk Program

The 21/22 Sidewalk repairs project is focused this year on Residential Area 4 and Downtown Area 1B of the City's Sidewalk Repair Program. Area 4 extends in general from Pierce Street to Southfield Rd, and Maple Rd to 14 Mile Road. Area 1B of the downtown generally extends from Old Woodward to Woodward, from Maple Road to Ravine. The contractor for this project is J.B. Contracting. Work on sidewalk ramp upgrades for ADA compliance was completed in the fall of 2021, and remaining work will be completed in the spring of 2022.

## Sewer Rehabilitation Program

This project includes sewer rehabilitation services to clean and inspect certain sewer segments throughout the City. Work items for rehabilitating minor sewer issues that may be found, such as removal of roots, grinding mineral deposits, grouting leaking joints, and limited internal patching of holes and open joints. Part of this contract includes televising sewers and sewer laterals on S. Old Woodward, in advance of the upcoming construction, to help confirm which existing sewer service lines are inactive. The total length of sewers included in this part of the project are 47,200 feet. The contractor for this project is DVM Utilities, who plan to start the work in mid-January, with completion anticipated by June 2022.

## Planned Projects for the 2022 Construction Season

Edgewood Ave (Lincoln to Southlawn) Design work has started for replacing the water main and improving the sewer system, along with replacement of the pavement. This project will start in the spring, with completion early in the summer.

## Redding Rd (Lakepark to Woodward)

Design work has started for replacing the water main and improving the sewer system, along with replacement of the pavement. Also included in the project are structural repairs to the bridge, construction of new storm sewer outfalls, and stabilization of the streambanks in the vicinity of the bridge. New sidewalk is being planned, along with a necessary retaining wall, to close the existing gap between Lakepark and the bridge. This project will likely start later in the summer, with completion in the fall.

## Cranbrook Non-Motorized Shared Use Path (TAP Grant)

Design work has started for constructing a new 10-ft wide shared use path along Cranbrook, from 14 Mile to Midvale, and new sidewalk along the north side of 14 Mile, from Cranbrook to the western City limits, and on the south side of Lincoln, from Cranbrook to Golfview. This project will likely start later in the summer, with completion in the fall.

## Parking Lot #5 Slope Repair

Design is underway for slope stability and erosion control measures to stabilize the slope along the northern edge of lot #5. Excessive rain events that overwhelm the storm sewer catch basins has resulted in deterioration of the slope that extends down to the Rouge River from the north end of the parking lot. This work will have to be coordinated with the planned asphalt pavement repairs in the parking lot.

## ➢ Water Tower Maintenance & Coating

Necessary repairs and maintenance work will be performed on both water towers, including replacing the coatings (paint) on the exterior and interior of the tanks. Design will start this winter, and the contract will be bid early spring. The goal is to complete repairs on one of the water towers before July/August (peak water demand months), and the other would be completed in the fall.

## S. Old Woodward Ave. Phase 3 Reconstruction Project

Final plans are currently being prepared in accordance with the approved conceptual design for completion of the downtown reconstruction effort started in 2018. Improvements will include new concrete pavement, construction of storm sewers and infiltration/storage system to reduce peak storm water runoff from the area, updates to the water system, new sidewalks and streetscape elements, new crosswalks and improvements for pedestrian safety, trees, landscaping and irrigation, street lighting, and new electric system for holiday tree lighting and potential future electric vehicle charging. The following tentative milestones for implementing the project are as follows:

- 2/14 Advertise plans for bids
- Week of 2/21 Hold public information meeting
- 3/7 Hold pre-bid meeting with prospective bidders
- 3/14 Public Hearings of Necessity for SAD's (streetscape and sewer/water lateral replacements)
- 3/21 Open bids
- 4/11 Recommendation for Award of construction contract to City Commission
- 4/11 Public Hearing Confirming Role for SAD's (streetscape and sewer/water lateral replacements)
- 5/2 Issue Notice to Proceed (presuming insurance/bonds/contract in order and permits approved)
- 5/31 Start construction (dependent on material lead time, contractor's schedule)
- 9/30 Substantial completion, roadway open to traffic
- 10/28 Final completion

## > 2022/23 Concrete Sidewalk Program

The 22/23 sidewalk repairs program will focus on Residential Area 5 and Downtown Area 1C. Area 5 extends in general from Southfield Rd to the western City limits, and Maple Rd to the southern City limits14 Mile Road. Area 1C of the downtown generally extends from Woodward to Pierce, from Maple Road to Daines. Construction on this work would likely begin in late summer. Other concrete sidewalk work being planned includes:

- Concrete slabs for granite bench locations along W. Maple Rd.
- Sidewalk gap closure on the north side of Oak St., between Lakeview & Greenwood (in front of Greenwood Cemetery)
- Reconstructing sidewalk on Ann St., from Lincoln to Landon, to correct sidewalk cross-slope issues.

## > 2022 Asphalt Resurfacing Project

This program will continue in the fall with multiple streets that will receive pavement resurfacing and preventative maintenance measures to extend the pavement life cycle. These streets will be determined based on analysis of the pavement condition evaluation (PASER ratings) from this past year.

## Unimproved Streets

With the City Commission's approval of the policy modifications related to initiation of street improvement projects, the Engineering Department is planning to initiate design of a street improvement project to be constructed in 2022 on the following unimproved streets:

- Westwood Drive, Raynale St. to Oak St.
- Oak St., N. Glenhurst Dr. to western City Limits
- Raynale St., N. Glenhurst Dr. to western City Limits

This project will include replacement of undersized water mains, extension of storm sewers previously constructed on Raynale and Oak to alleviate the risk of basement flooding due to sewer backups in the immediate area and reduce storm water that enters the combined sewer system, and repair/rehabilitation of the existing combined sewers that will continue to provide sanitary service. The preliminary estimated cost for this project is approximately \$1,830,000, and is accounted for in the current budget between the "unassigned unimproved street" project for FY21/22, and re-allocating the Oak St. project that is currently planned for FY23/24. Some of the benefits for selecting this project at this time include:

- Providing for continued extension of the storm sewers in this neighborhood as described in the 2011 Backyard Sewer & Water Master Plan, and allowing for further extension in FY23/24 on Westwood, N. Glenhurst, Lyonhurst and Brookwood north of Raynale. Once this storm sewer extension is complete, proposed modifications to the regulator on the Bloomfield Village Drain (Oakland County Water Resources Commissioner) at Raynale can be considered that would provide relief to the combined sewer system south of this area.
- Replacement of water mains will create an improved "loop" that help with available fire flows on surrounding streets (a number of fire hydrants in this area that may not be able to produce even 500 gpm under existing conditions).
- This first project will be a test of the newly modified policy allowing the City to initiate a street improvement project, and then special assess the costs associated with the street paving to the adjoining property owners in accordance with the current policy. Success of this process will allow the City to better plan future infrastructure improvements that continue to improve the quality of life of its residents.

In 2022, a cape-sealing program will also be put out for bids to address the most severely deteriorated street surfaces, mostly in the southeast part of the City. Streets selected for this treatment are based on recent pavement condition evaluation efforts (PASER ratings).



## Engineering Dept.

Presented by: Jim Surhigh & Scott Zielinski

Date: January 22, 2022



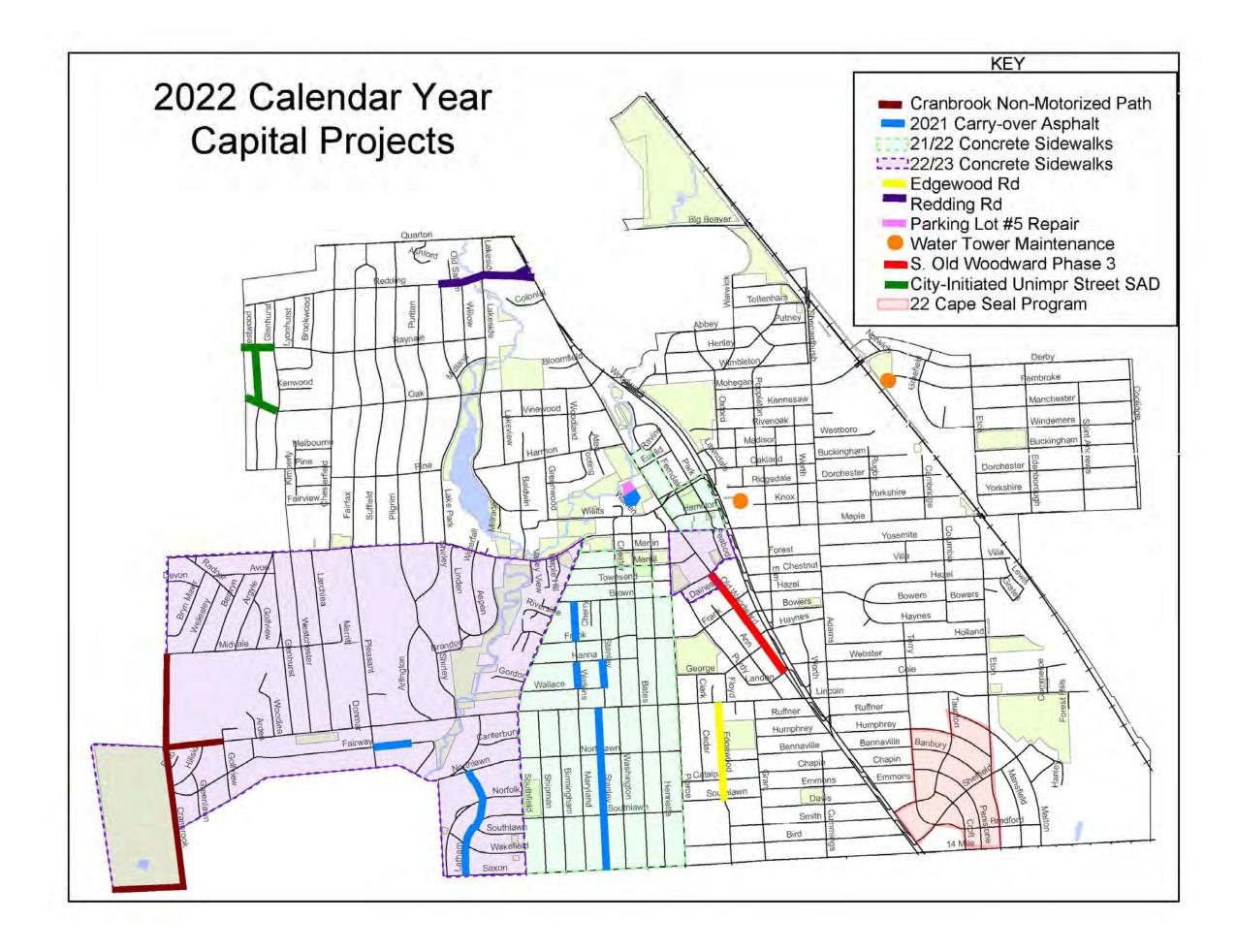
# Upcoming Capital Projects

Work Scheduled for 2022 & Future Plans

# **Upcoming Capital Projects Overview:**

- Some projects started in 2021 and will continue in 2022 as soon as weather conditions allow
- $\succ$  New construction projects starting to improve sewers, water system, pedestrian accessibility & safety, and road conditions
  - S. Old Woodward Reconstruction Phase 3, Brown to Landon
  - City-Initiated Unimproved Street Improvement Project
- Continuing sidewalk, pavement, sewer maintenance programs
- Extensive work planned by Consumers Energy in 2022



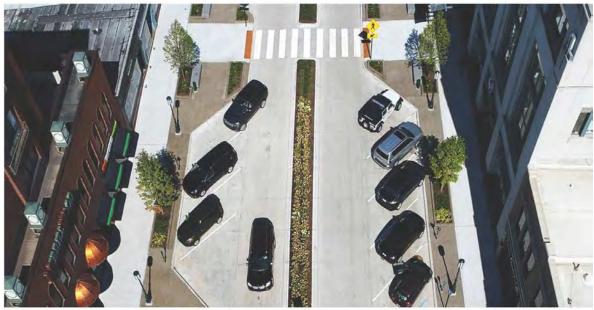


# S. Old Woodward Phase 3

## Scope/Features:

- New Concrete Pavement with "bump-outs" and median islands
- New sidewalks & streetscape elements (planters, benches, lighting, trees & landscaping)
- Enhanced cross-walk design to improve pedestrian safety
- New storm sewer with underground storage/infiltration feature

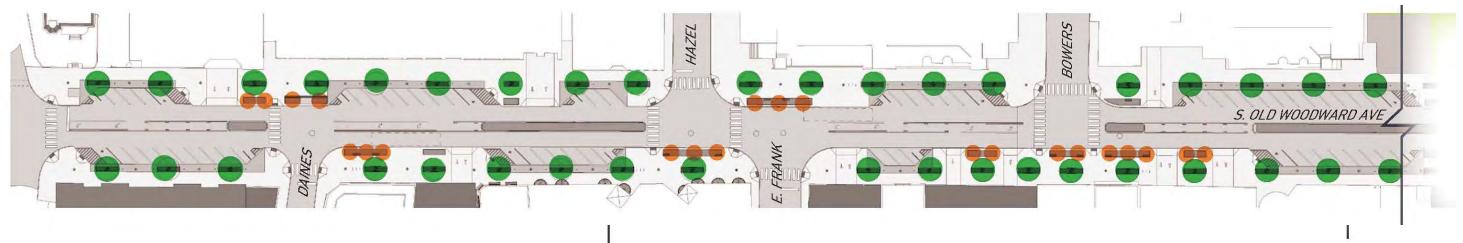


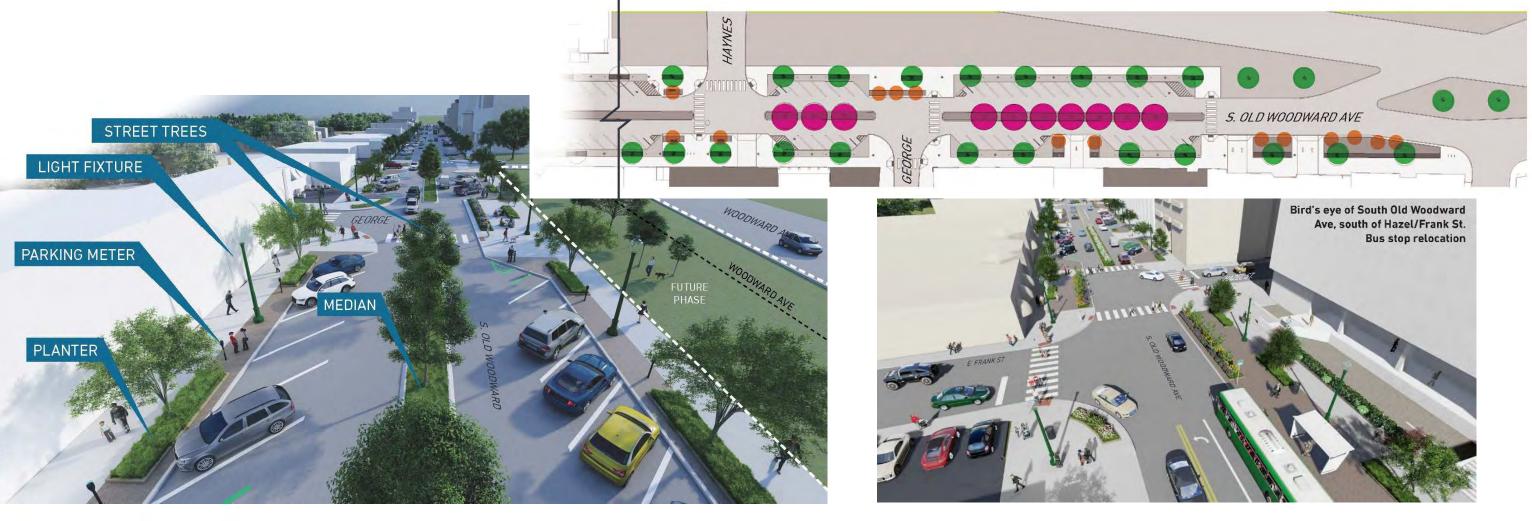






# S. Old Woodward Phase 3





# S. Old Woodward Phase 3

## Tentative Milestone Dates:

- 2/14 Advertise Plans
- 2/21 Public Informational Meeting (date TBD)
- 3/14 P.H. of Necessity for SAD's (Streetscape, Sewer/Water Laterals)
- 3/21 Open Bids, Evaluate Results
- 4/11 Recommendation for Award
- 4/11 P.H. Confirming Roll for SAD's
- 5/2 Issue Notice to Proceed to Contractor
- 5/31 Start Construction

10/28

City of Birmingham

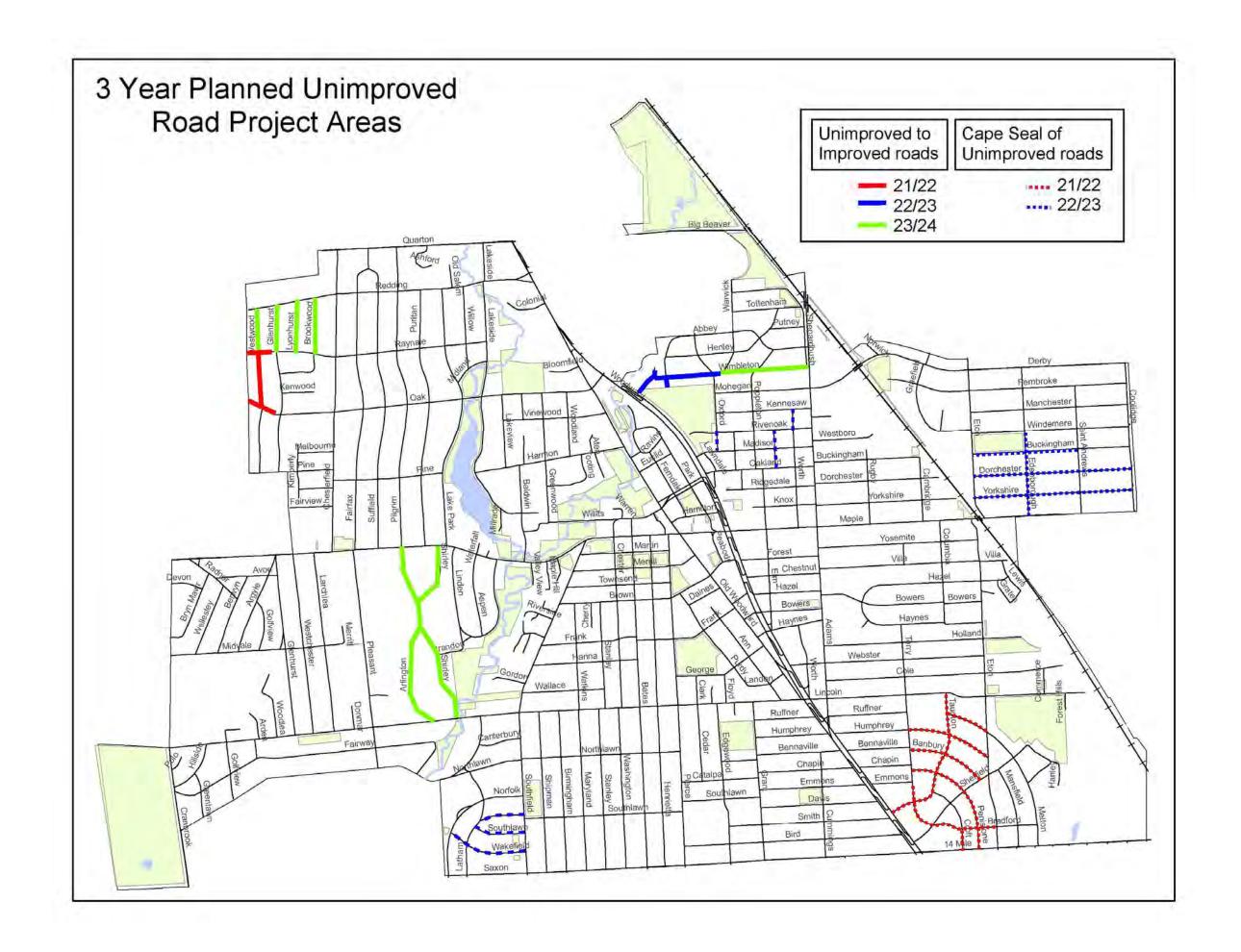
- 9/30 Substantial Completion Date (road open to traffic, some remaining work)
  - Final Completion Date



# **Unimproved Streets**

- 2022: Westwood (Raynale to Oak), and Oak and Raynale (N. Glenhurst to City limits)
  - City-Initiated Project will be sending "Expression of Interest" survey to residents soon and proceeding with project design
  - New water main will improve flow & pressure conditions in area
  - Extend storm relief sewers that were constructed on Oak & Raynale
- > 2022: Cape-Seal Program severely deteriorated streets in neighborhood south of Lincoln, east of Woodward
- Projects planned in current 3-year budget/CIP on Arlington, Shirley, Westwood, N. Glenhurst, Lyonhurst & Brookwood
- 2023 City-Initiated Project & Cape-Seal Program





City	vingham Walkable Community
	manadore Community

## (Westwood Dr Attachment)

## **MEMORANDUM**

Engineering Dept. Planning Department Police Dept.

DATE: July 13, 2018

TO: Joseph A. Valentine, City Manager

FROM: Jana Ecker, Planning Director Scott Grewe, Police Dept. Paul O'Meara, City Engineer

SUBJECT: Residential Street Width Standards

On January 22, 2018, the City Commission considered future street widths for Bennaville, Chapin and Humphrey. Several residents appeared on behalf of Bennaville Ave., and additional residents appeared on behalf of the one block of Chapin Ave. After much discussion, the City Commission endorsed the recommendations of the Multi-Modal Transportation Board ("MMTB") with regards to the future street width. However, during the discussion, the Commission expressed confusion as to what the City's policy is for determining the width of a new street. As a result, the MMTB was asked to study the issue in further detail, and send information and policy direction back to the Commission.

In March 2018, the MMTB began their discussion by identifying goals for residential road width standards, and reviewed the national standards and best practices from professional organizations and peer cities. The board agreed that standards should be created, but that there may be factors to permit some modifications if certain criteria are met.

On May 3, 2018, the MMTB passed a unanimous motion to recommend approval of Residential Street Width Standards to the City Commission.

On June 4, 2018, the City Commission reviewed the proposed Residential Street Width Standards recommended by the MMTB. After much discussion, the City Commission directed the standards back to the MMTB for further refinement in the following areas:

- Expand on the introduction and policy goals section to clarify purpose of standards;
- Identify clearly the professional organizations on which the standards are based;
- Change language in (2) from mandatory (shall) to optional (may); and
- Emphasize the role of public involvement by adding language to (4).

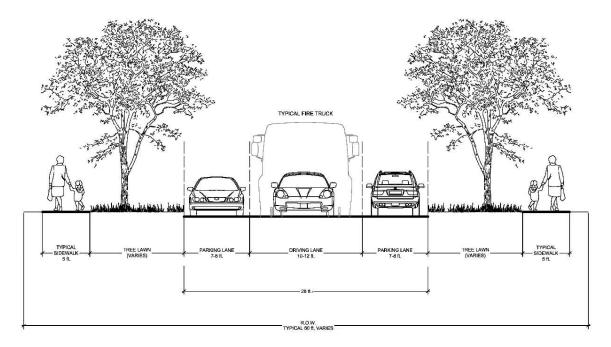
Accordingly, City staff made the changes requested by the City Commission to the Residential Street Width Standards and took the issue back to the MMTB on July 12, 2018. Board members recommended minor revisions, and then voted unanimously to recommend approval of the revised standards to the City Commission.

Please find attached all research considered by the MMTB, draft standards and all staff reports and minutes from the MMTB discussions for your review.

## Suggested Action:

To approve the Residential Street Width Standards as recommended by the Multi-Modal Transportation Board on May 3, 2018, and as further refined and recommended on July 12, 2018.

## POLICY STATEMENT: BIRMINGHAM RESIDENTIAL STREET DESIGN STANDARDS



**INTRODUCTION:** The City Commission asked the Multi-Modal Transportation Board (MMTB) to establish a City policy for determining the width of a new street. Accordingly, the MMTB identified goals for residential road width standards, and reviewed the national standards and best practices from professional organizations and peer cities. The board created standards and allowed for modifications if certain criteria are met.

**INTENT:** The purpose of these standards is to provide consistent street widths throughout the city but with flexibility for very specific situations. The goals for identifying a standard road width for residential roads include the following:

- Functionality;
- Consistency with adjacent streets;
- Accident reduction and public safety;
- Adhering to Complete Streets principles;

   Enhancing walkability;
- Character of community;
  - Block length;
  - Size of lots;
  - Building setback and lengths;
- Traffic calming;
- Expediency in planning and engineering;

- Infrastructure costs; and/or
- Storm water runoff management.

The following standards are based on residential street design recommendations published by **American Association of State Highway and Transportation Officials** (AASHTO), the Institute of Transportation Engineers (ITE), the Urban Land Institute (ULI), the Congress for New Urbanism, **National Association of City Transportation Officials** (NACTO), and those used by peer cities. Using those standards as a base, these standards are also based on emergency response access, winter weather, the existing street widths in the city, and the characteristics of different neighborhoods in the City. These widths typically allow for parking along both sides of the street with room for a vehicle to pass in one direction. When there is opposing traffic (vehicles going both ways) one of the motorists will need to yield to the other. This is commonly classified as a "Yield" or "Courtesy" Street.

## STREET DESIGN STANDARDS (see also attached flow chart):

1. NEW AND EXISTING, UNIMPROVED RESIDENTIAL STREETS THAT ARE BEING IMPROVED

When streets are improved or newly constructed, the standards below shall be strictly generally be applied. Exceptions may be considered when factors, such as those described in Section 4, are evident.

- a. Standard Streets: 26 ft. in width from curb to curb.
- b. If the right-of-way is less than 50 ft., the street width shall be a minimum of 20 ft. with parking allowed on one side only (generally the side without fire hydrants).

## 2. EXISTING, IMPROVED RESIDENTIAL STREETS

When previously built streets are reconstructed, this standard shall generally be applied. Exceptions may be considered when factors, such as those described in Section 4, are evident.

**Standard Streets:** 26 ft. in width from curb to curb.

**Existing Street is 28 feet or less in width**: If existing street width is 28 ft. or less in width, street shall may generally be reconstructed at the existing width **provided there is a reason present under section 4**.

## 3. PUBLIC NOTICE AND PUBLIC HEARING

Whenever there is a street project where a change in the existing width is being considered, the Multi-Modal Transportation Board shall have a Public Hearing to inform residents of the project and provide an opportunity for comment. The City shall post a sign along the street that announces street project. Design details shall be advertised and posted on the City's website. If residents express a desire for a nonstandard street width at a public meeting or through a public survey of street residents, those preferences shall be considered. However, engineering or safety factors listed in Section 4 must also be present to support a design exception.

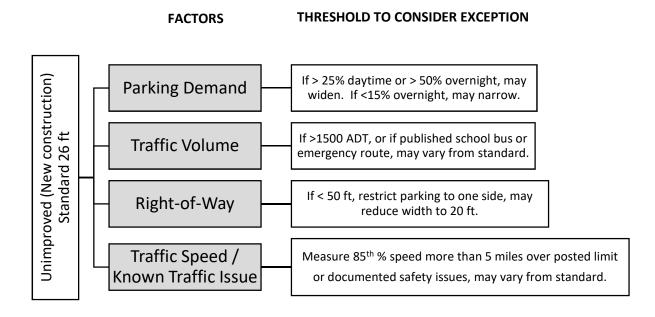
## 4. EXCEPTIONS AND MODIFICATIONS TO THE WIDTH STANDARDS

Any modification must be consistent with the Intent of these standards and the engineering publications upon which they are based. Street width exceptions may only be approved to a minimum of 20 ft. and a maximum of 30ft. If residents express a desire for a non-standard street width at a public meeting or through a public survey of street residents, those preferences shall be considered (either wider or narrower) Modifications to street widths may only be considered if one or more of the following conditions exist:

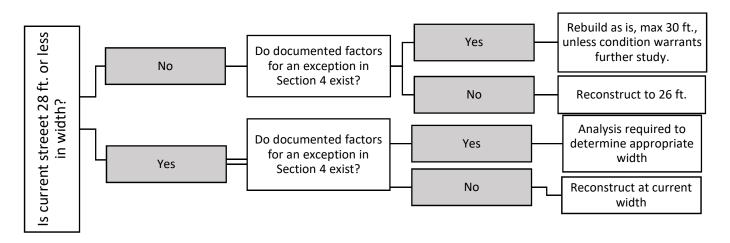
- a. High or low frequency of use of on-street parking. When surveyed on-street parking is utilized 15% or less overnight, the width may be reduced. When parking density is classified as highly utilized, defined as over 25% occupancy throughout the day or more than 50% of the available curb space used overnight, the width may be increased. For calculation of parking, a minimum length of 22 ft. shall be used and not include driveways, spaces adjacent to fire hydrants, or other locations where parking is not allowed.
- b. Daily traffic volumes exceed 1500 vehicles.
- c. The street is a published school bus route used by the Birmingham Public Schools or is a frequent emergency response route.
- d. Street is adjacent to a school, religious institution, City park, multiplefamily residential development, or other use with access that generates higher traffic volumes.
- e. Presence of street trees, especially healthy, mature trees, such that rebuilding the road as proposed would result in the removal of two or more trees on any given block.
- f. A speed study confirms that the 85<sup>th</sup> percentile speed is more than 5 miles per hour over the posted speed limit and/or city police or engineering departments have documented operational or safety concerns related to traffic patterns along the street.
- g. Street may be as narrow as 20 ft. with parking on one side only if right-of-way is less than 50 ft.

## 5. BOULEVARD STREETS

Reconstruction of streets with a boulevard, median, or other unique design feature, shall be reconstructed to match the current configuration unless geometric changes are needed based on safety or engineering analysis.



## **RECONSTRUCTION OF IMPROVED STREET**





Notice Sign Located on streets with speed limits of 25 mph

## Introduction

- Westwood Drive to be reconstructed in 2022
- Options are to rebuild to the current 31 feet wide or reconstruct to meet the current city standards of 26 feet wide with more greenspace between the sidewalks and the curb
- Public input may help determine the Board's recommendations to the City Commission

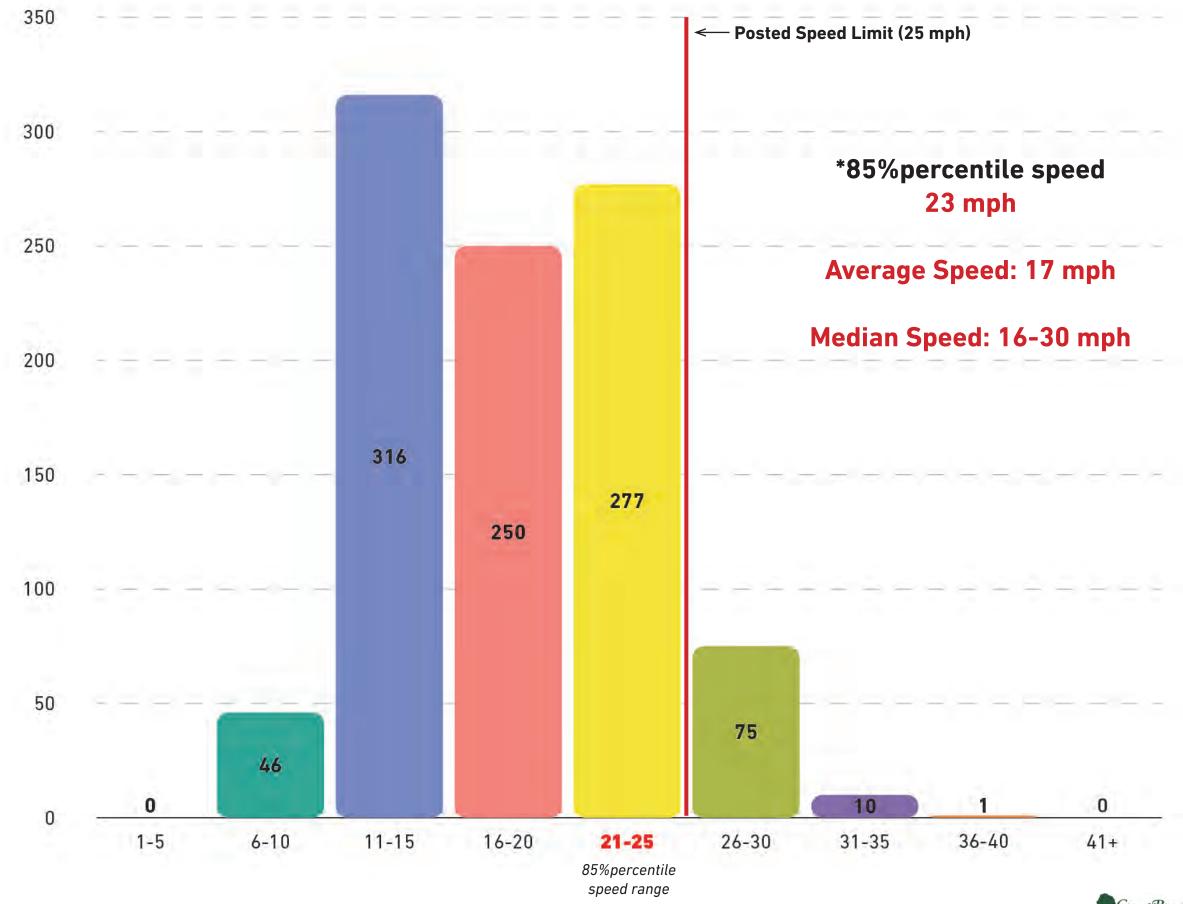






## **Background - Speed Data**

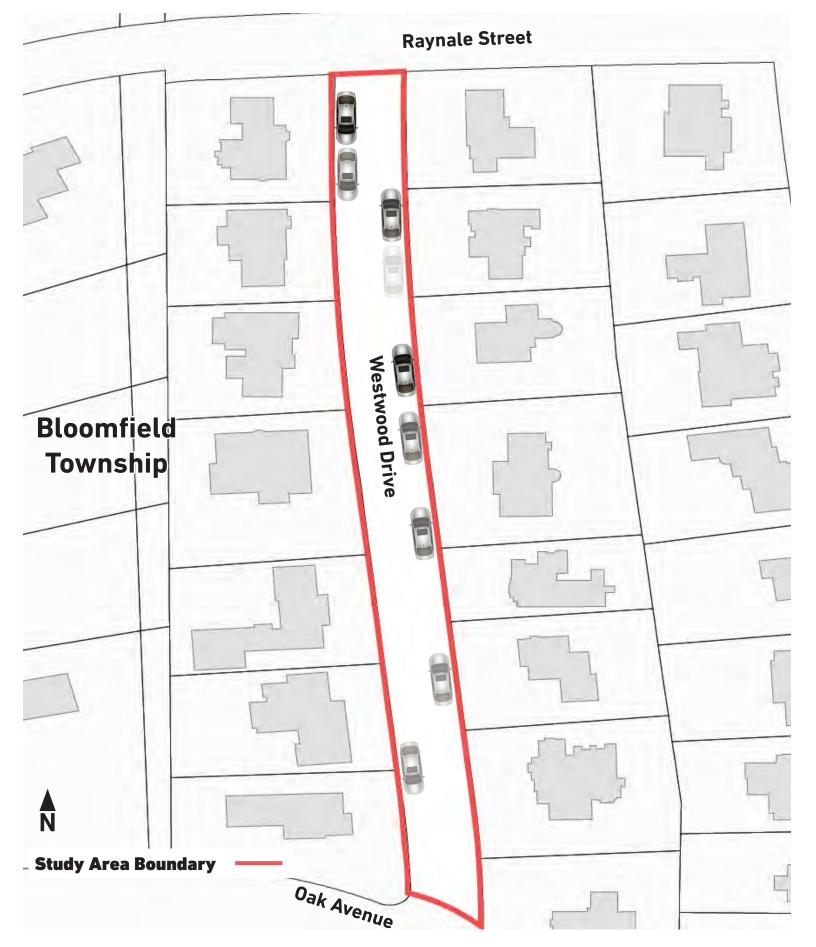
Speed Data collected September 10th, 11th, 12th and 13th of 2019







## **Background - Westwood Study Area Parking Counts**



**Counts on Westwood Drive from March 16th** through March 21st between the hours of 1:25 AM and 5:15 AM

Average Number of Parked Cars: 6 cars

Peak Number of Parked Cars: 7 cars

Max on-street Parking Capacity: 49 cars

**Percentage of Capacity at Peak: 14%** 

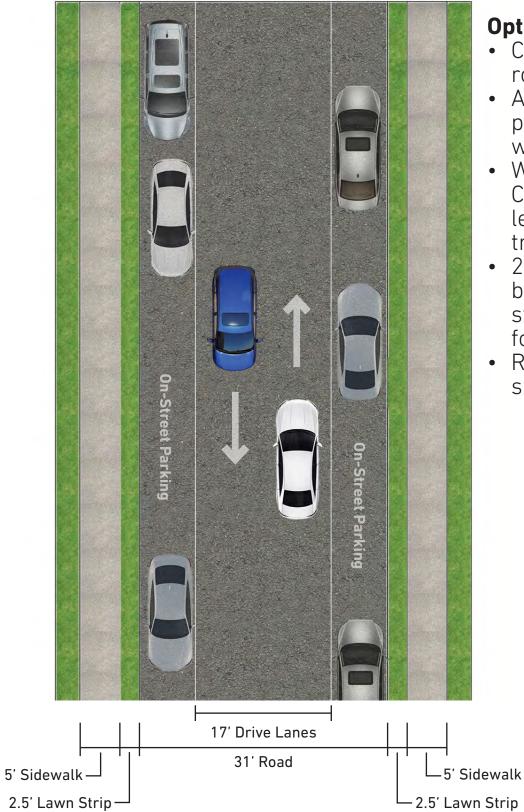




## **Street Design Options**

## **Westwood Dr Option 1**

Existing Conditions

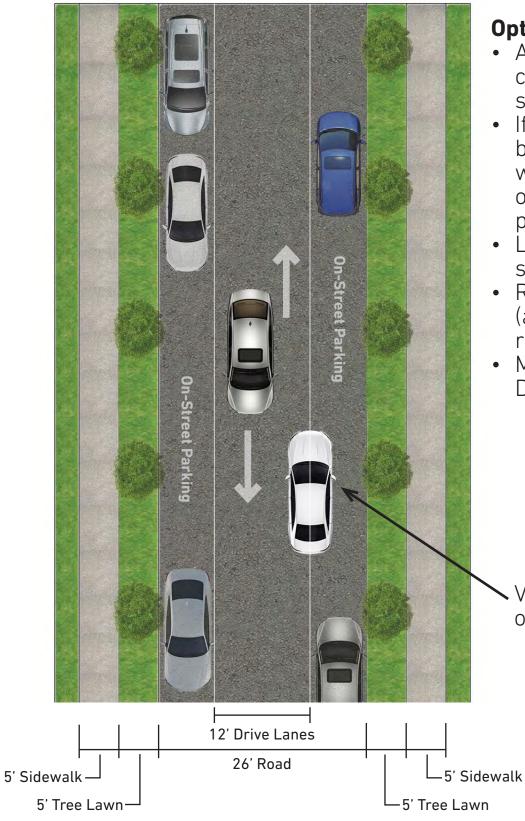


## **Option 1:**

- Current design of the road
- Allows on-street parking on both sides, with 2-way traffic
- Wider street than the City Standard, may lead to slightly higher traffic speeds
- 2 and a half feet between sidewalk and street leaves no room for street trees
- Room for bikes to share the road

## **Westwood Dr Option 2**

Proposed Design



## **Option 2:**

- A more narrow street could help reduce speeds
- If cars are parked on both sides. a car must wait for a car in the opposite direction to pass
- Less room for bikes to share the road
- Room for street trees (aesthetics, could reduce speeds)
- Meets current City Design Standard

## Vehicle must wait for on-coming car to pass





# Discussion



## **DRAFT**

## City Of Birmingham Multi-Modal Transportation Board Thursday, April 7, 2022

151 Martin Street, City Commission Room 205, Birmingham, MI

Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, April 7, 2022. Chair Doug White convened the meeting at 6:00 p.m.

## A. Rollcall

- **Present:** Chair Doug White; Board Members David Hocker, Anthony Long, Tom Peard, Victoria Policicchio, Michael St. Germain (arrived 6:02 p.m.); Alternate Board Member Mark Doolittle
- Absent: Board Member Joe Zane; Alternate Board Member Amanda Fishburn

## Administration:

Brooks Cowan, Senior Planner Scott Grewe, Operations Commander Jim Surhigh, Consulting City Engineer

## MKSK: Brad Strader

## B. Approval of MMTB Minutes of March 3, 2022

Motion by Mr. Peard Seconded by Mr. Hocker to approve the MMTB Minutes of March 3, 2022 as submitted.

## Motion carried, 7-0.

VOICE VOTE Yeas: White, Peard, Hocker, Long, Policicchio, St. Germain, Doolittle... Nays: None

## **C. Introductions & Chair Comments**

Mr. Doolittle introduced himself to the Board. The Chair welcomed Mr. Doolittle.

## D. Review of the Agenda

SP Cowan noted that an amended agenda was posted to the City's website.

## **E. Unfinished Business**

None.

## F. New Business

1. Set Hearing of Necessity: Westwood Rd Improvements, Raynale to Oak

CCE Surhigh presented the item.

CCE Surhigh answered brief informational questions from the Board.

## Public Comment

Steven Torok, resident of Westwood, said Westwood does not have a flooding problem, does not have heavy traffic, and does have occasional needs for parking. He said that preserving, and possibly adding, trees as part of the project would be of significant importance for him.

Corey Holter, resident of Westwood, concurred with Mr. Torok that Westwood does not have a flooding problem. Mr. Holter stated that the street is used above the 15% threshold for overnight parking and is a school route, both of which are criteria that would recommend against narrowing the street.

Greg Obloy, resident of Glenhurst, said he has had no issues with flooding or sewer backups in his ten years on Glenhurst. He said the need for the special assessment district seemed to be arising out of a City concern rather than a resident one. He said he was not in favor of the project.

## Motion by Ms. Policicchio

Seconded by Mr. Peard to set a Public Hearing date of May 5, 2022 to consider recommendations for the change in street width for Westwood Dr., between Raynale St and Oak St at the regularly scheduled Multi-Modal Transportation Board meeting.

## Motion carried, 7-0.

VOICE VOTE Yeas: White, Peard, Hocker, Long, Policicchio, St. Germain, Doolittle Nays: None

## 2. Multi-Modal Transportation Plan – Overview

SP Cowan reviewed the topic.

Mr. Hocker said he would like to see better enforcement of the requirement to remove snow from residential sidewalks within 24 hours.

In response to another comment from Mr. Hocker, SP Cowan said he could reach out to the Birmingham Chamber and the Birmingham Shopping District to see if there was interest in helping publish the Board's bicycle route map.

In reply to Ms. Policicchio, SP Cowan said the City's general approach to trees in project areas is to preserve them when possible.

## 3. Crosswalk Markings and Location Standards

SP Cowan introduced the topic.

Mr. Strader and SP Cowan presented the item.

In reply to Mr. St. Germain, OC Grewe stated that the Police Department was gradually updating crosswalks to meet the current standard, focusing first in the downtown area and then in areas near schools. He noted that as streets are redone the new standards would be applied as well.

## G. Meeting Open to the Public for Items not on the Agenda

Mr. Hocker raised concerns about pedestrians continuing to walk on the south side of Oak between Lakeside and Lakeview. He said the City should find a way to address the issue.

Mr. Hocker also raised concerns about a potential sidewalk in front of Greenwood Cemetery (the Cemetery), noting that it could impact mature trees. He asked if the City would commit to removing the snow from that sidewalk.

CCE Surhigh said he suspected that DPS would keep a sidewalk in front of the Cemetery clear, but said that would have to be confirmed.

CCE Surhigh also explained the ways the City is trying to address the issue on the south side of Oak between Lakeside and Lakeview, including saying that adding the sidewalk in front of the Cemetery might alleviate some of the issue. He said the Board could study the topic further.

Mr. Peard recommended the removing the sidewalk in front of bushes on the south side of Oak between Lakeside and Lakeview heading east. He said that would likely prevent people from starting to walk east on the south side of the street and continuing when the sidewalk ends.

CCE Surhigh said the City could explore what the impact of removing that sidewalk might be.

Mr. Peard said the crosswalk in the area was effective and well-done.

There was brief discussion about a City business' new autonomous vehicle.

SP Cowan described plans for an upcoming Multi-Modal Transportation Day.

## **H. Miscellaneous Communications**

## I. Adjournment

No further business being evident, the Board adjourned at 7:57 p.m.

Brooks Cowan, Senior Planner

Multi-Modal Transportation Board Proceedings April 7, 2022

dr

Laura Eichenhorn City Transcriptionist



## **MEMORANDUM**

**Engineering Department** 

DATE:	April 29, 2022
то:	Multi-Modal Transportation Board
FROM:	James J. Surhigh, Consulting City Engineer Brooks Cowan, City Planner Commander Scott Grewe, Police Department
SUBJECT:	Public Hearing for Street Widths on Westwood Dr. from Raynale to Oak St, Raynale St. from N Glenhurst to west City Limits, and Oak St. from N Glenhurst to west City Limits

## INTRODUCTION:

At the April 7, 2022 meeting of the Multi-Modal Transportation Board (MMTB), the MMTB reviewed an initial conceptual proposal from staff for the reconstruction of several street segments being planned for 2022. The streets in this project include Westwood Dr, between Raynale St & Oak St, Raynale St, between N. Glenhurst Dr & the west City limits, and Oak St, between N. Glenhurst Dr & the west City Limits. The existing street widths do not meet the City's street width policy, so this project is also presented for discussion of, and recommendation for, the street widths to be constructed. In accordance with the street width policy, the MMTB is asked to hold a public hearing for consideration of the street width changes.

A public hearing was scheduled for the MMTB's regular meeting May 5, 2022 to consider the proposed street widths. In order to notify the neighborhood, postcards were sent to each address and temporary notification signs were posted at each entrance to the area to help notify residents of these proposed changes. More detail will be provided at the public hearing for the configuration of the proposed sidewalk ramps and pedestrian crosswalks in the project area that incorporate "bump-outs" as a traffic calming measure and to improve pedestrian safety.

## BACKGROUND:

The Engineering Department selected a group of streets to fill the "unassigned" unimproved street project in the 2022 budget and capital improvement plan, and is the first project being proposed under the recently adopted City policy allowing the City to initiate a street improvement project without waiting for a citizen-led petition effort. This project includes Westwood Dr, between Raynale St & Oak St, Raynale St, between N. Glenhurst Dr & the west City limits, and Oak St, between N. Glenhurst Dr & the west City Limits.

The proposed project will include complete reconstruction of the streets within the limits as described. The existing width of these streets do not meet the City's street width policy that was adopted in July of 2018. The table below summarizes the existing and recommended widths (face-of-curb to face-of-curb) for consideration.

						Criteria
			R.O.W.	Existing	Prop	for
Street	From	То	Width	Width	Width	Deviation
Westwood	Raynale	Oak	50	31	26	None
Raynale	N Glenhurst	West City limit	60	31	31	4c
Oak	N Glenhurst	West City limit	60	40*	<b>38</b> */31	4c

\* Note that information provided for the existing width of Oak Street has been corrected from that presented in the report at the MMTB meeting on 4/7/2022. The previously noted width of 36 feet is incorrect.

In summary, Westwood is proposed to be reduced from the existing width of 31 feet to 26 feet, meeting the City's residential street width standard, and will result in an increase in width of the "greenbelt" area between the sidewalks and curb (approximately 2.5 feet on each side of the street). Raynale is proposed to match the existing width of 31 feet because we consider that the criteria for deviating from the residential street width policy is met (part 4c emergency vehicle access), and this will maintain consistency with the width of the street east of N. Glenhurst that was recently reconstructed with a width of 31 feet. Oak is proposed to be reduced from the existing width of 40 feet to 38 feet, between N. Glenhurst and Westwood, and 31 feet, between Westwood and the western City limits. Oak serves more as a collector road, and experiences higher traffic due to presence of Quarton Elementary School at Oak & Chesterfield. Vehicles are frequently parked along the south side of the road (eastbound) during school drop-off and pick-up times, and maintaining a wider width will allow for unimpeded two-way traffic when vehicles are queued, especially between Westwood and N. Glenhurst. "Bump-out" features are proposed at all the intersections, where the effective width of the road will be reduced to 20 feet wide along Westwood and Raynale, and 22 feet wide along Oak. This reduced width at the cross-walks significantly improves pedestrian safety and acts as a traffic-calming measure to slow vehicular traffic. The sidewalk ramps in the project area will be reconstructed to be compliant with ADA guidelines.

In accordance with the street width policy, the MMTB is asked to hold a public hearing for the street width change, where property owners that are directly impacted, as well as the public at large, has an opportunity to express their positions regarding the proposed street width changes. After the public hearing, a report will be presented to the City Commission summarizing the communications, recommendations, and opinions collected during the preliminary design phase, and provide direction to staff for finalizing design of the project.

### COMMUNICATION:

The City has sent a project announcement letter to the 23 residents directly in the proposed project area. Post cards were mailed to properties in the project area and the nearby vicinity surrounding the project. Signs were posted along the affected streets.

The project announcement letter included a short survey asking for the opinion of residents on various aspects of the project. While we failed to include a specific question about the proposed street width change, a number of residents provided their opinion on that matter. As of the time of this writing, we have received 8 of the surveys back. Of these 8, 4 are generally expressing support of the project, and 4 are expressing that they are not supportive. Of the 4 that have expressed support for the project, 3 provided additional comments related to street width: 2 indicated they support keeping the existing street widths; and 1 indicated they believe the width of Oak should be reduced to reduce traffic speed. We have asked that the surveys be returned by May 4 so the results can be summarized and presented to the City Commission.

We have scheduled a neighborhood informational meeting for Thursday, May 12 at 5:30pm, and post card invitations have been sent to the 23 directly impacted properties. At this meeting, more information will be presented about the need for the proposed sewer and water main work included in the project, and also the City's special assessment process. Residents that attend this meeting will have the opportunity to state their positions and opinions related to the proposed project.

## ATTACHMENTS

- Project Announcement Letter, dated 4/6/2022
- Example Public Hearing Notification Postcard
- Residential Street Width Standards (2018)
- Westwood, Oak & Raynale Street Design Options (MKSK)

## SUGGESTED BOARD ACTION:

To make a motion for the Multi-Modal Transportation Board to provide recommendations to the City Commission that the following streets be reconstructed with ADA compliant sidewalk ramps at each intersection, updated crosswalks meeting City standards, and further, to construct the new streets at the proposed widths as noted for each:

- A. Reconstructing Raynale Street at 31 feet wide (matching existing) between N. Glenhurst Drive and the western City limits;
- B. Reconstructing Westwood Drive at 26 feet wide between Raynale Street and Oak Street; and
- C. Reconstructing Oak Street at 38 feet wide between N. Glenhurst Drive and Westwood Street, and at 31 feet wide between Westwood Street and the western City limits.

### **NOTICE OF PUBLIC HEARING**

#### **BIRMINGHAM MULTI MODAL TRANSPORTATION BOARD STREET WIDTH CHANGE** Meeting Date, Time, Thursday May 5th, 2022, at 6:00 PM Location: Municipal Building, 151 Martin Birmingham, MI 48009 Location of Request: Westwood, Raynale & Oak streets Nature of Hearing: Proposed street width change of Westwood Dr (from Raynale to Oak St), Raynale St (from N Glenhurst to west City Limits) and Oak St (from N Glenhurst to west City Limits) City Staff Contact: Brooks Cowan, City Planner 248-530-1846 bcowan@bhamgov.org Notice Requirements: Mailed to all property owners and occupants within 300 feet. Approved minutes may be **Community Development Office** viewed at: Should you have any statement regarding the above, you are invited to attend the meeting in person or virtually through ZOOM: https://us06web.zoom.us/j/88295194746 or dial: 929 205 6099 US Toll-free, Meeting ID: 824 7795 4435. 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.

Persons with disabilities needing accommodations 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 to request mobility, visual, hearing or other assistance.

## **NOTICE OF PUBLIC HEARING**

BIRMINGHAM MULTI MODAL TRANSPORTATION BOARD				
STREET WIDTH CHANGE				
Meeting Date, Time, Thursday May 5th, 2022, at 6:00 PM				
Location:	Municipal Building, 151 Martin			
	Birmingham, MI 48009			
Location of Request:	Westwood, Raynale & Oak streets			
Nature of Hearing:	Proposed street width change of Westwood Dr (from Raynale			
	to Oak St), Raynale St (from N Glenhurst to west City			
	Limits) and Oak St (from N Glenhurst to west City			
	Limits)			
City Staff Contact:	Brooks Cowan, City Planner 248-530-1846 bcowan@bhamgov.org			
Notice Requirements: Mailed to all property owners and occupants within 300 feet.				
Approved minutes may be Community Development Office				
viewed at:				
Should you have any statement regarding the above, you are invited to attend the meeting in person or virtually				
through ZOOM: https://us06web.zoom.us/j/88295194746 or dial: 929 205 6099 US Toll-free, Meeting ID: 824				
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Clerk's Office at (248) 530-1880 (voice) or (248) 644-5115 (TDD) at least one day in advance to request to request				
mobility, visual, hearing or other assistance.				



### Legend

Affected Addresses in Work Area



#### **NOTICE OF STREET IMPROVEMENT PROJECT**

#### WESTWOOD DR. PAVING, RAYNALE TO OAK RAYNALE ST. PAVING, N. GLENHURST TO WEST CITY LIMIT OAK ST. PAVING, N. GLENHURST TO WEST CITY LIMIT

April 7, 2022

Dear Property Owner,

The City of Birmingham has selected the group of streets noted above to be improved with a permanent pavement and curbs. These streets have been selected because of the need to improve the City's water main system, extend the storm relief sewers that were constructed over the past several years to reduce storm flows in the combined sewer system, and if needed, complete repairs to the combined sewers located beneath the street. Because these streets are currently considered to be unimproved, the cost related to reconstructing the street with an improved, permanent pavement will be subject to a special assessment to the adjoining property owners, as has been the policy of the City for many years. Costs related to the improvements to the water main and sewer systems are not part of the street improvement special assessment. This project is planned to be constructed later in the summer and fall of this year.

The City adopted a modified policy for street improvement projects in 2021 that provides for two ways that a street improvement project can be initiated: 1) the long-standing, property owner-led petition process; and 2) a City-initiated process. One of the primary reasons for having the City-initiated process is so that the City is able to better plan for necessary critical infrastructure improvements to the water distribution and sewage collection systems. In most cases, nearly all the pavement on a street would be removed as part constructing the new, buried infrastructure, and the pavement would have to be replaced in some manner as part of the project. Because the cost for reconstructing the road would never be less when included as part of a more comprehensive infrastructure project, it makes economic sense to construct the road to an improved condition with the project.

The modified policy only affects how a project can be initiated, and does not change the policy for special assessments related to a street improvement project. In general, the City defrays the costs related to the street improvement and paving, by a special assessment of 85% of those assessable costs to adjoining property owners that directly benefit from the project. The remaining 15% of paving costs, plus all costs for improvements to the pubic sewer and water systems, are borne by the City at-large.

The policy for a City-initiated street improvement project requires that the affected property owners be engaged early in the project design process so they have ample opportunity to express their opinions related to the project. This notice is the first in a series of engagement opportunities. Please fill out the attached "Expression of Interest Survey" and **return by May 4, 2022**. The contact information you provide will also help assist us with future communication efforts.

We invite you to participate in the upcoming Multi-Modal Transportation Board (MMTB) meeting being held on **April 7, 2022 at 6:00 p.m.** to learn more about the project. The meeting is being held in-person and online via Zoom (<u>www.zoom.us</u>; meeting ID 824 7795 4435). The meeting will be recorded and can watched afterward at your convenience. We apologize for the short notice for this upcoming meeting,



but there will be other opportunities to participate in a public meeting regarding the project. The project is being introduced at the MMTB meeting tonight to review potential multi-model transportation (vehicles, bicycles, pedestrian) impacts/opportunities related to the project. Because the existing street widths in the project area do not match the adopted City standards for residential street widths, a street width public hearing will be scheduled by the MMTB for a future date and the required notices will sent out by the City Clerk's office. The attached report is part of the agenda packet for the 4/7/2022 MMTB meeting.

We intend to host an informational meeting for your neighborhood in mid to late May to present more information about the project, including specific design details and updated schedule for finalizing the design and starting construction, and to allow us to answer questions you may have before the project initiation process moves to City Commission for consideration. Attendance is not mandatory, regardless of your position on this issues. However, we encourage you to attend. At your discretion, it may be constructive to share this information with tenants if appropriate. More details on this meeting will be communicated in a few weeks.

A project page will be set-up on the City's website, in the Engineering Department's section, to post information about the project and links to recordings from the public meetings. The project page will be updated throughout the design process, and utilized during construction.

The final decision to proceed with the street improvement special assessment rests with the City Commission. It has been the Commission's preference to hear feedback from affected property owners when considering their decisions. If the City Commission elects to proceed with the street improvement, they will schedule a date for the Public Hearing of Necessity and Public Hearing of Confirmation, which are required by City Ordinance for all potential special assessment districts. The City Clerk's office will notify all property owners by mail of any public hearings that are scheduled.

If you have any questions relative to the meeting, or the project in general, please contact the Engineering Department by email at the links provided below, or by phone at 248-530-1840, between 8 A.M. and 5 P.M. weekdays.

Sincerely,

Jame's J. Surhigh, P.E. Consulting City Engineer <u>cityengineer@bhamgov.org</u>

Scott D. Zielinski, P.E. Assistant City Engineer szielinski@bhamgov.org



#### **EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT**

#### WESTWOOD DR. PAVING, RAYNALE TO OAK RAYNALE ST. PAVING, N. GLENHURST TO WEST CITY LIMIT OAK ST. PAVING, N. GLENHURST TO WEST CITY LIMIT

#### Introduction:

Thank you for taking the time to review this survey and we look forward to receiving your responses. The City Commission adopted a modified policy related to special assessments on October 25, 2021. Changes were made to Sections 94-4 through 94-8 of City Code that provide for the City to initiate a public improvement project that may result in a special assessment to the property owners that benefit from the project. The main purpose for making these modifications is to allow the City to better plan and budget for necessary infrastructure improvements on unimproved streets.

Your answers to these questions will help us ascertain the level of interest that the neighborhood has for completing the street improvement project. The answers you provide on this form are not binding in any way, and you will have another opportunity to express your official position on these or other issues related to the project at the Public Hearings that are required to be before any Special Assessment District (SAD) can be established by the City Commission.

#### Project Statement:

The streets included in the project area are listed at the top of this form. The purpose of the proposed project is to construct new water main and storm sewers, which will require reconstruction of the pavement along these streets. Because these streets are unimproved, the City is proposing to replace the existing pavement with an improved street section. The benefits afforded by an improved street compared to an unimproved street are summarized on the attached brochure. Concrete pavement is proposed for this project, as many nearby streets in the neighborhood have been recently reconstructed using concrete pavement. Note that the construction cost for an equivalent section of asphalt pavement is similar to concrete pavement. Construction of the project is anticipated in late summer and fall of 2022.

#### Preliminary Estimated Paving SAD Costs:

The costs associated with constructing the new, improved street section are considered to be subject to special assessment by City policy and precedence. Assessable costs include grading, street surfaces, driveway approaches, sidewalks, curb and gutter, drainage structures, and final restoration. Typically, the City pays 15% of the paving costs, and the remaining 85% are included in the paving special assessment to the adjacent property owners. Based on recent, similar paving projects, the preliminary estimated paving assessment cost is \$290 to \$400 per front foot, depending on the width of the street, as measured along the side of the lot fronting the street being paved. Note that on corner properties, if the side street is being paved, the paving assessment will be charged for one-third of the lot length along the side street. Other special assessments may also apply for replacing the driveway approaches and sewer or water laterals that do not meet current City standards. The cost of these other special assessments will vary from property to property, and usually cover 100% of the actual costs for the work.



#### **EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT**

#### WESTWOOD DR. PAVING, RAYNALE TO OAK RAYNALE ST. PAVING, N. GLENHURST TO WEST CITY LIMIT OAK ST. PAVING, N. GLENHURST TO WEST CITY LIMIT

#### SPECIAL ASSESSMENT COST EXAMPLE

This example is provided to illustrate how the special assessment costs are calculated for a typical residential property. Assuming a 100-foot wide lot is used with a double-car drive approach (20-ft wide), and need to replace the sewer and water lateral (located 20-ft and 30-ft from the property line, respectively):

Paving Assessment:	100 ft	@	\$ 290.00 per ft	=	\$	29,000
Drive Approach:	200 sq ft	@	\$ 10.00 per sq ft	=	\$	2,000
Sewer Lateral Replacement:	20 ft	@	\$ 70.00 per ft	=	\$	1,400
Water Service Replacement:	30 ft	@	\$ 60.00 per ft	=	<u>\$</u>	1,800
			TOTAL	=	\$	34,200

Note that special assessments related to the street improvements illustrated here are payable over a 10-year period (with interest rate to be set at time of special assessment roll being confirmed)

Questionnaire:

**Contact Information:** 

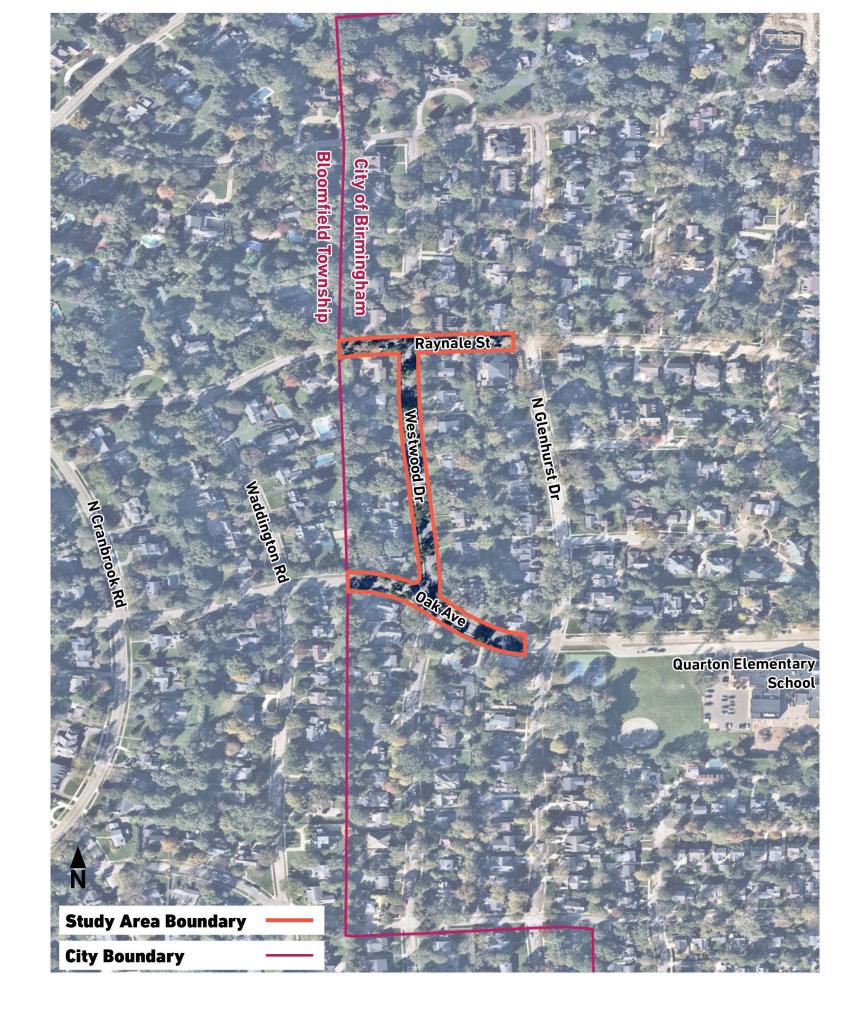
- 1. Are you supportive of the project to improve the water system along your street?\_\_\_\_\_
- 2. Are you supportive of the project to improve the sewer system along your street?\_\_\_\_\_
- 3. Are you supportive of constructing an improved street upon completion of the underground utility work?
- Are you supportive of constructing the street with concrete pavement?

#### \*\*\*\*\*\* PLEASE RETURN TO THE ENGINEERING DEPARTMENT BY FRIDAY, MAY 4, 2022 \*\*\*\*\*\*

Name:	Phone Number:
Address:	email:
	151 Martin Street • P.O. Box 3001 • Birmingham, MI 48012 (248) 644-1800 • Fax (248) 644-5614 • http://www.ci.birmingham.mi.us

# **Capital Improvement Plan**

- *Reconstruct an "unimproved" street in late 2022* 
  - Westwood
  - Raynale
  - Oak
- New City Policy to initiate an improvement instead of a resident led petition
- Public Hearing: The multi-modal Transportation Board is only considering the street width and the potential to add "bump-outs" at the corners. The board will make a recommendation to the city commission. The city commission will have a separate meeting on the overall project and Special Assessment District





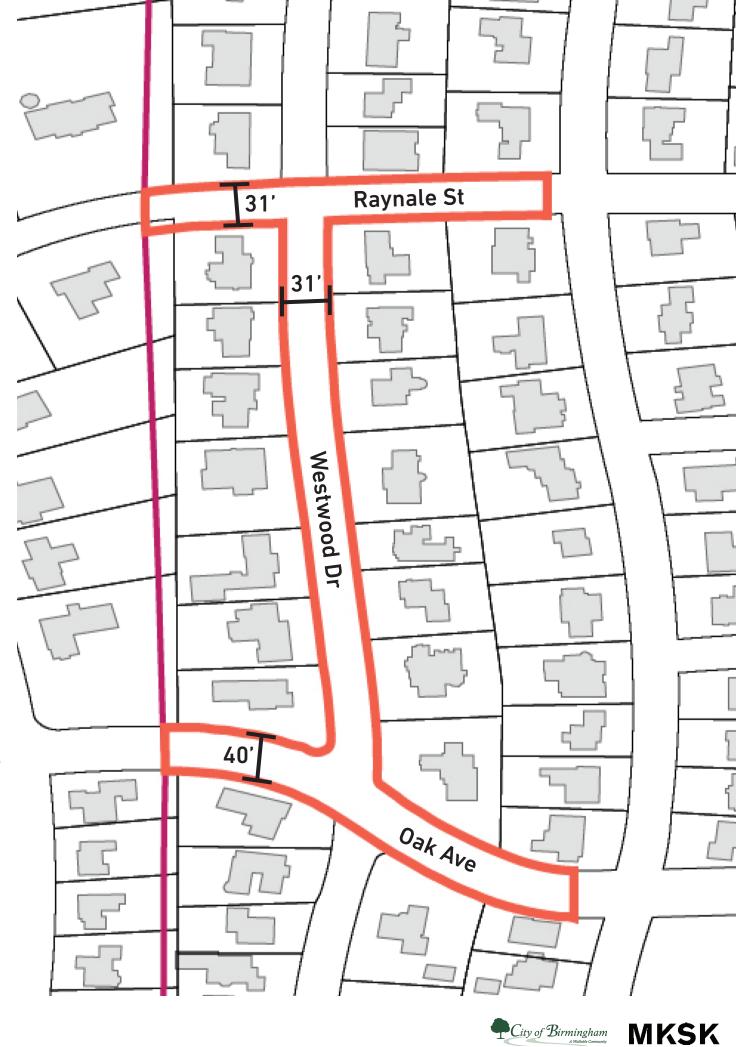


# **Reconstruct the Streets**

• Options are to rebuild to the current 31-40 feet wide or reconstruct to meet the current city standards of 26 feet wide

Street	From	То	Existing Width	Proposed Width
Westwood	Raynale	Oak	31	26
Raynale	N Glenhurst	West City limit	31	31
Oak	N Glenhurst	West City limit	40	40

- Bumpouts are an option
- Sidewalk ramps are to be brought into ADA compliance



# **Factors to Consider**

- Multi-Modal Plan recommendations
- City Policy is to rebuild streets to new standard of 26 feet wide in most cases
   (27'-28' rebuilt as is / 32'+, max is 31)
- Standards intended to have a continuous width, manage traffic speeds, allow for some on-street parking, etc.
- Deviations allowed for...
  - On-street parking use (25%+ day, 50%+ overnight)
  - Volumes are over 1500 vpd (vehicles per day)
  - Published school bus or emergency response route
  - Speeds more than 5 mph over posted speed

- Public hearing or survey comments and support by engineering

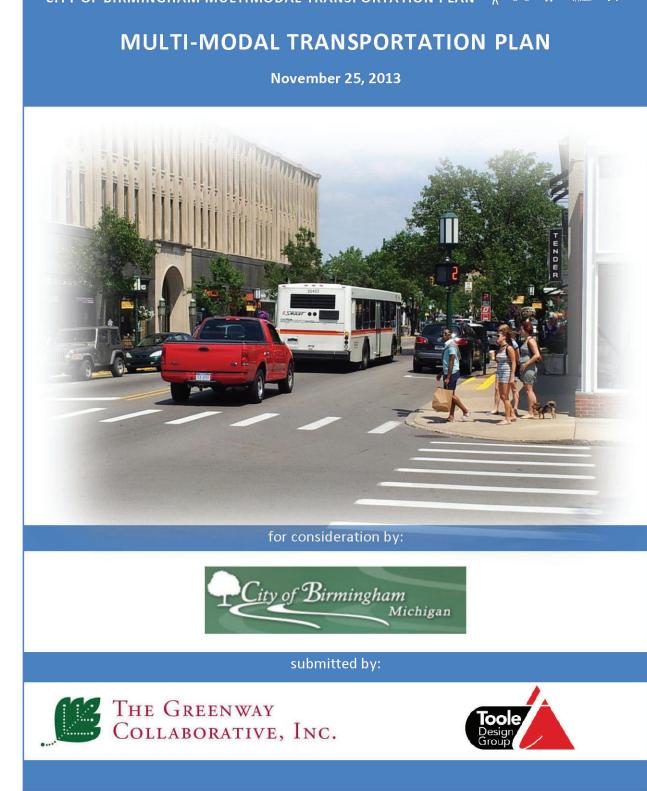






# **Multi-Modal Plan Recommendations**

- Multi-Modal Plan lists Oak Ave as a proposed neighborhood connector route and proposed shared-lane markings (nothing listed for Westwood or Raynale)
- Neighborhood Connector Route: a route that utilizes residential streets and short connecting pathways that link destinations such as parks, schools and Shared Use Paths
- Shared-Lane Markings: a pavement marking consisting of a bike symbol with a double chevron above, also known as "sharrows"
- Labeled as "Phase 3" in the implementation plan



CITY OF BIRMINGHAM MULTIMODAL TRANSPORTATION PLAN





# **City Reviewed the Existing Conditions**

- School pick-up queuing along eastbound Oak Ave.w
- Traffic Speeds
- On-street parking
- Crossings and crosswalk alignments



Queuing in front of school



Queuing in front of Glenhurst and Westwood



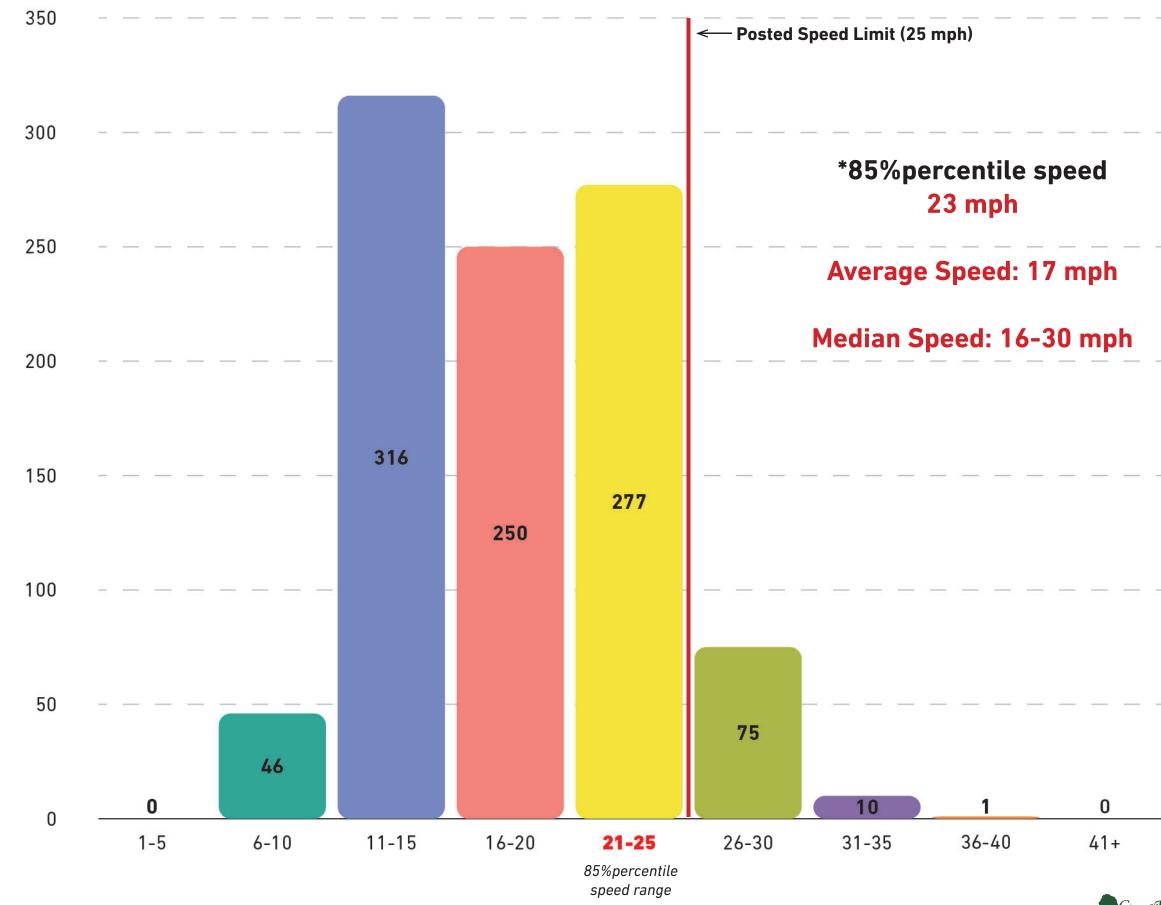
Queuing west of Westwood





# **Background - Speed Data**

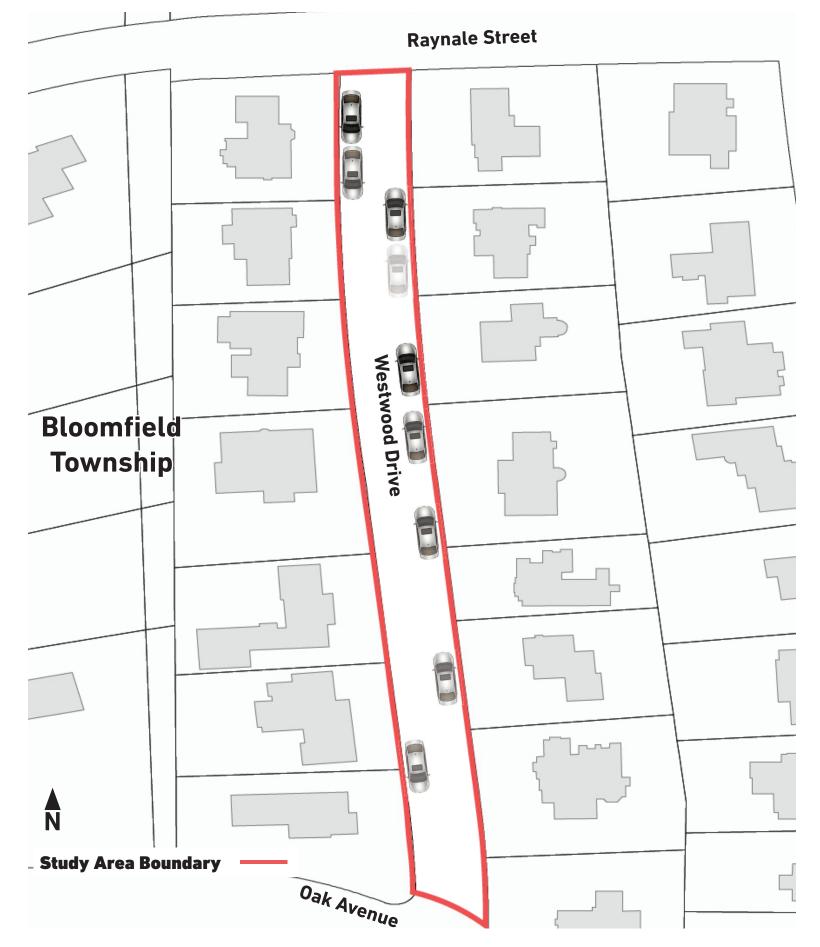
Speed Data collected September 10th, 11th, 12th and 13th of 2019







# **Background - Westwood Study Area Parking Counts**



**Counts on Westwood Drive from March 16th** through March 21st between the hours of 1:25 AM and 5:15 AM

Average Number of Parked Cars: 6 cars

Peak Number of Parked Cars: 7 cars

Max on-street Parking Capacity: 49 cars

**Percentage of Capacity at Peak: 14%** 

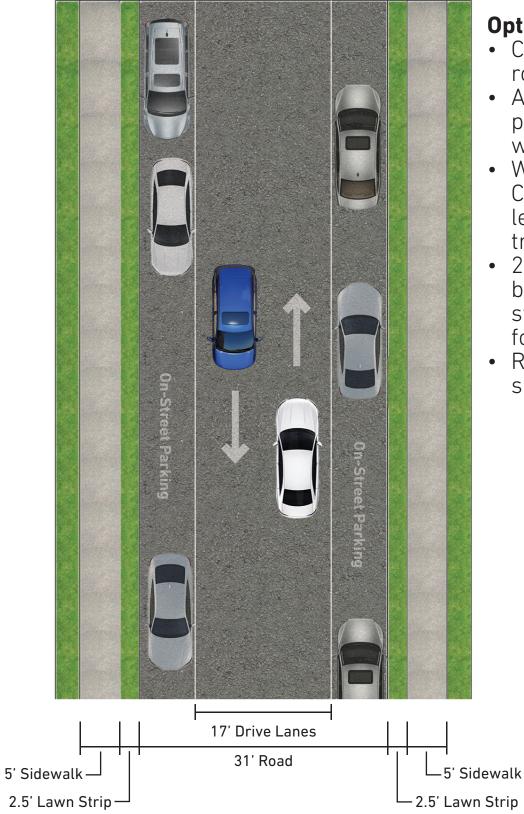




# **Street Design Options**

### **Westwood Dr Option 1**

Two-Way Traffic Flow

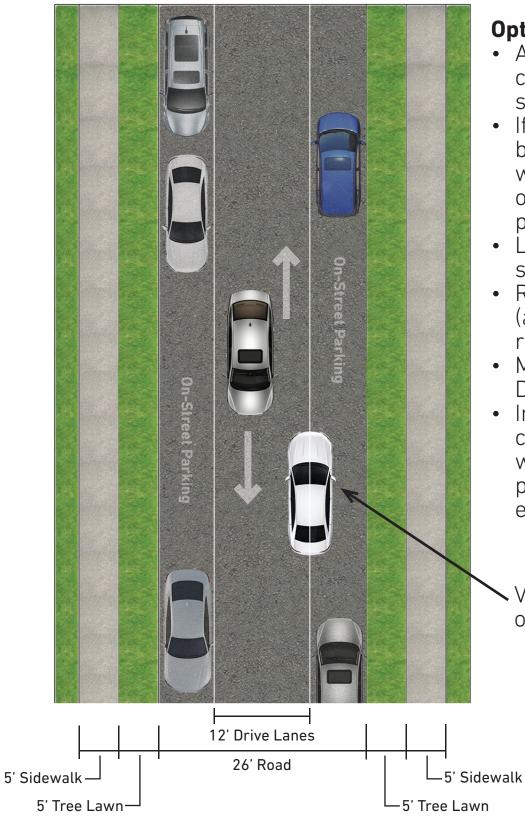


## **Option 1:**

- Current design of the road
- Allows on-street parking on both sides, with 2-way traffic
- Wider street than the City Standard, may lead to slightly higher traffic speeds
- 2 and a half feet between sidewalk and street leaves no room for street trees
- Room for bikes to share the road

## **Westwood Dr Option 2**

"Yield" or "Courtesy" Street



### **Option 2:**

- A more narrow street could help reduce speeds
- If cars are parked on both sides. a car must wait for a car in the opposite direction to pass
- Less room for bikes to share the road
- Room for street trees (aesthetics, could reduce speeds)
- Meets current City Design Standard
- Infill area between curb and sidewalk with lawn only to preserve large existing canopy trees

Vehicle must wait for on-coming car to pass





# **EXISTING CONDITIONS**

### Westwood Dr. - Oak St. Intersection









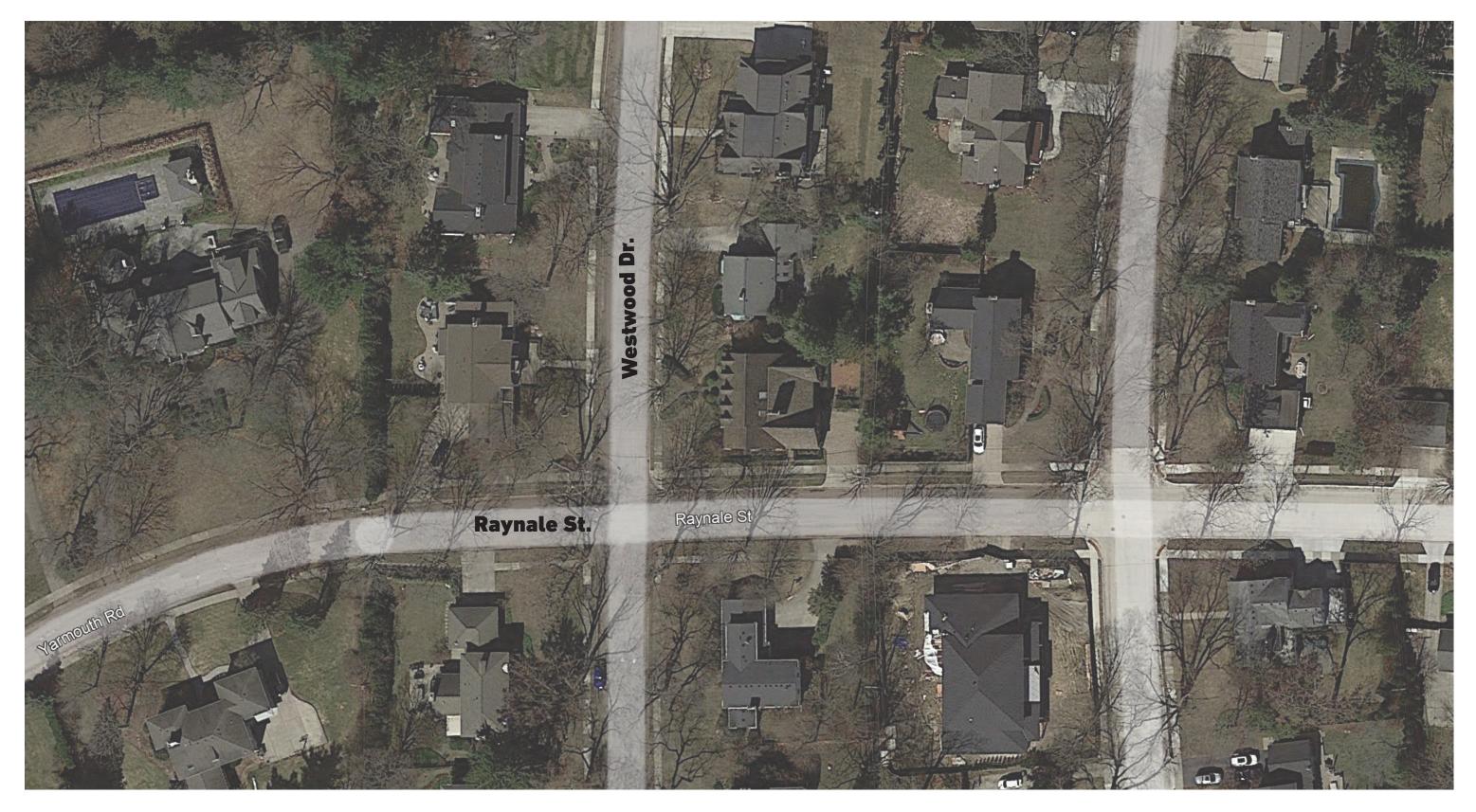






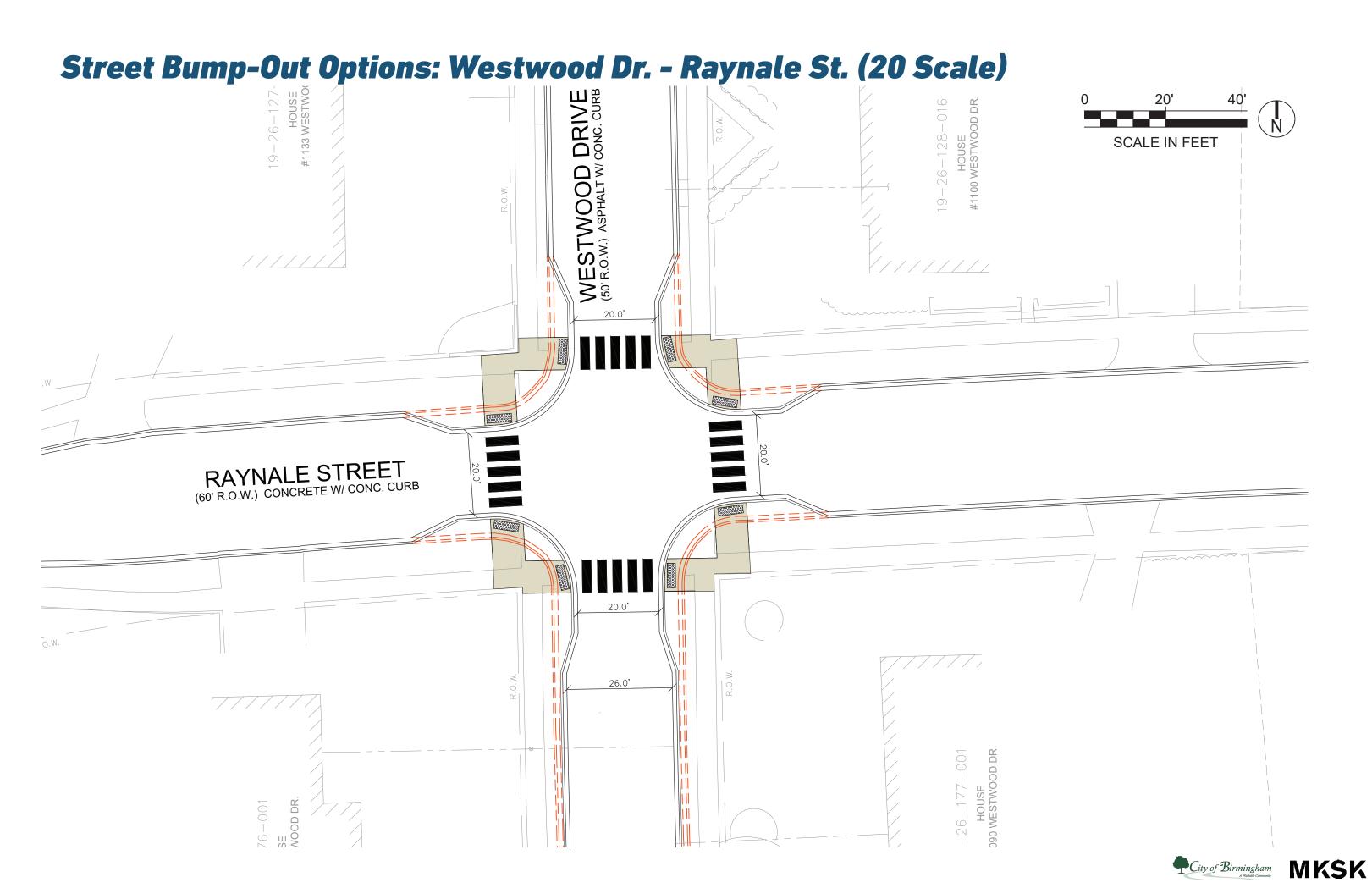
# **EXISTING CONDITIONS**

## Westwood Dr. - Raynale St. Intersection









# Discussion

- Questions on policy or options
- Input on street width
- Public hearing process



### **DRAFT**

#### City Of Birmingham Multi-Modal Transportation Board Thursday, May 5, 2022

151 Martin Street, City Commission Room 205, Birmingham, MI

Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, May 5, 2022. Chair Doug White convened the meeting at 6:02 p.m.

#### A. Rollcall

- **Present:** Chair Doug White; Board Members David Hocker, Anthony Long, Tom Peard, Victoria Policicchio, Michael St. Germain; Alternate Board Member Amanda Fishburn; Student Representative Ben Rosenfield
- Absent: Board Member Joe Zane; Alternate Board Member Mark Doolittle; Student Representative Isabela Betanzos

#### Administration:

Brooks Cowan, Senior Planner Laura Eichenhorn, City Transcriptionist Scott Grewe, Operations Commander Jim Surhigh, Consulting City Engineer

F&V: Julie Kroll

MKSK: Brad Strader

#### B. Approval of MMTB Minutes of April 7, 2022

Mr. Hocker asked that, under 'G. Meeting Open to the Public for Items not on the Agenda' on page three, the following be added:

- "Mr. Hocker also suggested paving the former walkway along Oak in lieu of the existing grass to at least accommodate a safe footing in the event of an errant walker."
- "Mr. Hocker noted that excessive overflow ponding on the south side of Raynale between Suffield and Fairfax should be investigated in tandem with the improvements to Westwood Street."

#### Motion by Mr. Peard Seconded by Mr. Long to approve the MMTB Minutes of April 7, 2022 as amended.

#### Motion carried, 7-0.

VOICE VOTE Yeas: White, Peard, Hocker, Long, Policicchio, St. Germain, Fishburn Nays: None

#### **C. Introductions & Chair Comments**

#### D. Review of the Agenda

#### E. New Business

1. Public Hearing: Westwood Rd Improvements, Raynale to Oak

#### Motion by Mr. Hocker

Seconded by Mr. Long to receive and file the email from Kristen Reece dated May 3, 2022.

#### Motion carried, 7-0.

#### VOICE VOTE

Yeas: White, Peard, Hocker, Long, Policicchio, St. Germain, Fishburn Nays: None

SP Cowan reviewed the purview of the Multi-Modal Transportation Board for both the Board and the public. He asked both the Board and the public to restrict their comments and discussion to the focus of the present discussion, which was street width recommendations.

Mr. Strader presented the item.

In reply to the Board, Mr. Strader stated:

- The City developed a street width standard of 26 feet in order to calm traffic, reduce flooding and stormwater runoff, and reduce pedestrian crossing distances;
- Reducing a road from 31 feet to 26 feet would reduce stormwater runoff by about 16%;
- The use of bump outs have also reduced pedestrian crossing distances; and,
- If the Board considers a deviation from the 26 foot width, they should explore parking on the street, traffic speeds, resident input, and other potential factors.

In reply to the Board, CCE Surhigh explained:

- A 26 foot wide street with parked vehicles on both sides would generally require an oncoming vehicle to yield to another oncoming vehicle in order to continue down the street;
- Glenhurst was not recommended for narrowing by the Commission in response to resident comment that the wider street was not causing issues in the area; and,
- This area of Raynale was ranked by the City as one of the streets most presently in need of infrastructure updates.

Mr. Peard complimented Staff on the report for this item.

#### Public Comment

Corey Holter, resident of Westwood, said the street has no speeding or flooding problems. He noted there is also a school bus route on Westwood, which could allow for a deviation from the width standards according to section 4C of the street design standards. He said he would like Westwood's width maintained and no bump outs added.

George Stern, Dan Lemont, Melissa Miller Farr, Beverly Prior, Gerald Van Wyke, Terry Matlen,

Kimberly Romanosky, Brock Rooney, Joe Hoegler, Denis Zimmer, and David Glass, residents of Westwood, also spoke in favor of maintaining Westwood's width.

A number of residents commented that the aesthetic of the wider street was a significant part of Westwood's appeal.

Messrs. Stern and Rooney added they were against adding bump outs.

Ms. Miller Farr said Westwood residents could provide a petition against the project if that would be helpful for the City to see.

Ms. Prior said making it so that oncoming traffic has to yield on Westwood would make the street less safe.

Mr. Van Wyke said Westwood and Glenhurst would remain 31 feet at Maple since they begin outside Birmingham and said that was a reason to maintain the width at 31 feet. He also concurred with Ms. Prior.

Ms. Romanosky noted that Westwood dead-ends at Redding, meaning there is limited passthrough traffic on the street.

Mr. Rooney noted that the sewer updates would be separating the storm and sanitary sewers, likely resulting in even less run-off concerns.

Mr. Glass asked whether the 16% reduction in run-off would be enough to reduce flooding in other areas of the City. He also asked whether there are any pedestrian safety issues on Westwood that necessitate its narrowing or the addition of bump-outs. He said that if the narrowing of Westwood would benefit residents in other areas of the City, those residents should help pay for the assessments for the project.

Seeing no further comment, Chair White returned discussion to the Board.

Mr. Long noted that the City developed criteria for ranking streets in need of infrastructure updates, and said residents could watch or read the presentation to gain more information about the process.

Ms. Policicchio noted that different neighborhoods in Birmingham have different characteristics, and said that maintaining the width of Westwood would help the area retain its particular character.

Ms. Fishburn said the stated lack of a flooding issue or a traffic issue were strong arguments against narrowing Westwood.

A number of Board members thanked the public for providing comment.

At the prompting of Mr. Peard, there was brief discussion of potentially recommended bump outs without recommending a narrowing of Westwood.

Mr. Peard noted that the non-verbal response from the public in the room indicated that they were not in favor of adding bump outs.

#### Motion by Mr. Peard

Seconded by Mr. Long to make a motion for the Multi-Modal Transportation Board to provide recommendations to the City Commission that the following streets be reconstructed with ADA compliant sidewalk ramps at each intersection, updated crosswalks meeting City standards, and further, to construct the new streets at the proposed widths as noted for each:

- A. Reconstructing Raynale Street at 31 feet wide (matching existing) between N. Glenhurst Drive and the western City limits;
- B. Reconstructing Westwood Drive at 31 feet wide (matching existing) between Raynale Street and Oak Street; and,
- C. Reconstructing Oak Street at 38 feet wide between N. Glenhurst Drive and Westwood Street, and at 31 feet wide between Westwood Street and the western City limits.

#### Public Comment

John Prior, resident of Westwood, said he was against both narrowing Westwood and adding bump outs.

SP Cowan clarified that bump outs were not addressed in the motion.

In reply to Ms. Policicchio, CCE Surhigh clarified that City-standard crosswalks do not automatically include bump outs.

In reply to Ms. Miller Farr, SP Cowan confirmed that this motion, if passed, would recommend the Commission maintain Westwood's current width.

Mr. Rooney said the section of Oak address in the motion should not be narrowed.

#### Motion carried, 7-0.

ROLL CALL VOTE Yeas: White, Peard, Hocker, Long, Policicchio, St. Germain, Fishburn Nays: None

#### F. Unfinished Business 1. Crosswalk Markings and Location Standards

SP Cowan and Mr. Strader introduced the item.

Mr. St. Germain said he wanted to see the City taking a proactive approach to repairing or adding crosswalks in presently unsafe areas, and said he did not see that adequately captured in this document.

In reply, Mr. Strader said the document was intended to prescribe a proactive approach to adding

Multi-Modal Transportation Board Proceedings May 5, 2022

or repairing crosswalks. He said that intent could be emphasized when the standards are presented to the Commission. He said recommending the addition of crosswalks to areas near parks or schools could also be included as part of the Multi-Modal plan review.

OC Grewe stated that faded neighborhood crosswalks are repainted once a year, and that this year's round should be complete by the end of June.

Mr. Hocker stated 'public schools' should be changed to 'schools' on page 43 of the flowchart.

#### Motion by Ms. Policicchio

Seconded by Mr. Long to recommend to City Commission that the City of Birmingham adopt the Birmingham MI Crosswalk Installation Flow Chart as indicated on Exhibit A in the packet to serve as a guideline for determining the location of crosswalk installations, with the integration of the changes recommended by the Multi-Modal Transportation Board at its May 5, 2022 meeting.

#### Motion carried, 7-0.

VOICE VOTE Yeas: White, Peard, Hocker, Long, Policicchio, St. Germain, Fishburn Nays: None

#### 2. S. Eton Bike Lane Study Session

SP Cowan introduced the item. Ms. Kroll presented the item.

In reply to Ms. Fishburn, Ms. Kroll confirmed that implementing these recommendations would also result in traffic calming along Eton.

In reply to Ms. Fishburn, SP Cowan said that a prior presentation on traffic calming measures could be included with this item moving forward to help the public understand the topic.

Mr. St. Germain spoke in favor of pylons or other physical barriers along the bike lane on S. Eton, saying he believed they have been instrumental in increasing use of the bike lane.

SP Cowan said the item would be brought back for further review.

#### 3. Multi-Modal Transportation Day

SP Cowan summarized the item.

#### Motion by Mr. St. Germain

Seconded by Mr. Peard to schedule a special meeting of the Multi-Modal Transportation Board at 12 p.m. on May 19, 2022. Motion carried, 7-0.

VOICE VOTE Yeas: White, Peard, Hocker, Long, Policicchio, St. Germain, Fishburn Multi-Modal Transportation Board Proceedings May 5, 2022

Nays: None

#### G. Meeting Open to the Public for Items not on the Agenda

**H.** Miscellaneous Communications

#### I. Adjournment

No further business being evident, the Board adjourned at 8:00 p.m.

Brooks Cowan, Senior Planner

qv

Laura Eichenhorn City Transcriptionist

## **PROPOSED PROJECT REPORT**

## WESTWOOD DRIVE PAVING

Raynale St. to Oak St.

### **RAYNALE STREET PAVING**

N. Glenhurst St. to West City Limits

### **OAK STREET PAVING**

N. Glenhurst St. to West City Limits



**City of Birmingham Engineering Department** 

May 12, 2022

### PROPOSED PROJECT REPORT: WESTWOOD, RAYNALE & OAK ST. PAVING

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### I. INTRODUCTION

The City of Birmingham has selected the group of streets noted above to be improved with a permanent pavement and curbs in fiscal year 2021-2022. These streets have been selected because of the need to improve the City's water main system, extend the storm relief sewers that were constructed over the past several years to reduce storm flows in the combined sewer system, and if needed, complete repairs to the combined sewers located beneath the street.

The City adopted a modified policy for street improvement projects in 2021 that provides for two ways that a street improvement project can be initiated: 1) the long-standing, property owner-led petition process; and 2) a City-initiated process. One of the primary reasons for having the City-initiated process is so that the City is able to better plan for necessary critical infrastructure improvements to the water distribution and sewage collection systems. In most cases, nearly all the pavement on a street would be removed as part constructing the new, buried infrastructure, and the pavement would have to be replaced in some manner as part of the project. Because the cost for reconstructing the road would never be less when included as part of a more comprehensive infrastructure project, it makes economic sense to construct the road to an improved condition with the project.

The following report has been prepared to allow property owners in the affected area to understand the full impact of the idea.

### **II. EXISTING CONDITIONS**

#### <u>HISTORY</u>

Westwood Drive (between Raynale Street and Oak Street), Raynale Street (between N. Glenhurst Drive and the western City limits), and Oak Street (between N. Glenhurst Drive and the western City limits) were originally platted in 1929 as part of the "Harrowgate" subdivision. Westwood has a fifty (50) foot road right-of-way, and both Raynale and Oak have a sixty (60) foot road right-of-way.

#### **ROADWAY CONDITIONS**

Westwood Drive, Raynale Street and Oak Street were originally constructed as gravel with a concrete curb. There is some provision for drainage, as catch basins were constructed periodically along the curb line, which are connected to the combined sewer system. In the late 1940's, a chip-seal (also called cape-seal) surface was added to provide stability and reduce dust. The existing road surfaces on Westwood Drive, Raynale Street and Oak Street were last resealed in 2010. Road conditions are considered as fair to poor based on 2021 observations (prioritization score of 50 to 70 - on a scale of 0 to 100 with a higher score indicating worse condition). Typically, cape-seal surfacing treatments are effective for 7 to 10 years.

The existing road surface width for Westwood Drive and Raynale Street is approximately thirtyone (31) feet, and the existing width for Oak Street is approximately (40) feet. Width measurements are between the curb faces. On-street parking is available on both sides of the street. The roadways are generally centered in the City right-of-way. Tree are located along the road, but mainly due to the narrow distance between the sidewalk and the curb, most are located just outside the right-of-way on private property.

Existing sidewalks are present along Westwood Drive, Raynale Street and Oak Street, on both sides of the road, and are generally five (5) feet wide. While the sidewalk ramps at some of the intersections have been updated in recent years, they all do not appear to conform with current standards and/or best practices. Some of the driveway approaches can be considered as too steep (evidence seen where car bottoms have scraped the concrete). There will be limited ability to correct these with the upcoming project without the need to replace some of the private driveway adjacent to the sidewalk at a slightly steeper slope to accommodate flattening the approach.

#### WATER SYSTEM CONDITIONS

The water mains on Westwood Drive and Oak Street consist of 6" and 8" diameter cast-iron pipe that were installed in 1929 and 1927, respectively. Water main is not present on Raynale Street between N. Glenhurst Drive and Westwood Drive, or between Westwood Drive and the western City limits. The existing fire hydrants in and near to the project area generally produce less than 1,000 gallons per minute when flow tested, and in some cases, produce less than 500 gallons per minute. Ideally, fire hydrants in residential areas should be able to produce over 1,500 gallons per minute considering the capabilities of modern firefighting equipment. The water system prioritization score for Westwood Drive is 100, and approximately 50 for Oak Street (on a scale of 0 to 100 with a higher score indicating worse condition or need for improvement).

#### SEWER SYSTEM CONDITIONS

The sewers on this block of Westwood Drive consist of 12" to 15" diameter combined sewers. Combined sewers transport both sanitary flows generated by the residences and the storm flows that enter the sewers through the street catch basins as well as from the private sanitary laterals that likely have footing drain connections from the homes and possibly yard drains in some cases. The Westwood sewers continue flowing south of Oak to Pine, and then east on Pine to Chesterfield where they discharge to the Bloomfield Village Drain, which is under the jurisdiction of the Oakland County Water Resources Commissioner.

On Raynale, there is a 15" combined sewer that receives flow from Westwood, north of Raynale, and drains east to Chesterfield where it discharges to the Bloomfield Village Drain. There is not a combined sewer on Oak Street within the project area.

The existing combined sewers on Westwood and Raynale are in fair to poor condition. The sewers were last inspected in 2018, and observations included roots, leaking joints, mineral deposits, longitudinal cracks and fractures, and circumferential cracks. The prioritization rating for the sewers on Westwood and Raynale were 75 and 62, respectively (on a scale of 0 to 100 with a higher score indicating worse condition or need for improvement).

As part of the 2009 Back Yard Sewer and Water Main Systems Long Term Master Plan adopted by the City Commission, storm relief sewers were proposed to be installed in the neighborhoods west of Quarton Lake, including the currently proposed project area. The purpose of the storm sewers was to reduce the storm flows entering the combined sewers to alleviate the risk of basement flooding in the drainage district and reduce sewage waste disposal charges that are passed on to the sewer customers. In recent years, the storm relief sewers were installed on Oak and Raynale, ending at N. Glenhurst Drive. Sewer stubs were installed to facilitate future extension throughout the rest of the neighborhood. The Quarton Lake Estates Phase 2 project has been on the City's Capital Improvement Plan for a number of years to complete the extension of storm sewers in the areas that drain to the Oak and Raynale storm relief sewers. The currently proposed project is the first part of that effort, and the remainder of the work is being planned for FY 2023-2024.

#### III. PROPOSED IMPROVEMENTS

#### ROAD IMPROVEMENTS

The City's standard road width in a residential area is twenty-six (26) feet, as measured between the face of the curbs. A recent example of how this width appears can be found on St. Andrews Rd. (north off of Maple Rd. between N. Eton St. and Coolidge Hwy.). The process for evaluating proposed street widths is documented in the City's policy statement on residential street width standards, which includes holding a Public Hearing on Street Width Changes at the Multi-Modal Transportation Board (MMTB). The public hearing was held on May 5, 2022, and the MMTB recommended that Westwood and Raynale maintain their existing width of thirty-one (31) feet, and that Oak Street be reduced from the existing width of forty(40) feet to thirty-eight (38) feet between N. Glenhurst and Westwood and to thirty-one (31) feet between N. Glenhurst and the west City limits. The Engineering Department recommends that concrete pavement be used for street reconstructions in this neighborhood, which will match what was done on other nearby streets in recent years.

The sidewalks will generally remain as they are today, with repairs installed where they are damaged to install the sewer and/or water leads, or where proposed road grading requires changes to the sidewalk grades. Sidewalk ramps and pedestrian crossings are being evaluated by the City's design professionals. Some form of "bump-out" may be warranted at the intersections to improve the geometry of the crossings and make them safer for pedestrians. Because of the short distance between the sidewalk and the curb at the road, future replacement of the part of the private driveway and adjoining sidewalk may be necessary if reducing the slope of the drive approaches are desirable.

Many of the existing trees were installed relatively close to the City sidewalks, and efforts would be made to save trees wherever practical. It should be noted that the City has constructed several new streets with similar situations, and typically very few trees are lost due to construction. However, since the risk of damage is present, homeowners need to be aware that some tree loss may occur, either during construction, or subsequent to it.

#### WATER SYSTEM IMPROVEMENTS

The water mains on Westwood Drive and Oak Street will be replaced with new, 8" diameter ductile iron water main. In addition, new 8" diameter ductile iron water main will be installed on Raynale between N. Glenhurst and Westwood to improve flows and pressures in the water distribution system. New fire hydrants will be installed within the project area, and their spacing and location will be reviewed with the Fire Department to provide the best possible coverage for the neighborhood.

#### SEWER SYSTEM IMPROVEMENTS

A cursory review of the existing sewer conditions indicate the possible need for rehabilitation or repair. However, additional research and/or a study will be required in order to determine the extent and type of rehabilitation or repair, if any. This will be conducted by the City once final design of the project is underway to ensure all necessary pipe replacement and/or repairs are done so that the pipe is stable for many years to come. It should be noted that if improvements are deemed required to the City sewer, it will not affect (increase) the cost of the special assessment.

New storm relief sewers will be constructed on Raynale and Oak, extending from where they previously left off from recent construction projects. New storm relief sewers will be installed on Westwood to collect roadway drainage.

#### SEWER LATERAL REPLACEMENT

Beginning in 2007, whenever the City is constructing or reconstructing a road, each home's sewer lateral must be evaluated for to its remaining service life. Each homeowner is responsible for the maintenance of their sewer lateral from the home to the City sewer connection. The portion from the right-of-way line to the City sewer can be quite costly to repair if done on an emergency basis because it has collapsed. Experience has shown when older sewer laterals are replaced in conjunction with a street renewal project, the cost of the work is substantially reduced. Replacing older sewer laterals also significantly reduces the possibility of the new pavement having to be cut and patched afterward due to the continuing decline of sewer laterals. With that in mind, should the City Commission authorize the installation of a new pavement, all homes with sewer laterals older than fifty (50) years (the expected service life of an underground pipe from that era), will be included in a second special assessment district requiring removal and replacement of the sewer lateral in the right-of-way at homeowner expense.

#### WATER SERVICE REPLACEMENT

Similar to the situation described for the sewer lateral replacement, with the upcoming project each home's water lateral will be evaluated. The current minimum allowed water service size for single-family residences is 1" diameter. Where existing laterals are smaller than 1", or are constructed with materials not meeting current standards, the water lateral will be replaced between the connection to the main and the water stop-box, which is generally located near the right-of-way line. With that in mind, should the City Commission authorize the installation of a new pavement, all homes with water laterals of sub-standard size or material will be included in a second special assessment district requiring removal and replacement of the water lateral in the right-of-way at homeowner expense.

If a home has a lead water service, current State of Michigan legislation requires the City to replace the lead pipe with a new service from the connection to the main, across private property and into the house ending at the meter. The cost for the lead pipe replacement under this program cannot be charged to the property owner. The City has been completing this work under a separate contract, and if needed, we will contact the homeowner to make arrangements to complete the work before the road construction project begins.

### IV. PROJECT APPROVAL PROCESS

The proposed project is being initiated by the City following the recently adopted policy modification regarding special assessments for road improvement projects. As part of that policy, an expression of interest survey was distributed to the affected property owners. At the time of this writing, we have received responses from 10 of the 23 properties. General support of the project, including street improvements that may be subject to special assessment was expressed on five (or 50%) of the surveys, and five (or 50%) expressed that they did not support the project at all. We received one separate letter presenting the property owners position on these matters, which happen to contradict the answers provided on the expression of interest survey that was returned (they initially expressed general support, but the letter expresses otherwise).

A neighborhood informational meeting is being held on May 12, 2022. Comments expressed during this meeting will be summarized in the Engineering Department's report to City Commission. If you were unable to attend the meeting, and wish to express your position, we ask that it be submitted in writing to our office. Return of expression of interest survey, a mailed letter, or email are accepted for this correspondence.

#### PUBLIC HEARING TO AUTHORIZE PROJECT

Installing a new permanent improved pavement on Westchester, Raynale and Oak will require that the City Commission authorize the creation of a special assessment district (SAD). The neighborhood informational meeting described is meant to provide a forum to describe what is being proposed and answering questions prior to scheduling the Public Hearing. After the neighborhood informational meeting is held, the Engineering Department will prepare a report to the City Commission to present the project and preliminary expression of support. As part of that report, we will recommend that a Public Hearing of Necessity of this project be scheduled. The Public Hearing date will likely be set approximately four (4) weeks later. City staff will invite all property owners by individual notice (and advertise in the local press) to a Public Hearing for the purpose of taking comments in regard to the proposed project.

The Public Hearing will provide a forum for those impacted by the project to discuss the matter with the City Commission prior to any decision on the project being made. Any interested party may provide comment either by appearing and speaking at the meeting, or filing a letter with the City Clerk, preferably one (1) week prior to the scheduled hearing date.

After the Public Hearing is closed, the City Commission will determine if the proposed project is necessary and advisable. If they vote in favor of the project, the City Assessor will be directed to prepare a special assessment roll identifying all properties to be assessed, and the estimated amounts to be assessed against each property (described below). A second Public Hearing will

be scheduled to confirm the roll of assessments.

#### PUBLIC HEARING TO CONFIRM ASSESSMENTS

The City Commission will then schedule another Public Hearing for the confirmation of the roll. The City will again invite all property owners to this hearing. Property owners will be able to determine their particular assessment at the City Clerk's office for a period of ten (10) days prior to the hearing. The City Commission may confirm, correct, revise, or annul the special assessment roll.

A property owner or party-in-interest may file a written appeal of the special assessment with the Michigan Tax Tribunal within thirty (30) days of the confirmation if the property owner or partyin-interest, or their agent, appears and protests the assessment at the Public Hearing held for the purpose of confirming the roll. Appearance and protest may be made in person at the hearing, or may be made by filing a letter with the City Clerk prior to the hearing. If a protest is not made at the Public Hearing, an appeal may not be filed with the Michigan Tax Tribunal.

If the Commission confirms the roll, the Engineering Department will finalize design of the project. After construction takes place, and final costs are available, the roll is subject to adjustment after the actual cost of construction is determined.

#### V. CONSTRUCTION

ANTICIPATED CONSTRUCTION SEQUENCE

Construction will likely take the following course:

- 1. Remove/pulverize existing road surface.
- 2. Construct City sewers and water main improvements (where determined necessary).
- 3. Construction sewer and water laterals on an as-needed basis.
- 4. Construct new catch basins that accommodate the new road design and new storm sewers.
- 5. Rough grade the roadway, generally about 12 inches lower than the existing road surface, to ensure that all front yards drain properly to the street.
- 6. Install the aggregate road base.
- 7. Install new concrete pavement with integral curb. The new pavement will take at least seven (7) days to cure to gain sufficient strength before it can be re-opened to traffic.
- 8. Install new concrete driveway approaches that will match the width as needed for each existing driveway, and will be replaced complete from the sidewalk to the new curb.
- 9. Repair existing sidewalks (where needed) to provide a consistent walking surface and construct new sidewalk ramps at street intersections that meet current ADA regulations.
- 10. Grade yard areas within the right-of-way (between the curb and sidewalk), and place topsoil to final grade. Front yards will generally be sodded. Seed and mulch will be used in small areas where sod is impractical, in areas where sod would not be watered, and adjacent to large trees. Seed will also be installed upon written request. The Contractor is responsible for initial watering and establishment of the grass (normally two weeks) in disturbed areas. Homeowners are encouraged to water and maintain new lawn areas after the Contractor's work has been completed.

The above phases may be interchanged somewhat based upon Contractor's means and methods for completing the project within the contractual completion dates, and as weather conditions may allow.

Access to each property's driveway will be maintained during the majority of the work. Access may be limited during the following operations:

- 1. City sewer or sewer service installation directly in front of the driveway approach.
- 2. Installation of new catch basins and connections to City sewers.
- 3. Installation of the concrete pavement.
- 4. Installation of the concrete drive approach (or sidewalk).

Of the above, only items 3 and 4 should involve overnight periods. Once the new concrete is placed, it is important that all traffic stay off a minimum of seven (7) days. Note that the time between the beginning of road base construction until the drive approach is ready to be driven on can be as much as three (3) weeks. Sewer work will impede access during the day, but traffic will be permitted to return at night. All residents will be notified ahead of time if access is to be restricted, so that vehicles may be pulled out if needed.

It is anticipated that if this project is approved by the City Commission in the early summer of 2022, it may be feasible to start construction in September and finish by November. If it is determined that completion in the 2022 construction season is not practical, then we will plan on including for a start in the spring of 2023. If completed in 2023, there may be an opportunity to bundle this project with other construction projects being planned by the City to create a single, larger contract. While there may some "economies of scale" if included in the future, larger project for 2023, with the current bid environment, there is no guarantee that the costs of the project would be significantly less than if bid and constructed in 2022. Another option could be to bid in 2022, but leave it up to the contractor if they want to start in the fall of 2022 or spring of 2023 to take advantage of any contractor discounts based on their availability.

#### **INSPECTION**

During construction, a City Inspector will be assigned to the project. The City Inspector and the Contractor's Foreman will be on site every day that work is occurring, and will be available to discuss any concerns or problems that you have as a result of the project. The Engineering Department will also be available between 8:00 A.M. and 5:00 P.M. weekdays to respond to any concerns that cannot be resolved at the work site (248-530-1840).

#### SPECIAL TREATMENTS

Note that any special landscaping treatments in the right-of-way, such as underground sprinklers, brick pavers, wood ties, or shrubbery will be impacted by the project. These special items will be removed if they will be inappropriate relative to the new street. Items such as underground sprinklers will likely be damaged or destroyed. Any repairs or replacement to sprinkler systems or other special landscaping treatments (within the right-of-way) will need to be accomplished by the property owner, prior to project completion, at their own expense. Replacement of such items will be subject to the provisions of a Special Treatment License.

#### VI. COSTS & FINANCING

#### ASSESSABLE COSTS

Assessable costs include grading, street pavement surfaces, driveway approaches, sidewalks, curb and gutter, drainage structures, and final restoration. The City of Birmingham pays for 15% of the cost of these assessable project costs. The adjacent property owners share the remaining 85%. The estimated assessment for this project is approximately **\$200.00 per front foot**. The estimated cost does not include engineering design, inspection, and project administration. Should bids come in significantly different than anticipated, City staff will review the costs and make an appropriate recommendation to the City Commission.

#### FINANCING INFORMATION

Once the assessment has been confirmed (at the estimated rate), and funding has been authorized, billings for the first installment shall be due and payable within sixty (60) days after billing. Normally this occurs near the starting date of the project. Bills not paid when due will be subject to additional interest and penalties. If you desire to pay the cost of the assessment over a ten-year period, you will pay interest at the rate fixed by the Commission at the time of the confirmation hearing. The interest rate selected reflects current market conditions, but will not exceed 12%. You may pay off the assessment, including interest accrued to date; or you may pay the total amount at the first payment date and not accrue any interest. If you elect to pay in ten (10) installments, interest will then be charged to the second and subsequent bills, based upon the unpaid balance. Subsequent bills will arrive approximately every twelve (12) months thereafter, until the assessment is paid.

The following chart provides an example of the assessment period over ten (10) years using the rates specified above. An interest rate of 5% has been selected for this example, only.

For this example, a 70 foot lot width will be used, and a 130 square foot driveway approach. In addition, the sewer lateral replacement is estimated at \$70.00 per linear foot for 30 feet in the road right of way. The assessment for this parcel would be calculated as follows:

Paving Assessment:	70 LF @ \$ 200.00 / FF = \$ 14,000.00	
Drive Approach:	130 SF @ \$ 10.00 / SF = \$ 1,300.00	)
Sewer Lateral Replacement:	<u>30 LF @ \$ 70.00 / LF = \$ 2,100.00</u>	
-	TOTAL: \$ 17,400.00	)

Total Cost = \$17,400.00No interest on first payment.Assumed Interest Rate = 5%Interest due on unpaid balance.Loan payable over 10-year period.Principal payments = \$17,400.00 divided by 10 = \$1,740.00

YEARS	PRINCIPAL	UNPAID BALANCE	INTEREST CHARGE	YEARLY PAYMENT		
1st Year	\$ 1,740.00	\$ 15,660.00	\$-	\$ 1,740.00		
2nd Year	\$ 1,740.00	\$ 13,920.00	\$ 783.00	\$ 2,523.00		
3rd Year	\$ 1,740.00	\$ 12,180.00	\$ 696.00	\$ 2,436.00		
4th Year	\$ 1,740.00	\$ 10,440.00	\$ 609.00	\$ 2,349.00		
5th Year	\$ 1,740.00	\$ 8,700.00	\$ 522.00	\$ 2,262.00		
6th Year	\$ 1,740.00	\$ 6,960.00	\$ 435.00	\$ 2,175.00		
7th Year	\$ 1,740.00	\$ 5,220.00	\$ 348.00	\$ 2,088.00		
8th Year	\$ 1,740.00	\$ 3,480.00	\$ 261.00	\$ 2,001.00		
9th Year	\$ 1,740.00	\$ 1,740.00	\$ 174.00	\$ 1,914.00		
10th Year	\$ 1,740.00	\$ -	\$ 87.00	\$ 1,827.00		
TOTALS	\$ 17,400.00		\$ 3,915.00	\$ 21,315.00		

Average payment per year = \$2,131.50

Note that the billing cycle may begin before the project is completed. There will be no refunds on interest paid by any property owner if this occurs.

### **VII. POST-CONSTRUCTION**

#### **BENEFITS**

If the project is constructed, once completed, there are several benefits to be derived. As with other curbed streets, street-side leaf pickup during the months of October and November will be provided. Leaves need to be deposited at the curb, and the Department of Public Services will make two (2) pick-ups on each street, per year, at no additional cost. Once the road is paved, the City will be fully responsible for its continued maintenance. This will include patching, crack sealing, and eventually, resurfacing or complete reconstruction.

### VIII. DISCLAIMER

The information provided in this report was based upon facts at the time written to the best of the Engineering Department's knowledge. The City of Birmingham reserves the right to change the policies and procedures noted herein without notice based upon changing conditions that may be appropriate in the future. If you have knowledge that any of the information contained in this report is incorrect, please contact the City of Birmingham Engineering Department as soon as possible to notify them of any inaccuracies.

CITY OF BIRMINGHAM ENGINEERING DEPARTMENT

# Westwood Improvement Informational Meeting

### May 12, 2022

## ATTENDANCE LIST

NAME	Address	<b>TELEPHONE</b> NUMBER	EMAIL ADDRESS
STEVEN TOROK	Coll WESTWO OD	245346 1031	57EUEUMORIK & HOLLON
Jahn PRIDR	10 bs Wetwood	548.797.2955	548.797.2955 JOHN - PRIVE @ SACGLOBAL, WET
Beverly Prior	1065 Westwood Dr	9h th - 24 - 84Z	bevenera spealobal net
Corey + Julie Hollps	1087 NEStwood Dr	313 580 - 6927 248 722 - 6465	corey - holter @ insucon Inlienholter @ xmail. com
Gerald Van Wille	1185 Wheat lead R.	248, 250-068h	248-250-0686 PEROY @ gran wyle y com
SEVE BICK 1	1241 Wastuber M	248-891-9271	248-891-9271 FlekFormer 5 291221 1 cd W
Kelly Minuler / Tenry Pathram 93B Meshad	m 938 Mesthoddr.	847 636 9419	847 636 9419 Brachwink 30 ginail um/teoathersm
Sell Boug Helle	as 947 Westwood	248-761-1013	2000 248-761-612) alpellyar 1/5 manail.com deloithe.
GAREG OBLOY	1135 N. GIENANEST	248-224-0979	248-224-0979 atobloyed mail com bavernillainaileur
Brock Runney		7121-09/2-8hC	248-463-1216 brocks Camerited. net
	917 OCENHURST VIA ZOUN	FIA Zeon	

August 29, 1988

R.S. Kenning City Manager From: William T. Killeen, City Engineer Approved: Approve: Approve: Approve: Approve: Approve: Approve: Approv

Dear Sir:

The Engineering Department is in the process of setting up a street resurfacing program for the 1988-89 fiscal year. The budget provides \$286,000 for that program. In addition to the preceding, Oakland County is making available \$158,618 for use on major streets within the City of Birmingham. A recommendation regarding the use of the County funds is included in a separate report.

This Spring representatives of the Engineering Department and the Department of Public Services inspected paved streets in the City for the purpose of setting up a street resurfacing program. Also the program will include the replacement of deteriorated sections of concrete pavements and concrete curbs.

Based on the evaluation of the streets by the Engineering Department and the DPS, the Engineering Department has set up a tentative program. The extent of the work is based on preliminary estimates of cost and based on staying within the budget allocation. Following is a list of the proposed resurfacing under the City budget:

North Glenhurst - Oak to Raynale Brookwood - Glenhurst to Raynale Kenwood Ct. George - Pierce to Woodward Daines - Woodward to Purdy Edenborough - Derby to Windemere Grant - Lincoln to Catalpa Maple - under Grand Trunk viaduct Bennaville - Torry to alley Ruffner - Torry to Adams Scattered concrete pavement and curb replacement Pierce - Merrill alley Pierce - Henrietta alley

The City has only resurfaced one alley pavement in the past. That was the Pierce - Merrill alley. The cost of that resurfacing was paid by the City. In 1978 the City Commission adopted a paving assessment policy, which states that the resurfacing of paved alleys would be at City expense. We are proposing to include the resurfacing of two paved alleys in this program at City expense.

For the regular program (excluding the County allocation program) we propose to set up a contract whereby the work may be performed later this construction season or in the Spring of 1989. That is the same procedure that was followed for last year's program.

Unless directed to the contrary, the Engineering Department will proceed to advertise for bids for the regular street resurfacing program as soon as possible with the intention of having that work performed later this construction season or next Spring. We will return to the Commission with a report after bids have been received.

Very truly yours,

allism Thillee

William T. Killeen City Engineer

WTK/nn



April 12, 1989

Dear Property Owner or Occupant:

The City of Birmingham awarded a contract to the Holloway Construction Company for a street resurfacing and concrete pavement repair project. Some of the work will be on the street or alley adjacent to your property. This letter is to advise you of the work and to ask for your cooperation during construction.

The project is for resurfacing and concrete repair of the following:

North Glenhurst - Oak to Raynale Brookwood - Glenhurst to Raynale Kenwood Ct. George - Pierce to Woodward Daines - Woodward to Purdy Edenborough - Derby to Windemere Grant - Lincoln to Catalpa Maple - under Grand Trunk viaduct Bennaville - Torry to alley Ruffner - Torry to Adams Pierce - Merrill alley Pierce - Henrietta alley

The City will pay for the work and there will be no assessment to your property.

The contractor has commenced on concrete repair work. We expect the street and alley resurfacing work will be done in May or June.

We trust the results of this project will justify any inconvenience caused to you.

For further information, please call the City Engineering Department at 644-3865.

Area Code (313)

Very truly yours,

William T. Killeen City Engineer

WTK/nn

General Information 644-1800 Assessor 644-3814 Clerk 644-1800 **Building Department** 644-3869 Police Pusiness 644-3405 City Manager 646-6454 POLICE EMERGENCY 644-3400 Engineering/Planning 644-3865 Fire Business 646-1127 FIRE & E.M.S. EMERGENCY 644-1616 Ice Arena 645-0731

Lincoln Hills Golf Course647-4468Public Services644-1807Springdale Golf Course644-2254Treasurer644-3830Water Department644-3800

Steven and Janet Torok 1011 Westwood Drive Birmingham, MI 48009

May 10, 2022

City Commission City of Birmingham 151 Martin Street, P.O. Box 3001 Birmingham, MI 48012-3001

Ref: Westwood Dr., Proposed Reconstruction

Dear Commissions,

We are writing to express our disagreement with the Westwood Drive portion of the proposed reconstruction projected for this summer. When we attended the meeting held of April 7 of the Multi-Modal Transportation (MMTB), we indicated on the survey "undecided". Please consider this letter a recension of that indication as we are now "opposed to the plan as proposed.

After review of all material and based on our personal experience and observations over the last 30 years of living on Westwood we have concluded that many of reason cited for the rebuilt are not valid and that the street is essentially fine the way it is. Specifically:

- We do not have a drainage problem. Evan in the heaviest rains the existing storm sewers have drained quickly and efficiently. There in very rarely any standing water.
- In 30 years, I am aware of no instance of basement backup due to rain anywhere on the street. We, as is the case for most houses on the street, do not even have a sump pump.
- The street does not need to be slowed down. Your own traffic study indicates the average speed on Westwood is 17 MPH, hardly excessive.
- Narrowing the street by 6 feet is of no value:
  - A 26 foot wide Westwood would be inconsistent with all adjacent and connecting streets. Glenhurst (just to the east most comparable street) was just rebuilt at a 31 foot width. Oak and Raynale are already at (or being rebuilt) at widths of 36 and 31 feet respectively.
  - A narrower Westwood would be unsafe. Cars would not be able to pass if there were parking on both sides of street. Contrary to the city's study (taken between 1:00am and 5:00 am on a cold March morning, parking on both sides of the street is common on weekends, and during weekdays and nights due to contractor, lawn service vehicles and trailer, and multiple car households (often student home from school) and various social events.

- A narrower street would be less safe for bikers who would be crowded by passing cars
- 0
- The one desirable element of narrowing would a wider "tree Lawn". Such a tree lawn would have to come at the expense of the 30 100 year old Maples still surviving from when the neighborhood was first developed. When we first moved here there were about twenty more but the city continues to cost them sown and every opportunity and never replace a one. Bottom line we would not need a dree line if we just maintain what and replaced as needed what we have.

Finally there is the cost. According to the figures provided, given our 140 foot frontage, and the various reworks to connections an sprinklers, this would be a \$50,000 cost to fix a street that is not broken.

If the city wants to get at the water and sewer, it should be on their nickel and I would not oppose. I would even support repaying with asphalt within the existing curbs

We intend to be present at the Commission meeting on the 12<sup>th</sup>, but in the event we are not please register this letter as our comment and a vote to oppose.

Sincerely

Inch

Seven and Janet Torok 248 6463162

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May 10, 2022

City Commission City of Birmingham 151 Martin Street, P.O. Box 3001 Birmingham, MI 48012-3001

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Sincerely

St. Tone

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Seven and Janet Torok 248 6463162

TO: Birmingham Engineering Department Municipal Building, 151 Martin Birmingham, MI 48009

From: Kim Romanosky 980 Westwood Birmingham, MI 48009

RE: Proposed Reconstruction of Westwood Drive.

May 12, 2022

To Whom it May Concern:

I am unable to attend the meeting this evening to discuss the reconstruction of Westwood, therefore this letter shall be considered my written statement. We are very much against the reconstruction of Westwood, as we do not see the benefit of such a project to the Westwood residents. The costs provided are astronomical and it is unethical to assess us these amounts when the suggested improvements are for the public good. We have lived in our home for 5 years- we do not have a flooding issue on this street. Our street already has curbs, so this is not an added benefit to us. Our street is in f good condition (compared to other Birmingham streets) so this is also not a benefit to us.

If the City proceeds with this project, the City should bear the costs, not just the residents of Westwood. I have not heard of one neighbor that is in favor of this project.

Sincerely, Kimberly Romanosky 980 Westwood RECEIVED MAY 1 2 2022 CITY OF BIRMINGHAM COMMUNITY DEVELOPMENT DEPT. Debra & Martin Darvick 1150 Westwood Drive Birmingham, MI 48009 Clerk's Office City of Birmingham, MI

MAY 1 3 2022

RECEIVED

TO: City Commission City of Birmingham 151 Martin Street, P.O. Box 3001 Birmingham, MI 48012-3001 ATT: Birmingham Engineering Dep't

RE: Street Reconstruction of Westwood, Raynale & Oak Streets

We are writing to express our disapproval of this reconstruction proposal to narrow Westwood.

When we moved to Birmingham 38 years ago, one of our purchase criteria was that our new home be secure from flooding and did not have, nor need, a sump pump. Such has been the case. If a goal of this project is water management for other Birmingham residents, why would the cost be assigned to residents of Westwood who do not have this problem?

Westwood has curbs, rendering moot any such benefit from this project allocated to other, curbless streets.

The street is used for parking — guests of residents, construction crews doing home improvement, renovations and even new builds. Narrowing the street (in actually a constriction) would make driving more hazardous and parking more difficult.

Why has Westwood been listed as a priority (red) street needing attention (from a recent City survey.) How did Westwood receive such a designation? Streets farther to the east of our street seem much more in need of paving and drainage improvements.

We respectfully request that you do NOT move forward with these "improvements" as this proposal seems best placed in the City's "If it ain't broke, don't fix it" file. If there is no such file, let this project be the first.

Sincerely,

Debra & Martin Darvick



Jim Surhigh <cityengineer@bhamgov.org>

### Westwood Drive Paving

**Corey holter** <Corey\_Holter@msn.com> Thu, May 19, 2022 at 2:38 PM To: "cityengineer@bhamgov.org" <cityengineer@bhamgov.org>, "juliemholter@gmail.com" <juliemholter@gmail.com>

Jim,

My name is Corey Holter and I live at 1087 Westwood Drive. I have attended the last two meetings held on this subject - one on May 5<sup>th</sup> and the other on May 12th.

Thank you for the additional insight at the May 12th meeting and thanks for being patient with all the questions. It got a little passionate at times and I think you did a good job answering questions where you were able.

To be clear, I do object to both the project and the assessment. I see little benefit for those of us on Westwood and the primary benefit is derived by others. Therefore I am most opposed to the assessment. This is for a few reasons:

This is being presented as a Paving Project - that's the title of the document distributed on May 12th - "Westwood Drive Paving". However, the opening paragraph says the street was selected because of the need to improve the City's water main system.

At the end of the day, if the water main system needs to be improved, so be it. But our street is fine and we don't need a paving project to make it better. As many have stated, we have curbs and we don't flood. And our street is in much better shape than many around us.

So from my perspective the primary goal is water management and the primary beneficiaries are not the residents of Westwood. Given that, I strongly object to having to pay for the project. Especially given that Glenhurst residents did not pay.

I believe the rationale for Glenhurst not being assessed was that they were an improved street and therefore had been assessed at some point in the past. Therefore, I do have a couple of questions which I would ask you to investigate and answer prior to the next meeting:

- When (what year) did Glenhurst become an improved street?
- What work was done that turned it into an improved street (it looked the same as Westwood so trying to understand the difference).
- What were residents assessed (how much?)

Thanks for taking my comments into consideration and I look forward to participating in the next meeting.

regards, Corey Sent from Outlook

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### WESTWOOD / RAYNALE / OAK PAVING PROJECT PETITION

We, the undersigned residents of Westwood and N. Glenhurst that are impacted by the proposed paving project, present the following petition.

### We are not aligned with the need for this project and are especially not aligned with a special assessment to pay for it.

Rationale:

2

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- The Project Report, dated May 12, 2022, states that streets have been "selected because of the need to improve the City's water main system..." – <u>this is clearly the</u> <u>primary purpose of the project, not street improvement</u>.
- <u>We do not have a drainage or flooding problem on Westwood</u>. At the information meeting on May 12, 2022, a map was shown indicating homes that had reported basement flooding to the city. Not one of the homes affected by this project were indicated. Again, we do not have a flooding/drainage issue.
- <u>We have curbs on our streets already</u>. So that is not a benefit to us from this project.
- <u>Our street is in good condition</u>, especially in comparison to other streets in Birmingham. We are not in agreement with the assessment that it is in "fair to poor" condition. We are happy to provide pictures or to meet with anyone who wishes to see the street for themselves.

Bottom line is that this project, should it proceed, is for the public good – "to improve the water main system" and provides little benefit for the actual residents being affected and assessed. <u>Should the project proceed, the city should pay for it in its entirety.</u>

Signatures on pages 2 and 3.

Address Name, Signature Date 885 Westwood 888 Westwood Frenk+Capr May -21. 2028 912 Westwood 7-22 915 Westwood 938 Westwood 947 Westwood 956 Westwood 979 Westwood 5/16/22 980 Westwood 5.25.22 1000 Westwood 22 1011 Westwood 1 er Everly (signe) above) Cut 1036 Westwood 5/25/22 1043 Westwood 5-15-22 5 as avi 1064 Westwood

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Corey

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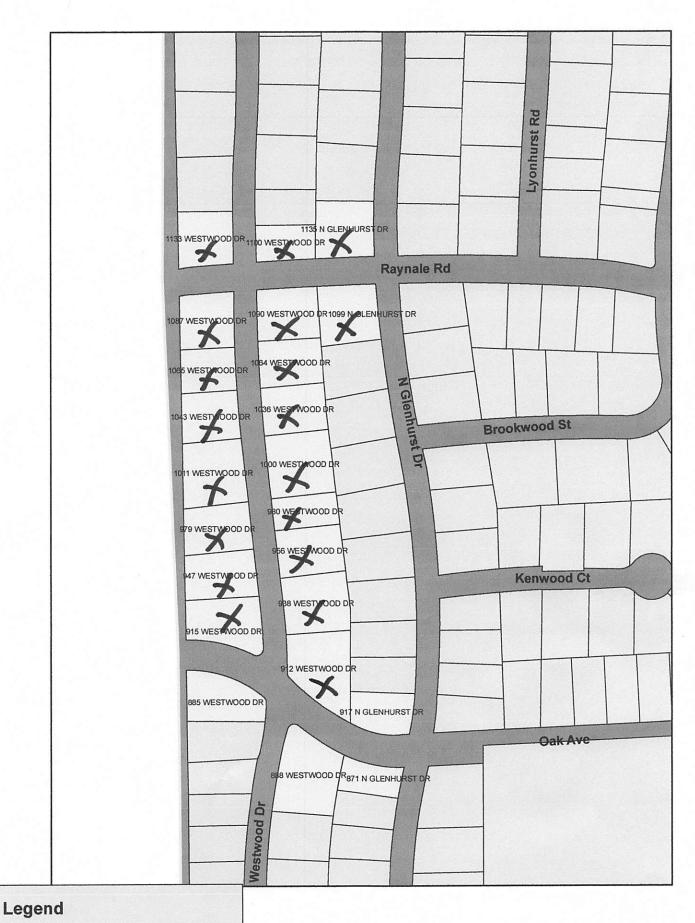
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Affected Addresses in Work Area



### MEMORANDUM

**Human Resources Department** 

DATE:	Monday, May 16, 2022
то:	Thomas Markus, City Manager
FROM:	Joseph Lambert, Human Resources Manager
SUBJECT:	2022-23 Compensation Recommendations for Department Heads and Administrative / Management Employees

### INTRODUCTION:

Current Administrative/Management employees consist of 10 City department heads, and approximately 25 other full-time professional employees who are not represented by any labor organization. Settled collective bargaining agreements include wage rate changes to AFSCME Clerical and Technical employees, Firefighters Association, Police Command Association, and Police Patrol Association as follows:

AFSCME	2022 – 1.5%	
BCOA	Under Negotiation	
BPOA	Under Negotiation	
BFFA	2022 – 1.5%	
Teamsters	2022 – 2.0%, 2023 – 2.0%	

Administrative/Management employees have not yet received any wage adjustments for the 2022-23 fiscal year.

### BACKGROUND:

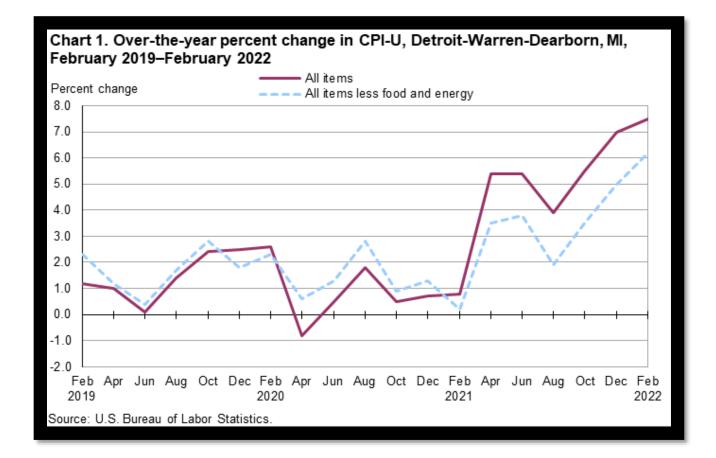
Individual administrative and management staff do not receive automatic adjustments in conjunction with salary table changes as do employees in bargaining units. Actual increases for this group are determined through annual performance evaluations. The guidelines that connect performance review scores to salary adjustments continue to reward high-quality performance within the confines of the salary range while withholding such rewards when performance is less than high quality.

### Salary Ranges

According to the Bureau of Labor Statistics, CPI data has indicated a rise in local consumer prices. The graphic below illustrates the consumer price increases specific to the Detroit-Warren-Dearborn area, resulting in an **increase of 7.5%** since March 2021. To answer to these rising costs, as well as talent acquisition and retention goals, a more aggressive market adjustment is needed.

For Fiscal Year 2022-23, and effective July 1, 2022, HR recommends a market adjustment of up to **4.5%** adjustment to the salary range for Department Heads and Administrative/Management classifications, as well as for administrative part-time employees not covered by a labor

organization, which represents an estimated cost of \$159,000. This adjustment keeps our compensation program in line with the market of comparable communities. Proposed salary tables reflecting these adjustments are attached.



### Merit Based Performance Increase Program

In addition to the salary range adjustment, the Commission has approved a merit based increase based on a review of an employee's performance. This program is divided into three groups, subject to performance evaluation results and salary ranges:

- 1) Employees at their maximum pay rate, and eligible for a performance increment of 2.5%
- 2) Employees at or above the 75<sup>th</sup> percentile of their range, eligible for an increase of 3%
- 3) Employees below the 75<sup>th</sup> percentile of their range, eligible for a 6.5% increase.

### LEGAL REVIEW:

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

### FISCAL IMPACT:

For FY 2022-23, the recommended increase to the salary ranges of 4.5% for the Department Heads and Administrative/Management group represents an estimated cost of \$159,000. The merit based performance increase program is estimated to cost an additional \$185,000.

To offset such increases, the City has established a pattern of increasing employee cost sharing for health care, which allows for the City to leverage savings to partially offset other improvements in compensation.

Most recently, the City has leveraged even greater savings by decreasing employer costs, and reducing \$100,000 in consultant costs following the completion of a request for proposals for Healthcare Consultant services.

PUBLIC COMMUNICATIONS: N/A

### ATTACHMENTS:

- Existing Merit Increase Guidelines (4.5% Market Adjustment)
- Class Table A
- Salary Table A
- Class Table B
- Salary Table B

### SUMMARY:

The Human Resources Department recommends approval of the Department Head and Administrative/Management compensation program as presented and included in the attachments to this report.

### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve a 4.5% salary range adjustment and inrange adjustments based upon performance for full-time and part-time employees in the Department Head and Administrative/Management classifications effective July 1, 2022 and approving a 2.5% performance increment through June 30, 2023 with individual eligibility to be in accordance with the attached merit increase guidelines. Further, to authorize the budget amendments from the wage adjustment account 101-299.000-709.0000 to the appropriate departments.

### CITY OF BIRMINGHAM Department Heads & Administrative Employees 7/1/2022 Merit Increase Guidelines

For employees currently occupying a position <u>at or above the 75<sup>th</sup> Percentile</u> of their salary range on the July 1, 2022 salary table:

Merit Increase	Market <u>Adjustment</u>	Performance Review Score *
+ 3.0%	4.5%	4.50 to 5.00
+ 2.0%	4.5%	4.50 to 4.49
+ 1.0%	4.5%	3.50 to 3.99
0.0%	4.5%	3.00 to 3.49
-1.5%	4.5%	2.50 to 2.99
-2.5%	4.5%	2.00 to 2.49

### Total adjustment may not exceed salary range maximum.

- \* Performance Review Rating Scale:
- 5 Outstanding
- 4 Exceeds Expectations
- 3 Meets Expectations
- 2 Below Expectations
- 1 Unsatisfactory

### CITY OF BIRMINGHAM Department Heads & Administrative Employees 7/1/2022 Merit Increase Guidelines

For employees currently occupying a position **below the 75<sup>th</sup> Percentile** of their salary range on the July 1, 2022 salary table:

Performance Review Score *	Market <u>Adjustment</u>	Merit Increase
4.50 to 5.00	4.5%	+6.5%
4.50 to 4.49	4.5%	+4.5%
3.50 to 3.99	4.5%	+2.5%
3.25 to 3.49	4.5%	+1.5%
3.00 to 3.24	4.5%	0.0%
2.75 to 2.99	4.5%	-1.5%
2.50 to 2.74	4.5%	-2.5%
2.00 to 2.49	4.5%	-3.5%

### Total adjustment may not exceed salary range maximum.

\* Performance Review Rating Scale:

- 5 Outstanding
- 4 Exceeds Expectations
- 3 Meets Expectations
- 2 Below Expectations
- 1 Unsatisfactory

### CITY OF BIRMINGHAM DEPARTMENT HEAD CLASSIFICATIONS SALARY TABLE A

SALARY GRADE	POSITION	<u>STATUS</u>
05	City Engineer	Exempt
	Finance Director / Treasurer	Exempt
	Fire Chief	Exempt
	Assistant City Manager	Exempt
	Police Chief	Exempt
	Public Services Director	Exempt
04	Information Technology Director	Exempt
	Planning Director	Exempt
	Principal Shopping District Director	Exempt
03	Building Official	Exempt
	Clerk	Exempt
02		
01	Museum Director	Exempt

**Revised 7/1/2022** 

### SALARY TABLE A

### Department Heads Effective: July 1, 2022

Pay		25th		75th	
Grade	Minimum	Percentile	Midpoint	Percentile	Maximum
1	\$72,827	\$77,913	\$82,999	\$88,086	\$93,172
2	\$78,409	\$83,888	\$89,368	\$94,847	\$100,327
3	\$84,407	\$90,322	\$96,237	\$102,152	\$108,067
4	\$93,172	\$99,632	\$106,092	\$112,552	\$119,012
5	\$100,327	\$107,329	\$114,331	\$121,333	\$128,335

4.5%

### CITY OF BIRMINGHAM PROFESSIONAL/ADMINISTRATIVE/SUPERVISORY CLASSIFICATIONS SALARY TABLE B

SALARY GRADE	<b>POSITION</b>	<u>STATUS</u>
11	Communications Director *	Exempt
	Parking System Manager	Exempt
	IT Manager	Exempt
10	Assistant Director, Engineering	Exempt
	<b>Assistant Director Finance</b>	Exempt
	Assistant Fire Chief	Non-Exempt
	Fire Marshal **	Non-Exempt
09	Human Resources Manager	Exempt
	Senior Planner	Non-Exempt
08	Public Services Manager ***	Non-Exempt
	Parks & Recreation Manager ****	Non-Exempt
	<b>Construction Engineer</b>	Non-Exempt
07	City Planner	Non-Exempt
	Senior Accountant *****	Non-Exempt
06	Golf Manager	Exempt
	Maintenance Superintendent	Non-Exempt
	Parks & Forestry Foreman	Non-Exempt
	Streets, Sewer & Water Foreman	Non-Exempt
05	Accountant	Non-Exempt
	Accounting Administrator	Non-Exempt
	Deputy Treasurer	Non-Exempt
	<b>Grounds Superintendent</b>	Non-Exempt
	HR Generalist	Non-Exempt
	IT & Media Specialist	Non-Exempt
	IT & Media Specialist IT Technician	Non-Exempt Non-Exempt
04	-	-
04	IT Technician	Non-Exempt

\* Upgraded from 06 to 11 Effective 7/1/2020

\*\* Previously Acting Fire Marshal 09 - Effective for new Fire Marshal hire in Fall 2020

\*\*\* Upgraded from 06 to 08 - Effective 7/1/2015

<sup>\*\*\*\*</sup> Upgraded from 06 to 08 - Effective 7/1/2019

<sup>\*\*\*\*\*</sup> Upgraded from 06 to 07 - Effective 7/1/2015

### SALARY TABLE B

### Administrative/Management Employees

Effective: July 1, 2022

Dave Orea da		A	0.54	Densentile		1:	_	75th		
Pay Grade	ľ	Minimum	251	h Percentile	N	lidpoint	P	ercentile	IVI	aximum
1	\$	43,392	\$	46,029	\$	48,667	\$	51,304	\$	53,941
2	\$	46,735	\$	49,997	\$	53,258	\$	56,520	\$	59,782
3	\$	50,330	\$	53,855	\$	57,379	\$	60,903	\$	64,428
4	\$	54,170	\$	57,964	\$	61,759	\$	65,553	\$	69,347
5	\$	58,318	\$	62,400	\$	66,483	\$	70,565	\$	74,648
6	\$	62,849	\$	67,223	\$	71,597	\$	75,970	\$	80,344
7	\$	67,660	\$	72,379	\$	77,098	\$	81,817	\$	86,536
8	\$	72,827	\$	77,913	\$	82,999	\$	88,086	\$	93,172
9	\$	78,409	\$	83,888	\$	89,368	\$	94,847	\$	100,327
10	\$	84,407	\$	90,322	\$	96,237	\$	102,152	\$	108,067
11	\$	88,626	\$	94,838	\$	101,049	\$	107,261	\$	113,472

4.5%



### MEMORANDUM

City Manager's Office

DATE:	June 22, 2022
то:	Thomas M. Markus, City Manager
FROM:	Melissa Fairbairn, Assistant to the City Manager
SUBJECT:	Strategic Planning Services Contract

### INTRODUCTION:

Strategic planning is a process in which organizations define their direction for the future. As a part of the process, stakeholders collaborate to define the organization's mission, vision, and both long- and short-term goals and objectives. The City of Birmingham has not conducted a strategic planning process in recent years.

### BACKGROUND:

The City posted a Request for Qualifications (RFQ) for Strategic Planning Services to MITN on April 13, 2022. Interested firms were asked to submit their proposals by May 4, 2022. Three (3) firms responded to the City's RFQ for Strategic Planning Services. These firms included: Managing Results, LLC, Future IQ, and Lew Bender, PhD. After reviewing the three proposals, staff determined that each was responsive to the RFQ and qualified to perform the services described in the RFQ.

At the June 13, 2022 workshop meeting, the City Commission interviewed each of the three firms and provided feedback to the staff using an evaluation form. The Commissioners' feedback did not produce a clear favorite firm and offered pros and cons for each candidate.

The City Manager recommends that the City contract with Lew Bender, PhD for strategic planning services. Dr. Bender is highly qualified to create the City's strategic plan as he has decades of experience working with municipalities in Michigan, Illinois, and others to create strategic plans. His proposed strategic planning process would be conducted through a series of four (4) meetings and could be completed in the next three (3) months. The City Manager recommends that staff conduct additional community outreach efforts during that timeframe.

Dr. Bender's proposal of \$14,500 is the clearly the most cost effective of the respondents. His proposed fee of \$14,500 is \$63,500 less than Future IQ's proposal and \$69,687 less than Managing Results, LLC's proposal.

### LEGAL REVIEW:

The City Attorney has reviewed the contract and has no objections.

### FISCAL IMPACT:

A summary of the Cost Proposals for each RFQ response can be found in the table below:

Firm	Proposed fee
Managing Results, LLC	\$84,187
Future IQ	\$78,000
Lew Bender	\$14,500

The Manager's Office budgeted \$25,000 in Fiscal Year 21-22 to fund the strategic planning services in account number 101-101.000-962.00.

### PUBLIC COMMUNICATIONS:

The RFQ for strategic planning services was approved by the City Commission at the April 11, 2022 meeting. The City Commission interviewed the three (3) RFQ respondents at the June 13, 2022 meeting.

### SUMMARY:

The City Manager's Office requests that the City Commission approve the contract with Lew Bender, PhD to provide strategic planning consulting services.

### ATTACHMENTS:

- Agreement for Professional Strategic Planning Services Lew Bender
- Request for Qualification April 13, 2022
- RFQ Response Lew Bender, Phd

### SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve a <u>1</u> year agreement with <u>Lew Bender</u> for <u>strategic planning</u> services in the amount not to exceed <u>\$14,500</u>. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for this project has been budgeted in account <u>101-101.000-962.00</u>.

### AGREEMENT For Professional Strategic Planning Services

**THIS AGREEMENT** is entered into this 22 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 <u>Dr. Lew Bender</u>, whose address is <u>P.O. Box 330, Leroy</u>, <u>MI 49655</u>, (hereafter referred to as Consultant) and the foregoing shall collectively be referred to as the parties.

**WHEREAS**, the City desires a consultant to facilitate the creation of a strategic plan for the City and in connection therewith has requested qualifications for professional strategic planning services; and

**WHEREAS**, Consultant has qualifications that meet the project requirements and has provided a response and cost proposal to perform strategic planning services including designing, facilitating, and drafting a strategic plan for the City as outlined in the Request for Qualifications.

**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 Qualifications for professional strategic planning services dated April 13, 2022, which includes the facilitation of the community engagement process, development of the City's Strategic Plan including mission, vision, and goals and objectives, and recommendations for implementation of the Strategic Plan shall be fully incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto (attached hereto as Attachment "A").

2. **TERM:** This Agreement shall have a term of <u>one</u> (<u>1</u>) 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 Consultant shall receive compensation for services to the date the termination takes effect and the City shall be entitled to retain and use the results of all services, documents, and other materials prepared by the Consultant through such date.

**3. TERMS OF PAYMENT:** The City shall pay the Consultant for the performance of this Agreement in an amount not to exceed <u>\$14,500</u>, as set forth in the Contractor's <u>May 3, 2022</u> cost proposal to perform the scope of work as contained in the RFQ (Attachment A).

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

5. **INSURANCE SUBMISSION REQUIREMENTS:** The Consultant has submitted proof to the City that it meets all City insurance requirements. Insurance, with coverage amounts at no less than the City's minimum requirements, must be held by the Consultant throughout the

term of this Agreement. Certificates of insurance as stated below will be required no later than five (5) business days from the date of Consultant's\_acceptance of the terms of this Agreement.

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

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

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

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

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

### 11. STANDARD INSURANCE REQUIREMENTS:

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

A. Workers' Compensation Insurance:

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

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

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

C. <u>Motor Vehicle Liability</u>: Consultant shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

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

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

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

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

H. <u>Maintaining Insurance</u>: Upon failure of the Consultant to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage. **12. WRITTEN NOTICES:** Written notices regarding this Agreement shall be addressed to the following:

City:

City of Birmingham P.O. Box 3001 Birmingham, Michigan 48012 Attn: Melissa Fairbairn

	Consultant	
Attn:		

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

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

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

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

**17. DIRECT OR INDIRECT INTEREST:** If, after the effective date of this Agreement, any official of the City, or spouse, child, parent or in-law of such official or employee shall become directly or indirectly interested in this Agreement or the affairs of the Consultant the City shall have the right to terminate this Agreement without further liability to the Consultant if

the disqualification has not been removed within thirty (30) days after the City has given the Consultant notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.

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

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

**20. RESPONSE TO REQUESTS FOR QUALIFICATIONS:** The Consultant shall be held to and bound by all terms, conditions, warranties and representations which it made in its written response dated <u>May 3, 2022</u>, to the City's Request for Qualifications dated <u>April 13, 2022</u> (attached hereto as Attachment "B"). In the event of a conflict in any of the terms of this Agreement and the Consultant's <u>May 3, 2022</u> 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 Consultant, by its authorized signature below, expressly accepts this Agreement upon the above provided terms and conditions contained in this Agreement as of the date first above written.

TA M Kylo

STATE OF MICHIGAN ) MULANCHE ) ss: COUNTY OF OAKLAND )(1,177)

On this 22 day of <u>MRDNESDAY</u> JUNE, 2022, before me personally appeared AVA MCDC1 MOH, who acknowledged that with authority on behalf of <u>LEWIS6. PERCIEC</u> to

do so he/she signed this Agreement.

ava McDernott

Notary Public <u>Marquette</u> County, Michigan Acting In<u>Marquette</u> County, Michigan My commission expires: 03/22/2028

### **CITY OF BIRMINGHAM:**

By: \_

Therese Longe, Mayor

By:\_\_

Alexandria D. Bingham, City Clerk

Melissa Fairbairn, Assistant to the City Manager (Approved as to substance)

Man Jula Finance Sireelo-

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

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

ushare

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

EXHIBIT A



### Request for Qualifications STRATEGIC PLAN Birmingham, Michigan

### INTRODUCTION

The City of Birmingham, Michigan seeks to develop a Strategic Plan, utilizing a process that comprehensively and equitably evaluates the organization, and the community it serves, and develops a vision for the future. The vision should connect with short and long-term strategic goals and objectives for the City of Birmingham, with measurable performance indicators that will guide the annual budget process. To design, facilitate, and guide this process, the City is looking for professionals with extensive experience and expertise in strategic planning for local governments.

The proposer determined by the City to be most qualified will be invited to enter into a professional services agreement with the City.

### BACKGROUND

The 1933 Charter provides that all powers are vested in the Commission, consisting of seven members, all elected at large on a non-partisan basis. Commissioners serve staggered terms of four years and elect from their own members each year a Mayor who is a voting member of the Commission. A Mayor Pro-Tem is also elected to serve in the absence of the Mayor. The City Manager oversees the administrative functions of the City, including the operations of all City Departments. Department Directors are all

### EXHIBIT A

appointed by the City Manager, while the City Clerk is appointed by the Commissioners and then reports to the City Manager.

Birmingham, Michigan is a vibrant and prosperous community with a population of just over 20,000. Covering only 4.73 square miles, it is able to maintain the atmosphere of a small town, while experiencing the benefits and amenities of an affluent urban area. Birmingham, is a wealthy suburb of Detroit located halfway between Detroit and Pontiac with a high average household income and high home values. Residents are very active in their local government and share their opinions regarding the development and redevelopment of the City.

The City does annual budget forecasting and an annual long-term planning process but has not conducted the Strategic Planning process in recent memory.

The City anticipates that it may take some months to provide adequate time for participation by the project team and the City Commissioners in addition to review by key community stakeholders. The outcome of the process will be a written strategic plan document that presents the planning process, the research, the analysis, opportunities and strategies along with an implementation plan that will guide the City for the next three (3) to five (5) years. The City is aware that there are a variety of perspectives, models, and approaches available to develop a strategic planning document; therefore, the successful firm should be able to discern which model or model(s) will best enable the City of Birmingham to complete its organizational and programmatic goals. The successful firm will be required to demonstrate its ability to meet these requirements.

### WHAT THE CITY IS LOOKING FOR

The City of Birmingham is seeking sealed proposals from qualified persons or firms to contract for consulting services to guide a Strategic Planning process for the City. Consultants are invited to submit a proposal which includes an outline of their experience and qualifications in performing work directly related to the services required.

Strategic planning determines where an organization is going and how it's going to get there. This Strategic Plan is intended to help the City direct its efforts and resources toward a clearly defined vision for its future. The plan should include benchmarks or milestones that measure the City's progress along the way.

The City is interested in having this plan completed proactively and transparently with community acceptance. The process should allow for both active and passive involvement ensuring diverse and extensive community participation.

### EXHIBIT A

This strategic plan should be a "living document" and should undergo periodic review and adjustment to reflect progress towards achievement of goals and/or modifications of goals.

### SCOPE OF SERVICES

Although the City is allowing for great flexibility in the proposals, it is expected that the process and product include at a minimum, the following:

- The consultant will facilitate a community visioning process. This process will consist of public meetings, stakeholder group sessions, outreach forums, online survey(s), social media, discussions with City staff and other forums appropriate for outreach and public input. The result of these efforts will result in a robust array of suggestions from members of our community.
- 2. The consultant will conduct orientation and briefing sessions for the City Commission and employees at all levels to educate them on the goals of the project and the potential outcomes.
- 3. The consultant must also be available for any necessary presentations to the City Commission and/or project team to include but not limited to a final strategic plan presentation to the Commission.
- 4. Conducting a situational analysis and identify and assess the strengths, weaknesses, opportunities, and threats of the City of Birmingham organization.
- 5. Based on the assessment data, the consultant will facilitate the revision of the Vision, Values, and Mission for the City.
- 6. The consultant must facilitate the development of goals and objectives that support the Vision, Values, and Mission of the City and facilitate the development of performance metrics for inclusion in the annual budget process.
- 7. Submit recommendations for appropriate implementation measures that City staff will need to take. Including proposed policies and administrative guidelines that need to be in place to administer the strategic plan. These policies and administrative guidelines should be as specific in nature as possible.
- 8. Develop a system to measure the effectiveness of City activities in meeting the objectives of the strategic plan. Ensure the measures are linked to the overall vision, mission and goals of the City as a whole.

### **RFQ PROCESS**

It is expected that one (1) consultant will be selected as a result of this RFQ, although the City is under no obligation to award a contract as a result of the selection process. Based on the proposals received, the selection committee will select individuals/firms to

### EXHIBIT A

be interviewed. As a result of those interviews the top-rated consultant will be selected for contract negotiations.

The Selection Committee will consider the following factors and requirements based on submittals and interviews:

### 1. Professional Qualifications.

The education, training, and amount of relevant experience of the proposed key project personnel.

### 2. Specialized Experience of Team.

The team's experience with strategic plans for similar cities, or comparable projects. There will be a strong preference during the selection process for those proposers with the most relevant, successful experience.

### **3. Creativity and Suitability of Proposed Scope of Services.** The degree to which the proposed scope of services is suitable to the City and compelling to the selection committee.

### 4. Demonstrated Interest in and Understanding of the Project. Clear understanding of the nature of the services and a clear and detailed proposed scope of services.

### 5. References.

The provided references relate to the proposer's work on similar projects.

### 6. Communication and Public Interaction.

Demonstrated ability and experience to engage in positive communication through multiple channels with City staff, the governing body and the public.

### 7. Ability to work within the desired timetable.

The team's capacity to accomplish the desired timetable, or provision of alternative timetable that is acceptable to the City.

### 8. Compensation

Respondents must provide their proposed fee to perform the services identified in this RFQ.

### GENERAL INFORMATION

\*The City of Birmingham, as an Equal Opportunity Employer, requires all consultants to affirm that they do not discriminate against individuals or firms because of their race, color, marital status, age, sex, national origin, handicap, creed or sexual orientation.

\*All proposals submitted become public information and may be reviewed by anyone requesting to do so at the conclusion of the evaluation process.

### EXHIBIT A

\*All proposals received by the City in response to this RFQ shall remain valid for ninety (90) days from the date of submittal.

\*The City reserves the right to cancel or reissue the RFQ or to revise the timeline at any time. The City reserves the right to reject any and all proposals and to waive minor irregularities in the proposal process. The City may accept any proposal if such action is believed to be in the best interest of the City.

\*The City is not liable for any cost incurred by the proposer prior to execution of a contract.

\*The City holds its consultants responsible for the process and outcome of the contractual agreement. The contract between the successful proposer and Birmingham shall include all agreed upon documents specified in the RFQ, and be consistent with, the provisions stated in the RFQ.

\*The prime consultant will be required to assume the responsibility for all services offered in the proposal whether or not directly performed by the prime consultant. Further, the prime consultant will be the sole point of contact for the City of Birmingham with regard to contractual matters.

\*The project team shall be approved by the City of Birmingham. The City must approve any changes in the project team.

### **Estimated RFQ Schedule**

RFQ Issued:	April 13, 2022
Final Date for Questions Related to RFQ:	April 27, 2022
Proposal Deadline:	May 4, 2022
Applicant Interviews:	May 9, 2022
Selection of Consultant	
and Contract Development:	Week of May 16, 2022

\*Exact dates are subject to change at the CITY's discretion

Any interested individual may request to be on an email list to receive updates on the RFQ process, including addenda to the RFQ if any are issued.

### **INFORMATION AND QUESTIONS:**

Each proposal that is received by the deadline will be evaluated on its merit and completeness of all requested information. If you plan on submitting a proposal to this RFQ, please notify <u>mfairbairn@bhamgov.org</u> so that any questions or clarifications can be sent to you. In preparing proposals, consultants are advised to rely only upon the contents of this RFQ and accompanying documents and any written clarifications or

addenda issued by the City of Birmingham. If a consultant finds a discrepancy, error, or omission in the RFQ package, or requires any written addendum thereto, the consultant is requested to notify the City Manager's office at the same email address so that written clarification may be sent to all prospective proposing consultants. **THE CITY WILL NOT RESPOND TO ANY ORAL INQUIRIES ON THIS RFQ.** No contact regarding this document with other City employees is permitted. All answers will be issued in the form of an addendum.

### **Submittal Instructions**

Written proposals must be received by the City of Birmingham no later than 3PM EST on May 4, 2022. Proposals received after this deadline will not be accepted or considered.

To be considered, three (3) copies of the proposal must be prepared in the manner and detail specified in this RFQ.

a) Proposals must be submitted to the City of Birmingham drop box located at, 151 Martin St. Birmingham MI 48009, by May 4, 2022 at 3PM EST.

b) Responses received after the deadline will not be accepted.

c) Proposals must be enclosed in a sealed envelope, box or package, and clearly marked on the outside with the following: "STRATEGIC PLANNING PROPOSAL", Date of submittal, Respondent's name, address, phone, and contact name.

d) Proposals sent by electronic means will not be considered.

e) All costs incurred in the preparation and presentation of the proposal are the Respondent's sole responsibility; no proposal costs will be reimbursed to any Respondent. All documentation submitted with the proposal will become the property of the City.

f) Proposals must be signed by an authorized official of the Respondent.

Send any questions regarding the RFP to: Melissa Fairbairn Assistant to the City Manager City of Birmingham <u>mfairbairn@bhamgov.org</u> 248-530-1807

### A Proposal for Facilitation of the Strategic Planning Process

City of Birmingham, Michigan

City of Birmingham

M. 4 22 City Manager's Office

Submitted by: Lewis G. Bender, Ph.D. P.O. Box 330 Leroy, MI 49655 (618) 792-6103-Cell <u>lewbender@aol.com</u> <u>www.lewbender.com</u> May 3, 2022

**EXHIBIT B** 

### EXHIBIT B

### A Proposal for Facilitation of the Strategic Planning Process for the City of Birmingham

### Purpose of a facilitated process

The purpose of this process is four-fold:

- 1. Assist the Mayor, Commissioners, City Manager, and the senior staff in establishing a strategic vision, goals, key objectives, and one-year tasks to be completed for the City of Birmingham.
- 2. Facilitate the discussion for updating the City's Mission and Value Statements.
- 3. Create a facilitated environment that allows participants to explore and discuss ideas in a task-oriented, fair, respectful, and balanced manner.
- 4. Present documentation that adequately reflects the major deliberations and decisions of the planning group.

### Approach to strategic planning

The center of this proposed process is the view that effective strategic planning involves ongoing communication between and among elected and appointed municipal leaders toward shared goals. Strategic plans must be short working documents that are flexible to changes (challenges and opportunities) and used as part of the normal discussions between elected and appointed leaders.

This proposal also embraces the view that elected leaders, as representatives of the community, have the job of determining where (the goals) the community should go. Appointed leaders have the job of determining how to get there.

### Tasks to be completed

The facilitator will complete the following tasks:

- 1. Consult with the Mayor, Manager, and involved persons regarding the process's specific purposes, schedules, and agenda.
- 2. Facilitate meetings that permit the Mayor or Manager to be free from running the meetings and encourage the participants' positive and creative exchange of ideas.
- 3. Offer advice regarding processes and methodologies to the participants.
- 4. Move the process forward efficiently and effectively.
- 5. Provide an outline of the major points of all proceedings.
- 6. Provide a draft of the revised City Vision, Values, and Mission based on facilitated discussions with selected participants.
- 7. Provide a draft of the strategic plan to be finalized by the City Manager and staff and formally adopted by the City Commission

### **Proposed dates**

The time frame for this proposed process will be determined through discussions with the City Manager and Birmingham leaders. Generally, it is suggested that the process commence in the summer months with the City Commission, City Manager, and staff. The suggested completion date should be at the end of September after input (early mid-September) is gathered from Birmingham residents. Summer is a very ineffective time for seeking public input.

### Cost

The total cost for facilitation services involving pre-consultations, four days of on-site facilitation, and off-site research and preparation of meeting notes is \$14,500. This amount includes the reimbursement of lodging, meals, and expenses associated with travel from Luther, Michigan. Additional on-site visits will cost \$2,500 plus travel expenses per visit.

### **Proposed format:**

It is recommended that the planning process utilize the following format: Times and topics are flexible to the needs of the participants.

Meeting One: Initial Commission Discussion (June)	Evening or Half Day Participants: Mayor, City Commission, City Manager, and Senior Staff.	<ul> <li>Focus:</li> <li>Review and finalize the strategic planning process.</li> <li>Review the state of the City and discuss major trends and changes.</li> <li>Identify the Strengths and Weaknesses of the City and the Opportunities and Challenges facing the community (SWOC).</li> <li>Create an Initial shared Five-Year Vision Tour of the City of Birmingham.</li> </ul>
Meeting Two: Staff input. (June/July)	Morning and Afternoon Participants: City Staff in various meetings.	<ul> <li>Focus:</li> <li>Staff identifies Strengths and Weaknesses and Opportunities and Challenges facing the City</li> <li>Goals and Objectives that the Commission might consider.</li> <li>Input regarding the Mission and Values of the City.</li> </ul>

### EXHIBIT B

Meeting	6:00 - 8:30 PM	Focus:
Three: In-person resident input to the Commissioners (Early mid- September)	Participants: City Residents, Business Owners and Community Leaders, Mayor, Commissioners, Manager, Department Heads, and identified Staff.	<ul> <li>Commissioners gain public input related to challenges, opportunities, and achievable five-year goals from assembled groups of citizens.</li> <li>Commissioners will facilitate breakout sessions with assembled citizens. Department Heads and Staff will assist in the note-taking and providing information.</li> <li>Based on the experiences of other communities, it is recommended that this meeting be actively promoted and that a small meal is provided.</li> <li>Other community input processes such as Zoom discussions and surveys can also be discussed.</li> </ul>
Meeting Four: Putting it together. (Mid to Late September)	Day, afternoon or evening (Approximately five to six hours) Participants: Mayor, Commissioners, Manager, and Department Heads.	<ul> <li>Focus: Putting it all together.</li> <li>Review and discuss public input.</li> <li>Review and discuss staff input.</li> <li>Revisit relevant data</li> <li>Review Board Five Year Vision Tour</li> <li>Identify Top 3-5 Goal Areas</li> <li>Identify key objectives and guidelines for each goal area.</li> <li>Identify the one-year tasks to be completed in each goal area.</li> <li>Review and discuss drafts of the mission and values statements.</li> <li>Identify the next steps for moving forward.</li> </ul>

### EXHIBIT B

### Terms of the Agreement for Professional Strategic Planning Services

I have reviewed the terms outlined in the agreement, including the standard insurance requirements. I will be prepared to provide the required documentation within five days of the acceptance of the agreement if the proposal is awarded.

### Facilitator

Dr. Lewis Bender will serve as the facilitator of this process. He has a long history of working with municipal and other local governments. He has conducted numerous strategic planning processes and has taught graduate-level classes on the subject.

He is Professor Emeritus of Public Administration at Southern Illinois University at Edwardsville (SIUE). He taught various classes in supervision and leadership for the Department of Public Administration and Policy Analysis.

Previously at SIUE, he was the Director of Regional Research and Development Services, responsible for the university community and public service outreach and applied research endeavors. Throughout his career, Professor Bender has been deeply involved in community-based applied research, organizational goal setting, planning, and organizational development approaches.

His educational background includes a BS in History from Grand Valley State University, Allendale, Michigan (1971); a Master's Degree in Political Science, Wayne State University, Detroit, Michigan (1973) and a Ph.D. in Political Science, University of Georgia, Athens, Georgia. (1977)

Dr. Bender is well known for his candid approach and casual style. A specialist in training and organizational development for business and government, he conducts seminars and workshops for management, supervisory, support staff, and customer service employees – anyone who needs to communicate effectively. He has worked with organizations across the US and Canada. Before his appointment at SIUE, Dr. Bender served as the Director of the Center for Governmental Research at Central Michigan University.

### Recent strategic plan references include:

Mr. Mark Gifford, City Manager City of Big Rapids, Michigan (231) 592-4020

Ms. Susan Osbourne, Mayor City of Fenton, Michigan (810) 922-8477 Ms. Wendy Jean-Buhrer, City Manager City of Grand Blanc, Michigan (810) 694-1118

Mr. Patrick Waterman, City Manager City of Hudsonville, Michigan (616) 669-0703

**Respectfully submitted:** 

for MBA

Lewis G. Bender, Ph.D. May 3, 2022

### Strategic Planning Experience

- Winter 2022 Livingston County United Way, Strategic Plan
- Winter 2022 Lincoln Park, Michigan, Strategic Plan
- Winter 2022 Delhi Township, Michigan, Strategic Plan
- Winter 2022 City of Muskegon, Michigan, Strategic Plan
- Winter 2022 Livingston County Drain Commission, Strategic Plan
- Winter 2022 City of Big Rapids, Strategic Plan Update
- Winter 2022 City of Mt. Pleasant, One-Year Goals and Objectives
- Fall 2021 City of Belleville Michigan DDA Strategic Plan
- Fall 2021 City of Grosse Pointe, Michigan, Strategic Plan
- Fall 2021 Hudsonville, Michigan, Strategic Plan
- Fall 2021 City of Lowell, Michigan, Strategic Plan Update
- Fall 2021 City of Plymouth Michigan, Strategic Plan
- Fall 2021 Hartland Township Michigan, Strategic Plan
- Fall 2021 Wexford County Michigan Sheriff's Office, Strategic Plan
- Fall 2021 City of Fenton, Michigan, Strategic Plan
- Summer 2021 Buffalo Grove Fire Department Illinois, Strategic Plan
- Summer 2021 St. Joseph, County, Michigan, Strategic Plan
- Summer 2021 Livingston County Michigan, Strategic Plan
- Summer 2021 Grand Blanc Charter Township Michigan, Strategic Plan
- Spring 2021 Highland Park Illinois Police Department, Strategic Plan
- Spring 2021 Texas Township Michigan, Strategic Plan
- Spring 2021 Delta Township Michigan, Strategic Plan
- Spring 2021 Hamburg Township Utilities Team, Strategic Plan
- Winter 2020 Antrim County Road Commission, Strategic Plan
- Winter 2020 City of Grand Blanc, Michigan, Strategic Plan
- Winter 2020 City of Fenton, Michigan, Strategic Plan Update
- Winter 2020 City of Big Rapids, Michigan, Strategic Plan Update
- Fall 2019 City of Evart, Michigan, Strategic Plan
- Fall 2019 City of Plymouth, Michigan, Strategic Plan Update
- Fall 2019 Village of Plainfield, Illinois, Strategic Plan
- Summer 2019 Mutual Aid Box Alarm System Divisions 4 & 5 SRT Hainesville, Illinois Strategic Plan
- Summer 2019 Bath Township, Michigan Library –Strategic Plan
- Summer 2019 St. Joseph County, Michigan Strategic Plan
- Spring 2019 Livingston County, Michigan Strategic Plan
- Spring 2019 Plainfield, Illinois –Strategic Plan
- Spring 2019 Warrenville, Illinois –Strategic Plan
- Spring 2019 Clinton County, Michigan –Strategic Plan
- Winter 2019 City of Plymouth, Michigan-Strategic Plan Update
- Winter 2019 City of Marshall, Michigan-Strategic Plan
- Winter 2019 City of Saline, Michigan-Strategic Plan
- Winter 2019 City of Big Rapids, Michigan-Strategic Plan
- Winter 2019 City of Lowell, Michigan-Strategic Planning
- Winter 2019 City of Tarpon Springs Police Department, Florida-Strategic Plan Update
- Fall 2018 Canton Township, Michigan-Strategic Plan Update
- Fall 2018 Village of East Dundee, Illinois-Strategic Plan
- Spring 2018 City of Fenton, Michigan-Strategic Plan
- Spring 2018 City of Lowell, Michigan-Strategic Plan and Team Building

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ProposalBirminghamStrategicPlan5322.doc

### EXHIBIT B

- Spring 2018 Roscommon County, Michigan-Strategic Plan
- Spring 2018 Lake County Sheriff's Department, Illinois-Strategic Planning and Team Building
- Winter 2017 and Winter 2018 Marquette County Housing Commission, Michigan-Strategic Plan
- Winter 2018 City of Plymouth, Michigan-Strategic Planning and Team Building
- Winter 2018 Summer 2017 Fall 2015 Tarpon Springs Police Department, Florida-Strategic Planning and Team Building
- Spring 2017 Delhi Township, Michigan-Strategic Plan
- Spring 2017 Muskegon County, Michigan-Strategic Plan
- Winter 2017 Delta Township Library, Michigan-Strategic Plan
- Fall 2016 -Hartland Township Hartland, Michigan-Strategic Planning and Team Building
- Fall 2016 Hudsonville, Michigan-Strategic Planning
- Spring 2016 Village of Algonquin Department of Public Works, Illinois-Strategic Plan
- Spring 2016 Village of Plainfield, Illinois-Strategic Planning
- Spring 2016 Michigan Academy of Family Physicians Foundation-Strategic Plan
- Spring 2016 City of Davison, Michigan-Strategic Plan
- Spring 2016 Monroe County Library, Michigan-Strategic Plan
- Winter 2015 Michigan Association of Drain Commissioners-Strategic Plan
- Winter 2015 Caledonia Township, Michigan-Strategic Plan
- Fall 2015 Apple Canyon Property Owners Association, Illinois-Strategic Plan
- Summer 2015 City of Marquette Housing Authority Marquette, Michigan-Strategic Plan
- Spring 2015 Van Buren County Board, Michigan-Strategic Plan
- Spring 2015 St. Louis County Police Department Missouri-Strategic Plan
- Fall 2014 Fall 2015 City of Saline, Michigan-Strategic Plan
- Fall 2014 Fall 2015 City of Fenton, Michigan-Strategic Planning and Team Building
- Summer 2014 Woodlands Library Cooperative-Strategic Plan
- Winter 2014 Engineering Enterprises Incorporated Chicago, Illinois-Strategic Plan
- Winter 2013 Dewitt Charter Township, Michigan-Strategic Plan
- Spring 2013 Van Buren County Board, Michigan-Strategic Plan
- Spring 2013 Kalamazoo County Board, Michigan-Strategic Plan
- Spring 2013 Clinton County Board, Michigan-Strategic Plan
- Summer 2013 Village of Plainfield, Illinois-Strategic Plan
- Summer 2013 City of O'Fallon, Illinois-Strategic Plan
- Fall 2013 County Road Association Self Insurance Fund, Michigan-Strategic Planning and Team Building
- Spring 2012 City of Fenton, Michigan-Strategic Plan
- Spring 2012, Michigan Chapter American Public Works Association-Strategic Plan
- Fall 2012 City of Grand Blanc, Michigan-Strategic Plan
- Fall 2012, Michigan Government Finance Officers Association-Strategic Plan
- Spring 2011 Cascade Charter Township, Michigan-Strategic Plan
- Spring 2011 City of Cedar Springs, Michigan-Strategic Plan
- Summer 2011 Village of Geneva, Illinois-Strategic Plan
- Fall 2011 Gaines Charter Township, Michigan-Strategic Plan
- Winter 2010 Spring 2015 Spring 2014-Grand Valley Metropolitan Council Grand Rapids, Michigan-Strategic Plan
- Spring 2010-Oakway Fire Consortium Birmingham, Michigan-Strategic Plan
- Summer 2010 Summer 2013-Michigan Municipal Treasurers Association-Strategic Plan
- Fall 2009-Barrington Area Council of Government Barrington, Illinois-Strategic Plan

### **EXHIBIT B**

- Fall 2009-Michigan Chapter of the American Public Works Association-Strategic Plan
- Fall 2009 Fall 2012-Village of Wauconda Police Department, Illinois-Strategic Plan, and Team Building
- Summer 2009 2015 Michigan Association of Municipal Clerks-Strategic Plan
- April 2009-City of Midland Midland, Michigan-Strategic Plan
- Summer 2007-Homeland Security Region III Bay City, Michigan-Strategic Plan
- Summer 2007-Homeland Security Region I Lansing, Michigan-Strategic Plan
- Winter 2005 City of Alma, Michigan-Strategic Plan
- Winter 2004 2005 2006 2009 Summit Pointe Community Mental Health System Battle Creek, Michigan-Strategic Plan, and Team Building
- Winter-Spring 2006-Alumni Association of Southern, Illinois University Carbondale, Illinois-Strategic Plan
- Winter 2006 City of Maplewood Missouri-Strategic Plan
- Fall 2005 Chamber of Commerce of Maplewood Missouri-Strategic Plan
- Fall 2005 –, Illinois Network of Child Care and Resource Referral Association Bloomington, Illinois-Strategic Plan and Team Building
- Spring 2004 Big Brothers and Big sisters of Sangamon County Springfield, Illinois-Strategic Plan
- Spring-Summer 2000 Winter 2004, Michigan Commission on Law Enforcement Standards Board Staff-Strategic Plan
- Winter 2002/Spring 2004, Strategic Plan and Team Building Development for Iroquois Memorial Hospital Watseka, Illinois-
- Fall 2000/2001 Cadillac Police Department Cadillac, Michigan-Strategic Plan
- Spring 2001 Council-Manager, City of Mt. Pleasant, Michigan-Strategic Plan
- Fall 2000 City of Sandusky Council-Manager Retreat-Strategic Plan
- Spring-Fall 2000/Fall 2001 Bay County Management Information System Bay County, Michigan-Strategic Plan
- Spring 2000 Iroquois Memorial Hospital Board Chicago, Illinois-Strategic Plan
- Spring 2000 Police Corps of Western, Illinois University Winter 2000 Southern, Illinois Law Enforcement Commission Strategic Direction for Officer Training Belleville, Illinois-Strategic Plan
- Winter 2000/Winter2001 Madison County Community Development "Continuum of Care 2000" – Homeless Strategy for Madison County, Illinois-Strategic Plan

Dr. Bender has other extensive strategic planning experience, research, and teaching prior to 2000.



### MEMORANDUM

Legal Department

**DATE:** June 27, 2022

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

**FROM:** Mary M. Kucharek

**SUBJECT:** Request for Closed Session Under MCL § 15.268 Sec. 8(e) of the Open Meetings Act

### INTRODUCTION:

• This matter concerns pending litigations entitled John Reinhart, et al v City of Birmingham; U.S. District Court Case No.: 2:22-cv-11074-MAG-DRG and Privilege Underwriters Reciprocal Exchange, A foreign Company a/s/o Patrick Carroll v City Of Birmingham, a Michigan Municipal Corporation Case No.: 2019-173450-ND.

### BACKGROUND:

- As the City Commission is aware, John Reinhart, Managing Partner of the 555 Building, has complained of the parking situation and changes to the SMART Bus route in connection with the Phase 3 Old Woodward Project. As a result, he is now claiming to be one (1) of three (3) plaintiffs alleging they are "handicapped," and as a result has filed suit in the U.S. District Court. I am requesting closed session on June 27, 2022, pursuant to MCL § 15.268 Sec. 8(e) to discuss pending litigation.
- The matter of Privilege Underwriters Reciprocal Exchange is a case that was filed in 2019 at the Oakland County Circuit Court involving a sewer backup. I am requesting closed session on June 27, 2022, pursuant to MCL § 15.268 Sec. 8(e) to discuss, two pending litigations.

### LEGAL REVIEW:

• I am requesting closed session on June 27, 2022, pursuant to MCL § 15.268 Sec. 8(e) to discuss, two pending litigations.

FISCAL IMPACT:

• To be discussed in closed session.

### ATTACHMENTS:

• Open Meetings Act (Excerpt) Act 267 of 1976, MCL § 15.268 Closed sessions; permissible purposes, Sec. 8(e).

### **RECOMMENDED RESOLUTION:**

To meet in closed session to discuss pending litigation pursuant to MCL § 15.268 Sec. 8(e) of the Open Meetings Act regarding John Reinhart, et al the v City of Birmingham; U.S. District Court Case No.: 2:22-cv-11074-MAG-DRG and Privilege Underwriters Reciprocal Exchange, A foreign Company a/s/o Patrick Carroll v City Of Birmingham, a Michigan Municipal Corporation Case No.: 2019-173450-ND.



# Sustainability

**M**um î î

### Birmingham Needs a Sustainabilty Board



The purpose of the "Sustainability Board" would be to educate, advocate and provide oversight for integrated solutions that seek a sustainable equilibrium for economic, ecological, and social health and well-being, both now and in the future.











# Master Plan, v2

Spells out the expected duties of a

# Engage Birmingham

- Plan to create a city-wide climate
- action and sustainability plan



## Royal Oak Experience

Had the pleasure of attending a recent meeting Royal Oak recently adopted a Sustainability and Climate Action Plan Recently formed a Community Garden Has an Environmental Advisory Board





### Local Communities Doing This

Royal Oak (Environmental Advisory Board) Huntington Woods (Environmental Sustainability Committee) Berkley (Environmental Advisory Committee) Troy (Sustainable Design Review Committee) West Bloomfield (Environmental Commission) Rochester Hills (Green Space Advisory Board)



Let's Do This! Draft an ordinance/mission statement for formation of a Sustainability Board

City Commissioner Planning Board Member Parks & Recreation Board Member Interested & Qualified Members of the Community





### **CITY MANAGER'S REPORT**

June 2022

### **Baldwin Public Library**

### Library Board Update

The Library Board met on June 20 for a regular meeting. The Library Board approved updates to the Purchasing Guidelines and eliminated the Library's 2003 Ethics Policy in favor of adopting the City's Code of Ethics. During the past fiscal year, all 26 of Baldwin's governing policies have been reviewed and updated.

### Phase 3 Expansion and Renovation Update

Design Development of the Phase 3 expansion and renovation of the front entrance and circulation area continues. The architects from Merritt Cieslak Design presented the project plans to the Historic District Commission on June 15 and to the Planning Board on June 22.

### Summer Reading Program

Baldwin's annual summer reading program kicked off on June 10. The summer reading program is open to all ages and you can find more information at <u>www.baldwinlib.org/summer-reading</u>.

### **Behind the Scenes Tour**

If you'd like to learn even more about the library, join Library Director Rebekah Craft for a Behind the Scenes Tour. You'll visit staff areas, learn how items are added to the collection, and hear about new programs and services. The next tour will meet in the Library's vestibule on Wednesday, July 20 at 2:00 p.m.

### The Birmingham Museum

### **Museum Temporary Closure**

The Birmingham Museum will be closed to the public until August 9 during the Allen House upper window restoration project. Museum staff and artifacts will be moved out of the second floor of the museum due to the need for lead mitigation during the project. Staff will be actively maintaining social media, assisting patrons with research, working with the collection on the lower level, and developing a new exhibit from a temporary office off site, thanks to the Baldwin Library. While the disruption is significant, the project is being hailed by the Historic District Commission as "an

### **10E1**

invaluable, comprehensive and replicable resource for historic preservation projects across the City."

### Birmingham Shopping District (BSD)

### **Birmingham Farmers Market**

The Birmingham Farmers Market kicked-off its 20th season on Sunday, May 1 in Public Parking Lot 6. On June 26, 2022, Birmingham Farmers Market will celebrate Super Farmer Day, and super heroes will be on site to visit with children, along with our very own superheroes with the Birmingham Police and Fire Departments. The market will be open every Sunday from 9 a.m. – 2 p.m. through the end of October.

### **Executive Director Recruitment Process**

The first round of recruitment for the Executive Director position with the BSD closed on June 10, 2022. All applications submitted have been reviewed and BSD Board members and City staff will be conducting candidate interviews after July 4th, 2022. Assistant City Manager Jana Ecker will continue to serve as Interim Executive Director of the Birmingham Shopping District until a permanent Executive Director is hired. During summer vacation season, Assistant to the City Manager Melissa Fairbairn will act as Interim Executive Director if Ms. Ecker is out of the office.

### **July Special Events**

Summer fun continues with movie nights at Booth Park each month. On July 15, 2022 Home Alone will be shown in Booth Park, with activities starting at 6:30pm, movie starting at 7:30pm.

The annual Day on the Town event will be held this year on July 30, 2022, from 9:00 a.m. – 6 p.m. Join us for the biggest retail event of the year and browse unique and discounted high end merchandise in stores and on the streets and sidewalks throughout downtown Birmingham.

### **Building Department**

### Monthly Report

The <u>Building Department's monthly report</u> provides an update on the following construction activity: building permits issued, building inspections conducted, trades permits issued and trades inspections conducted. In May, we processed 466 online permit applications, totaling 1,871 applications so far in 2022.

### Woodward Dream Cruise Preparations (August 20, 2022)

In preparation of the Dream Cruise this year, the Building Department is coordinating with other departments to streamline our event procedures and start working to alleviate the confusion of previous years. There have been meetings to discuss and better understand each department's roles and responsibilities so that we can start to develop clear procedures. We have already been able to replace four separate Community Development applications (Tent, Temporary Use, Temporary Sign, and Temporary Structure) with a single Dream Cruise application. We are now in the

process creating an applicant packet that will provide Dream Cruise vendors with the applications, requirement documents, points of contact, and submission instructions. It is our goal to gather feedback post-event and continue to simplify these processes every year.

### Congratulations, Mike Morad

Mike Morad was recently reappointed to the Southeast Michigan Building Officials & Inspectors Association Board of Directors! The reappointments and swearing in were held at last month's monthly meeting.



### City Clerk's Office

### 2022 August State Primary

### **Registration Deadlines**

To register to vote in Birmingham, an individual can submit a form in person, by mail, or drop box at the Clerk's office. Residents may also register to vote at any Secretary of State Branch Office, at <u>www.expressSOS.com</u>, or at <u>www.mi.gov/vote</u>. Voter registration applications are available at <u>bhamgov.org/vote</u>.

The deadline to register to vote in any manner other than with the City Clerk's Office is 15 days before the election (July 18, 2022). Voters may register up through Election Day in-person at the City Clerk's Office with proof of residency. The City Clerk's Office is open Monday - Friday, 8:00 a.m. - 5:00 p.m., and the Saturday immediately preceding an election 8:00 a.m. - 4:00 p.m. to register voters and issue absent voter ballots.

### Absentee Voters

AV Applications have been sent to the 9,000+ voters on the Permanent Absentee Voter List. Absentee Ballots are expected to be mailed out around June 24, 2022. Absentee

ballots can be requested by mail if received by 5:00 p.m. on July 29, 2022. Absentee ballots can be picked up in person up to 4:00 p.m. Monday, August 1. Absentee ballots can be requested through the Clerk's office or at <u>mi.gov/vote</u>.

### Federal Post Card Application (FPCA) - out of country absentee voting

The office has also been processing FPCA (out of country absentee voting) applications. These are for voters who will be out of the country and will need their ballot sent by email or mail overseas. The Clerk's Office will begin sending the first batch of FPCA ballots on June 18, 2022.

### Ballots

A sample ballot can be viewed at <u>www.mi.gov/vote</u>. Races for the August 2022 State Primary ballot in Birmingham include:

### State:

- · Governor
- · State Senator, District 8
- · Representative in Congress, District 11

• Representative in State Legislature, Districts 5, 19, and 56 County:

• County Commissioner, Districts 1 and 19 City:

 Precinct Delegates to County Conventions of the Democratic and Republican Parties

### Election Inspectors

The Clerk's Department relies on many election workers to ensure a smooth election. The Clerk's office contacted past election inspectors and the communications team sent out news blasts with information on applying to work at the August 2022 election. The Clerk has scheduled training dates in July for election workers to receive training on Basic Election Training, Electronic Poll Book, Absent Voter Counting Board, Receiving Board, and Chair/Co-Chair Training. Persons interested in applying to be an election worker can go to www.bhamqov.org/electioninspectors.

### **Board and Commission Appointments**

The following City of Birmingham boards and commissions have vacant positions or members with terms expiring soon. Applications are due before Noon the Wednesday prior to the commission interview/appointment date:

BOARD:	INTERVIEWS/APPOINTMENTS:
Historic District Study Committee (3 Regular Members)	6/27/2022
Board of Ethics (1 Regular Member)	6/27/2022
Hearing Officer (1 Regular Member)	6/27/2022
Museum Board (2 Regular Members)	6/27/2022
Greenwood Cemetery Advisory Board (2 Regular Member	rs) 7/25/2022
Advisory Parking Committee (4 Regular Members)	8/29/2022
Birmingham Area Cable Board (1 Alternate Member)	Until Filled
Board of Building Trades Appeals (3 Regular Members)	Until Filled
Board of Zoning Appeals (1 Alternate Member)	Until Filled
Brownfield Redevelopment Authority (2 Regular Members	s) Until Filled
Public Arts Board (1 Alternate Member)	Until Filled
Storm Water Utility Appeals Board (1 Regular, 2 Alternate	e Members) Until Filled
Triangle District Corridor Improvement Authority (2 Regu	lar Members ) Until Filled
For details, visit www.bhamgov.org/boardopportunities.	

### **Greenwood Cemetery**

At the June 3, 2022 meeting of the Greenwood Cemetery Advisory Board (GCAB), the board discussed the Policy for Approving and Installing Markers for persons of historical significance and discussed items to be included into the 2021-2022 Annual Report. The next GCAB meeting will be held on July 1, 2022.

### City Manager's Office

### Communications

### Around Town e-Newsletter

The communications team is working on the July edition of the Around Town e-Newsletter, which will include our Meet the Staff video, election news, Parks and Recreation bond project updates, city and county park information, summer events and more. Follow this link to view the June edition of the Around Town e-Newsletter.

### Summer Edition of the Birmingham Beat

The summer edition of the Birmingham Beat will arrive in mailboxes during the week of June 20<sup>th</sup>. This edition features the annual water quality report and an update about summer events, fireworks safety tips, the auxiliary police officer program, driveway alteration/replacement information and more. Follow this <u>link to download the newsletter</u>.

### Virtual Tour of the Birmingham Ice Arena

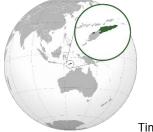
Join Department of Public Services Director Lauren Wood and Recreation Coordinator Connie Folk on a <u>virtual tour of the renovated Birmingham Ice Arena</u>. Thank you to IT & Media Specialist Jamil Kim for producing this video!





### **YSEALI** Fellowship

The Manager's Office is excited to welcome Martinha da Conceição Amaral for the months June and July. Martinha is part of the <u>YSEALI</u> Professional Fellowship program sponsored by the U.S. State Department and ICMA. Martinha is from Timor-Leste where she works for the nation's Environmental Authority as a consultant. While in Birmingham, she will be meeting with regional sustainability experts and researching storm water and wastewater management.



Timor-Leste

### **Engage Birmingham**



### Cast Your Vote for the Party Room Mural at the Ice Arena

The city received entries from many talented artists for the Ice Arena Party Room Mural Contest. The designs are in and it's time to vote! The design with the most votes will be selected for the party room wall in the newly renovated Birmingham Ice Arena. Follow this <u>link to cast your vote</u> on Engage Birmingham.

### Sustainability Initiatives

Gabriel Khouri, a lifelong resident of Birmingham and Cranbrook senior, recently completed a three-week internship in the City Manager's office prior to his graduation. Gabe is passionate about sustainability measures such as electric vehicle charging stations, flood mitigation, and energy efficient infrastructure. Following his research, he assisted with creating a survey regarding the city's future Climate Action and Sustainability Plan. Access the <u>survey and share your feedback</u> on Engage Birmingham.

### **Human Resources**

### City Engineer

We are pleased to announce we have hired Melissa Coatta to become our new City Engineer. Ms. Coatta brings with her more than twenty years of experience as a professional engineer, with a focus on civil engineering projects.

### Parking System Manager

Our incumbent Parking System Manager recently submitted his resignation notice, but

recommended a highly qualified candidate who has already been selected to fill that role before the end of June. Our new Parking System Manager, Aaron Ford, has managed parking systems for more than twenty years.

### **BSD** Director

The Human Resources department is reviewing applications from the BSD Director recruitment, and will hold interviews in late June to early July.

### Accounting Administrator

The vacancy for Accounting Administrator has been internally filled by a promotion for Morgan Webb from our Treasury Department, which creates a new vacancy for Senior Clerk/Cashier. Ms. Webb has a Bachelor's degree in Finance, and has been with the City for two years.

### Various Position Updates

The Seasonal Public Works Inspector positions have been fully filled with the hire of Kameron Dimitry, who comes to Birmingham after twenty-four years with the City of Dearborn. Interviews are also coming up for the Plumbing Inspector and Operator positions. Candidates for the part-time Police Dispatcher vacancy have completed interviews and are undergoing the selection process. Currently, 47 hires are currently completed or pending through the Golf Course seasonal program.

	FT & PT Staff	Current	Percentage	Vacancies Filled	
Department	Estimate	Vacancies/Hiring	Staffed	Since 2020	Notes
Birmingham Shopping District	5	BSD Director	80%	7	Director vacancy open
Clerk's Office	5	-	100%	5	
Building	17	-	100%	1	Hiring transitional Plumbing Inspector.
Engineering	8	City Engineer Engineering Intern Pub. Wks. Insp.	63%	6	City Engineer starts in July
Finance / Treasury	14	Accounting Admin	93%	5	Internal promotion
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	9		10%	1	Hiring plan in FY 22-23
Planning	7	-	100%	4	
Police	71	PT Dispatcher	100%	11	Dispatch selection upcoming
Public Services	56	Streets & Parks Operator (3)	TBD	8	Interviews Upcoming
Golf Seasonal	N/A	Golf Seasonal Labor	N/A	o 47 (Hired, or in hiring process)	Hiring ongoing

### Staff & Vacancy Update

### **Commission Items for Future Discussion**

Meeting	Торіс	Commissioner	Staff Follow Up	Dates Addressed	Status (resolved/ongoing)
6/13/22	479 SOW (Doraid) PAD	Boutros			Motion failed
6/13/22	Sustainability Board	Schafer (had handout)		On agenda for 6/27/22	In progress
5/23/22	Commission Meeting Start Time	Baller		On agenda for 6/27/22	In progress
5/9/22	PAD ordinance/cleanup	Baller, no vote			
5/9/22	Policy for granting public space ODD/Valet	Baller, no vote			
5/9/22	Pickleball	Baller, no voter	Lauren Wood	Agenda item 5/23/22	Installed on 6-3- 22
4/25/22	Improvements in Information Provision and Methodology	M: Haig, S: Baller			
3/28/22	City Manager Selection Process	M: Host S: Boutros	Managers Office & HR	4/25/22 - direct to formal agenda item 5/9/22 - New Business Item 5/23/22 CM report	Process approved and timetable established
4/11/22	BBCC - Mental Health Workshop - More time to talk	M: Baller S: Haig	Marianne Gamboa mental health info in city publications	clarify	Resolved

1/24/22	Social Districts	M: Schafer S: Boutros	2/14/22 - make formal item 3/9/22 - Workshop 3/14/22 - Informally brought up by host	Continuing discussions
1/10/22	Food Trucks	M: Host S: Schafer	1/24/22 - CC requested more info 3/9/22 - Workshop 3/14/22 - Informally brought up by host	Commission Planning Board discussion 6/20/22 Commission to establish direction on 6/27/22
1/10/22	Leaf Blowers	M:Baller S:Host	1/24/22 - make formal item	Staff review of action items
1/10/22	Commissioner Conduct	No vote	2/14/22 - Workshop 2/28/22 Directed CM to prepare Code of Conduct for future agenda	City attorney to present at first meeting in July

### **Topics Failed**

4/25/22On Street Parking Study4/11/22Downtown Parking3/28/22Parking Matters

M: Haig S: Host M: Host S: Haig M: Host S: Haig

### **Topics With No Vote - Resolved**

1/10/22Unimproved Streets2/28/22Solidarity with Ukraine

McLain, assured it would be addressed in LRP CM directed to further explore ways to light up City Hall

### **Miscellaneous**

### Michigan's Age-Friendly Action Plan

The Michigan Department of Health and Human Services (MDHHS) recently published Michigan's Age-Friendly Action Plan. This plan reflects how Michigan will move forward

with advocacy, policy, and program priorities that build on past successes, challenges, and experiences. In October 2019, Governor Whitmer declared Michigan the first agefriendly state in the Midwest and fifth in the nation. Michigan's total index score for livability is 50, ranking our state as average. Michigan falls firmly in the middle tier in terms of rank within all categories: opportunity, environment, housing, engagement, transportation, neighborhood, and health. Priorities in the 2021-2023 plan address areas with the biggest room for improvement, including addressing the direct care worker shortage, care transition programming to reduce hospital readmission, expanding access to evidence-based programming to reduce obesity, and strategies to increase social participation. Download Michigan's Age-Friendly Action Plan by the MDHHS here. Next Director, Cris Braun, recently reviewed the plan and submitted this feedback to City Manager Tom Markus: "You should be proud to report out that Birmingham is so far ahead of these defined goals for an age friendly community in all areas identified. Kudos to your leadership, both in your prior years of service, and currently. Impressive."

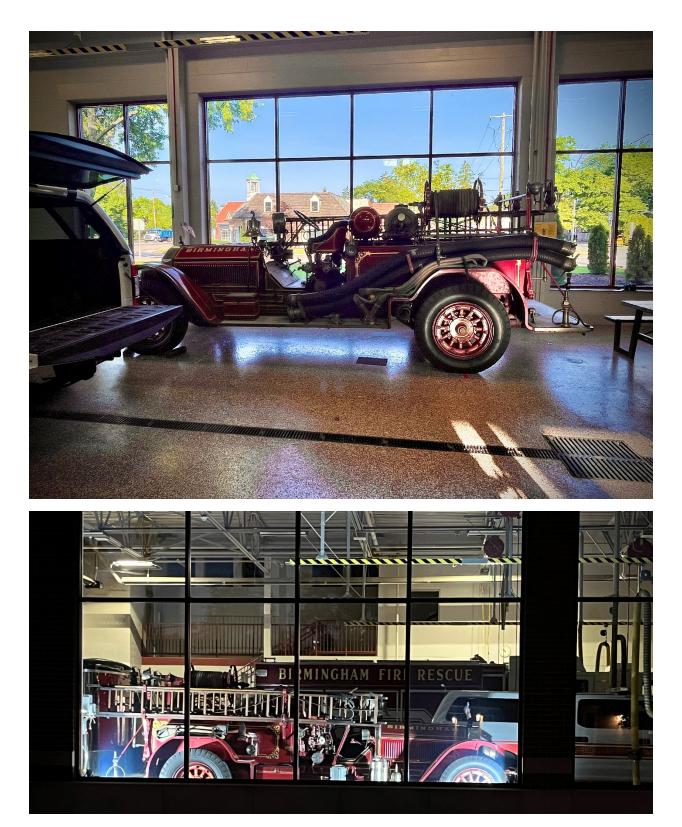
### **SEMCOG Senior Growth Projections and Next Expansion Resolutions**

Download a <u>report from SEMCOG</u>, projecting the Oakland County 60 and over population will grow by an average of 3,855 annually or 11 people per day between 2020 and 2040. During this time, the 85 and over population is estimated to grow by 1,611 annually or 4-5 people per day. This projection enforces the need for Next to expand. Download resolutions regarding Next and their request for a long term written agreement that were recently adopted by <u>Beverly Hills</u> and <u>Bingham Farms</u>.

### Fire Department

### 1924 American LaFrance

The Fire Department received the 1924 American LaFrance on June 6, 2022 from the Olsen family. The truck has been illuminated at night with flood lights to really show off the beauty of this piece of City history. Training on the operation of the truck and maintenance is ongoing.

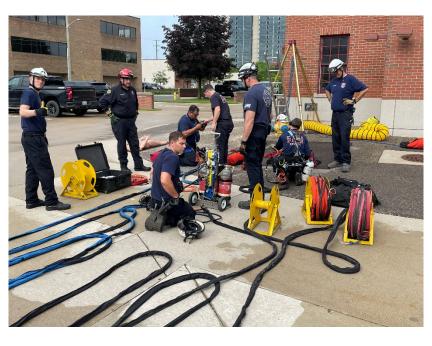


### Congratulations, Shawn Brown

The Fire Department would like to congratulate our newest Paramedic Shawn Brown following his completion of the National Registry Paramedic exam.

### **Technical Rescue Training**

On June 15<sup>th</sup> and 16<sup>th</sup>, the OAKWAY technical rescue team, along with the 3201 Oakland County technical rescue team, conducted joint training hosted at the Birmingham Fire Department. The team was recently deployed to Gaylord as a resource following the devastating tornado last month.







### Planning Department

### Master Plan 2040

The 2040 Plan consultant team is diligently working on the third and final draft of the 2040 Plan. The third and final draft is expected in the fall. All of the documents related to the 2040 Plan remain available on <u>www.thebirminghamplan.com</u>. You may also watch a recording of past meetings on the <u>City of Birmingham's website</u>. 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 a mixture of site plan reviews and study session items. This year, the Planning Board has already tackled 18 site plan reviews, which included three Community Impact Studies for buildings over 20,000 sq. ft. in size. A tentative Planning Board schedule is provided below:

- 460 N. Old Woodward Wilders Special Land Use Permit, Final Site Plan & Design Review (6/22/22)
- 115 Willits Mare Mediterranean Special Land Use Permit, Final Site Plan & Design Review (6/22/22)

- Watkins/Brown REZONING (6/22/22)
- 35106 Woodward Whole Dental Wellness Final Site Plan & Design Review (6/22/22)
- 300 W. Merrill Baldwin Public Library Courtesy Review (6/22/22)
- Outdoor Dining Study (7/13/22)
- Window Standards Study (7/13/22)
- Food Trucks Study (7/13/22)
- Social Districts Study (7/13/22)
- Side Yard A/C Units Study (6/8/22)

### Historic Preservation

The Historic District Commission (HDC) is steadily making progress on its larger preservation goals with a number of smaller projects that will contribute to the overall historic preservation plan that the HDC hopes to develop in the next year. The Historic District Commission continues to build a strong media presence to educate Birmingham residents, highlight preservation efforts in the City, and encourage historic designation.

### Public Art

The Detroit Institute of Arts has completed the installation of their 2022 Inside Out program with six art pieces throughout Birmingham. The artwork can be found at City Hall, Shain Park, Baldwin Public Library, Booth Park, Quarton Lake Park, and the Birmingham-Bloomfield Art Center. The art work includes screen prints from artists including Kwesi Owusu-Ankomah, Charles Harry Eaton, James Abbot McNeill Whistler, Vincent Van Gogh, Franz Marc, and Georges Seurat. <u>Download</u> a map of the sites and images of the art work if you are interested in touring the locations.

### Multi-Modal Transportation Board

On May 19<sup>th</sup>, 2022, The Multi-Modal Transportation Board (MMTB) enjoyed a transportation day field trip to Ferndale, Michigan. The weather was a perfect sunny and 70 degrees for exploring multi-modal transportation amenities in another local community. The Board began their day with lunch at Birmingham Roast and then caught the 461 FAST bus down to 9 Mile and Woodward in Ferndale, MI. Board members then walked down to Ferndale City Hall and rented Mogo bikes to cruise the town. Some of the Board members used the Dart app and Transit app for their bus pass and renting a Mogo bike, others paid cash and used the kiosks.

The Board biked a loop around Ferndale while riding through different types of bike lanes along 9 Mile, Pinecrest, Woodward Heights, and Hilton Road. After parking their bikes, the Board walked to Como's for a late lunch where they were joined by Ferndale's City Manager, DDA staff, Planning staff, and Mayor Piana. Birmingham's MMTB members were able to discuss how Ferndale coordinates with companies like Mogo and how they approach bike lane planning. A major topic of discussion with Mayor Piana was how Ferndale went about accomplishing approval for their road diet on Woodward Avenue. There was general consensus from the Ferndale and Birmingham representatives that the local communities should talk and coordinate on regional connectivity projects more often. The MMTB members then caught the 461 bus north to Birmingham and got off at Maple and Woodward. Members decided to try crossing at the crosswalk from Forest to Brown where new signage had been installed. While waiting at Forest & Woodward, one car slowed to allow staff and board members to cross, while the remaining vehicles approaching from the stop light at Hazel and Woodward did not appear to be slowing down. Staff and board members sprinted across Woodward to make it to the median while being honked at and yelled at by drivers. Everyone made it across Woodward Avenue safely, though annoyed and rattled by the lack of concern for pedestrians by the drivers on Woodward Ave.

Comments from the Board were that the field trip was a great experience. It was the first time a few of them had ridden the bus in metro-Detroit and they enjoyed the mogo bikes and simplicity of Ferndale's bike lane planning. Chairman Doug White and David Hocker commented that everything went smooth until attempting to cross Woodward from Forest to Brown, alluding to the need for enhanced pedestrian safety to get from one side of Woodward to another. The Board also commented that they would like to have more field trips to other local communities in the future.

### Police Department

The police department welcomed two new officers to the staff upon their graduation from the One Hundred Twenty-Second Session of the Oakland Police Academy on June 2, 2022:

1. Joseph Roberts - Ofc. Roberts is a resident of the Village of Franklin. Ofc. Roberts graduated from Walsh College with a Bachelor of Business Administration degree.

2. Will Isaacson - Ofc. Isaacson is a resident of Rochester Hills. Ofc. Isaacson graduated from Central Michigan University with a Bachelor of Sociology/Criminal Justice degree.

### Parking Systems Update

Parking Systems Manager Ryan Weingartz recently resigned from his position. The Police Department will temporarily take over parking operations and train a new parking director in the near future.

### Future Agenda Items

Download a summary of *future agenda items*.

### Future Workshop Items

Download a summary of *future workshop items*.



### **MEMORANDUM**

ENGINEERING DEPARTMENT

DATE:	June 22, 2022
то:	Thomas M. Markus, City Manager
FROM:	James J. Surhigh, Consulting City Engineer
SUBJECT:	Lead Water Service Replacement Program Update

### **INTRODUCTION:**

Since 2019, as required by the State of Michigan Department of Environment, Great Lakes and Energy (EGLE), the City of Birmingham has been replacing known water service lines that had originally been constructed using lead pipe material. The City engaged Hubbell, Roth & Clark, Inc. (HRC) to manage the implementation of the program, which is being completed by D'Angelo Bros. Construction, a contractor to the Southeastern Oakland County Water Authority (SOCWA). HRC prepared the following slides as an update on the progress of the program, and upcoming activities being required by EGLE, which are provided for information only.

### **LEGAL REVIEW:**

No legal review is required at this time.

### FISCAL IMPACT:

This project is currently budgeted for under Water Fund account 591-537.005-811.0000. Funding is being supplemented by use of Coronavirus State and Local Fiscal Recovery Funds (CLFRF) received by the City from the Federal government for water service line replacement costs.

### **PUBLIC COMMUNICATIONS:**

HRC has presented updates on this program at the Long Range Planning Meetings held in January of 2021 and 2022.

### **ATTACHMENTS:**

• Presentation Slides for information only

### SUGGESTED COMMISSION ACTION:

No suggested actions by the City Commission are necessary at this time.

### **10E2**

## Lead Service Line Replacement Program June 27, 2022 — Update





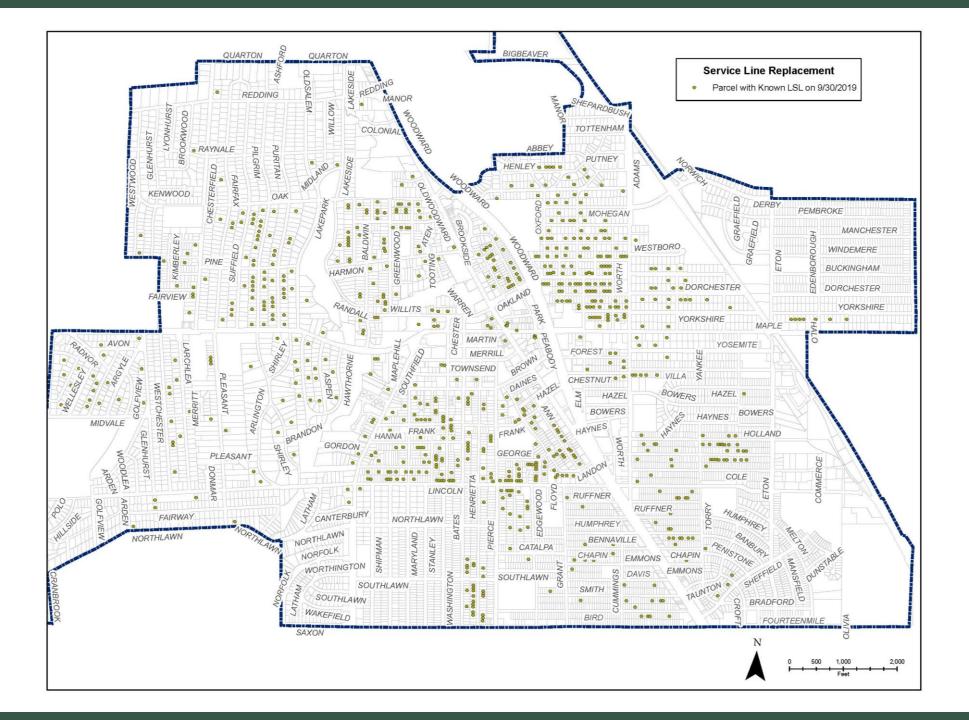
# Lead Service Line (LSL) Replacement Program

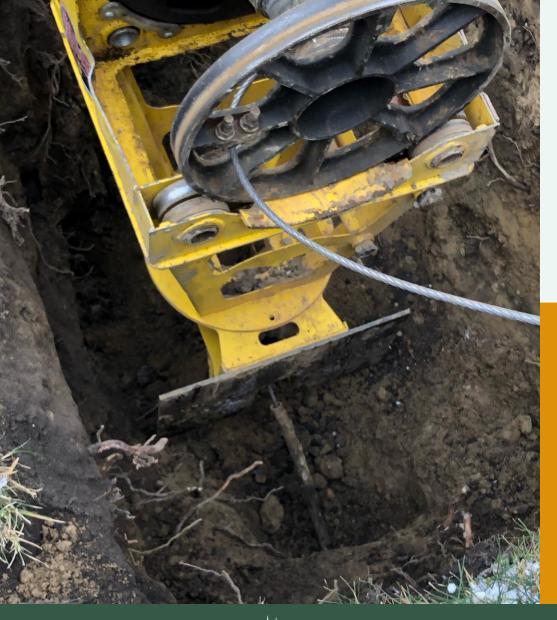
- Program began in October 2019.
- At start of program there were 731 known Lead/Galvanized Service Lines (LSLs) present in the City's Water System.
- An additional 16 service lines have been found to be lead during the program. New total is 747 known LSL's.
- City is required to replace a minimum of 52 LSLs per year (7% of original known LSLs).
- Additional LSLs will likely be found during the upcoming Service Line Verification Program.





LSL Replacement Program





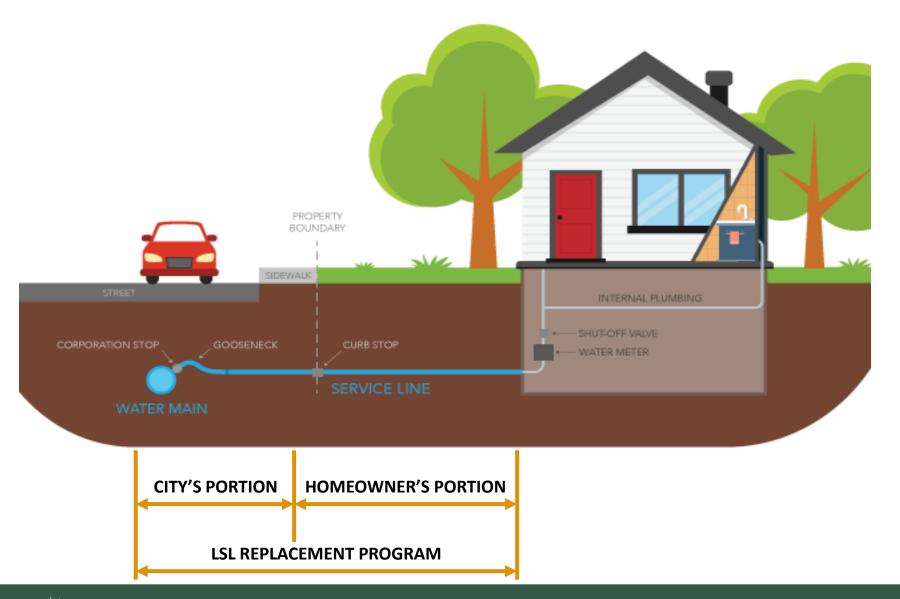
- LSL Replacements are to be completed at no cost to the property owner.
- City Commission and Administration elected to aggressively replace LSLs and committed to increase yearly LSL replacements.

### **City's LSL Yearly Budget Allocations**

YEAR	LSL REPLACEMENT BUDGET
2020–2021	\$800,000
2021–2022	\$900,000
2022–2024	\$2,238,756 CLFRF Funds



HUBBELL, ROTH & CLARK, INC CONSULTING ENGINEERS SINCE 1915



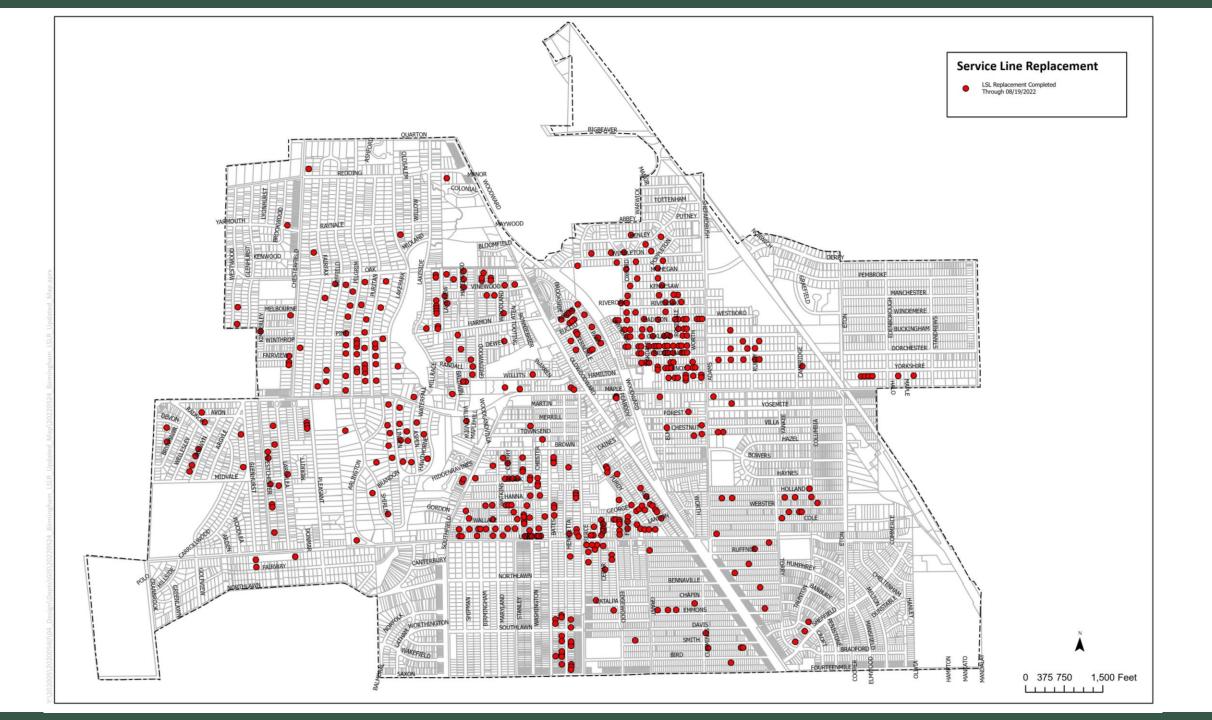


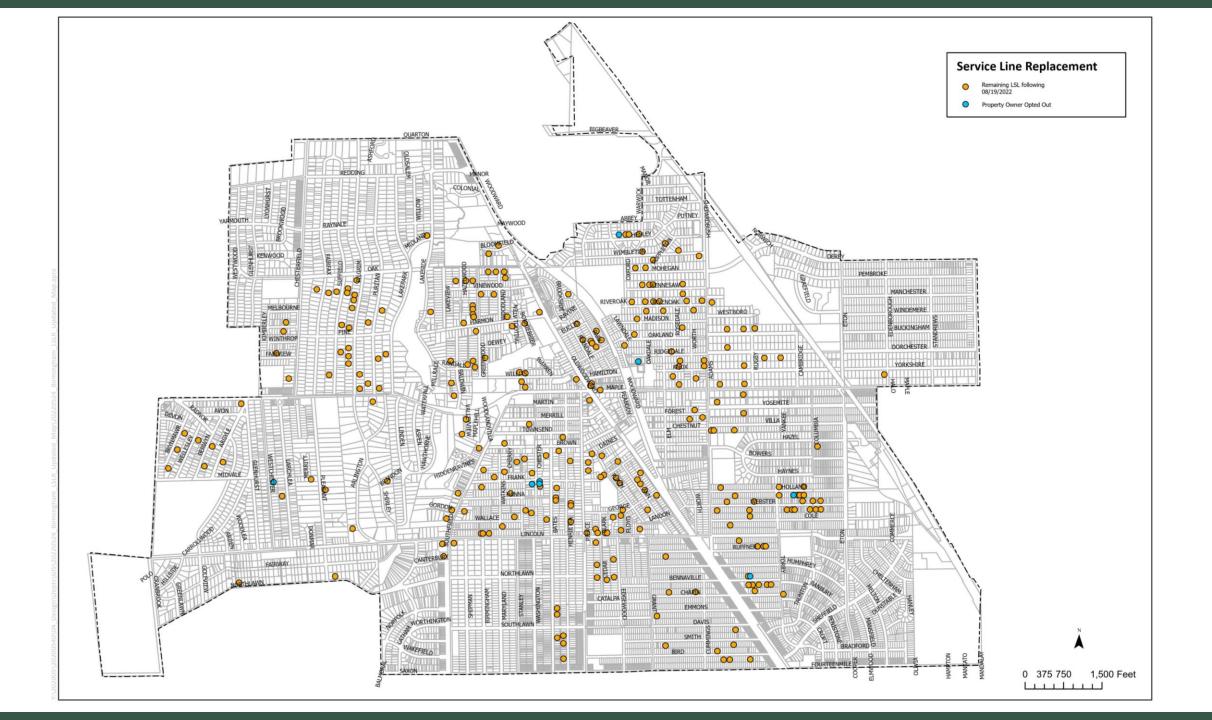
LSL Replacement Program

## **Current Replacement Status**

- 145 LSLs were replaced as part of the 2020–2021 Budget.
- 147 LSLs were replaced as part of the 2021–2022 Budget.
- 143 LSLs have been replaced/currently scheduled for replacement as part of CLFRF Funding.
- 56 LSLs were field verified to be copper and did not need replacement.
- 491 LSLs will be replaced/verified through 8/19/22.
- 8 Homeowners have declined the LSL Replacement.
- 248 LSLs remain to be replaced (not including those that have declined).







## **Current Replacement Status (Continued)**

- D'Angelo Brothers continues to perform very well and agreed to extend contract and prices thru the December 31, 2024, end date for use of the CLFRF Funds.
- LSLs completed after January 1, 2022, are funded utilizing CLFRF Funds.
- A total of approximately \$800,000 will been expended from the CLFRF funds for LSLR's completed/scheduled through August 19, 2022.
- Estimated that approximately 250 additional LSLs can be completed utilizing the remaining CLFRF Funds.
- Other Funding sources for LSL replacements are being monitored.
- Program continues to be very well received by participating property owners but reaching remaining property owners is becoming difficult.
- At least one letter has been sent to all remaining properties with known LSLs but many of the 248 homeowners have not responded.









LSL Replacement Program

## **Next Steps**

- Contractor is available to complete remaining LSLRs to meet the City's schedule with goal of fully expending the CLFRF funding by the end of 2024.
- Methods to reach remaining 248 homeowners with known LSLs.
  - LSLR Program Letter placed at each home as a doorhanger.
    - $\,\circ\,$  Doorhanger letters are being distributed by quadrants.
  - Include LSLR Program Letter along with their Water Bill and/or tax bill.
  - Notice on website News & Updates banner for residents to visit DPS Lead Testing page to determine if their property has a known LSL and steps to participate in LSLR Program. Include up to date map of known LSL's and our contact info to begin the LSL Replacement process.
- Pause Program would require EGLE approval due to 7% per year LSL replacement mandate.
- Reallocation of CFLRF Funding could be necessary if entire amount cannot be fully expended by the LSLR Program.





## **Verification Program**

- Finalization of service line Complete Distribution System Material Investigation (CDSMI) by January 1, 2025.
- Inventory methodology provided by EGLE in March 2021.
  - Defined requirements for material classification.
  - Service Records not meeting criteria are to be classified as unknown.
  - Unknown services are to be randomly verified.
- Records review has been completed and 6,258 Services are to be included in random verification (the remaining 2,616 Services are classified as Not Lead)
- Of the 6,258 Unknown services, 364 services will require field verification.





# Verification Program (continued)

- Verifications completed as a two-step process
  - Verification of pipe material at the meter will be completed by City/HRC thru resident provided photos or site visits to the properties.
  - Verification of pipe material on each side of the stop box will be completed by contractor retained by SOCWA and documented by a City or HRC representative.
- Verification Program notification letter will be sent to selected property owners in July 2022.
- Pipe Material at meter will be gathered by the end of November 2022, depending on property owner response.
- SOCWA Contractor is scheduled to begin the pipe material verifications at the stop box in mid-August and continue into February 2023 based on the contractor work schedule.
- All information gathered during the Verification Program will be stored in the City GIS system.
- Recommended by EGLE that initial verifications be completed by January 1, 2023, but due to expected contractor work schedule, it is likely to be submitted in Spring 2023.





## **QUESTIONS?**

Contact Information: Mike MacDonald (248) 454-6346 | Direct (248) 535-3318 | Cell mmacdonald@hrcengr.com



LSL Replacement Program

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FOR IMMEDIATE RELEASE Contact: Marcy Heller Fisher <u>Marcy1fish@gmail.com</u> 248 647-7724 https://culturalcouncilbirminghambloomfield.org/



June 20, 2022

#### NOMINATIONS ARE BEING ACCEPTED FOR THE 2022 BIRMINGHAM BLOOMFIELD CULTURAL ARTS AWARDS BY THE CULTURAL COUNCIL OF BIRMINGHAM/BLOOMFIELD

Do you know someone who has made an impact on the arts in our community? Nominate him/her for the 2022 Birmingham Bloomfield Cultural Arts Awards. In its 27<sup>th</sup> year, the award recognizes an individual who has strongly impacted the arts in the Birmingham/Bloomfield area (Beverly Hills, Birmingham, Bingham Farms, Bloomfield Hills, Bloomfield Township, and Franklin).

The Cultural As Awards are proudly sponsored by the Cultural Council of Birmingham/Bloomfield in conjunction with its co-sponsors, the Birmingham Bloomfield Art Center, The Community House, and Hometown Life.com *(formerly the Birmingham Eccentric)*.

To download the nomination form, see a list of former honorees and see nomination criteria, visit: .https://culturalcouncilbirminghambloomfield.org

Past honorees have included musicians, philanthropists, writers, thespians, sculptors, painters, teachers, photographers, and volunteers. Some local honorees have also had state, national or even international acclaim. Nominations are due by Monday, July 25, 2022. A jury from the community will select the 2022 honoree(s) in August. An awards ceremony is scheduled to be held at the Birmingham Bloomfield Art Center on Friday, Oct. 14, 2022.

The 2021 award recipient was Stephen Wogaman, President of the Chamber Music Society of Detroit (CMSD). Nominators explained that in the ten years since he was named president of the Chamber Music Society of Detroit, not only did he mintain the organization's flagship Chamber Music series at the Seligman Performing Arts Center in Beverly Hills, but also initiated partnerships across a broad spectrum of audiences of Metro Detroit, doubled the number of concerts presented, and increased its educational programming three-fold.

During the pandemic, under Wogaman's leadership, the CMSD became a trailblazer in webcasting world-class artists all over the globe with its *Camera Music* series (<u>https://cameramusic.org</u>), live-streaming 70 other chamber music organizations nationwide, reaching hundreds of thousands of listeners on six continents while providing a needed revenue stream to artists who found their livelihoods imperiled by being unable to perform in-person.

The mission of the Cultural Council of Birmingham Bloomfield promotes and supports the cultural life in our community, collaborating with other community organizations to honor citizens and businesses that have had an impact on the arts.

###

### **INFORMATION ONLY**