

BIRMINGHAM CITY COMMISSION AGENDA
JANUARY 9, 2023
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Therese Longe, Mayor

II. ROLL CALL

Alexandria Bingham, City Clerk

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

ANNOUNCEMENTS

- The City recommends members of the public wear a mask if they have been exposed to COVID-19 or have a respiratory illness. City staff, City Commission and all board and committee members must wear a mask if they have been exposed to COVID-19 or actively have a respiratory illness. The City continues to provide KN-95 respirators and triple-layered masks for attendees.
- County Commissioner Charles Cavell

APPOINTMENTS

- Appointment to the Historic District Commission
 - Mary E. Jaye

To appoint _____, as an alternate member to the Historic District Commission to serve the remainder of a three-year term to expire September 25, 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.

- A. Resolution to approve the City Commission meeting minutes of November 28, 2022 as amended.
- B. Resolution to approve the City Commission meeting minutes of December 19, 2022.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated December 21, 2022, in the amount of \$2,376,100.61.

- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated January 4, 2023, in the amount of \$4,205,337.48.
- E. Resolution to hold a 2022 review of establishments who have liquor licenses for consumption on premises and to consider same establishments for 2023 renewal at the regular City Commission meeting on Monday, February 27, 2023 at 7:30 p.m.
- F. Resolution to approve a special event permit as requested by the Birmingham Clerk's Office to hold the Celebrate Birmingham Parade and Party in Shain Park on Sunday, May 21, 2023 contingent upon compliance with all permit and insurance requirements and payment of all fees and further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary leading up to or at the time of the event.
- G. Resolution to set a public hearing date of February 13, 2023 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 300 S. Old Woodward – RH.
- H. Resolution to set a public hearing date of February 13, 2023 to consider ordinance amendments to Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards.

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

- A. Resolution to approve a time frame of _____ (*estimated time needed for all interviews would be 8 hours*), in which the City Manager candidates will be interviewed remotely by the City Commission.
- B. Resolution to meet in closed session to discuss the personnel evaluation of the City Manager pursuant to Section 8(a) of the Open Meetings Act.

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

- C. 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.
- D. Commission discussion on items from a prior meeting
 - 1. None

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of intention to appoint to the Cablecasting Board
 - 2. Notice of intention to appoint to the Parks and Recreation Board
 - 3. Notice of intention to appoint to the Storm Water Utility Appeals Board
 - 4. Notice of intention to appoint to the Board of Zoning Appeals
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. Update on the 48th District Court Discussions
 - 2. Communication regarding Board and Committee Activities
 - 3. Letter from Brad Host to residents & Nextdoor response

INFORMATION ONLY

XI. ADJOURN

Should you wish to participate in this meeting, you are invited to attend the meeting in person or virtually through ZOOM: <https://zoom.us/j/655079760> Meeting ID: 655 079 760

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

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

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



NOTICE OF INTENTION TO APPOINT TO HISTORIC DISTRICT COMMISSION

At the regular meeting of Monday, January 9th, 2023 the Birmingham City Commission intends to appoint an alternate member to the Historic District Commission to serve the remainder of a three-year term to expire September 25, 2025.

Interested parties may submit an application available from the City Clerk's Office on or before noon on Wednesday, January 4, 2023. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

The function and duty of the Historic District Commission is to advise the City Commission with respect to the proper development of the City with primary emphasis upon the City's established historic districts, sites, properties and historic resources. The Commission is also authorized to recommend for the guidance of the City Commission amendments to the City Code relating to the control and development of lands within historic districts.

Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria Must be a resident	Qualifications A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation.
Mary E. Jaye	Resident of Birmingham	Co-founder of a historical non-profit, renovated a historic home

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

SUGGESTED ACTION:

To appoint _____, as an alternate member to the Historic District Commission to serve the remainder of a three-year term to expire September 25, 2025.



HISTORIC DISTRICT COMMISSION

Ordinance #1880

Terms: 3 years

Members: A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. Two members shall be appointed from a list submitted by duly organized local historic preservation organizations. If available, one member shall be an architect who has two years of architectural experience or who is duly registered in the State of Michigan.

Duties: The function and duty of the Historic District Commission is to advise the City Commission with respect to the proper development of the city with primary emphasis upon the city's established historic districts, sites, properties and historic resources. The Commission is also authorized to recommend for the guidance of the City Commission amendments to the City Code relating to the control and development of lands within historic districts.

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Debbrecht	Gigi	(248) 882-9906 <i>gigidebrecht@yahoo.com</i>	12/3/2018 realtor	9/25/2024
Deyer	Keith	(248) 642-6390 <i>kwdeyer@comcast.net</i>	9/25/2006	9/25/2023
Dukas	Natalia	(248) 885-8535 <i>nataliadukas@yahoo.com</i>	9/9/2013	9/25/2025
Henke	John	(248) 789-1640 <i>jwhenke@aol.com</i>	9/25/2006 historical preservation organization member	9/25/2024
Kolo	Dustin	(248) 935-3651 <i>dustinkolo@gmail.com</i>	11/23/2020	9/25/2023

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Lang 1023 Floyd St.	Patricia	(248) 540-0991 <i>pal.family.friends@gmail.com</i>	12/3/2018	9/25/2024
Lemberg 648 S. Bates	Steven	(248) 971-9494 <i>slemberg@comcast.net</i>	12/8/2020 Alternate	9/25/2025
Murray Seaholm High School	Meghan		2/28/2022 student representative	12/31/2022
Vacant			Alternate	9/25/2025
Vercellone Seaholm High School	Charlie		2/28/2022 student representative	12/31/2022
Willoughby 667 Greenwood	Michael	(248) 760-8903 <i>mwilloughby@mwa-architects.com</i>	3/22/2010 architect	9/25/2025



OFFICE USE ONLY	
Meets Requirements?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Will Attend	12/15/22 Unable to Attend <input type="checkbox"/>

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 COMMISSION

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

Name MARY E. JAYE

Phone 248 760 9638

Residential Address 288 RAVINE

Email mejaye@gmail.com

Residential City, Zip BIRMINGHAM 48009

Length of Residence 30 years

Business Address _____

Occupation Former Auto Exec; retired

Business City, Zip _____

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied I HAVE A LIFELONG INTEREST IN HISTORICAL HOMES AND THE COMMUNITIES THEY SUPPORT. I CO-FOUNDED AN HISTORICAL NON-PROFIT GROUP IN THE 90'S, RENOVATED MY 1917 HOME IN BIRMINGHAM AND AM CURRENTLY RENOVATING ANOTHER 1917 HOUSE IN ROYAL OAK. I BELIEVE HISTORIC HOMES ADD VALUE, SUPPORT SUSTAINABILITY AND EQUAL HOUSING AND CHARACTER.

List your related employment experience BESIDES 40 YEARS OF BUSINESS MANAGEMENT EXPERIENCE, NONE.

List your related community activities _____

List your related educational experience _____

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

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

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


Signature of Applicant

Dec. 6, 2022
Date

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

Updated 11/18/2020

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

Sec. 127-6. - Historic district commission.

- (a) The city commission may establish a commission to be called the historic district commission. Each member of the commission shall reside within the city limits. The commission shall consist of seven members. Members shall be appointed by the city commission. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. 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 commission, interim appointments shall be made by the city commission within 60 calendar days to complete the unexpired term of such position. Two members shall be appointed from a list submitted by duly organized local historic preservation organizations. If such a person is available for appointment, one member shall be an architect who has two years of architectural experience or who is duly registered in the state.
- (b) The city commission may appoint two alternate members to serve as needed on the historic district commission during their term of appointment. An alternate member may be called on a rotating basis to sit as a regular member of the historic district commission in the absence of a regular member. An alternate member may also be called to service in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member having been appointed shall serve in the case until a final decision has been made. An alternate member shall have the same voting rights as a regular member of the historic district commission.
- (c) The commission shall, from its appointed members, elect a chairman and vice-chairman. Each officer will serve a one-year term and may be re-elected. The chairman shall preside over the commission and shall have a right to vote. The vice-chairman shall, in the case of absence or disability of the chairman, perform the duties of the chairman. The city planner or an authorized representative shall act as secretary of the commission and shall keep a record of all its proceedings.
- (d) The commission may call upon the city manager for such services and data from the various departments as it may require. The commission may recommend to the city commission the securing of such professional and consulting services as it may require; however, no expenditures of funds shall be made, or contracts entered into for providing such professional or consulting services, unless the same shall first be approved and authorized by the city commission.
- (e) The city commission may prescribe powers and duties of the commission, in addition to those prescribed in this chapter, that foster historic preservation activities, projects, and programs in the local unit.
- (f) Members of the commission may, after a public hearing, be removed for cause.
 - (1) As used in this section, the term "cause" is defined as a determination by the city commission that sufficient reason exists, as determined and defined by the city commission in its sole discretion, for the removal of a member of the commission. The decision by the city commission to remove a member shall be final and binding upon such member of the commission and no appeal shall arise therefrom.
 - (2) As used in this section, the term "public hearing" is defined as an open meeting at which the determination is made by the city commission, in its sole discretion, that cause exists for the removal of a member of the commission. For purposes of an orderly presentation, the city attorney shall serve as chairperson of the public hearing, and the city manager, or his/her designee, may present information to

the city commission with respect to the potential removal of a member of the commission. The city manager or his/her designee will be afforded the opportunity to address the city commission with respect to such information for a period of not to exceed 30 minutes. The affected member of the commission or his/her designated representative will be afforded the opportunity to address the city commission with respect to such information for a period not to exceed 30 minutes. The presentation of information by the city manager or his/her designee and the presentation of information by the affected member or his/her designated representative may, in accordance with applicable law, be conducted in a closed session. This section shall not be construed as creating a right to a due process or evidentiary hearing.

- (3) This section shall not be construed as creating or bestowing upon a member of the commission any employment status, property interest or any vested interest or right to continued membership on the commission.
- (g) It shall be the function and duty of the commission to advise the city commission with respect to the proper development of the city with primary emphasis upon the city's established historic districts, sites, properties and historic resources. The commission is also authorized to recommend for the guidance of the city commission amendments to the City Code relating to the control and development of lands within historic districts.

(Ord. No. 1880, 7-24-06; Ord. No. 1976, 10-13-08; Ord. No. 2201, 10-10-16)

Sec. 127-7. - Historic district commission meetings, recordkeeping and rules of procedure.

- (a) The historic district commission shall meet at least quarterly or more frequently at the call of the commission. Not later than April 1 of each year, the commission shall prepare and submit to the city manager a tentative outline of its program for the ensuing year. Joint meetings of the city commission and the commission shall be held at least annually at a time designated by the mayor.
- (b) The business that the commission 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 permit application to be reviewed or considered by the commission.
- (c) At least four members of the commission shall constitute a quorum for the transaction of its business. The commission shall adopt its own rules of procedure and shall adopt design review standards and guidelines to carry out its duties under this chapter.
- (d) The commission shall keep a record of its resolutions, proceedings, and actions. A document prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information, Public Act 442 of 1976, as amended.

(Ord. No. 1880, 7-24-06)

Birmingham City Commission Minutes

November 28, 2022

Municipal Building, 151 Martin

7:30 p.m.

Vimeo Link: <https://vimeo.com/770999285>

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

City Clerk Bingham called the roll.

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

Absent: Commissioner Haig

Staff: City Manager Markus; City Clerk Bingham, City Planner Blizinski, Planning Director Dupuis,
Finance Director Gerber, City Attorney Kucharek

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

Announcements

- The City recommends members of the public wear a mask if they have been exposed to COVID-19 or have a respiratory illness. City staff, City Commission and all board and committee members must wear a mask if they have been exposed to COVID-19 or actively have a respiratory illness. The City continues to provide KN-95 respirators and triple-layered masks for attendees.

Appointments

11-293-22 Appointment to the Board of Review

The Commission interviewed Kathleen Devereaux for the appointment.

MOTION: Nomination by Commissioner Host:

To appoint Kathleen Devereaux as a regular member to the Board of Review as a regular member to serve a three-year term to expire December 31, 2025.

VOICE VOTE: Ayes, Mayor Longe
MPT McLain
Commissioner Baller

Commissioner Host
Commissioner Boutros
Commissioner Schafer

Nays, None

11-294-22 Appointment to the Board of Review

The Commission interviewed Jill Stress for the appointment.

MOTION: Nomination by Commissioner Boutros:
To appoint Jill Stress as a regular member to the Board of Review as a regular member to serve a three-year term to expire December 31, 2025.

VOICE VOTE: Ayes, Mayor Longe
MPT McLain
Commissioner Baller
Commissioner Host
Commissioner Boutros
Commissioner Schafer

Nays, None

11-295-22 Appointment of the Alternate Hearing Officer

The Commission interviewed Rackeline Hoff for the appointment.

MOTION: Nomination by MPT McLain:
To appoint Rackeline Hoff as the Alternate Hearing Officer to serve the remainder of a three-year term to expire June 30, 2024.

VOICE VOTE: Ayes, Mayor Longe
MPT McLain
Commissioner Baller
Commissioner Host
Commissioner Boutros
Commissioner Schafer

Nays, None

11-296-22 Appointment to the Birmingham Shopping District Board

The Commission interviewed Beth Hussey for the appointment.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Baller:
To concur with the City Manager's appointment of Beth Hussey, who is a business representative, to the Birmingham Shopping District (BSD) Board to serve the remainder of a 4-year term expiring November 16, 2026.

VOICE VOTE: Ayes, Mayor Longe

MPT McLain
Commissioner Baller
Commissioner Host
Commissioner Boutros
Commissioner Schafer

Nays, None

CC Bingham swore in the present appointees. It was noted that appointees attending virtually would be sworn in at a later date.

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

V. CONSENT AGENDA

11-297-22 Consent Agenda

MPT McLain: Item B – City Commission Meeting Minutes of November 14, 2022

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Host:
To approve the Consent Agenda excluding Item B.

ROLL CALL VOTE: Ayes, Commissioner Schafer
Commissioner Host
MPT McLain
Commissioner Boutros
Mayor Longe
Commissioner Baller

Nays, None

- A. Resolution to approve the City Commission workshop meeting minutes of November 14, 2022.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated November 16, 2022, in the amount of \$1,454,990.90.
- D. Resolution to approve the Oakland County Designated Assessor Interlocal Agreement.
- E. Resolution authorizing Birmingham to apply for a grant from the Michigan Spark Grants Program, and further, directing the City Clerk to sign the resolution.
- F. Resolution to approve a 2-year agreement with Superior Scape, Inc. for landscape bed maintenance services in the amount not to exceed \$129,868.00. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for this project has been budgeted in the following accounts: Parks Other Contractual Services, 101.0-751.000-811.0000, Property Maintenance Other Contractual Services, 101.0-441.003-811.0000, and Major Streets Contract Maintenance, 202.0-449.003-937.0400.
- G. Resolution to discontinue the use of vehicle parking sensors and not replace them with an updated model at this time.

- H. Resolution to approve professional service for design and construction engineering with Nowak and Fraus Engineers as specified in their proposal, for the project at Lincoln Hill Golf Course Tee No. 1 in an amount not to exceed of \$54,740.00, further charge this service to account number 584.1-753.001-981.0100, and further appropriate and amend the 2022-2023 Lincoln Hills Golf Course Fund budget as follows:

Revenues:

Draw from Net Position	584.1-000.000-400.0000	\$54,740
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Expenses:

Recreation & Culture - Public Improvement	584.1-753.001-981.0100	\$54,700
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- I. Resolution to approve a special event permit as requested by the Chabad Jewish Center of Bloomfield Hills to hold the 2022 Shain Park Menorah Lighting & Celebration on Tuesday, December 20, 2022, and to display the Menorah in Shain Park from December 8, 2022 to January 4, 2023, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event.

11-298-22 (Item B) City Commission Meeting Minutes of November 14, 2022

MOTION: Motion by Commissioner Host, seconded by Commissioner McLain:
To approve the City Commission meeting minutes of November 14, 2022 as amended.

ROLL CALL VOTE: Ayes, Commissioner Schafer
Commissioner Host
MPT McLain
Commissioner Boutros
Mayor Longe
Commissioner Baller

Nays, None

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

11-299-22 Public Hearing to amend Chapter 86 (Signs), Article 1, Table B to permit projecting signs to be located no higher than the sign band and no less than 8 ft. above grade

The Mayor opened the public hearing.

CP Blizinski presented the item.

Public Comment

Chris Kojanian, co-owner of 277 Pierce, spoke in favor of the ordinance change.

The Mayor closed the public hearing.

In reply to Commissioner Baller, PD Dupuis said he would work with the BSD to notify its members if the ordinance change was approved.

Seeing no questions from the Commission, the Mayor entertained a motion.

MOTION: Motion by Commissioner Boutros, Commissioner Baller:
To amend Chapter 86 (Signs), Article 1, Table B to permit projecting signs to be located no higher than the sign band and no less than 8 ft. above grade.

Commissioner Boutros praised the sign proposed by Mr. Kojaian and Schechter Wealth and thanked the businesses for investing in Birmingham.

ROLL CALL VOTE: Ayes, Commissioner Schafer
Commissioner Host
MPT McLain
Commissioner Boutros
Mayor Longe
Commissioner Baller

Nays, None

11-300-22 2023 Initial Bistro Screening

PD Dupuis presented the item.

Kelly Allen, attorney, spoke on behalf of Birmingham Sushi Cafe.

Commissioner Boutros voiced his support for the recommended action.

MOTION: Motion by Commissioner Boutros, MPT McLain:
To direct the bistro application for Birmingham Sushi to the Planning Board for a Special Land Use Permit, Final Site Plan and Design Review.

ROLL CALL VOTE: Ayes, Commissioner Schafer
Commissioner Host
MPT McLain
Commissioner Boutros
Mayor Longe
Commissioner Baller

Nays, None

11-301-22 Revised Purchasing Guidelines

FD Gerber presented the item and answered informational questions from the Commission.

MPT McLain commented positively on the proposed revisions.

MOTION: Motion by Commissioner Baller, Commissioner Host:
To approve the recommended changes to the purchasing guidelines.

ROLL CALL VOTE: Ayes, Commissioner Schafer
Commissioner Host

MPT McLain
Commissioner Boutros
Mayor Longe
Commissioner Baller

Nays, None

Commission Items for Future Discussion

Commission Discussion On Items From A Prior Meeting

11-302-22 Rental Rights

Commissioner Host summarized the proposed topic.

MOTION: Motion by MPT McLain, Commissioner Host:
To bring the subject of Rental Rights forward as a regular agenda item with the research and recommendations from Staff.

VOICE VOTE: Ayes, Commissioner Schafer
 Commissioner Host
 MPT McLain
 Commissioner Boutros
 Mayor Longe
 Commissioner Baller

Nays, None

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

A. Fairway Drive Sidewalks

X. REPORTS

- A. Commissioner Reports
1. MPT McLain – Civility Day 2022

MPT McLain reported on Civility Day 2022 at Oakland University.

2. Host report on MML

Commissioner Host reported on green energy opportunities in Birmingham and on the 2022 MML Convention, held in Muskegon, MI.

B. Commissioner Comments

Commissioner Host provided comment regarding the 'Setting the Record Straight - 2040 Master Plan does not Rezone Property' portion of the City Manager's report.

MPT McLain and Commissioner Baller also spoke on the topic.

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

CM Markus reviewed the report.

In reply to Commissioner Host, CM Markus said Staff would review whether ownership of Booth Park could revert back to the Booth family if certain changes to the Park's uses occur.

The Mayor noted that plans for Booth Park would only include additional amenities, and no commercial features.

In reply to Commissioner Host, PD Dupuis stated ~~that the third draft of the 2040 Master Plan had a few inconsistencies in terms of where commercial destinations in parks were recommended. He stated that the master planning team has been asked to resolve those inconsistencies.~~"It is just that there is a chapter on neighborhood destinations, which includes commercial destinations, and that the mapping in the third draft is inconsistent. The main map shows it not in Quarton Lake anymore - the main future use map - but there are some inconsistencies throughout the chapters that do show it in Quarton Lake, so we have asked them to remedy that."¹

INFORMATION ONLY

XI. ADJOURN

Mayor Longe adjourned the meeting at 8:49 p.m.

Alexandria Bingham
City Clerk



Laura Eichenhorn
City Transcriptionist

¹ As amended at the December 19, 2022 meeting.

Birmingham City Commission Minutes

December 19, 2022

Municipal Building, 151 Martin

7:30 p.m.

Vimeo Link: <https://vimeo.com/778359863>

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

City Clerk Bingham called the roll.

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

Absent: None

Staff: City Manager Markus; City Clerk Bingham, Communications Director Gamboa, Finance Director Gerber, Police Chief Grewe, City Attorney Kucharek

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

Announcements

- The City recommends members of the public wear a mask if they have been exposed to COVID-19 or have a respiratory illness. City staff, City Commission and all board and committee members must wear a mask if they have been exposed to COVID-19 or actively have a respiratory illness. The City continues to provide KN-95 respirators and triple-layered masks for attendees.
- Swearing in of Police Chief Scott Grewe
- Proclamations regarding Police Chief Mark Clemence

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

V. CONSENT AGENDA

12-310-22 Consent Agenda

The following items were pulled from the Consent Agenda:

Commissioner Host: Item A – Approval of City Commission Meeting Minutes of November 28, 2022

MOTION: Motion by Commissioner Boutros, seconded by MPT McLain:
To approve the Consent Agenda excluding Item A.

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

Nays, None

- B. Resolution to approve the City Commission meeting minutes of December 5, 2022.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated December 7, 2022, in the amount of \$2,719,952.40.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated December 14, 2022, in the amount of \$709,162.36.
- E. Resolution to approve the purchase of one (1) electric Zamboni edger from Mid America Rink Services, through the Sourcewell Cooperative Purchase Agreement Contract # 120320-FZC, in the amount not to exceed \$7,185.15. Funds for this purchase are available in the FY 2022-2023 Machinery & Equipment Fund account #661.0-441.006-933.0200.
- F. Resolution to approve the purchase of Powerphone training services and implementation for the new EMD protocols, and waive the normal bidding requirements. This project was budgeted in the 2022-2023 fiscal year and funds are available in the training account 101.0-325.000.957.0100 in the amount of \$12,498.
- G. Resolution to amend the Schedule of Fees, Charges, Bonds and Insurance as presented and to adopt the revised Public Records Policy, effective January 1, 2023.

(Item A) City Commission Meeting Minutes of November 28, 2022

Commissioner Host asked that more detail be added to the last paragraph of the minutes.

CM Markus recommended that the last paragraph of the minutes be transcribed verbatim.

The Commission chose to return the minutes, with the final paragraph transcribed verbatim, for approval at its January 9, 2022 meeting.

VI. UNFINISHED BUSINESS

12-311-22 48th District Court 2023 Budget
--

FD Gerber introduced the item.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Baller:
To approve the 48th District Court's 2023 budget as submitted; further, to request the 48th District Court judges and staff as appropriate schedule more frequent meetings with the funding units and non-funding

units in order to create a better understanding of the Court's operations and; further to request that the 48th District Court judges make the proposed budget available before the budget is to be considered to allow the various units' staffs sufficient time to analyze and question the proposed budget.

Commissioner Haig said he would like the City and the court to work together on cost optimization.

Commissioners Haig and Host thanked the Court Administrator and City Staff for their work on this item.

Commissioner Host said the City's financial loss on the 48th District Court was unsustainable and said he would vote against the motion for that reason.

In reply to the Mayor, the Court Administrator affirmed the court would continue pursuing cost-saving measures and communicating with the City about the court's funding and expenditures.

MPT McLain emphasized the importance of approving the budget, while also stating that the Commission would continue to review the court's funding and expenditures.

ROLL CALL VOTE: Ayes, Commissioner Schafer
 MPT McLain
 Commissioner Boutros
 Mayor Longe
 Commissioner Baller
 Commissioner Haig

Nays, Commissioner Host

VII. NEW BUSINESS

12-312-22 Public Hearing: Reprogramming Program Year 2019 Community Development Block Grant Funds (Part I)

The Mayor opened the public hearing at 8:30 p.m.

FD Gerber presented the item.

Seeing no public comment, the Mayor closed the public hearing at 8:36 p.m.

FD Gerber and CM Markus answered brief informational questions from the Commission.

The Mayor said that the selection of the projects seemed strategic, given the limitations on how the City is permitted to spend CDBG funds.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Host:
To authorize the Finance Director to submit to Oakland County a request along with the public hearing advertisement and City Commission resolution to reprogram the Community Development Block Grant (CDBG) program year 2019 funds in the amount of \$25,263 from the Remove Architectural Barriers project – Adams Fire Station Entrance (Account 731619) to the Remove Architectural Barriers project – Historical Museum Park Barrier-free Access (Account 731619).

ROLL CALL VOTE: Ayes, Commissioner Schafer
 MPT McLain

Nays, None

To discuss Birmingham's mayoral selection process as part of a workshop, at a convenient time, before the City Manager departs the City.

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

Nays, None

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

A. Commissioner Reports

Commissioner Host noted that the green energy incentives available from the federal government are diverse in their potential applications.

B. Commissioner Comments

Commissioner Haig advocated for everyone to put more effort into understanding each other's perspectives and communicating the reasons for their own perspectives. He suggested that would likely improve City processes.

Commissioner Host recommended that the Planning Board submit a summary of any errors in the third draft of the 2040 Master Plan to the Commission and that the summary also be posted to the City website to avoid further public confusion.

Commissioner McLain concurred with Commissioner Haig, adding that she saw a Commissioner's responsibility as listening to all available information and making decisions in public, with other Commissioners, as a team.

C. Advisory Boards, Committees, Commissions' Reports and Agendas

D. Legislation

E. City Staff

1. Tenant Rights Memo

a. Model Non-Discrimination Ordinance

b. Correspondence with County Commissioner Cavell

CA Kucharek presented the memo and answered informational questions from the Commission.

There was Commission consensus that Staff should return with recommended ordinance language regarding income protections and right to renew.

2. Booth Park

CA Kucharek presented the memo and answered informational questions from the Commission.

In reply to Commissioner Haig, CA Kucharek said she did not believe it necessary to consult with the Cranbrook Foundation about the installation of restrooms, kiosks and concession stands in Booth Park since the intent of the donation and gift was clear and that the proposed activities would support that intent.

3. December City Manager's Report

CM Markus reviewed the report.

Commissioner Host stated that one of his recent videos was left visible in error. He stated that he has since removed the video and apologized to the City Manager for the error.

CM Markus said he appreciated the apology.

Commissioner Haig recommended that information about errors to be corrected in the draft 2040 Master Plan be posted to the Birmingham Plan website. He also recommended that a summary of the questions and answers regarding the draft 2040 Master Plan be posted to the Birmingham Plan website. He said both actions could help reduce misunderstandings.

CM Markus stated that the corrected draft, once it becomes available, would be uploaded to the website.

MPT McLain said that the piano in Shain Park was in poor condition and likely needed to be replaced.

The Mayor noted that the piano is generally replaced annually with a newly-donated piano.

In reply to CM Markus, Commissioner Host said he could facilitate getting the City Manager more information about the resources available for a tribute to Pat Andrews.

Mayor Longe noted that MPT McLain would be participating in the 2023 Polar Plunge.

In reply to CM Markus, Commissioner Haig confirmed he would contact the City Manager to provide more information about his April 2022 motion and request regarding 'Improvements in Information Provision and Methodology'.

CM Markus expressed disappointment in recently seeing a number of non-permitted vehicles using disability parking spaces. He encouraged the public to contact the Police Department if they notice a non-permitted vehicle parked in the disability parking spaces so that the vehicle's owner may be fined. He discouraged people from confronting the non-permitted parkers directly.

The Commission expressed disappointment to hear that non-permitted vehicles were using disability parking spaces.

The topic was raised of increasing the fine amounts for these violations.

XI. ADJOURN

Mayor Longe adjourned the meeting at 10:28 p.m.

Alexandria Bingham
City Clerk

A handwritten signature in black ink, appearing to read 'Laura Eichenhorn', with a stylized, flowing script.

Laura Eichenhorn
City Transcriptionist

City of Birmingham
Warrant List Dated 12/21/2022

Meeting of 01/09/2023

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
289611	*	000855	48TH DISTRICT COURT	2,500.00
289612		BDREFUND	A & R LAWN & LANDSCAPE SERVICES INC	200.00
289613		BDREFUND	A+ DRAIN SEWER AND PLUMBING	135.00
289614		BDREFUND	A-BETTER EXTERIOR	200.00
289615		006638	ACTION MAT & TOWEL RENTAL, INC	35.36
289616		BDREFUND	ADVOCATE CONSTRUCTION	100.00
289617		007266	AETNA BEHAVIORAL HEALTH LLC	616.90
289618		BDREFUND	AHMAD, FARIS	200.00
289619		003708	AIRGAS USA, LLC	276.76
289620	*	009323	ALEXANDRIA BINGHAM	2,164.30
289621	*	TAXMISC	ALISSA CZISNY	97.02
289622		009440	ALLIANCE ENTERTAINMENT, LLC	475.87
289623		BDREFUND	ALLIED SIGNS, INC.	200.00
289624	*	009126	AMAZON CAPITAL SERVICES INC	69.39
289625	*	009126	AMAZON CAPITAL SERVICES INC	14.79
289626		BDREFUND	AMERICAN STANDARD ROOFING	200.00
289627		000167	ANDERSON ECKSTEIN WESTRICK INC	9,307.00
289628		BDREFUND	Andrew J Motika	1,000.00
289629		BDREFUND	ANTO GLASS BLOCK INC	100.00
289630		BDREFUND	APS RESIDENTIAL SERVICES	100.00
289631	*	006759	AT&T	164.92
289632		004027	AUTOMATED BENEFIT SVCS INC	31,410.97
289633		BDREFUND	AVERY E GEUTHING	100.00
289634		000843	BAKER & TAYLOR BOOKS	122.98
289635		BDREFUND	BELTE, CATHERINE E	125.00
289636		003526	BOUND TREE MEDICAL, LLC	31.23
289637		000433	BRODART COMPANY	85.01
289638	*	008658	BWMS-BLUE WATER MGMT INC	660.00
289639	*	000444	CDW GOVERNMENT INC	12,302.80
289640		000605	CINTAS CORPORATION	610.42
289641		000605	CINTAS CORPORATION	52.06
289642	*	TAXMISC	CITY OF WIXOM	116.65
289643	*	008006	CLEAR RATE COMMUNICATIONS, INC	1,615.02
289644		004026	COFINITY	3,045.00
289645		BDREFUND	COMMERCE CONTRACTING	100.00
289646		009319	COMPTON PRESS INDUSTRIES LLC	3,148.96
289647	*	000627	CONSUMERS ENERGY	2,014.85
289648		009024	THE D.M. BURR GROUP	4,819.00
289649	*	006999	CHRISTOPHER DEMAN	686.50
289650		006907	DENTEMAX, LLC	173.70
289651	*	000179	DTE ENERGY	37.72
289652	*	000179	DTE ENERGY	104.70

City of Birmingham
Warrant List Dated 12/21/2022

Meeting of 01/09/2023

Check Number	Early Release	Vendor #	Vendor	Amount
289653	*	000179	DTE ENERGY	143.32
289654	*	000179	DTE ENERGY	45.96
289655	*	000180	DTE ENERGY	8,440.01
289656	*	009340	DVM UTILITIES	285,166.00
289657		001063	EASTMAN FIRE PROTECTION INC	411.11
289658		BDREFUND	EGRESS SOLUTIONS INC	100.00
289659		BDREFUND	ELENA DEL VALLE	100.00
289660		004493	ELITE IMAGING SYSTEMS, INC	948.30
289661		BDREFUND	ERIC KETELSEN, INC.	100.00
289662		009131	FAITHFUL COMPANION	100.00
289663	*	001223	FAST SIGNS	667.28
289664		008656	FBINAA	115.00
289665	*	000936	FEDEX	30.49
289666		BDREFUND	FINISHED BASEMENTS PLUS LLC	100.00
289667		006654	FLEETPRIDE INC	40.99
289668		BDREFUND	FOREST GLEN HOMES, LLC	200.00
289669		BDREFUND	FOUNDATION SYSTEMS OF MICHIGAN INC.	200.00
289670		BDREFUND	FRANK REWOLD AND SON INC	10,000.00
289671		BDREFUND	GEORGE PETRENTZEV	100.00
289672		BDREFUND	GIOVANNETTI, ANDREW	200.00
289673	*	009556	MADELINE GOLD	120.00
289674	*	004604	GORDON FOOD	119.46
289675	*	008007	GREAT LAKES WATER AUTHORITY	8,191.04
289676	*	001663	SCOTT GREWE	1,872.50
289677		BDREFUND	GRYZENIA, WILLIAM A	100.00
289678		000249	GUARDIAN ALARM	244.04
289679		BDREFUND	HANSONS GROUP LLC	500.00
289680		BDREFUND	HENDERSON, BRANDY	1,000.00
289681		BDREFUND	HEWSON HOMES LLC	300.00
289682	*	001956	HOME DEPOT CREDIT SERVICES	4,516.93
289683		BDREFUND	HOPE BROTHERS CUSTOM BUILDING	200.00
289684		000342	IBS OF SE MICHIGAN	1,281.13
289685		001090	INGRAM LIBRARY SERVICES	13,221.89
289689		BDREFUND	Innovative Building Solutions of Mi	500.00
289690	*	009551	INTERMEDIA. NET INC	752.64
289691	*	009559	JENETTE MAITZ	588.00
289692	*	007244	CHRISTOPHER JUDKINS	697.60
289693	*	009238	KATHERINE ROSE COLLINS	637.50
289694	*	004088	KGM DISTRIBUTORS INC	459.00
289695		004904	KONICA MINOLTA BUSINESS SOLUTIONS	2,444.00
289696		004904	KONICA MINOLTA BUSINESS SOLUTIONS	3,145.00
289697		004904	KONICA MINOLTA BUSINESS SOLUTIONS	16,810.44
289698		009524	KRAEMER DESIGN GROUP LLC	3,500.00

City of Birmingham

Warrant List Dated 12/21/2022

Meeting of 01/09/2023

Check Number	Early Release	Vendor #	Vendor	Amount
289699	*	000362	KROGER COMPANY	110.53
289700		000284	LESLIE ELECTRIC COMPANY	230.85
289701		BDREFUND	LEVINE & SONS INC	266.56
289702		BDREFUND	LUTHERAN CHURCH OF REDEEMER	1,000.00
289703		BDREFUND	LYNCH CUSTOM HOMES	2,000.00
289704		BDREFUND	MARCELO FERREIRA	100.00
289705		008482	MARKIT, INC.	1,188.00
289706		009546	MASTERS TELECOM	67.89
289707		BDREFUND	MCLEAN CONSTRUCTION	200.00
289708		009445	MCSA GROUP, INC.	581.08
289709		009572	MEYER BROTHERS LANDSCAPE INC	2,461.27
289710	*	009483	MICHAEL BERNAL	2,206.50
289711		BDREFUND	MICHIGAN SOLAR SOLUTIONS	300.00
289712	*	000646	STATE OF MICHIGAN	230.00
289713		006349	MIDWEST COLLABORATIVE	560.00
289714		002013	MIDWEST TAPE	15.89
289715		BDREFUND	MIKES HOME IMPROVEMENT	200.00
289716		008319	MKSK INC	210.00
289717		008211	MULTI-PLAN	85.50
289718		BDREFUND	NEST CONSTRUCTION	100.00
289719		BDREFUND	NORCO CONTRACTING INC	100.00
289720	*	000477	OAKLAND COUNTY	1,036,108.06
289721	*	000919	OAKLAND COUNTY TREASURER	30.00
289722	*	004370	OCCUPATIONAL HEALTH CENTERS	125.00
289723		000678	OCLC, INC.	319.87
289724	*	009478	ODP BUSINESS SOLUTIONS, LLC	735.67
289725	*	000481	OFFICE DEPOT INC	79.95
289726	*	MISC	OLIVIA PARKIN	300.00
289727		006785	OVERDRIVE, INC.	19,668.17
289728	*	001883	PIONEER DOOR COMPANY INC	531.00
289729		007823	PITNEY BOWES GLOBAL FINANCIAL	479.25
289730		008028	PK SAFETY SUPPLY	972.52
289731		BDREFUND	PMS DIVERSIFIED CONSTRUCTION SERVIC	200.00
289732	*	006691	SCOT POUNDERS	25.00
289733		BDREFUND	PREMIER RESTORATION INC	300.00
289734	*	006625	PTS COMMUNICATIONS, INC	78.00
289735		002852	QMI GROUP INC	187.35
289736		BDREFUND	RENEWAL BY ANDERSEN	500.00
289737		BDREFUND	ROBERTSON DEVLEOPMENT	100.00
289738		002759	ROCKET ENTERPRISE INC	65.00
289739	*	000218	ROYAL OAK P.D.Q. LLC	50.00
289740	*	002806	SAM'S CLUB/SYNCHRONY BANK	492.34
289741		BDREFUND	SHALLVARI, IVA	200.00

City of Birmingham

Warrant List Dated 12/21/2022

Meeting of 01/09/2023

Check Number	Early Release	Vendor #	Vendor	Amount
289742		MISC	SHERWIN-WILLIAMS	152.97
289743	*	008073	SITEONE LANDSCAPE SUPPLY, INC	923.20
289744		007907	SP+ CORPORATION	3,048.00
289745	*	MISC	SYMPHONY SOKOLOWSKI	572.00
289746		BDREFUND	TF HOMES LLC	2,000.00
289747		BDREFUND	THE ROOF COMPANY	300.00
289748		BDREFUND	THORNTON & GROOMS INC.	1,000.00
289749	*	004058	TOP HAT & TAILS CARRIAGE CO INC	4,000.00
289750		BDREFUND	TOTAL ASPHALT PAVING INC	100.00
289751		005806	ULINE	892.11
289752	*	001279	US FIGURE SKATING ASSOC.	666.25
289753	*	000293	VAN DYKE GAS CO.	168.54
289754	*	000158	VERIZON WIRELESS	306.89
289755	*	000158	VERIZON WIRELESS	49.07
289756	*	000158	VERIZON WIRELESS	365.48
289757	*	009140	WAHL TENTS	16,505.45
289758		BDREFUND	WALLSIDE INC	1,000.00
289759		BDREFUND	WECHSLER CONSTRUCTION LLC	500.00
289760		009026	WELLS FARGO VENDOR FIN SERV	677.87
289761		001490	WEST SHORE FIRE INC	1,504.62
289761	*	001490	WEST SHORE FIRE INC	47,169.72
289762		BDREFUND	WHITELAW CUSTOM HOMES INC.	1,000.00
289763	*	005794	WINDSTREAM HOLDINGS INC	365.46
289764		007620	WJE-WISS, JANNEY, ELSTNER ASSOC.INC	34,000.00
289765	*	008391	XEROX CORPORATION	76.53
289766		BDREFUND	ZOLMAN RESTORATION LLC	300.00
SUBTOTAL PAPER CHECK				\$1,639,334.92

ACH TRANSACTION

24		009126	AMAZON CAPITAL SERVICES INC	93.16
25		009126	AMAZON CAPITAL SERVICES INC	33.72
26		009126	AMAZON CAPITAL SERVICES INC	39.99
27		009126	AMAZON CAPITAL SERVICES INC	55.90
28		009126	AMAZON CAPITAL SERVICES INC	61.62
6811	*	008226	KATHERINE ABELA	1,521.00
6812		000394	AERO FILTER INC	165.00
6813		009126	AMAZON CAPITAL SERVICES INC	(241.22)
6814		009126	AMAZON CAPITAL SERVICES INC	128.00
6815		009126	AMAZON CAPITAL SERVICES INC	79.00
6816		009126	AMAZON CAPITAL SERVICES INC	18.38
6817		009126	AMAZON CAPITAL SERVICES INC	16.14
6818		009126	AMAZON CAPITAL SERVICES INC	88.50
6819		009126	AMAZON CAPITAL SERVICES INC	166.38
6820		009126	AMAZON CAPITAL SERVICES INC	17.98

City of Birmingham

Warrant List Dated 12/21/2022

Meeting of 01/09/2023

Check Number	Early Release	Vendor #	Vendor	Amount
6821		009126	AMAZON CAPITAL SERVICES INC	14.99
6822		009126	AMAZON CAPITAL SERVICES INC	37.16
6823		009126	AMAZON CAPITAL SERVICES INC	9.40
6824		009126	AMAZON CAPITAL SERVICES INC	253.92
6825		009126	AMAZON CAPITAL SERVICES INC	179.00
6826		009126	AMAZON CAPITAL SERVICES INC	48.43
6827		009126	AMAZON CAPITAL SERVICES INC	90.56
6828		009126	AMAZON CAPITAL SERVICES INC	845.12
6829		009126	AMAZON CAPITAL SERVICES INC	59.25
6830		009126	AMAZON CAPITAL SERVICES INC	177.00
6831		009126	AMAZON CAPITAL SERVICES INC	177.94
6832		009126	AMAZON CAPITAL SERVICES INC	15.99
6833		009126	AMAZON CAPITAL SERVICES INC	4.49
6834		009126	AMAZON CAPITAL SERVICES INC	30.60
6835		009126	AMAZON CAPITAL SERVICES INC	14.29
6836	*	009126	AMAZON CAPITAL SERVICES INC	25.78
6837	*	009126	AMAZON CAPITAL SERVICES INC	76.10
6838	*	009126	AMAZON CAPITAL SERVICES INC	13.59
6839		009126	AMAZON CAPITAL SERVICES INC	39.60
6840		009126	AMAZON CAPITAL SERVICES INC	36.00
6841		009126	AMAZON CAPITAL SERVICES INC	69.98
6842	*	000517	BEIER HOWLETT P.C.	214.50
6843	*	007345	BEVERLY HILLS ACE	125.96
6844	*	006683	BIRMINGHAM LAWN MAINTENANCE, INC	114.00
6845	*	008983	BRENNA SANDLES	277.25
6846	*	009122	CLAIRE CHUNG	187.00
6847	*	009423	CITY OF BIRMINGHAM #247	863.22
6848		001750	COMERICA BANK	1,151.92
6848		001750	COMERICA BANK	272,619.00
6849		003176	COMERICA BANK - RHC	1,070.67
6849		003176	COMERICA BANK - RHC	120,732.91
6850		002668	CONTRACTORS CLOTHING CO	400.00
6850	*	002668	CONTRACTORS CLOTHING CO	1,021.77
6851	*	009195	CROWN CASTLE FIBER LLC	4,557.55
6852	*	007359	DETROIT CHEMICAL & PAPER SUPPLY	105.07
6853		007684	ELITE TRAUMA CLEAN-UP INC.	70.00
6854	*	007314	FLEIS AND VANDENBRINK ENG. INC	3,256.00
6855		007927	MICHELLE HOLLO	857.50
6856		000331	HUBBELL ROTH & CLARK INC	17,290.50
6856	*	000331	HUBBELL ROTH & CLARK INC	13,325.00
6857	*	008851	INSIGHT INVESTMENT	5,368.13
6858	*	007870	J.C. EHRLICH CO. INC.	59.89
6859		000261	J.H. HART URBAN FORESTRY	52,426.00

City of Birmingham
Warrant List Dated 12/21/2022

Meeting of 01/09/2023

Check Number	Early Release	Vendor #	Vendor	Amount
6860	*	002576	JAX KAR WASH	5,398.20
6861	*	003458	JOE'S AUTO PARTS, INC.	145.63
6862	*	008827	KANOPY, INC	451.35
6863		006370	KLM SCAPE & SNOW LLC	64,260.00
6864		004085	KONE INC	962.83
6865	*	005876	KROPF MECHANICAL SERVICE COMPANY	1,123.00
6866	*	007977	KAREN LINGENFELTER	210.00
6867	*	008723	BRADLEY MCNAB	75.00
6868	*	009370	MICHAEL SIMON	231.00
6869		002013	MIDWEST TAPE	9,342.14
6870	*	001035	MUNICIPAL EMERGENCY SERVICES INC	4,690.00
6871		008336	NBS COMMERCIAL INTERIORS	1,040.00
6872	*	001194	NELSON BROTHERS SEWER	205.00
6873		001864	NOWAK & FRAUS ENGINEERS	33,631.00
6874	*	006359	NYE UNIFORM COMPANY	667.30
6875	*	003351	PAMAR ENTERPRISES INC	14,880.15
6876	*	001753	PEPSI COLA	233.44
6877	*	003785	SIGNS-N-DESIGNS INC	245.00
6878	*	001097	SOCWA	68,002.00
6879	*	004355	SYMETRA LIFE INSURANCE COMPANY	30,385.17
6880		005861	UNIQUE MGMT SERVICE, INC	30.90
SUBTOTAL ACH TRANSACTION				\$736,765.69
GRAND TOTAL				\$2,376,100.61

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



Mark Gerber
Finance Director/ Treasurer

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

City of Birmingham

Warrant List Dated 01/04/2023

Meeting of 01/09/2023

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
289767	*	000855	48TH DISTRICT COURT	324,134.65
289768	*	001831	52-3 DISTRICT COURT	200.00
289769		001000	ALLIED INC	11,376.25
289770		001000	ALLIED INC	19,948.58
289771	*	007622	ALLSTAR PRO GOLF	677.10
289772	*	009393	AMANDA MCBRIDE	250.00
289773	*	009393	AMANDA MCBRIDE	500.00
289774		BDREFUND	AMY MAXIMOFF	100.00
289775	*	TAXMISC	ANDY AND ERICKA COLLINS RLT	540.00
289776	*	008977	JOBMATCH LLC DBA APPLICANTPRO	2,750.00
289777		000500	ARTECH PRINTING INC	216.00
289778		000165	AT&T	665.05
289779	*	006759	AT&T	2,217.56
289780	*	003703	AT&T MOBILITY	837.80
289781		BDREFUND	ATEX BUILDERS LLC	237.84
289782		BDREFUND	BAKER BUILDING COMPANY LLC	300.00
289783		001122	BOB BARKER CO INC	817.20
289784		001122	BOB BARKER CO INC	90.80
289785		BDREFUND	BINGHAM DEVELOPMENT LLC	500.00
289786		BDREFUND	BINGHAM DEVELOPMENT LLC	2,000.00
289787		BDREFUND	BLOOMINGDALE CUSTOM HOMES INC	906.77
289788		BDREFUND	BLOOMINGDALE HOMES INC	500.00
289789		BDREFUND	BLUE STAR	500.00
289790	*	TAXMISC	BON COOK	363.27
289791		BDREFUND	BOTTOMS UP BASEMENT FINISHING	100.00
289792		003526	BOUND TREE MEDICAL, LLC	572.46
289793	*	TAXMISC	BRODIE REALTY & THE LAW OFFICES OF	2,488.24
289794	*	003786	C & G PUBLISHING INC.	115.00
289795	*	009078	CANON SOLUTIONS AMERICA INC	163.20
289796		007732	CAPITAL TIRE, INC.	642.48
289797	*	000444	CDW GOVERNMENT INC	128.26
289798		000605	CINTAS CORPORATION	171.06
289799		000605	CINTAS CORPORATION	202.46
289800		000605	CINTAS CORPORATION	26.60
289801	*	000912	MARK CLEMENCE	1,587.20
289802		002234	CMP DISTRIBUTORS INC	989.83
289803		009167	COL'S FAMILY RESTAURANT	165.94
289804	*	008955	COMCAST	275.69
289805	*	008955	COMCAST	27.00
289806	*	008955	COMCAST	99.65
289807	*	008955	COMCAST	99.64
289808	*	008955	COMCAST	180.52

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289809	*	008955	COMCAST	107.51
289810	*	008955	COMCAST	126.85
289811	*	008955	COMCAST	56.31
289812	*	000627	CONSUMERS ENERGY	265.16
289813	*	000627	CONSUMERS ENERGY	1,294.22
289814	*	000627	CONSUMERS ENERGY	17,490.45
289815	*	000627	CONSUMERS ENERGY	1,210.16
289816	*	000627	CONSUMERS ENERGY	104.66
289817	*	000627	CONSUMERS ENERGY	16.00
289818	*	000627	CONSUMERS ENERGY	1,986.89
289819	*	000627	CONSUMERS ENERGY	930.67
289820	*	000627	CONSUMERS ENERGY	400.95
289821	*	000627	CONSUMERS ENERGY	269.64
289822		008512	COOL THREADS EMBROIDERY	782.89
289823		008582	CORE & MAIN LP	1,041.78
289824		008582	CORE & MAIN LP	1,041.78
289825		008582	CORE & MAIN LP	812.33
289826		008582	CORE & MAIN LP	812.33
289827		008582	CORE & MAIN LP	812.33
289828		008582	CORE & MAIN LP	812.33
289829		009579	COVERTTRACK GROUP INC	1,200.00
289830		009579	COVERTTRACK GROUP INC	2,210.00
289831		BDREFUND	CZACHOROWSKI, JAMES	200.00
289832	*	009549	DANIEL CRUMP DBA	1,650.00
289833	*	TAXMISC	DANIEL MENKES	14,266.91
289834		009529	DAVEY RESOURCE GROUP, INC.	2,275.00
289835		009529	DAVEY RESOURCE GROUP, INC.	14,750.00
289836		BDREFUND	DEPORRE, PIERRE	200.00
289837	*	000179	DTE ENERGY	157.89
289838	*	000179	DTE ENERGY	43.15
289839	*	000179	DTE ENERGY	142.00
289840	*	000179	DTE ENERGY	1,480.54
289841	*	000179	DTE ENERGY	46.82
289842	*	000179	DTE ENERGY	298.73
289843	*	000179	DTE ENERGY	6,081.65
289844	*	000179	DTE ENERGY	1,679.38
289845	*	000179	DTE ENERGY	9,510.76
289846	*	000179	DTE ENERGY	3,004.13
289847	*	000179	DTE ENERGY	14.79
289848	*	000179	DTE ENERGY	1,507.67
289849	*	000179	DTE ENERGY	32.45
289850	*	000179	DTE ENERGY	148.23
289851	*	000179	DTE ENERGY	59.21

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Check Number	Early Release	Vendor #	Vendor	Amount
289852	*	000179	DTE ENERGY	598.96
289853	*	000179	DTE ENERGY	526.42
289854	*	000179	DTE ENERGY	103.28
289855	*	000179	DTE ENERGY	14.79
289856		BDREFUND	EAGLE CONSTRUCTION	200.00
289857		001063	EASTMAN FIRE PROTECTION INC	741.49
289858		000196	EJ USA, INC.	975.18
289859		BDREFUND	EMERGENCY EGRESS LLC	100.00
289860	*	001124	EMPCO INCORPORATED	5,382.00
289861		MISC	FERGUSON ENTERPRISES LLC #3326	120.47
289862	*	007366	FIRST ADVANTAGE OCCUPATIONAL CORP	238.70
289863		006654	FLEETPRIDE INC	426.78
289864		000234	GLENN WING POWER TOOLS	48.30
289865	*	004604	GORDON FOOD	268.19
289866		BDREFUND	HAWES, DANIEL	100.00
289867	*	MISC	HIGHLAND TOWNSHIP FIRE DEPARTMENT	968.52
289868	*	001956	HOME DEPOT CREDIT SERVICES	681.70
289869	*	001956	HOME DEPOT CREDIT SERVICES	90.91
289870	*	001956	HOME DEPOT CREDIT SERVICES	454.80
289871	*	001956	HOME DEPOT CREDIT SERVICES	159.21
289872	*	001956	HOME DEPOT CREDIT SERVICES	55.46
289873	*	001956	HOME DEPOT CREDIT SERVICES	153.92
289874	*	001956	HOME DEPOT CREDIT SERVICES	21.74
289875		BDREFUND	HOME INSPECTION PLUS INC	200.00
289876		BDREFUND	HOWELLS, GREG	100.00
289877		BDREFUND	HRH CONSTRUCTION LLC	500.00
289878		BDREFUND	HRH CONSTRUCTION LLC	2,000.00
289879	*	009401	IRENE S WASSEL	250.00
289880	*	TAXMISC	JAMES & JANICE PETCOFF	1,455.04
289881		000347	JOHN R. SPRING & TIRE CENTER INC.	859.20
289882	*	009403	JUSTIN ZAYID	250.00
289883		BDREFUND	K & D PHILLIPS CO	904.73
289884		008954	K & D PHILLIPS CONTRACTING	1,950.00
289885		008954	K & D PHILLIPS CONTRACTING	2,000.00
289886	*	000891	KELLER THOMA	3,704.25
289887		BDREFUND	KROLL CONSTRUCTION CO	100.00
289888		BDREFUND	LAKE ORION PLUMBING	761.83
289889	*	009386	LAW OFFICE OF BRIAN P. FENECH	300.00
289890	*	009386	LAW OFFICE OF BRIAN P. FENECH	300.00
289891	*	009386	LAW OFFICE OF BRIAN P. FENECH	250.00
289892	*	009386	LAW OFFICE OF BRIAN P. FENECH	300.00
289893	*	009386	LAW OFFICE OF BRIAN P. FENECH	300.00
289894	*	009386	LAW OFFICE OF BRIAN P. FENECH	250.00

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289895	*	009388	LAW OFFICE OF PATRICK G. GAGNIUK	300.00
289896		009375	LITHIA MOTORS, INC SUPPORT SERVICES	25.25
289897		009375	LITHIA MOTORS, INC SUPPORT SERVICES	1,934.58
289898		009375	LITHIA MOTORS, INC SUPPORT SERVICES	2,995.57
289899		001669	MACP	330.00
289900		001669	MACP	330.00
289901		001669	MACP	280.00
289902		001417	MAJIK GRAPHICS INC	760.00
289903		002648	MARC DUTTON IRRIGATION INC	350.00
289904		000888	MCKENNA ASSOCIATES INC	29,846.88
289905		BDREFUND	MERRILLWOOD INVESTMENT LLC	200.00
289906	*	TAXMISC	MICHAEL & DEBORAH BERGER & WILLIAMS	5,572.60
289907	*	TAXMISC	MICHAEL & JAMIE RAGER	33,241.69
289908	*	009200	MICHAEL MORRISON	750.00
289909	*	MISC	MICHAEL TURNER	6.00
289910		BDREFUND	MICHAEL WOZNIAK	200.00
289911		000230	MIKE SAVOIE CHEVROLET INC	408.32
289912		000230	MIKE SAVOIE CHEVROLET INC	94.50
289913		008319	MKSK INC	1,337.50
289914		008319	MKSK INC	210.00
289915		008319	MKSK INC	7,418.75
289916		002671	MMA	100.00
289917	*	001452	MONTGOMERY & SONS INC	350.00
289918		BDREFUND	MURPHY, DANIEL P	780.88
289919		BDREFUND	NELSON BROS SWR & PLBG SVC INC	809.46
289920		BDREFUND	NEST CONSTRUCTION	100.00
289921		008687	NORTH BREATHING AIR, LLC	180.00
289922	*	000919	OAKLAND COUNTY TREASURER	30.00
289923	*	000675	OAKLAND SCHOOLS	4,568.13
289924	*	003461	OBSERVER & ECCENTRIC	466.98
289925	*	003461	OBSERVER & ECCENTRIC	825.36
289926	*	004370	OCCUPATIONAL HEALTH CENTERS	767.00
289927	*	004370	OCCUPATIONAL HEALTH CENTERS	700.00
289928	*	004370	OCCUPATIONAL HEALTH CENTERS	56.00
289929	*	009478	ODP BUSINESS SOLUTIONS, LLC	19.98
289930	*	009478	ODP BUSINESS SOLUTIONS, LLC	71.96
289931	*	009478	ODP BUSINESS SOLUTIONS, LLC	34.93
289932	*	009478	ODP BUSINESS SOLUTIONS, LLC	25.86
289933	*	009478	ODP BUSINESS SOLUTIONS, LLC	33.99
289934	*	009478	ODP BUSINESS SOLUTIONS, LLC	209.88
289935		008669	OHM ADVISORS INC	37,604.00
289936	*	TAXMISC	PAUL SANTORO	326.04
289937		BDREFUND	PHILLIPS SIGN & LIGHTING INC	200.00

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289938		008028	PK SAFETY SUPPLY	220.00
289939		008028	PK SAFETY SUPPLY	551.47
289940		BDREFUND	PRIME HOME REMOD LLC	100.00
289941	*	009397	RABAA PLLC	500.00
289942		BDREFUND	RADIANT SIGN CO	200.00
289943		BDREFUND	READY DIG EXCAVATION	714.19
289944		BDREFUND	REMSKI, JAMES T	200.00
289945		BDREFUND	RENEWAL BY ANDERSEN	500.00
289946		BDREFUND	RICHARD WEINGARTNER	100.00
289947	*	TAXMISC	ROBERT EMIL FELLER	2,695.69
289948	*	TAXMISC	ROBERT FAIN	6,171.92
289949		BDREFUND	ROBERT L BITTNER JR	1,000.00
289950		BDREFUND	RONNISCHE CONSTRUCTION GROUP	1,000.00
289951		BDREFUND	RONNISCHE CONSTRUCTION GROUP	35,000.00
289952		BDREFUND	ROYAL ROOFING CO. INC.	465.00
289953		009222	SAVERS WHOLESALE PRINTING	746.05
289954		009222	SAVERS WHOLESALE PRINTING	2,099.90
289955		BLREFUND	SCHOOLS OFFER SUPPORT (SOS)	41.00
289956		007142	SHERWIN-WILLIAMS COMPANY	332.76
289957		BDREFUND	SIGNARAMA/TROY	100.00
289958	*	009009	SIGNATURE CLEANING LLC	5,070.47
289959	*	009009	SIGNATURE CLEANING LLC	905.00
289960	*	009009	SIGNATURE CLEANING LLC	1,526.00
289961	*	009009	SIGNATURE CLEANING LLC	1,941.00
289962	*	008073	SITEONE LANDSCAPE SUPPLY, INC	30.10
289963	*	TAXMISC	STEPHEN D ROGERS TRUST	7,646.32
289964		005863	SUCCESS COMMUNICATIONS, INC.	315.00
289965		BDREFUND	TECHHOME BUILDING CO., LLC	1,700.00
289966		BDREFUND	TECHHOME BUILDING CO., LLC	1,000.00
289967		BDREFUND	TECHHOME BUILDING CO., LLC	400.00
289968		BDREFUND	TF HOMES LLC	618.92
289969		000275	TIRE WHOLESALERS CO INC	202.50
289970		009552	TRAFFIC & SAFETY CONTROL SYSTEMS	21,144.00
289971	*	000158	VERIZON WIRELESS	127.92
289972	*	000158	VERIZON WIRELESS	917.15
289973		BDREFUND	WALLSIDE WINDOWS	500.00
289974		BDREFUND	WECHSLER CONSTRUCTION LLC	100.00
289975		BDREFUND	WECHSLER CONSTRUCTION LLC	500.00
289976		BDREFUND	WHITE WOLF LANDSCAPING	100.00
289977		BDREFUND	Woodmaster Kitchens & Bath	300.00
289978	*	008391	XEROX CORPORATION	56.90
289979	*	008391	XEROX CORPORATION	9.00
29	*	006759	AT&T	29.03

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Check Number	Early Release	Vendor #	Vendor	Amount
SUBTOTAL PAPER CHECK				\$731,893.90
<u>ACH TRANSACTION</u>				
6673		009126	AMAZON CAPITAL SERVICES INC	(0.08)
6883	*	009323	ALEXANDRIA BINGHAM	52.98
6884		009126	AMAZON CAPITAL SERVICES INC	21.50
6885		009126	AMAZON CAPITAL SERVICES INC	18.99
6886	*	009126	AMAZON CAPITAL SERVICES INC	53.10
6887	*	009126	AMAZON CAPITAL SERVICES INC	19.92
6888		009126	AMAZON CAPITAL SERVICES INC	45.45
6889		009126	AMAZON CAPITAL SERVICES INC	23.90
6890		009126	AMAZON CAPITAL SERVICES INC	340.63
6891		009126	AMAZON CAPITAL SERVICES INC	7.80
6892		009126	AMAZON CAPITAL SERVICES INC	8.99
6893		009126	AMAZON CAPITAL SERVICES INC	177.78
6894		009126	AMAZON CAPITAL SERVICES INC	49.43
6895		009126	AMAZON CAPITAL SERVICES INC	18.39
6896		009126	AMAZON CAPITAL SERVICES INC	35.87
6897		009126	AMAZON CAPITAL SERVICES INC	26.98
6898		009126	AMAZON CAPITAL SERVICES INC	64.34
6899		009126	AMAZON CAPITAL SERVICES INC	12.89
6900		009126	AMAZON CAPITAL SERVICES INC	140.92
6901		009126	AMAZON CAPITAL SERVICES INC	38.82
6902		009126	AMAZON CAPITAL SERVICES INC	38.74
6903		009126	AMAZON CAPITAL SERVICES INC	14.73
6904		009126	AMAZON CAPITAL SERVICES INC	39.99
6905	*	007345	BEVERLY HILLS ACE	24.29
6906	*	007345	BEVERLY HILLS ACE	14.09
6907	*	007345	BEVERLY HILLS ACE	22.49
6908	*	007345	BEVERLY HILLS ACE	165.07
6909		006683	BIRMINGHAM LAWN MAINTENANCE, INC	1,085.00
6910		006683	BIRMINGHAM LAWN MAINTENANCE, INC	5,442.00
6911		006683	BIRMINGHAM LAWN MAINTENANCE, INC	932.00
6912		006683	BIRMINGHAM LAWN MAINTENANCE, INC	2,665.00
6913		006683	BIRMINGHAM LAWN MAINTENANCE, INC	17,990.00
6914		006683	BIRMINGHAM LAWN MAINTENANCE, INC	1,455.00
6915		006683	BIRMINGHAM LAWN MAINTENANCE, INC	1,209.00
6916	*	008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	2,267,040.57
6917		007875	CANFIELD EQUIPMENT SERVICE INC.	4,710.68
6918		007875	CANFIELD EQUIPMENT SERVICE INC.	260.00
6919	*	008044	CLUB PROPHET	270.00
6920	*	008044	CLUB PROPHET	270.00
6921		002668	CONTRACTORS CLOTHING CO	148.48
6922		002668	CONTRACTORS CLOTHING CO	268.47

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6923	*	000565	DORNBOS SIGN & SAFETY INC	92.40
6924	*	000243	GRAINGER	358.80
6925	*	000243	GRAINGER	98.00
6926	*	000243	GRAINGER	191.85
6927	*	000243	GRAINGER	297.21
6928	*	009390	IDUMESARO LAW FIRM, PLLC	250.00
6929	*	009390	IDUMESARO LAW FIRM, PLLC	3,820.00
6930	*	009390	IDUMESARO LAW FIRM, PLLC	580.00
6931	*	008851	INSIGHT INVESTMENT	6,460.26
6932		000261	J.H. HART URBAN FORESTRY	29,582.00
6933		009249	JCC CREATIVE LLC	450.00
6934		009298	JCR SUPPLY INC	319.82
6935		009298	JCR SUPPLY INC	759.51
6936		009298	JCR SUPPLY INC	232.90
6937	*	003458	JOE'S AUTO PARTS, INC.	764.65
6938	*	003458	JOE'S AUTO PARTS, INC.	191.38
6939	*	003458	JOE'S AUTO PARTS, INC.	51.57
6940	*	003458	JOE'S AUTO PARTS, INC.	86.31
6941	*	003458	JOE'S AUTO PARTS, INC.	109.90
6942	*	003458	JOE'S AUTO PARTS, INC.	187.18
6943	*	009392	LAMB LEGAL CONSULTING SERVICES	450.00
6944	*	009392	LAMB LEGAL CONSULTING SERVICES	250.00
6945	*	009392	LAMB LEGAL CONSULTING SERVICES	300.00
6946	*	009385	LAW OFFICE OF MICHAEL J. DICK	230.00
6947	*	009385	LAW OFFICE OF MICHAEL J. DICK	350.00
6948	*	009385	LAW OFFICE OF MICHAEL J. DICK	120.00
6949	*	009385	LAW OFFICE OF MICHAEL J. DICK	300.00
6950	*	009385	LAW OFFICE OF MICHAEL J. DICK	300.00
6951	*	009385	LAW OFFICE OF MICHAEL J. DICK	250.00
6952	*	009385	LAW OFFICE OF MICHAEL J. DICK	300.00
6953	*	009385	LAW OFFICE OF MICHAEL J. DICK	500.00
6954	*	009385	LAW OFFICE OF MICHAEL J. DICK	300.00
6955	*	009385	LAW OFFICE OF MICHAEL J. DICK	300.00
6956	*	005550	LEE & ASSOCIATES CO., INC.	477.90
6957	*	009398	MARCIA C ROSS PC	250.00
6958	*	009398	MARCIA C ROSS PC	600.00
6959	*	009398	MARCIA C ROSS PC	500.00
6960	*	001035	MUNICIPAL EMERGENCY SERVICES INC	80.50
6961		009331	MY CONCIERGE MICHIGAN, LLC	89.00
6962	*	006359	NYE UNIFORM COMPANY	393.00
6963	*	006359	NYE UNIFORM COMPANY	55.00
6964	*	008843	OAKLAND COUNTY TREASURER- TAX PYMNT	1,009,215.25
6965	*	009395	ORLANDO LAW PRACTICE PC	300.00

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6966	*	009395	ORLANDO LAW PRACTICE PC	250.00
6967	*	009395	ORLANDO LAW PRACTICE PC	300.00
6968	*	002767	OSCAR W. LARSON CO.	225.00
6969	*	002767	OSCAR W. LARSON CO.	225.00
6970	*	002767	OSCAR W. LARSON CO.	500.00
6971	*	003554	RKA PETROLEUM	20,148.52
6972	*	001181	ROSE PEST SOLUTIONS	97.00
6973	*	006832	SAFEWARE INC.	940.22
6974	*	003785	SIGNS-N-DESIGNS INC	1,495.00
6975	*	003785	SIGNS-N-DESIGNS INC	195.00
6976		000254	SOCRRA	73,144.00
6977	*	001097	SOCWA	5,591.10
6978		005787	SOUTHEASTERN EQUIPMENT CO. INC	470.90
6979		000298	VESCO OIL CORPORATION	93.25
6980	*	009379	YELLOW DOOR LAW	3,750.00
SUBTOTAL ACH TRANSACTION				\$3,473,443.58
GRAND TOTAL				\$4,205,337.48

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



Mark Gerber
Finance Director/ Treasurer

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



MEMORANDUM

Clerk's Office

DATE: January 9, 2023

TO: Thomas M. Markus, City Manager

FROM: Alexandria Bingham, City Clerk

SUBJECT: Set date for liquor license establishments 2022 review and consideration of 2023 license

INTRODUCTION:

Annually, the City Commission reviews and considers renewal of liquor licenses of Birmingham establishments which sell intoxicating liquor for consumption on premises. The City Commission is requested to set the date of Monday, February 27, 2023 at 7:30 p.m. for the review and renewal of the licenses.

BACKGROUND:

All establishments which hold a liquor license for consumption on premises are required to follow rules set forth in [Chapter 10](#) Alcoholic Liquors of the Birmingham Code of Ordinances. The departments are conducting annual reviews of liquor license establishments which have consumption on premises. These findings will be presented to the city commission, who will then consider the 2023 renewal of the Birmingham liquor license for consumption of intoxicating liquor on premises.

LEGAL REVIEW:

The City Attorney has reviewed the process for this renewal plan and has no objections.

FISCAL IMPACT:

N/A

PUBLIC COMMUNICATIONS:

Establishments with liquor licenses for consumption on premises were notified via certified mail of upcoming review process November 23, 2022. License holders will be reminded notified via standard mail regarding commission date for review and renewals once date is approved by the City Commission.

ATTACHMENTS:

None

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to hold a 2022 review of establishments who have liquor licenses for consumption on premises and to consider same establishments for 2023 renewal at the regular City Commission meeting on Monday, February 27, 2023 at 7:30 p.m.



MEMORANDUM

City Clerk's Office

DATE: January 9, 2023

TO: Thomas M. Markus, City Manager

FROM: Alexandria Bingham, City Clerk

SUBJECT: Special Event Application: Celebrate Birmingham Parade & Party

INTRODUCTION:

The Clerk's Office has submitted a Special Event application to hold the Celebrate Birmingham Parade and Party on Sunday, May 21, 2023. The Parade will begin at 1pm with the Party in Shain Park to follow. Setup for the event will begin at 8:00 a.m. on Sunday, May 21, 2023. Any event items along the parade route will be taken down and put away immediately following the parade. Cleanup of Shain Park will take place immediately after party concludes at 4:00 p.m.

BACKGROUND:

The necessary departments reviewed the proposed event details submitted by the application. DPS, Planning, Building, Engineering, Police, and Fire have indicated their approval. SP+ Parking has been notified of the event for planning purposes.

The Parade route will begin at Harmon and Old Woodward, go west on Maple, south on Bates and end at Townsend. These roads will have closures on May 21, 2023 at 12:30 p.m. and will re-open after the parade. On-street parking along parade route will be unavailable from 8:00 a.m. on May 21, 2023 until the parade ends. The parade will begin at 1:00 p.m. and last approximately 1 hour.

The Party following the parade will be located in Shain Park and will require road closures at Bates and Merrill, Bates and Martin, Martin and Henrietta, and Henrietta and Merrill. Road closures will begin at 8:00 a.m. on May 21, 2023 and reopen after the event concludes at 4:00 p.m. On-street parking in these closed roads will be unavailable from 8 am until the event concludes at 4:00 p.m.

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

DPS Open House	May 13, 2023	851 S. Eton
Art Birmingham	May 13- 14, 2023	Shain Park
Farmers Market	May 14, 2023	Lot 6
Memorial Day Service	May 29, 2023	Shain Park
Village Fair	June 1 - June 4, 2023	Shain Park

LEGAL REVIEW:

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

FISCAL IMPACT:

Funds for this event have been budgeted in account 101.0-785.002-884.0000 for the 2022-2023 Fiscal Year in the amount of \$9,500.00. The Clerk's Office also solicits for donations and sponsorships to fund this event.

PUBLIC COMMUNICATIONS:

The Clerk's Office notified both owners and occupants with information on the details of this event and the commission meeting for review and approval. A postcard was mailed two weeks prior to the Commission meeting. The addresses that were notified were within 300 feet of the parade route and Shain Park.

SUMMARY:

The City Commission is being asked to approve a special event permit for the Birmingham Parade and Party to be held Sunday, May 21, 2023 from 1:00 p.m. to 4:00 p.m. with set up beginning the same day at 8:00 a.m. and tear down occurring immediately following the event.

ATTACHMENTS:

1. Special Event application
2. Notification letter with map of event area distributed to owners/occupants within 300 feet of the event area dated December 27, 2022. Notification addresses are on file in the Clerk's Office.
3. Department Approval page with comments and estimated costs

SUGGESTED COMMISSION ACTION:

To make a motion adopting a resolution to approve a special event permit as requested by the Birmingham Clerk's Office to hold the Celebrate Birmingham Parade and Party in Shain Park on Sunday, May 21, 2023 contingent upon compliance with all permit and insurance requirements and payment of all fees and further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary leading up to or at the time of the event.

**APPLICATION FOR SPECIAL EVENT PERMIT
PARKS AND PUBLIC SPACES**

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

Police Department acknowledgement: _____

I. EVENT DETAILS

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

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

(Please print clearly or type)

Date of Application 12/27/2022

Name of Event Birmingham Hometown Parade & Party in Shain Park

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

Location Parade: Old Woodward at Harmon St, Maple, Bates & Henrietta; Party at Shain Park

Date(s) of Event: Sunday, May 21 2023 Hours of Event 1:00 pm – 4:00 pm

Date(s) of Set-up Sunday, May 21 2023 Hours of Set-up 9:00 am – 12:00 pm

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

Date(s) of Tear-down Sunday May 21 2023 Hours of Tear-down 4:00 pm

Organization Sponsoring Event City of Birmingham

Organization Address 151 Martin, Birmingham MI 48009

Organization Phone 248.530.1803

Contact Person Christina Woods, Deputy Clerk

Contact Phone 248.530.1803

Contact Email cwoods@bhamgov.org


II. EVENT INFORMATION

1. Organization Type City
(city, non-profit, community group, etc.)
2. Additional sponsors or participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.) Not yet determined

3. Is the event a fundraiser? YES ☐ NO ☒
List beneficiary _____
List expected income _____
Attach information about the beneficiary.
4. First time event in Birmingham? YES ☐ NO ☒
If no, describe Annual event for many years

5. Total number of people expected to attend per day 1000
6. The event will be held on the following City property: (Please list)
☐ Street(s) Brown to the Triangle area, Old Woodward, Maple, Bates, Henrietta

☐ Sidewalk(s) Same as above. Parade announcers, sound equipment and Bloomfield Community TV crew, parade judges on selected sections of sidewalks - TBD
☐ Park(s) Shain Park

7. Will street closures be required? YES ☒ NO ☐
(Police Department acknowledgment prior to submission of application is required)
(initial here) 
8. What parking arrangements will be necessary to accommodate attendance? Parking structures, meter bags for vendors to park near Shain Park. Meter Bags to block off parking along old Woodward for parade line-up

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

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

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

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

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

Describe Police personnel at barricades, Police Dept. escort in and at end of parade.

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

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

12. Will music be provided? YES ☒ NO ☐

X Live X Amplification Time X Loudspeakers

Time music will begin 1:00 pm

Time music will end 4:00 pm

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

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

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

Size of signs/banners See attached Photo

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

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

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

LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

VENDOR NAME	GOODS TO BE SOLD	WATER HOOK-UP REQUIRED?	ELECTRIC REQUIRED?
TBD	Food/Beverages	No	No

III. EVENT LAYOUT

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

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

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables	0	6 for \$500.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles	6	\$10.00 each includes 1 bag For additional bags, the cost is \$32/per case.	Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work.
Dumpsters	0	\$350.00/per dumpster per day	Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.
Utilities (electric)	# of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant	0	\$224.75/per hydrant Includes the use of 5,000 gallons of water. Any additional water usage will be billed.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		(2) Electronic Sign (100) Cones (6) Class III barricades (16) Barricades (8) Police officers

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

TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 120 square feet)	4-5	10x10
Portable Toilets	5	
Rides	0	
Displays	0	
Vendors	TBD	
Temporary Structure (must attach a photo)	0	
Other (describe) Inflatables	3-4	

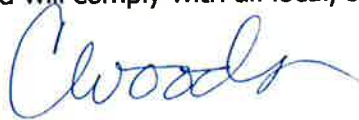
SIGNATURE OF APPLICANT REQUIRED

EVENT NAME Celebrate Birmingham Hometown Parade & Party

EVENT DATE Sunday May 21 2023

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

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



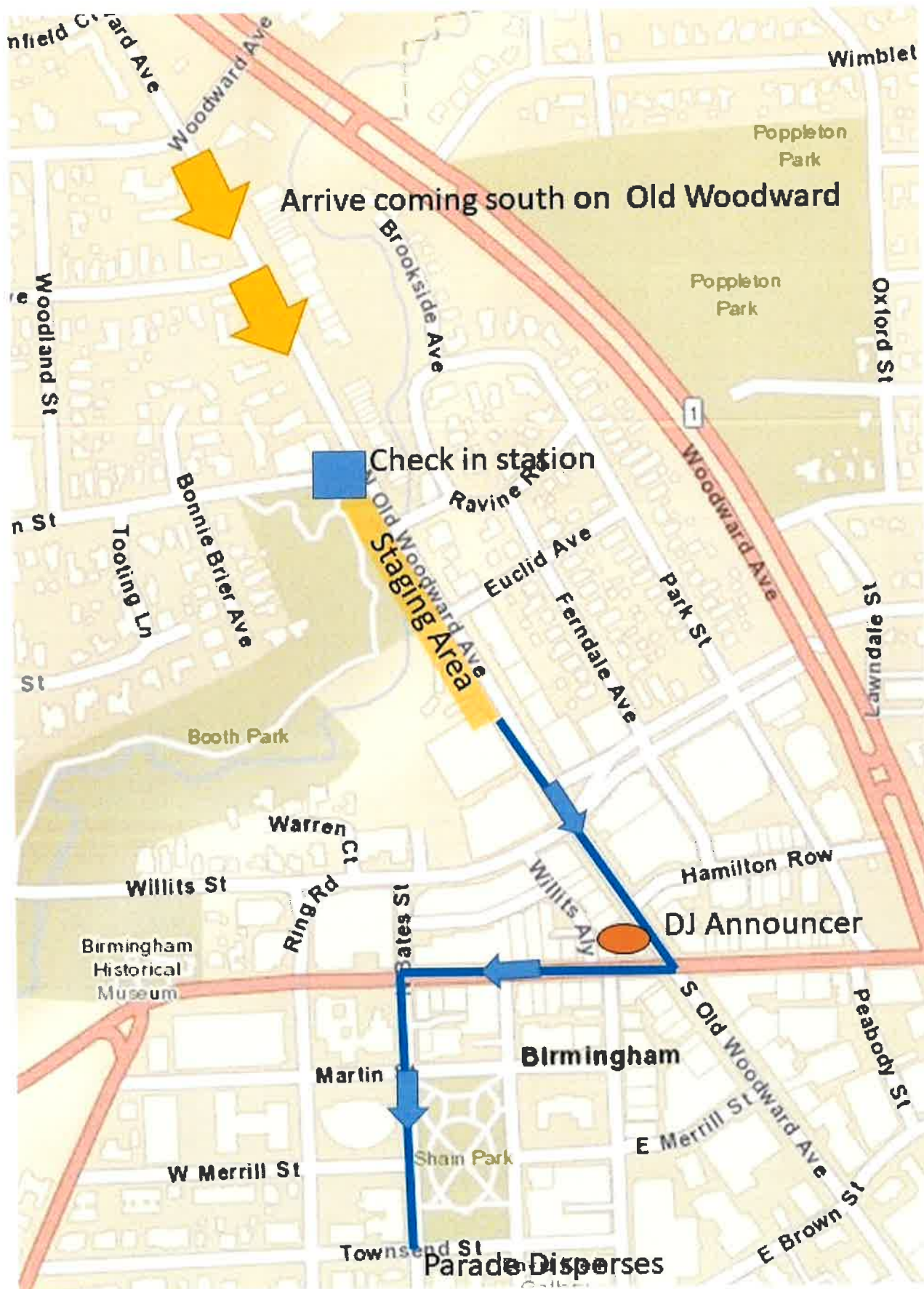
12/27/22

Signature

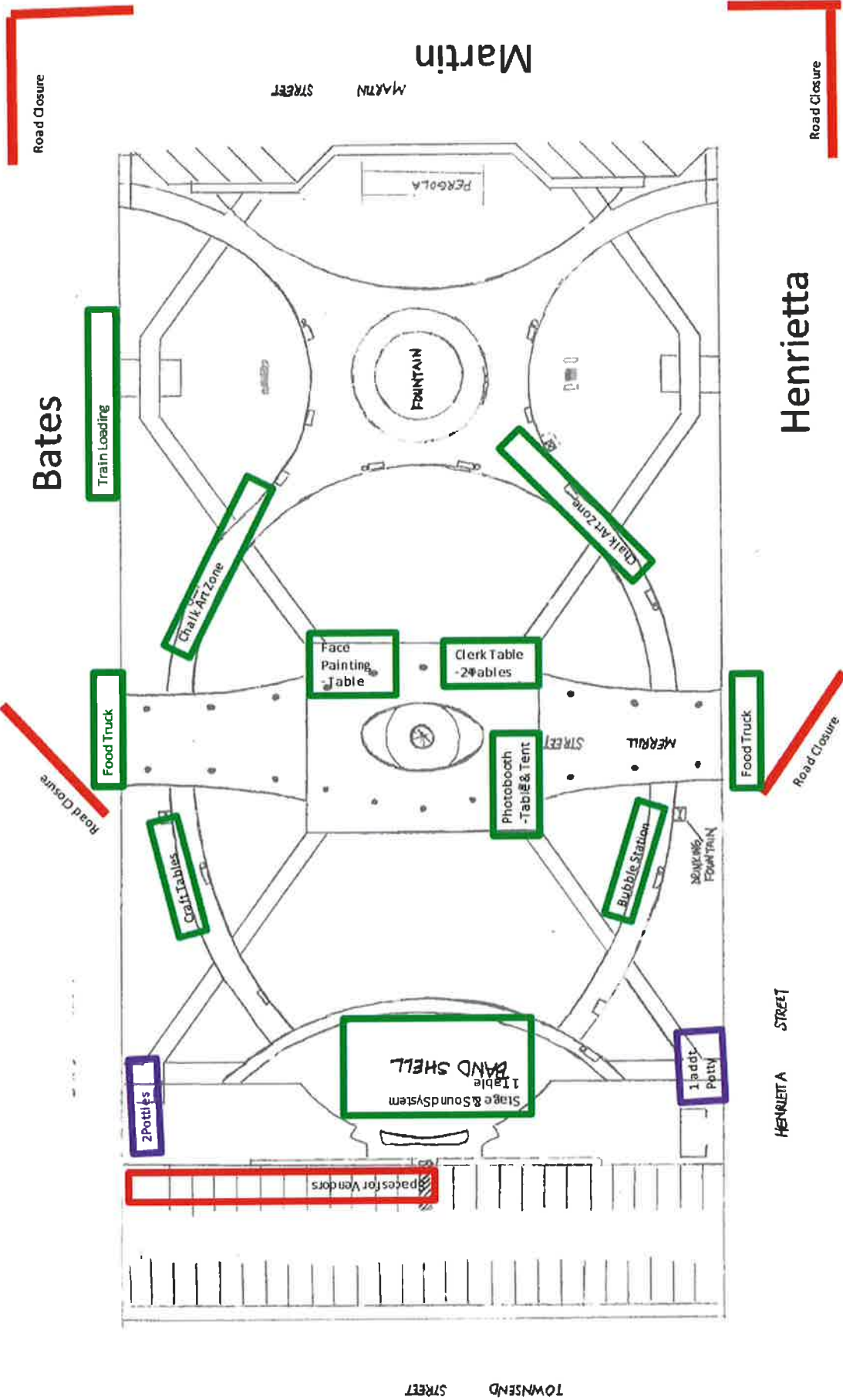
Date

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

Parade Route Map



Shain Park Map



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



Birmingham Parade and Party in
Shain Park Sunday, May 21, 2023

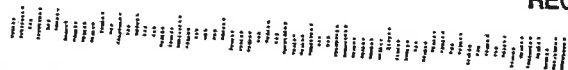


City of Birmingham
City Clerk
151 Martin
Birmingham, MI 48009

Clerk's Office
City of Birmingham, MI

DEC 29 2022

RECEIVED



SPECIAL EVENT NOTIFICATION

TO ALL PROPERTY 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: Celebrate Birmingham Parade & Party in the Park
LOCATION: Downtown Birmingham – Old Woodward and Shain Park (see attached map)
DATES/TIMES: Sunday, May 21, 2023
Parade setup at 9 AM, Parade at 1 PM,
Activities in Shain Park following Parade, completing at 4 pm

Parade staging on Old Woodward between Harmon and Oakland. Parade will start on Old Woodward at Oakland, travel west on Maple, south on Bates and ending at Townsend. Road Closures for Parade Route will begin at 12:30 pm on 5/21/23. On-Street Parking along parade route will not be available on 5/21/23 until after parade ends.

Party in Shain Park will require road closures at Bates and Merrill, Bates and Martin, Martin and Henrietta, and ends at 4:00 pm

DATE/TIME OF CITY COMMISSION MEETING: Monday, January 9, 2023, 7:30PM
The City Commission meets in room 205 of the Municipal Building at 151 Martin. You may also attend virtually through ZOOM: <https://zoom.us/j/655079760> Meeting ID: 655 079 760. A complete copy of the application to hold this special event is available for your review at the city clerk's office (248.530.1880)

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

Interested in participating as vendor, sponsor or participant? Contact cwoods@bhamgov.org

DEPARTMENT APPROVALS

LICENSE NUMBER #23-00012006

NOTE TO STAFF: Please submit approval by January 5, 2023

EVENT NAME: Birmingham Parade & Party
COMMISSION HEARING DATE: Jan 9, 2023
DATE OF EVENT: May 21, 2023

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 101.0-000.000-636.0005 248.530.1855	TBC	No cost no comment			
BUILDING 101.0-000.000.636.0005 248.530.1850	MJM	No department involvement.		\$0	
FIRE 101.0-000.000-636.0004 248.530.1900	AS	ALS/Fire will respond from the station Food Trucks and cooking areas require inspection. Do not block Fire Hydrants or Fire Department connections with storage/tents. Provide crowd managers and maintain access lanes for emergency responders.		\$0	\$0
POLICE 101.0-000.000.636.0003 248.530.1870	RK	Barricades/cones/personnel		\$0	\$0
PUBLIC SERVICES 101.0-000.000-636.0002 248.530.1642	CL	Includes barricade placement, placement of city vehicles to block intersections for safety and removal, and any setup or removal occurring on weekdays before and after event. Does NOT include any costs occurring weekend of event. If		\$2,000	

		assistance is requested for weekend of the event, there will be additional costs.			
ENGINEERING 101.0-000.000.636.0002 248.530.1839	KC	Obstruction permits for: 1. Parade Route 2. Using space at shain park	2 Obstruction Permits	\$130	TBD
SP+ PARKING	AF	Meters and parking structures are free on Sundays	None	\$0	\$0
INSURANCE 248.530.1807	CW	Need to submit COI no less than 2 weeks prior to event	None	\$0	\$0
CLERK 101.0-000.000-614.0000 248.530.1803	CW	Notification addresses on file in the Clerk's Office.	Applications for vendors license must be submitted no later than May 5, 2023.	\$165	
				TOTAL DEPOSIT REQUIRED	ACTUAL COST

FOR CLERK'S OFFICE USE

Deposit paid _____

Actual Cost _____

Due/Refund _____



MEMORANDUM

Planning Division

DATE: January 9, 2023

TO: Thomas M. Markus, City Manager

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Set Public Hearing for 300 S. Old Woodward – RH – Special Land Use Permit, Final Site Plan & Design Review

INTRODUCTION:

The applicant has submitted a Special Land Use Permit, Final Site Plan & Design Review for a revised site plan and building design on a building currently under construction in Downtown Birmingham pursuant to Chapter 10, Section 10-84 of the Birmingham Code of Ordinances. The subject site is located on the west side of S. Old Woodward, between Brown and Daines.

BACKGROUND:

On July 14, 2021 ([Agenda](#) – [Minutes](#)), the Planning Board moved to recommend approval to the City Commission a Special Land Use, Final Site Plan and Design Review application for the original proposal, which was subsequently approved by the City Commission on August 9, 2021 ([Agenda](#) – [Minutes](#)).

Prior to the original site plan approval process, the applicant had also applied and was approved for a rezoning from D3 (Downtown Overlay) to D4 (Downtown Overlay). The Planning Board recommended approval to the City Commission on April 28, 2021 ([Agenda](#) – [Minutes](#)), and the City Commission formally approved the rezoning on July 12, 2021 ([Agenda](#) – [Minutes](#)).

On December 14, 2022 ([Agenda](#)), the Planning Board moved to recommend approval to the City Commission a revised Special Land Use Permit, Final Site Plan and Design Review application for a revised building design and minimal changes to the site. The approval conditions were as follows:

1. The Planning Board approves the projection of the canopy into the right-of-way;
2. The applicant must still adhere to the principles accepted by the Planning Board in the Community Impact Study review and provide ample space for the separation of recycling in the trash area;
3. The Planning Board approves the use of arborvitae and masonry screen wall with metal gates to screen the proposed electrical equipment;

4. The applicant must submit revised plans demonstrating 70% clear glazing on the storefront facades or obtain a variance from the Board of Zoning Appeals;
5. The Planning Board approves the use of non-cutoff light fixtures;
6. The applicant must submit detailed and dimensioned sign plans that meet the requirements of the Sign Ordinance, or obtain a variance from the Board of Zoning Appeals; and
7. The applicant must comply with the requests of all City Departments.

At this time, the applicant has submitted an application to the Board of Zoning Appeals (BZA) for the two variances required for the proposed design (glazing, signage), and is scheduled to appear before the BZA on January 10, 2023.

A complete set of updated site/design plans that address all of the conditions of approval from the Planning Board and departmental comments will be provided to the City Commission at the public hearing.

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 was placed in a newspaper of local circulation to advertise the nature of the request in advance of the December 14, 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 meeting on February 13, 2023.

SUMMARY:

The Planning Division requests that the City Commission set a public hearing date of February 13, 2023 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 300 S. Old Woodward – RH.

ATTACHMENTS:

Please see attached the following documents:

- Special Land Use Permit Resolution
- Current Site/Design Plans
- Planning Board Report

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to set a public hearing date of February 13, 2023 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 300 S. Old Woodward – RH.

RH
300 S. Old Woodward
Special Land Use Permit 2023

WHEREAS, A Special Land Use Permit application was filed in November 2022 for approval of a new 4-story commercial building with a revised design and minor site changes to a property that was approved for an Economic Development Liquor License to be used for alcoholic beverage sales for on premise consumption at 300 S. Old Woodward;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the west side of S. Old Woodward, between Brown and Daines;

WHEREAS, The land is zoned B2 and D4, which permits alcoholic beverage sales for on premise consumption with a Special Land Use Permit;

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

WHEREAS, The Planning Board on December 14, 2022 reviewed the application for a Special Land Use Permit, Final Site Plan and Design Review and recommended approval to the City Commission with the following conditions:

1. The Planning Board approves the projection of the canopy into the right-of-way;
2. The applicant must still adhere to the principles accepted by the Planning Board in the Community Impact Study review and provide ample space for the separation of recycling in the trash area;
3. The Planning Board approves the use of arborvitae and masonry screen wall with metal gates to screen the proposed electrical equipment;
4. The applicant must submit revised plans demonstrating 70% clear glazing on the storefront facades or obtain a variance from the Board of Zoning Appeals;
5. The Planning Board approves the use of non-cutoff light fixtures;
6. The applicant must submit detailed and dimensioned sign plans that meet the requirements of the Sign Ordinance, or obtain a variance from the Board of Zoning Appeals; and
7. The applicant must comply with the requests of all City Departments.

WHEREAS, The Board of Zoning Appeals on January 10, 2023 reviewed the plans for a revised building design and minor site changes and **GRANTED/DID NOT GRANT** the following variances:

1. Dimensional variance of 48 sq. ft. of clear glazing on the Daines storefront;
2. Dimensional variance of 112 sq. ft. of clear glazing on the S. Old Woodward storefront;
3. Dimensional variance of 76 sq. ft. of clear glazing on the Brown storefront;
4. Dimensional variance of 66 sq. ft. of illuminated building identification signage.

WHEREAS, The applicant has complied with the conditions of approval required by the Planning Board and all City Departments;

WHEREAS, The Birmingham City Commission has conducted a public hearing on February 13, 2023, and has reviewed RH'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 RH's application for a Special Land Use Permit, Final Site Plan and Design Review at 300 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. RH shall abide by all provisions of the Birmingham City Code;
2. RH shall comply with the conditions of approval assigned by the Planning Board and City Commission; and
3. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest.

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

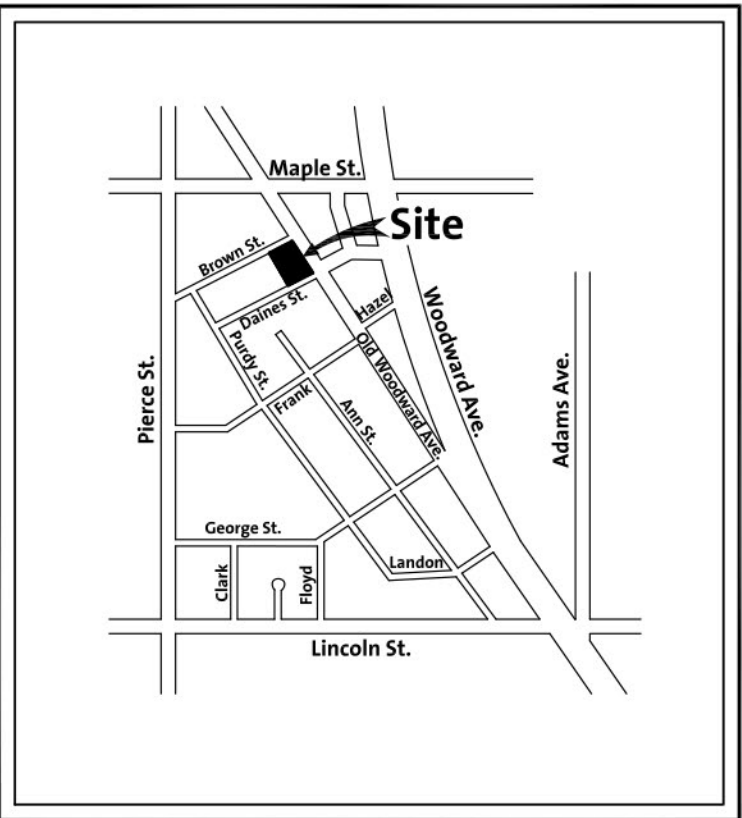
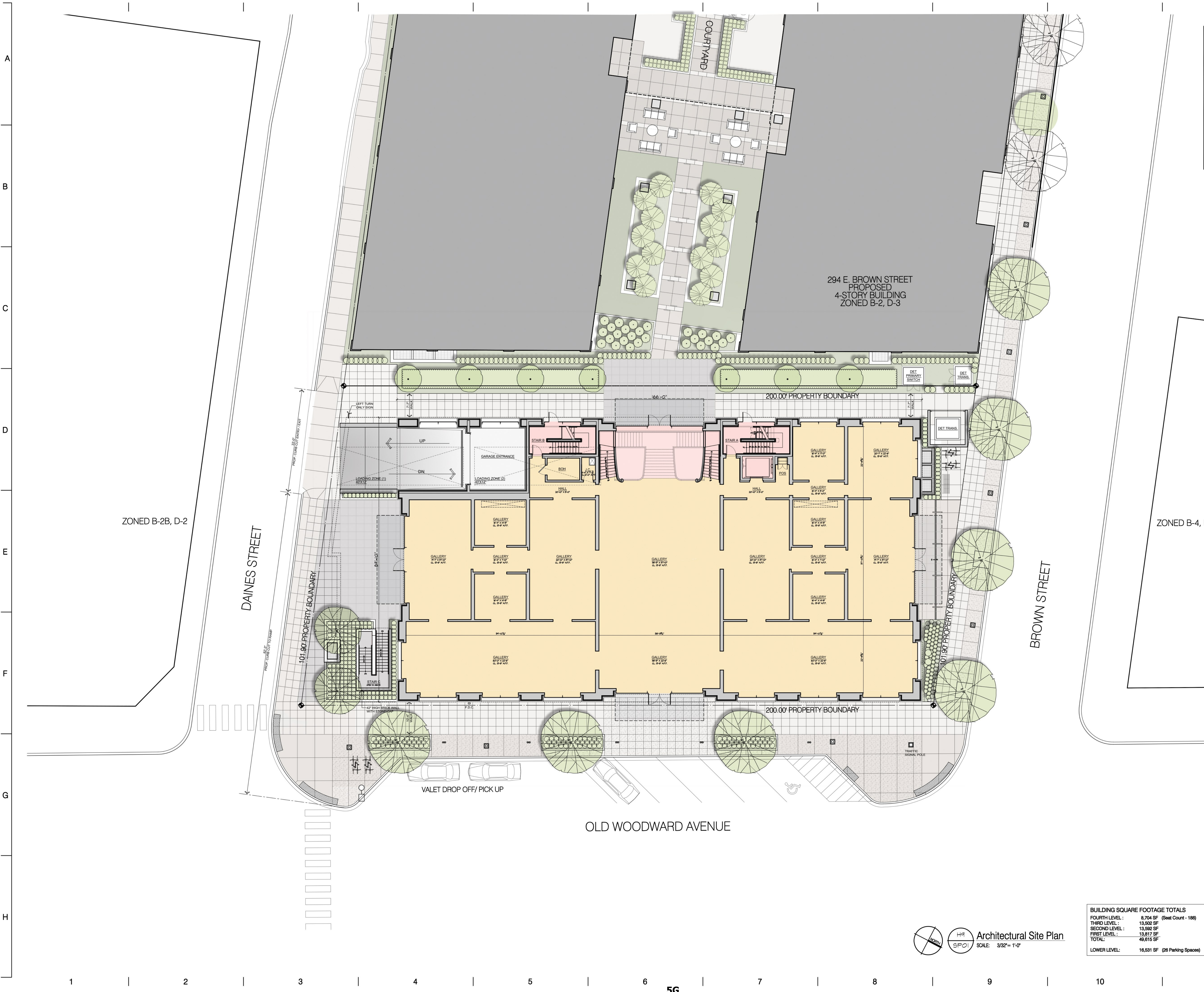
BE IT FURTHER RESOLVED, Except as herein specifically provided, RH and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of RH to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

BE FURTHER RESOLVED that RH is recommended for a new 4-story commercial building with a revised design and minor site changes with alcoholic beverage sales for on premise consumption, above all others, subject to final inspection.

I, Alexandria Bingham, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on February 13, 2023.

Alexandria Bingham
City Clerk





Site Location Map:
Not To Scale

LEGAL DESCRIPTION - SWAP
PARCEL 1
LAND SITUATED IN THE CITY OF BIRMINGHAM, OAKLAND COUNTY, MI, DESCRIBED AS FOLLOWS:
PART OF LOT 12 OF BROWN'S ADDITION SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 3 OF PLATS, PAGE 8 OF OAKLAND COUNTY RECORDS; BEING DESCRIBED AS: BEGINNING AT A POINT DISTANT 5.62°00'00"W. 119.37 FEET FROM THE NORTHEAST CORNER OF LOT 13 OF SAID BROWN'S ADDITION SUBDIVISION; THENCE S.35°35'52"E. 100.00 FEET; THENCE S.62°00'00"W. 30.76 FEET; THENCE N.36°14'00"W. 100.15 FEET; THENCE N.62°00'00"E. 31.88 FEET TO THE POINT OF BEGINNING. CONTAINING: 3,104 SQUARE FEET OR 0.07 ACRES OF LAND

LEGAL DESCRIPTION - SWAP
PARCEL 2
LAND SITUATED IN THE CITY OF BIRMINGHAM, OAKLAND COUNTY, MI, DESCRIBED AS FOLLOWS:
PART OF LOT 15 OF ADDITION TO WILLIAM BROWN'S ADDITION NO. 1 ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 3 OF PLATS, PAGE 8 OF OAKLAND COUNTY RECORDS; BEING DESCRIBED AS: BEGINNING AT A POINT DISTANT S.62°00'00"W. 119.37 FEET AND S.35°35'52"E. 100.00 FEET FROM THE NORTHEAST CORNER OF LOT 13 OF BROWN'S ADDITION SUBDIVISION AS RECORDED IN LIBER 3 OF PLATS, PAGE 8 OF OAKLAND COUNTY RECORDS; THENCE N.62°00'00"E. 19.24 FEET; THENCE S.35°14'00"E. 100.15 FEET; THENCE S.62°00'00"W. 20.36 FEET; THENCE N.35°35'52"W. 100.00 FEET TO THE POINT OF BEGINNING. CONTAINING: 1,963 SQUARE FEET OR 0.04 ACRES OF LAND

SAROKI
ARCHITECTURE
430 N. OLD WOODWARD
BIRMINGHAM, MI 48009
P. 248.258.5707
F. 248.258.5515
SarokiArchitecture.com

Project:
RH / Mixed-Use
300 S Old Woodward
Birmingham, MI 48009

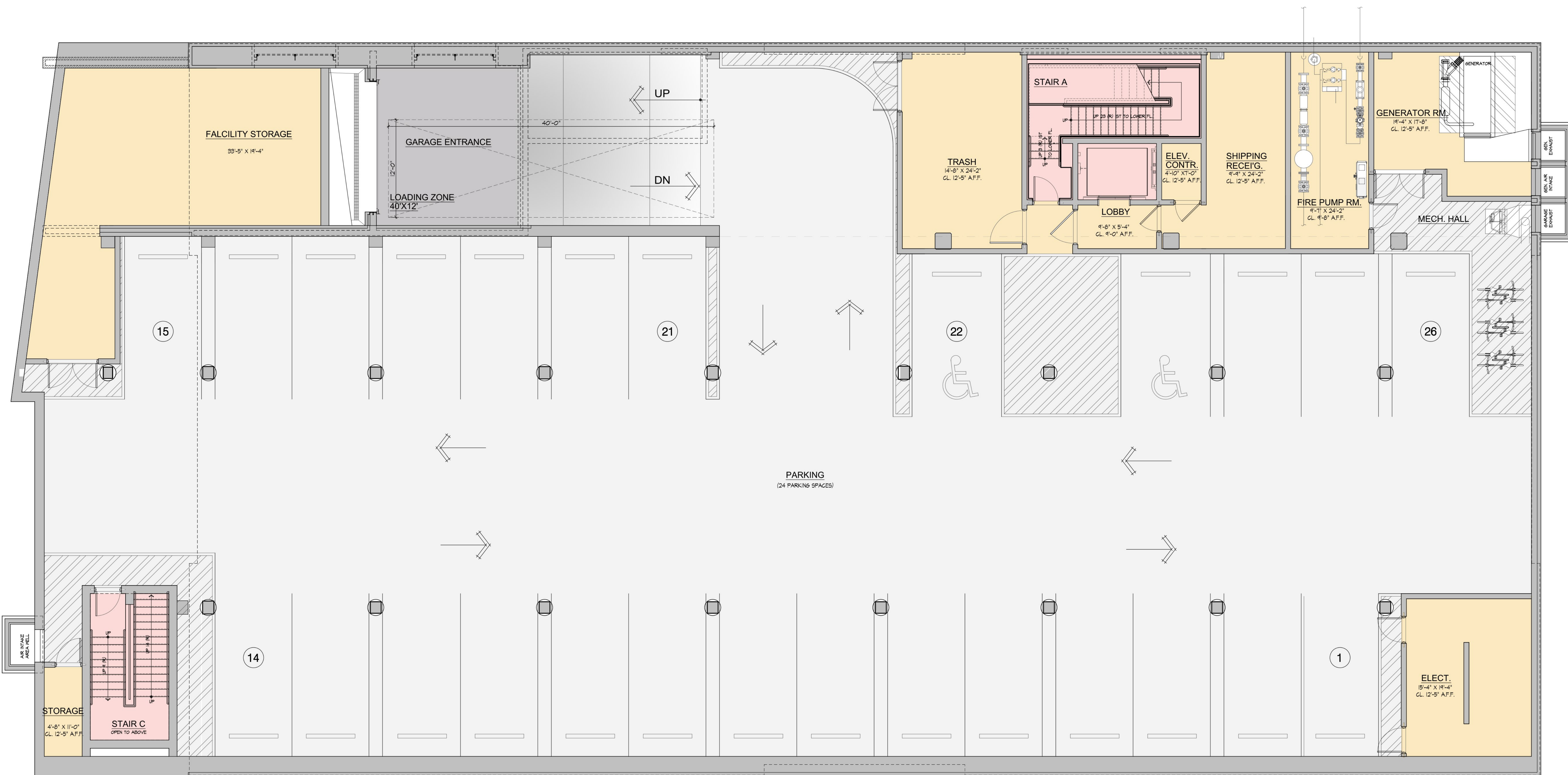
Date: Issued For:
11-09-2022 Pre-App.
11-18-2022 Final Site Plan Application

SP01
Architectural Site Plan

BUILDING SQUARE FOOTAGE TOTALS	
FOURTH LEVEL:	8,704 SF (Seat Count - 188)
THIRD LEVEL:	13,502 SF
SECOND LEVEL:	13,592 SF
FIRST LEVEL:	13,817 SF
TOTAL:	49,615 SF
LOWER LEVEL:	16,531 SF (28 Parking Spaces)

Architectural Site Plan
SCALE: 3/32" = 1'-0"

A
B
C
D
E
F
G
H



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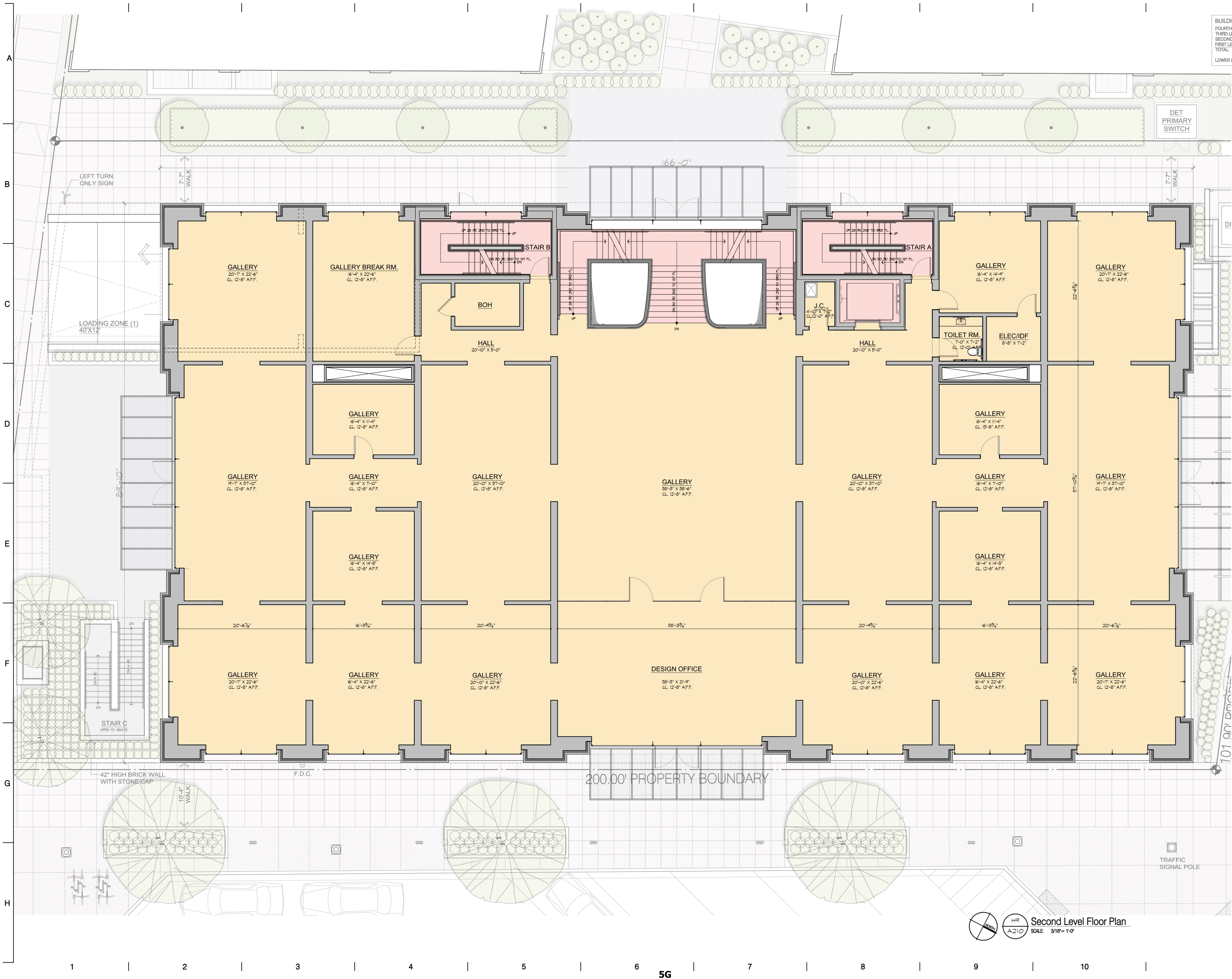
Project:
RH / Mixed-Use
300 S Old Woodward
Birmingham, MI 48009

Date: Issued For:
11-09-2022 Pre-App.
11-18-2022 Final Site Plan Application

Lower Level Parking Garage Floor Plan
SCALE: 3/16" = 1'-0"

A100
Lower Level Parking Garage
Floor Plan

BUILDING SQUARE FOOTAGE TOTALS	
FOURTH LEVEL:	8,704 SF (Seat Count - 188)
THIRD LEVEL:	13,502 SF
SECOND LEVEL:	13,692 SF
FIRST LEVEL:	13,817 SF
TOTAL:	49,615 SF
LOWER LEVEL:	16,531 SF (26 Parking Spaces)



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430 N. OLD WOODWARD
BIRMINGHAM, MI 48009
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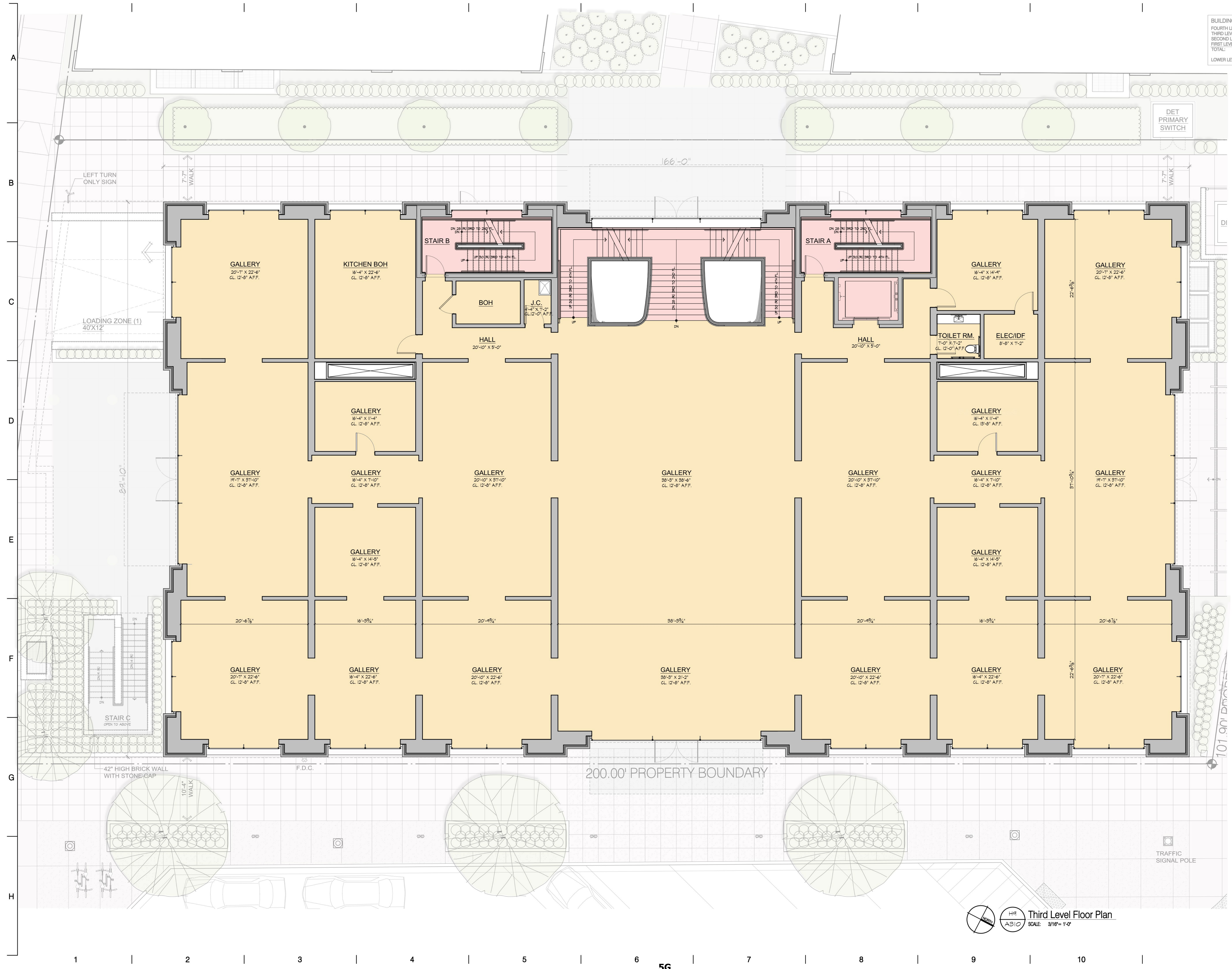
Project:
RH / Mixed-Use
300 S Old Woodward
Birmingham, MI 48009

Date: 11-08-2022 **Issued For:** Pre-App.
11-18-2022 Final Site Plan Application

Second Level Floor Plan
SCALE: 3/16" = 1'-0"

A210
Second Level Floor Plan

BUILDING SQUARE FOOTAGE TOTALS	
FOURTH LEVEL :	8,704 SF (Seat Count - 188)
THIRD LEVEL :	13,502 SF
SECOND LEVEL :	13,592 SF
FIRST LEVEL :	13,817 SF
TOTAL:	49,615 SF
LOWER LEVEL:	16,531 SF (26 Parking Spaces)



SAROKI
ARCHITECTURE
130 N. OLD WOODWARD
BIRMINGHAM, MI 48009
P. 248.258.5707
F. 248.258.5515
SarokiArchitecture.com

Project:
RH / Mixed-Use
100 S Old Woodward
Birmingham, MI 48009

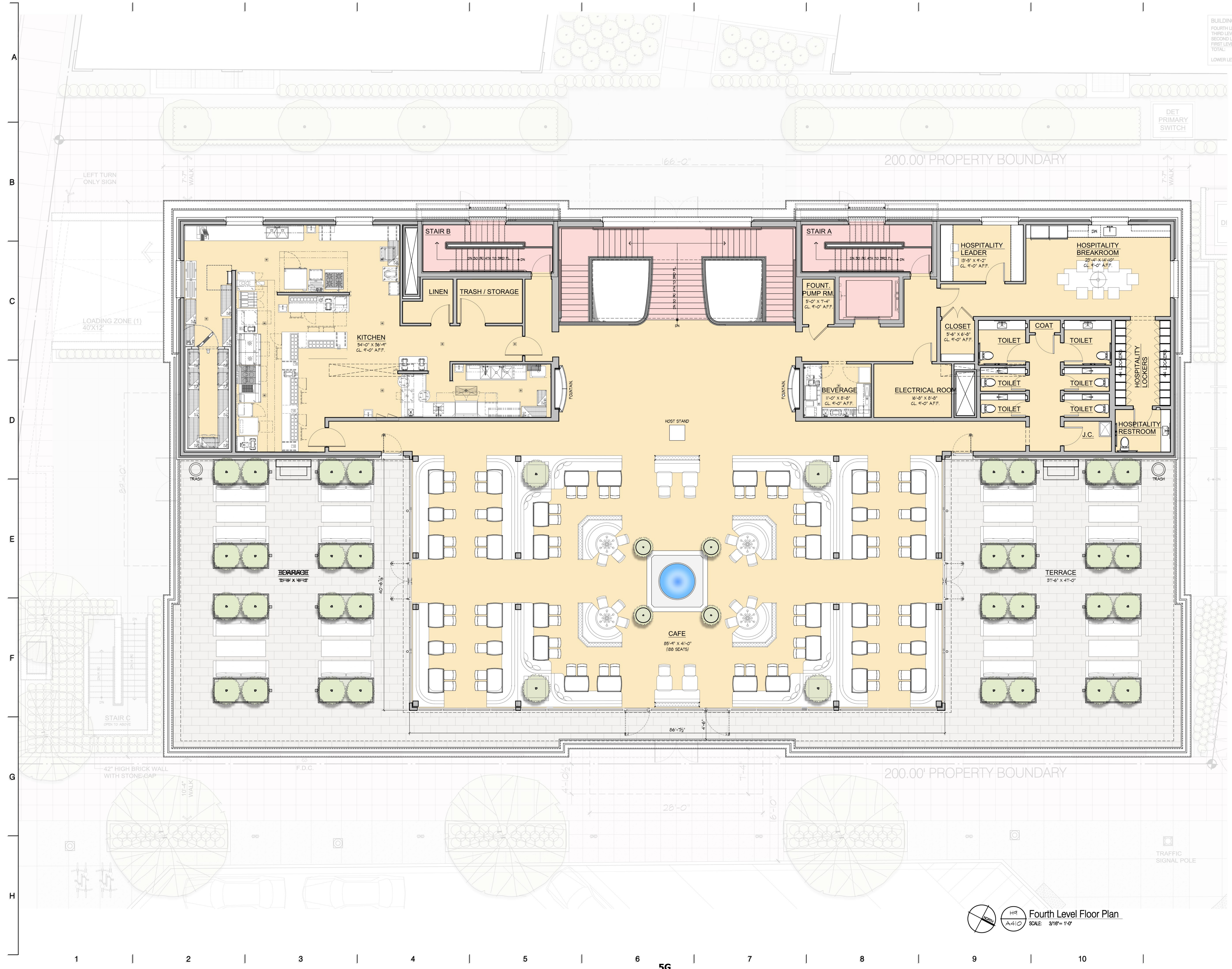
Date: Issued For:

1-09-2022 Pre-App.

1-18-2022 Final Site Plan Application

A310

Third Level Floor Plan



SAROKI
ARCHITECTURE

430 N. OLD WOODWARD
BIRMINGHAM, MI 48009
P. 248.258.5707
F. 248.258.5515

SarokiArchitecture.com

Project:
RH / Mixed-Use
300 S Old Woodward
Birmingham, MI 48009

Date: Issued For:

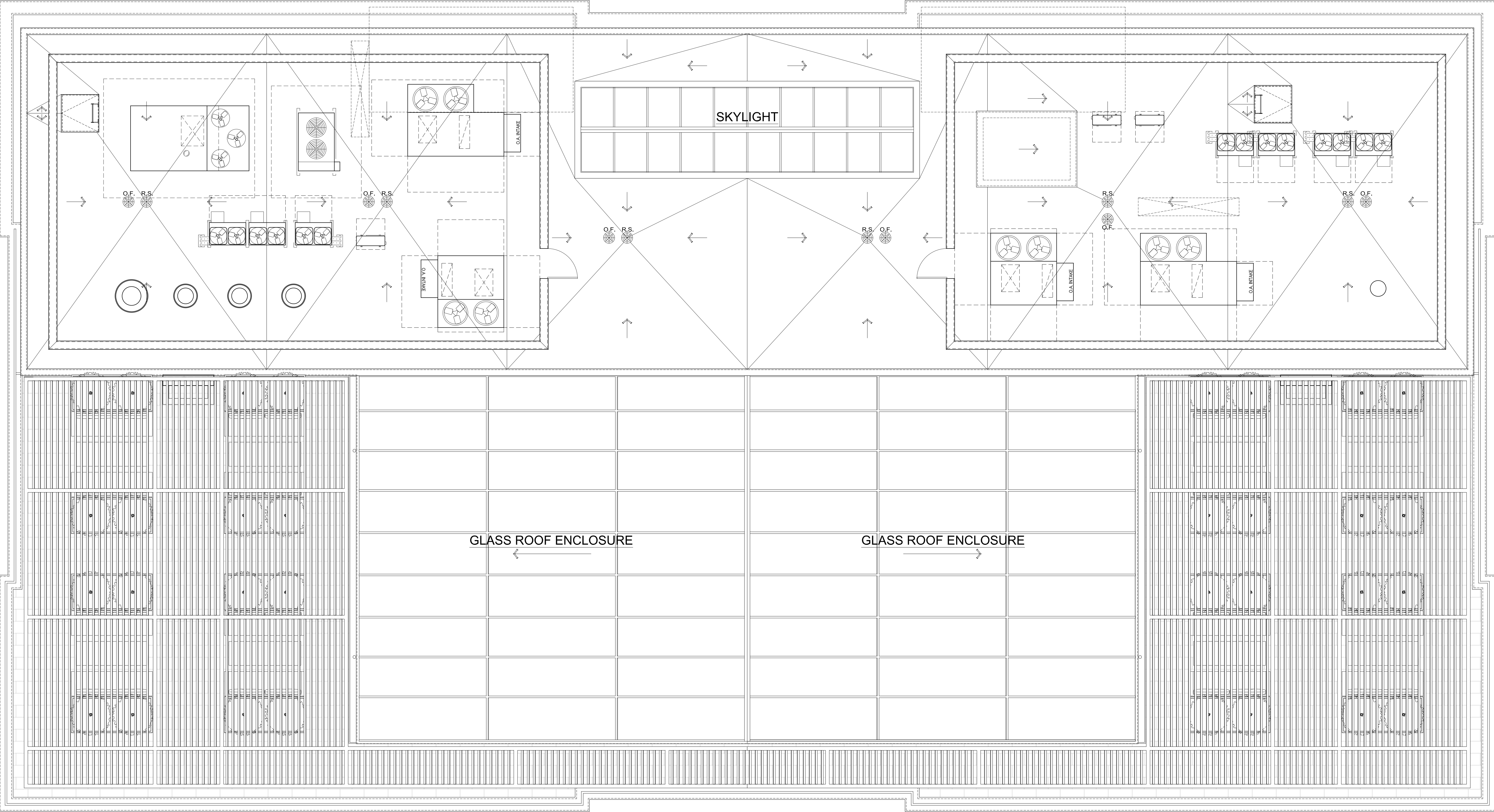
1-09-2022 Pre-App.

1-18-2022 Final Site Plan Application

A410

Fourth Level Floor Plan

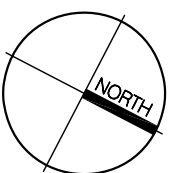
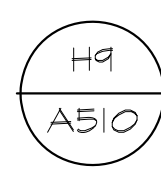
A
B
C
D
E
F
G
H



SAROKI
ARCHITECTURE
430 N. OLD WOODWARD
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SarokiArchitecture.com

Project:
RH / Mixed-Use
300 S Old Woodward
Birmingham, MI 48009

Date: 11-09-2022 **Issued For:** Pre-App.
11-18-2022 Final Site Plan Application

  **Roof Level Floor Plan**
SCALE: 3/16" = 1'-0"

A510
Roof Plan

A

B

C

D

E

F

G

H

1

2

3

4

5

6

5G

7

8

9

10



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H/O
A200
East Exterior Elevation (Old Woodward Ave.)
SCALE: 1/8" = 1'-0"

A200
EAST EXTERIOR ELEVATION

A

B

C

D

E

F

G

H



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[illegible]





North Exterior Elevation (Brown Street)
 SCALE: 1/8" = 1'-0"

A201
NORTH EXTERIOR ELEVATION

5G

H



Project:
CRH / Mixed-Use
 100 S Old Woodward
 Birmingham, MI 48009

Date: **Issued For:**

1-09-2022 Pre-App. _____

1-18-2022 Final Site Plan Application _____

Date: **Issued For:**

1-09-2022 Pre-App.

1-18-2022 Final Site Plan Application

A202

WEST EXTERIOR ELEVATION

A

B

C

D

E

F

G

H

1 2 3 4 5 6 7 8 9 10

5G



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H10
A203
South Exterior Elevation
SCALE: 1/8" = 1'-0"

A203
SOUTH EXTERIOR ELEVATION

A
B
C
D
E
F
G
H



H9
A204
StreetView Elevation
SCALE: 1/16" = 1'-0"

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Sheet No.:
A204
EXTERIOR ELEVATION

1 2 3 4 5 6 7 8 9 10



BLUESTONE PAVER



DECOMPOSED GRANITE



OUTDOOR FURNITURE



STEEL AND GLASS ROOFTOP RESTAURANT



ARCHITECTURAL BRICK



STEEL CANOPY, PERGOLA AND CONSERVATORY



OUTDOOR FURNITURE

RH

RH DETROIT
300 S Old Woodward
Birmingham, MI 48009

MATERIAL BOARD



5G





5G



GENERAL NOTES

GENERAL CONDITIONS:

- 1) CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND REPORT ANY DISCREPANCIES TO THE LANDSCAPE ARCHITECT AND GENERAL CONTRACTOR PRIOR TO SUBMITTING BID, PROPOSAL, OR BEGINNING ANY WORK.
- 2) EXCEPT AS OTHERWISE SHOWN OR SPECIFIED, THIS CONTRACT SHALL INCLUDE THE DISPOSAL OF EVERY DESCRIPTION NECESSARY TO SUCCESSFULLY COMPLETE THE WORK UNDER THIS CONTRACT TO THE LINES AND GRADES SHOWN ON THESE PLANS WITHIN THE LIMIT OF WORK.
- 3) THE CONTRACTOR SHALL LEGALLY DISPOSE OF ALL ITEMS TO BE REMOVED THAT ARE NOT TURNED OVER TO THE OWNER OR SPECIFIED FOR REUSE.
- 4) THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE INSIDE AND OUTSIDE LIMIT OF WORK DUE TO CONTRACT OPERATIONS.
- 5) DO NOT DISTURB EXISTING UTILITIES THAT SERVE AREAS SURROUNDING LIMIT OF WORK. IF SUCH UTILITIES ARE ENCOUNTERED, NOTIFY PROPERTY UTILITY COMPANY BEFORE PROCEEDING.
- 6) THE CONTRACTOR SHALL CONTACT THE PROPER LOCAL AUTHORITIES TO CONFIRM THE LOCATION OF EXISTING UTILITIES BEFORE COMMENCING WORK. ANY DAMAGE DUE TO FAILURE TO CONTACT THE PROPER AUTHORITIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- 7) THE CONTRACTOR SHALL REVIEW AND REVIEW ALL THE DRAWINGS AND SPECIFICATIONS FOR SPECIFIC COORDINATION REQUIREMENTS PRIOR TO COMMENCING CONSTRUCTION.
- 8) CONTRACTOR SHALL PROVIDE UNIT PRICING FOR ALL AREAS OF WORK.
- 9) PLANS ARE NOT VALID WITH APPROVAL AND PERMIT BY THE CITY OF BIRMINGHAM. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SECURING ALL REQUIRED PERMITS. THE CONTRACTOR SHALL SCHEDULE ALL REQUIRED INSPECTIONS.

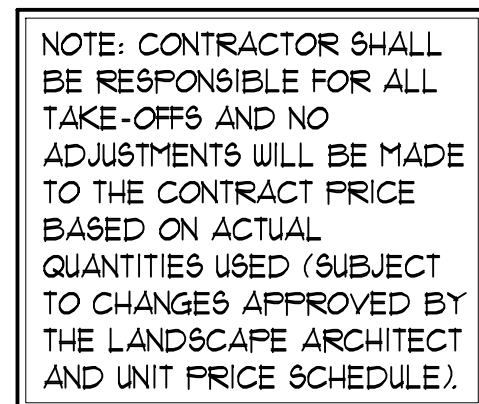
MASONRY CONSTRUCTION

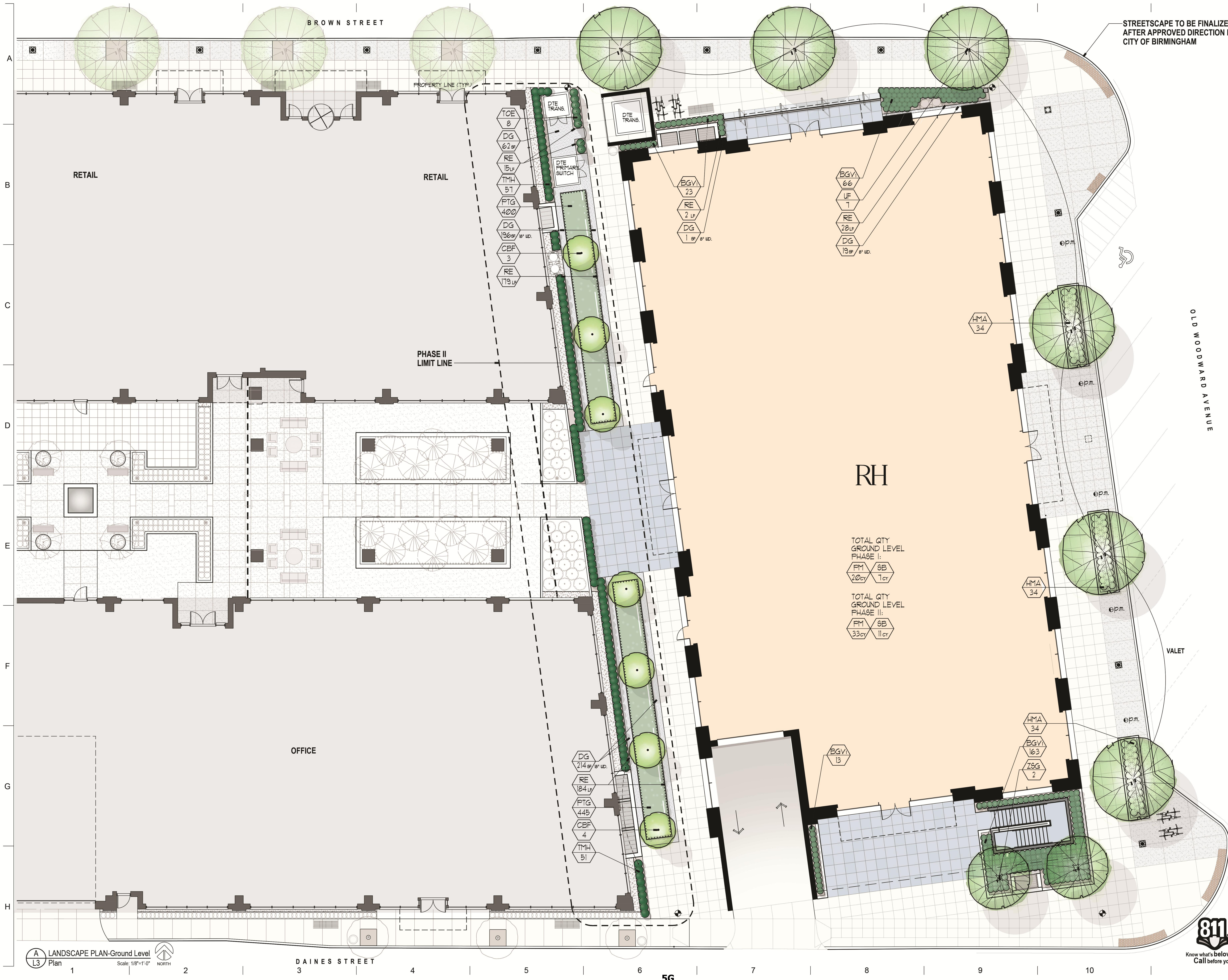
- 1) ALL PROPOSED AND FINISHED MASONRY ELEMENTS SHALL BE THOROUGHLY WASHED WITH AN ACID BASED CLEANER (SURE-KLEAN 6000) PER MANUFACTURERS SPECIFICATIONS. NO ACID BASED CHEMICALS SHOULD CONTACT INDIANA LIMESTONE.
- 2) THE CONTRACTOR IS RESPONSIBLE FOR ALL REQUIRED EARTHWORK AND EXCAVATIONS TO PROVIDE SCHEDULED WORK WITHIN EXCAVATED MATERIALS SHALL BE LEGALLY DISPOSED (OFF-SITE) INCLUDED IN THE SUBMITTED PROPOSAL.
- 3) THE CONTRACTOR SHALL INSTALL ALL PROPOSED WORK ON COMPACTED OR UNDISTURBED SUBGRADE.
- 4) ALL GRANITE FLATWORK JOINTS SHALL BE ALIGNED (STACKED BOND PATTERN). CONTRACTOR SHALL SQUARE EACH PIECE OF STONE PRIOR TO INSTALLATION TO MAINTAIN A CONSISTENT AND MAX. JOINT WIDTH OF 1/4" WIDE.
- 5) ALL PERIMETER FINISH CONCRETE SHALL BE SET ON A MIN. 1" THICK LATH MODIFIED MORTAR SETTING BED, APPLY L'ATCRETE 254 PLATINUM TINT SET TO THE BOTTOM OF EACH STONE AND TO THE CONCRETE BASE.

CONCRETE CONSTRUCTION:

- 1) THE CONTRACTOR SHALL LAUNCH PROPOSED EXPANSION FOR THE LANDSCAPE ARCHITECTS OR CONSTRUCTION MANAGER'S APPROVAL PRIOR TO INSTALLATION.
- 2) THE LANDSCAPE ARCHITECT OR CONSTRUCTION MANAGER SHALL APPROVE FINAL CONTRACTOR FORM WORK IN THE FIELD PRIOR TO POURING CONCRETE.
- 3) ALL EXPANSION JOINTS SHALL BE REMOULDED 1/2" WIDE AND INCLUDE EXPANSION JOINT MATERIAL. INCLUDE PREFABRICATED SNAP CAP PROVIDE EXPANSION JOINTS EVERY 4000 SF MAX.
- 4) EXPANSION JOINT MATERIAL: RESILIENT NON-EXTENDING TYPE PREMOULDED BITUMINOUS IMPREGNATED FIBERBOARD.
- 5) ALL EXPANSION JOINTS SHALL BE CALKED WITH DOW CORNING 100 SILICONE SEALANT (COLOR: LIGHT GRAY). CONTRACTOR SHALL REMOVE AND DISPOSE SNAP CAP PRIOR TO CONCRETE CULKING AND PROTECT/ABRASH/ALL CALK JOINTS FROM TRAFFIC DURING CURE TIME.
- 6) FINISH: BROOK FINISH ALL BROOK FINISH CONCRETE-FULL BROOK ACHRO66 FREELY FLOATED CONCRETE TO PRODUCE MEDIAN TEXTURE IN STRAIGHT LINES PERPENDICULAR TO MAIN LINE OF TRAFFIC. DO NOT DAFEN BROOKS. BROODING DIRECTION SHOULD BE MAINTAINED IN THE SAME DIRECTION FOR EACH CONCRETE POUR.
- 7) EXPANSION JOINT MATERIAL: RESILIENT NON-EXTENDING TYPE PREMOULDED BITUMINOUS IMPREGNATED FIBERBOARD.
- 8) JOINT LAYOUT SHALL BE EQUAL FLAG, DUE LENGTH EQUALLY BETWEEN EXPANSION JOINTS-SEE DRAWINGS FOR LAYOUT.
- 9) CONCRETE STRENGTH FOR ALL PROPOSED CONCRETE FLATWORK: SHALL BE MIN. 4000 PSI AND MIN. 3500 PSI. CONCRETE FOR ALL PROPOSED CONCRETE FLATWORK SHALL BE SET ON A MIN. 1" THICK LATH MODIFIED MORTAR SETTING BED, APPLY L'ATCRETE 254 PLATINUM TINT SET TO THE BOTTOM OF EACH STONE AND TO THE CONCRETE BASE.
- 10) THE CONTRACTOR IS RESPONSIBLE FOR ALL REQUIRED EARTHWORK AND EXCAVATIONS TO PROVIDE SCHEDULED WORK. ALL EXCAVATED MATERIALS SHALL BE LEGALLY DISPOSED (ON-SITE) IN PARK AS DIRECTED BY LANDSCAPE ARCHITECT, INCLUDED IN THE SUBMITTED BID PROPOSAL.
- 11) THE CONTRACTOR SHALL INSTALL ALL PROPOSED WORK ON COMPACTED OR UNDISTURBED SUBGRADE.
- 12) THE CONTRACTOR SHALL FORM ALL PROPOSED CONCRETE BASE WORK AND FOOTINGS TO MINIMIZE OVERLAPS. ALL FORMS SHALL BE REUSED.
- 13) THE CONTRACTOR SHALL PROTECT AND COVER ALL STORM CATCH BASINS WITH 8 OZ. NON-WOVEN GEOTEXTILE FILTER FABRIC PRIOR TO WASHING EXPOSED AGGREGATE CONCRETE TO INSURE CEMENT CREAM AND SAND DO NOT ENTER BASINS.
- 14) EXPOSED AGGREGATE CONCRETE: AFTER INITIAL CURE TO REMOVE ANY DISCOLORATION AND SEAL WITH EUCIL CHROME CO. SUPER DIAMOND CLEAR 350 SEALER PER MANUFACTURERS SPECIFICATION. CONTRACTOR SHALL PROTECT/ABRASH/ALL SEALED AREAS FROM PEDESTRIAN AND VEHICULAR TRAFFIC DURING CURE TIME.
- 15) CONCRETE FINISH DESIGNS:
 - A) BROOK FINISH CONCRETE:
SAND: 2% SAND, ASTM C-33 1350 LB5
COURSE AGGREGATE: 66A LIMESTONE PRESQUE ISLE ASTM C-33 1600 LB5
CEMENT: TYPE I ASTM C50 988 LB5
WATER: CITY TAP WATER 31.5 GALS.
ADMITURE: ASTM C160 DAREX AEA BY UR GRACE CO. 1302/CY LD.
 - B) EXPOSED AGGREGATE CONCRETE:
SAND: 2% SAND, ASTM C-33 1350 LB5
COURSE AGGREGATE: 1A ASTM C-33 1980 LB5
CEMENT: TYPE I ASTM C50 988 LB5
WATER: CITY TAP WATER 31.5 GALS.
ADMITURE: ASTM C160 DAREX AEA BY UR GRACE CO. 1302/CY LD.
- 16) REBELE: WASHED, SUBMIT SAMPLE TO LANDSCAPE ARCHITECT FOR APPROVAL.
- 17) FOR ALL EXPOSED AGGREGATE CONCRETE, AFTER INITIAL CURE TO REMOVE ANY DISCOLORATION AND SEAL WITH EUCIL CHROME CO. SUPER DIAMOND CLEAR 350 SEALER PER MANUFACTURERS SPECIFICATION. CONTRACTOR SHALL PROTECT/ABRASH/ALL SEALED AREAS FROM PEDESTRIAN AND VEHICULAR TRAFFIC DURING CURE TIME.

APPROVED AND SPECIFIED SEALER.





STREETSCAPE TO BE FINALIZED
AFTER APPROVED DIRECTION BY
CITY OF BIRMINGHAM

RH

RH DETROIT
300 S Old Woodward
Birmingham, MI 48009

LANDSCAPE
ARCHITECTURE

MICHAEL J. DUL
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SAROKI

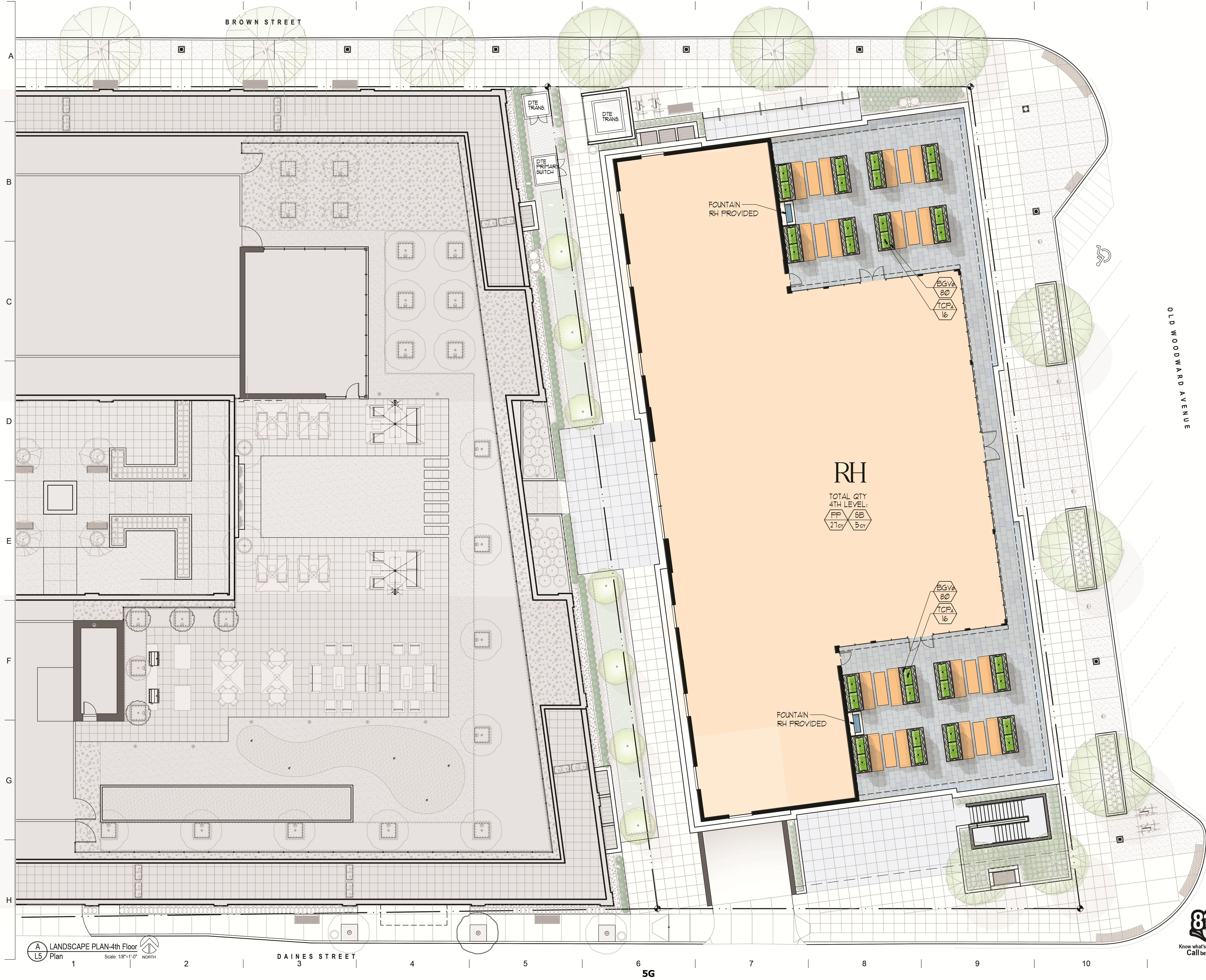
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RH

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Date: 11-18-2022
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Sheet No.:

L4.1
LANDSCAPE PLAN-
4th Floor



A

PLANT & MATERIAL SCHEDULE						
Sym.	Qty.	Botanical Name	Common Name	Size	Root	Comments
GROUND LEVEL-PHASE I						
Deciduous Trees						
UF	1	Ulmus carpinifolia x parvifolia 'Frontier'	Frontier Hybrid Elm	3½-4" cal.	B4B	MATCHED SPECIMENS-Full heads
Z5G	2	Zelkova serrata 'Green Vase'	Green Vase Japanese Zelkova	3½-4" cal.	B4B	MATCHED SPECIMENS-Full heads
Shrubs						
BGV1	26T	Buxus x microphylla 'Green Velvet'	Green Velvet Boxwood	18-24"	B4B	Space 15" o.c., maintain as clipped mass
Perennials/Groundcovers						
HMA	102	Hakonechloa macra 'All Gold'	All Gold Japanese Forest Grass	1 gal.	Can	Space 15" o.c.
Materials						
DG	20 sf	¼" minus Decomposed Granite-2" compacted depth and washed on a min. 6" deep 21AA Limestone aggregate on 4 oz. non-woven filter fabric				
RE	30 lf	¾" x 4" J.D. Russell Steel Edging (BLACK)-install per manufacturer's specifications				
SB	1 cy	Shredded hardwood bark mulch (seasoned, dark brown), 3" deep in perennial and groundcover beds, 4" depth in shrub/tree beds.				
FM	20 cy	Planting mix - 3 parts well drained screened imported topsoil, to 1 part clean sand, to 1 part Canadian sphagnum peat moss, to 1 part natural compost (weed-free), and 10% poultry manure, install 12" deep in all planting beds				
GROUND LEVEL-PHASE II						
Deciduous Trees						
CBF	1	Carpinus betulus 'Frans Fontaine'	Frans Fontaine Hornbeam	3-3½" cal.	B4B	MATCHED SPECIMENS-Single stem
Shrubs						
TMH	108	Taxus x media 'Hatfield' or 'Moon'	Hatfield or Moon Yew	30-36"	B4B	Space 18" o.c., clip into hedge
TOE	8	Thuja occidentalis 'Emerald'	Emerald Green Arborvitae	6-7" ht.	B4B	Space 18" o.c., clip into hedge
Perennials/Groundcovers						
PTG	845	Pachysandra terminalis 'Green Carpet'	Green Carpet Pachysandra	1 gal.	Can	Space 12" o.c., acidify soil
Materials						
DG	472 sf	¼" minus Decomposed Granite-2" compacted depth and washed on a min. 6" deep 21AA Limestone aggregate on 4 oz. non-woven filter fabric				
RE	378 lf	¾" x 4" J.D. Russell Steel Edging (BLACK)-install per manufacturer's specifications				
SB	11 cy	Shredded hardwood bark mulch (seasoned, dark brown), 3" deep in perennial and groundcover beds, 4" depth in shrub/tree beds.				
FM	33 cy	Planting mix - 3 parts well drained screened imported topsoil, to 1 part clean sand, to 1 part Canadian sphagnum peat moss, to 1 part natural compost (weed-free), and 10% poultry manure, install 12" deep in all planting beds				
4TH LEVEL						
Deciduous Trees (All Pleached Trees shall be contract grown William F Hammell Nurseries 610-942-8733. All Pleached Trees tagged by RH)						
TCPA	32	Tilia cordata- PLEACHED	PLEACHED Littleleaf Linden	3-4" cal.	B4B	MATCHED SPECIMENS-Single stem Consistent 60" branch height, 24" wd. x 48" lg. x 18" high canopies, Space 48" o.c.
Shrubs						
BGVe	160	Buxus x microphylla 'Green Velvet'	Green Velvet Boxwood	18-24"	B4B	Cubed at 18" x 20" plants-space 18" o.c. east to west and 20" north to south
Materials						
SB	5 cy	Shredded hardwood bark mulch (seasoned, dark brown), 3" deep in perennial and groundcover beds, 4" depth in shrub/tree beds.				
FF	27 cy	Planter mix - PRO-MIX 'BRK' Planter Soil Mix-install full depth in all planters (ave. 16" deep), 9.61 bags (28 cf.) per cy. (262 bags required)				
		Include 4 oz. non-woven filter fabric soil separator-wrap sides of planter and irrigation sleeves,				
		Include min. 3" deep 6A Limestone drainage aggregate at base				

B

C

D

E

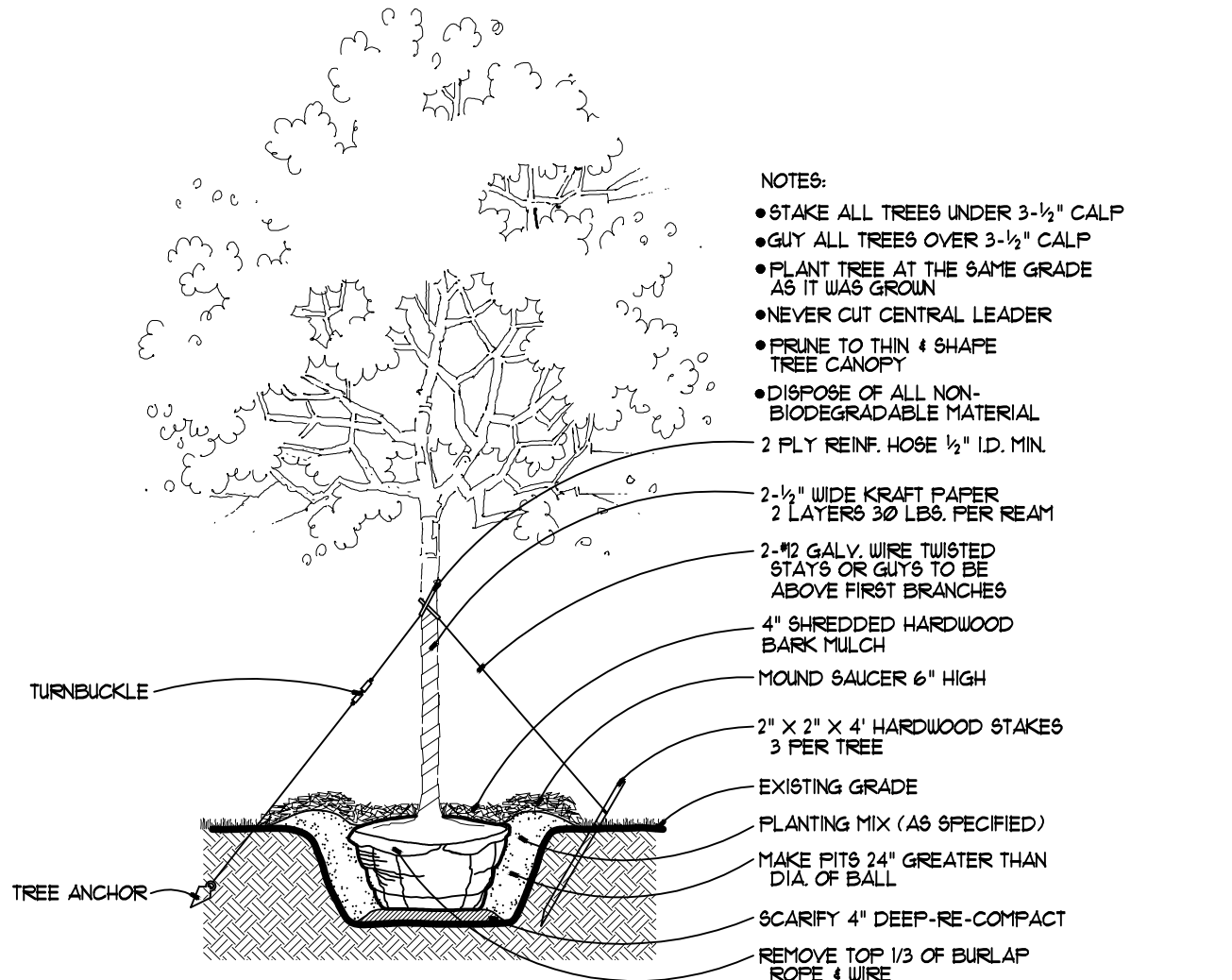
F

G

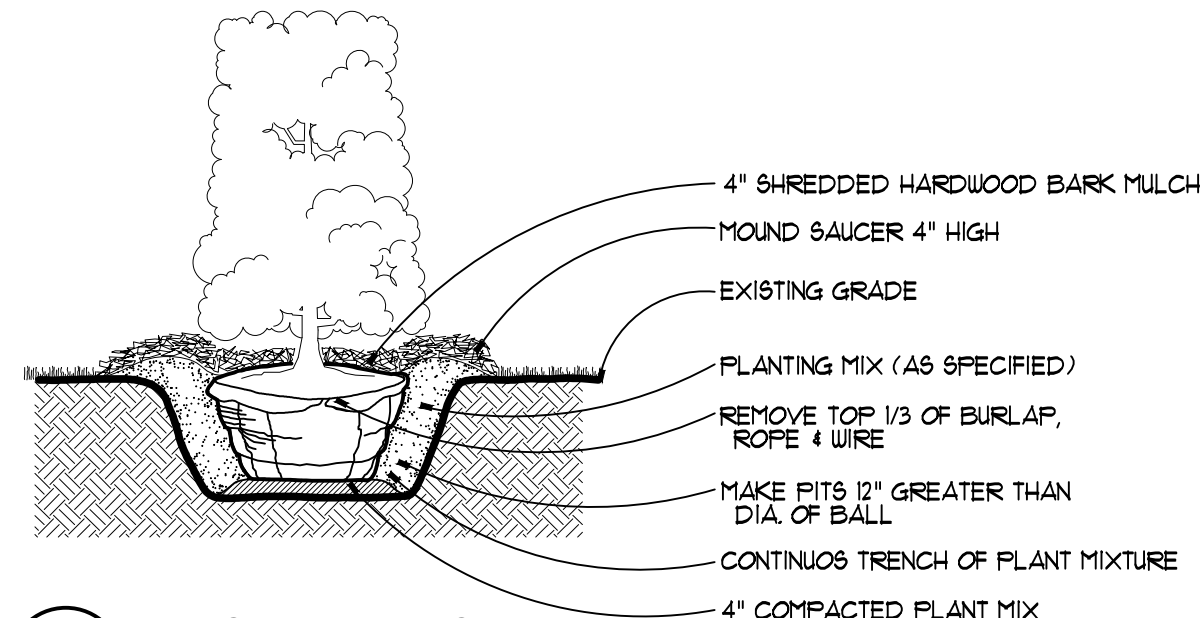
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LANDSCAPE DEVELOPMENT NOTES

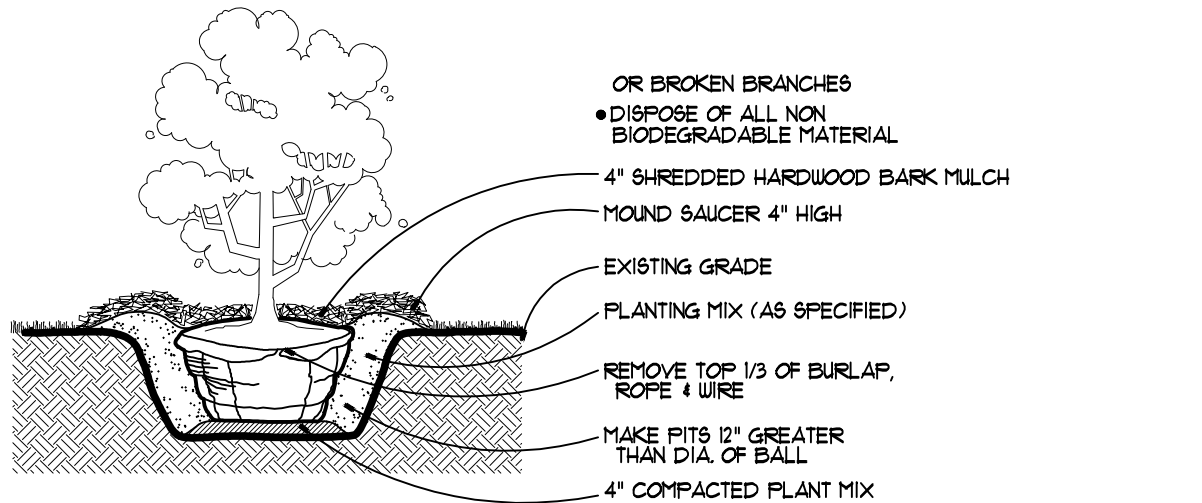
- 1) ALL EXISTING AND/OR PROPOSED SITE UTILITIES SHALL BE FIELD LOCATED, FLAGGED, AND VERIFIED PRIOR TO ANY LANDSCAPE OR IRRIGATION CONSTRUCTION.
- 2) ALL SPECIFIED AND INSTALLED PLANT MATERIAL SHALL BE IN FULL AND STRICT ACCORDANCE WITH AMERICAN NURSERYMAN STANDARDS (LATEST EDITION) AND BE:
 - A.) NURSERY GROWN.
 - B.) STATE DEPARTMENT OF AGRICULTURE INSPECTED AND APPROVED.
 - C.) NO. 1 GRADE WITH STRAIGHT, UNSCARRED TRUNKS & WELL-DEVELOPED UNIFORM CROWNS ON TREES.
 - D.) WARRANTED FOR A MIN. 1 YEAR FROM DATE OF ACCEPTANCE.
- 3) SPECIFIED PLANTING SOIL MIXTURE FOR ALL SPECIFIED BEDS & PLANTS SHALL BE THREE (3) PARTS IMPORTED WELL-DRAINED, SCREENED ORGANIC TOPSOIL, TO ONE (1) PART IMPORTED CLEAN SAND, TO ONE (1) PART CANADIAN SPHAGNUM PEAT MOSS, TO ONE (1) PART NATURAL COMPOST (WEED-FREE)-COMPLETE WITH 10% NATURAL POULTRY MANURE. INSTALL 12" MINIMUM DEPTH IN ALL PERENNIAL, GROUNDCOVER, ANNUAL, AND SHRUB BEDS. ALL BEDS MUST BE EXCAVATED, REMOVE AND DISPOSE (OFF-SITE) EXISTING EARTH/SOIL TO ACCEPT PROPOSED PLANT MIXTURE.
- 4) PROPOSED SHREDDED HARDWOOD BARK MULCH SHALL BE SEASONED FOR A MINIMUM 6 MONTHS, DARK BROWN IN COLOR, AND INSTALLED 4" DEEP UNDER ALL PROPOSED TREES (INCLUDED IN UNIT COST), 4" DEEP IN ALL SHRUB AND TREE BEDS, AND 3" DEEP IN ALL PERENNIAL AND GROUNDCOVER BEDS.
- 5) ALL PROPOSED LAWN AND LANDSCAPE AREAS SHALL BE WATERED BY AN AUTOMATICALLY OPERATED SPRINKLER IRRIGATION SYSTEM, SEE IRRIGATION PLAN(S).
- 6) ALL PROPOSED "SPECIMEN" PLANT MATERIAL MUST BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION AND/OR DELIVERY TO THE SITE.
- 7) THE LANDSCAPE CONTRACTOR SHALL KEEP THE STREET AND DRIVE CLEAN AND FREE OF DIRT AND DEBRIS AT ALL TIMES, AND SHALL THOROUGHLY SWEEP AND/OR WASH THE DRIVE AT THE END OF EACH WORK DAY.
- 8) THE LANDSCAPE CONTRACTOR SHALL STAKE THE LOCATION OF ALL PROPOSED TREES FOR THE LANDSCAPE ARCHITECT TO APPROVE PRIOR TO PLANTING. THE LANDSCAPE CONTRACTOR SHALL ALSO SET ON-SITE ALL SHRUBS, PERENNIALS, ORNAMENTAL GRASSES, VINES, AND GROUNDCOVERS AS PER PLAN FOR THE LANDSCAPE ARCHITECT TO APPROVE PRIOR TO PLANTING.
- 9) ALL DEAD AND UNACCEPTABLE PLANT MATERIALS SHALL BE REPLACED BY THE LANDSCAPE CONTRACTOR DURING THE WARRANTY PERIOD. THE WARRANTY PERIOD SHALL BE ONE (1) YEAR FROM THE ACCEPTANCE OF INSTALLATION ISSUED BY THE LANDSCAPE ARCHITECT.
- 10) PROPOSED 60D LAWN AREAS: FINE GRADE EXISTING TOPSOIL, REMOVE AND DISPOSE (OFF-SITE) EXISTING ROOTS, ROCKS, AND DEBRIS, INCLUDE IMPORTING A MIN. 3" (AVE.) IMPORTED SCREENED TOPSOIL TO FINE GRADE ALL AREAS
- FERTILIZE-MIN. 1 APPLICATION: STARTER FERTILIZER (13-26-12) WITH 50% SLOW RELEASE NITROGEN AT INITIAL INSTALLATION OF 60D RATE OF 5 LBS. PER 1000 SF. OR 218 LBS. PER ACRE



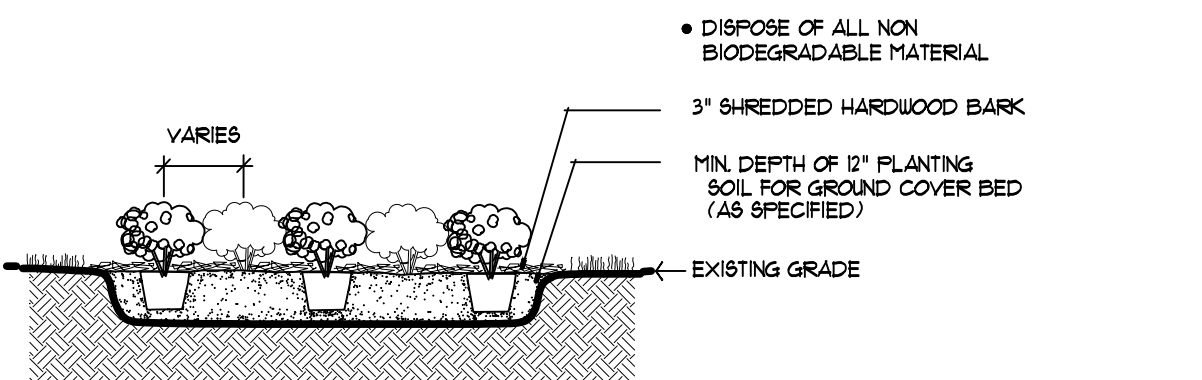
DECIDUOUS TREE PLANTING
Section No Scale



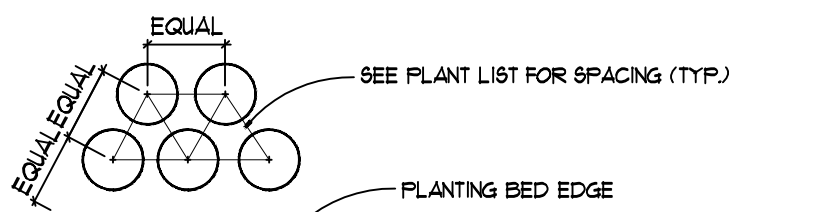
HEDGE PLANTING
Section No Scale



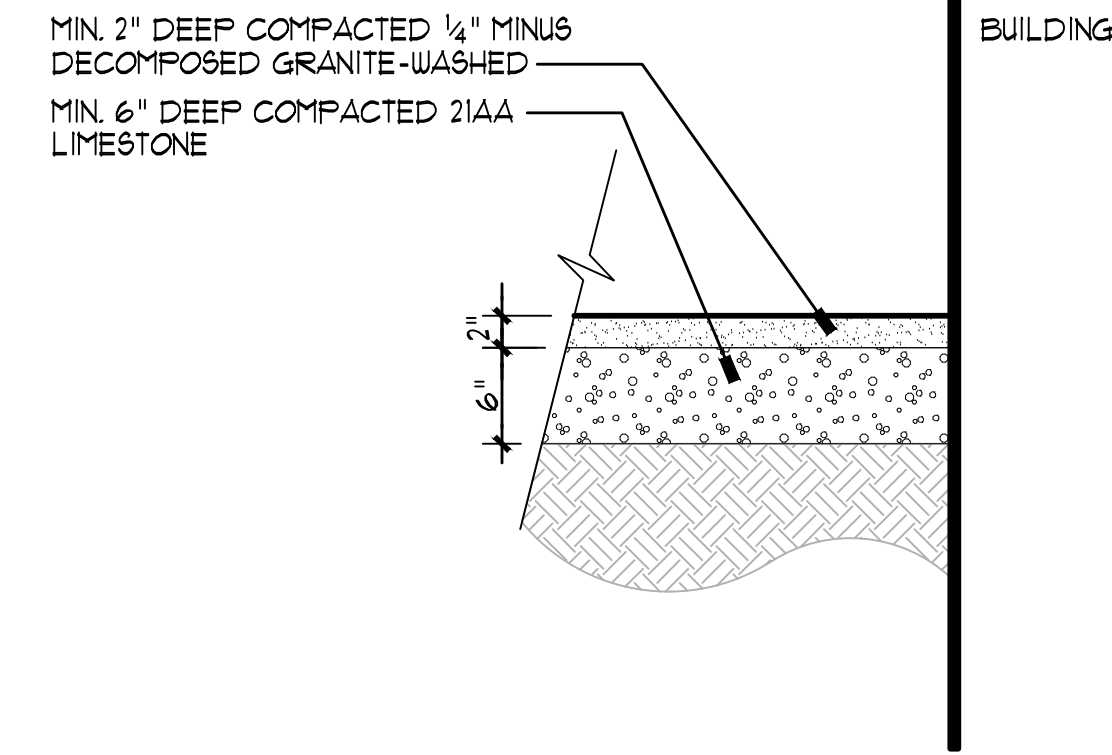
SHRUB PLANTING
Section No Scale



GROUNDCOVER/PERENNIAL PLANTING
Section No Scale



GROUNDCOVER/PERENNIAL PLANTING
Plan No Scale



DECOMPOSED GRANITE DETAIL
Section Scale 1"=1'-0"

NOTE: CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TAKE-OFFS AND NO ADJUSTMENTS WILL BE MADE TO THE CONTRACT PRICE BASED ON ACTUAL QUANTITIES USED (SUBJECT TO CHANGES APPROVED BY THE LANDSCAPE ARCHITECT AND UNIT PRICE SCHEDULE.)



RH

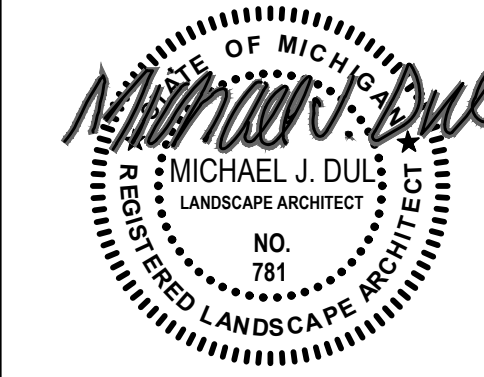
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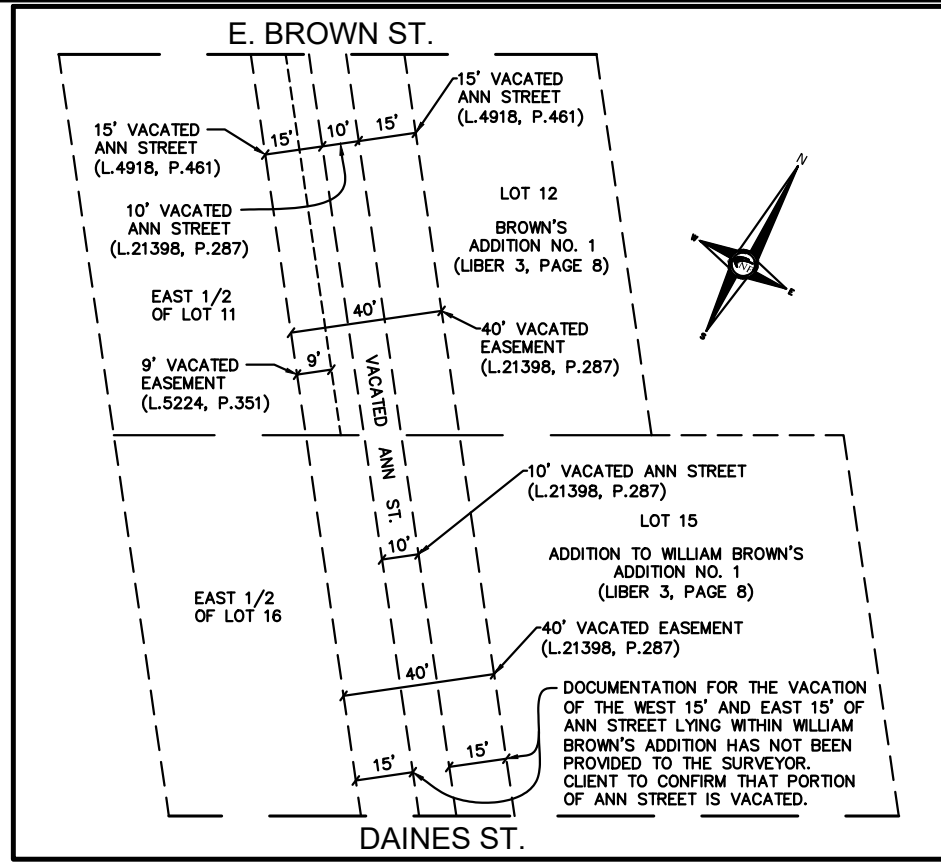
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Sheet No.:

L5
LANDSCAPE DETAILS &
SPECIFICATIONS



ANN STREET SKETCH

1" = 50'

FLOOD HAZARD NOTE

THE PROPERTY DESCRIBED ON THIS SURVEY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY THE FEDERAL AGENCY. FLOOD HAZARD MAP NO. 174, DATED 09-29-2006, ZONE X OF THE FLOOD INSURANCE RATE MAP IDENTIFIED AS MAP NO. 26125C0537F BEARING AN EFFECTIVE DATE OF 09-29-2006.

MISS DIG / UTILITY DISCLAIMER NOTE

A MISS DIG TICKET NUMBER A003240501, 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 DECEMBER 28, 2020. 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 UTILITY COMPANY OWNERS AND/OR THEIR AUTHORIZED AGENTS, THE COMPLETENESS AND EXACTNESS OF THE UTILITIES LOCATION.

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.

ALTA SURVEY NOTES

THERE IS NO VISIBLE EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADJUSTMENTS.

THERE IS NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES AND THERE IS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIR.

THERE IS NO VISIBLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SLUMP OR SANITARY LANDFILL.

THERE IS NO VISIBLE EVIDENCE OF ANY WETLAND AREAS.

LOCATION OF UTILITIES EXISTING ON OR SERVING THE PROPERTY AS DETERMINED BY OBSERVED EVIDENCE OR EVIDENCE FROM PLANS REQUESTED BY THE SURVEYOR AND OBTAINED FROM UTILITY COMPANIES.

THE SUBJECT PROPERTY HAS ACCESS TO S. OLD WOODWARD AVENUE, E. BROWN STREET AND DAINES STREET, ALL BEING A PUBLICLY DEDICATED ROAD.

BASIS OF BEARING NOTE

ALL BEARINGS ARE IN RELATION TO THE PREVIOUSLY ESTABLISHED SOUTH RIGHT-OF-WAY LINE OF STREET (60' WIDE) (NOW KNOWN AS BROWN STREET) OF BROWN'S ADDITION AS RECORDED IN LIBER 3 OF PLATS, PAGE 8, OAKLAND COUNTY RECORDS. (N.62E.)

DATUM NOTE

ALL ELEVATIONS SHOWN HEREON ARE ON THE CITY OF BIRMINGHAM'S VERTICAL DATUM, REFERENCE HEREON, IS ONE (1.00) FOOT HIGHER THAN THE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D. 88).

SURVEY DATA

SITE AREA:

PARCEL 1: 13,818.22 SQUARE FEET OR 0.317 ACRES
PARCEL 2: 18,892.06 SQUARE FEET OR 0.433 ACRES
PARCEL 3: 13,204.93 SQUARE FEET OR 0.303 ACRES
PARCEL 3: 8,137.75 SQUARE FEET OR 0.187 ACRES
TOTAL: 54,052.96 SQUARE FEET OR 1.24 ACRES

ZONED:

B2, GENERAL BUSINESS DISTRICT

PARKING SPACES:

PARCEL 1: 9 REGULAR SPACES
PARCEL 2: 46 REGULAR SPACES AND 3 BARRIER-FREE SPACES
PARCEL 3: 20 REGULAR SPACES AND 1 BARRIER-FREE SPACE
PARCEL 3: NO ON-SITE PARKING SPACES

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.

DTE DISCLAIMER NOTE

PLEASE NOTE THAT DTE HAS NEW REGULATIONS THAT MAY IMPACT DEVELOPMENT OUTSIDE THEIR EASEMENT OR THE PUBLIC RIGHT OF WAY. CLIENT SHALL CONTACT DTE TO DETERMINE THE "NEW STRUCTURES AND POWER LINE" REQUIREMENTS AS THEY MAY APPLY TO ANY FUTURE BUILDING OR RENOVATION OF A STRUCTURE. DTE ENERGY CAN BE CONTACTED AT 800-477-4747

LEGAL DESCRIPTION - PARCEL 2 (PER TITLE COMMITMENT)

LAND IN THE CITY OF BIRMINGHAM, OAKLAND COUNTY, MI, DESCRIBED AS FOLLOWS:

THE EASTERLY 50 FEET OF LOT 12, AND THE WESTERLY PART OF LOT 13, MEASURING 82.45 FEET ON THE NORTH LOT LINE AND 82.48 FEET ON THE SOUTH LOT LINE OF BROWN'S ADDITION SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 3 OF PLATS, PAGE 8 OF OAKLAND COUNTY RECORDS.

ADDRESS: 300 S. OLD WOODWARD AVENUE, BIRMINGHAM, MI 48009

TAX ID NUMBER: 19-36-204-006

TITLE REPORT NOTES - PARCEL 2

REFERENCE FIRST AMERICAN TITLE INSURANCE COMPANY FILE NUMBER: 910053, COMMITMENT DATE: DECEMBER 21, 2020, REVISION B.

SCHEDULE B, PART II, EXCEPTIONS:

EXCEPTIONS: 1, 4, 5, 6, 7, 8, 10, 11, 14 AND 15 REFER TO THE OWNERSHIP OF THE PROPERTY AND/OR ARE NOT PLOTTABLE.

2. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY MAKING INQUIRY OF PERSONS IN POSSESSION THEREOF OF THE LAND.

3. EASEMENTS, ENCUMBRANCES, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS.

9. TERMS AND CONDITIONS CONTAINED IN RESOLUTION AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 8715, PAGE 137. (NO EASEMENTS OR RESTRICTIONS WITHIN SAID DOCUMENT, NOT PLOTTED)

12. 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.

13. RIGHTS OF TENANTS, IF ANY, UNDER ANY UNRECORDED LEASES.

LEGAL DESCRIPTION - PARCEL 3 (PER TITLE COMMITMENT)

LAND IN THE CITY OF BIRMINGHAM, OAKLAND COUNTY, MI, DESCRIBED AS FOLLOWS:

LOT(S) 14, EXCEPT THAT PART TAKEN FOR WIDENING WOODWARD AVENUE OF ADDITION TO WILLIAM BROWN'S ADDITION NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 3 OF PLATS, PAGE 8 OF OAKLAND COUNTY RECORDS.

ADDRESS: 394 S. OLD WOODWARD AVENUE, BIRMINGHAM, MI 48009

TAX ID NUMBER: 19-36-204-014

TITLE REPORT NOTES - PARCEL 3

REFERENCE FIRST AMERICAN TITLE INSURANCE COMPANY FILE NUMBER: 910453, COMMITMENT DATE: DECEMBER 21, 2020, REVISION A.

SCHEDULE B, PART II, EXCEPTIONS:

EXCEPTIONS: 1, 4, 5, 6, 7, 9, 10, 13 AND 14 REFER TO THE OWNERSHIP OF THE PROPERTY AND/OR ARE NOT PLOTTABLE.

2. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY MAKING INQUIRY OF PERSONS IN POSSESSION THEREOF OF THE LAND.

3. EASEMENTS, ENCUMBRANCES, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS.

8. TERMS AND CONDITIONS CONTAINED IN RESOLUTION AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 8715, PAGE 137. (NO EASEMENTS OR RESTRICTIONS WITHIN SAID DOCUMENT, NOT PLOTTED)

11. 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.

12. RIGHTS OF TENANTS, IF ANY, UNDER ANY UNRECORDED LEASES.

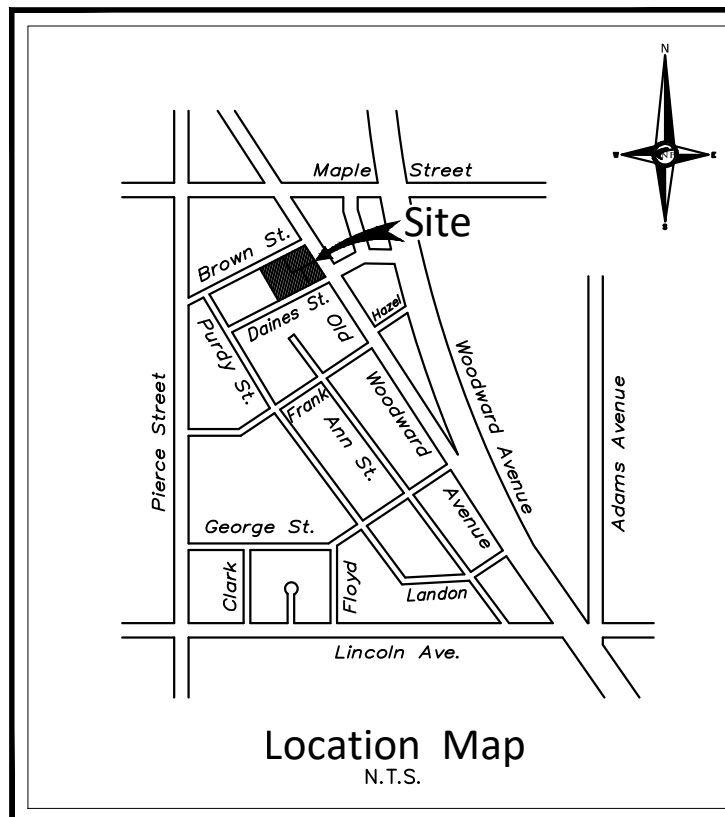
CERTIFICATE OF SURVEY

CERTIFIED TO:

-PURCHASER'S ASSIGNEE
-TROTTER PROPERTIES 294, LLC, A MICHIGAN LIMITED LIABILITY COMPANY, AS TO PARCEL 1
-BRB EQUITABLE, LLC, AS TO PARCEL 2
-FRANK T. KONAREVICH OR LOIS H. KONAREVICH (OR SUCCESSOR TRUSTEES) AS THE TRUSTEES FOR THE FRANK T. KONAREVICH REVOCABLE LIVING TRUST DATED MAY 22, 1995, AS TO PARCEL 3
-FIRST AMERICAN TITLE INSURANCE COMPANY AND EACH OF THEIR RESPECTIVE SUCCESSORS AND/OR ASSIGNS AS THEIR INTERESTS MAY APPEAR

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 INCLUDE ITEMS 1, 2, 3, 4, 6(a), 7(a), 7(b)(1), 7(c), 8, 9, 11, 13, 14, 16, 17, 18 AND 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON DECEMBER 16, 2020.

KEVIN NAVAROLI, P.S. NO. 4001053503 DATE 1-24-2021



Location Map

N.T.S.

LEGAL DESCRIPTION - PARCELS I & II (PER TITLE COMMITMENT)

LAND IN THE CITY OF BIRMINGHAM, OAKLAND COUNTY, MI, DESCRIBED AS FOLLOWS:

PARCEL I: THE WEST 1/2 OF LOT(S) 11 OF BROWN'S ADDITION TO THE CITY OF BIRMINGHAM AND THE EAST 1/2 OF LOT 16 OF BROWN'S ADDITION NO. 1, IN THE CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 3 OF PLATS, PAGE 8 OF OAKLAND COUNTY RECORDS, INCLUDING THE VACATED WEST 20 FEET OF ANN STREET ADJOINING LOT 11 AND THE VACATED WEST 19 FEET OF ANN STREET ADJOINING LOT 16.

PARCEL II: THE WEST 1/2 OF LOT(S) 12 OF BROWN'S ADDITION TO THE VILLAGE (NOW CITY) OF BIRMINGHAM, OF PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 36, TOWN 2 NORTH, RANGE 10 EAST, TOWNSHIP OF BLOOMFIELD (NOW CITY OF BIRMINGHAM), OAKLAND COUNTY, MICHIGAN ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 3 OF PLATS, PAGE 8 OF OAKLAND COUNTY RECORDS, ALSO LOT 15, ADDITION TO WILLIAM BROWN'S ADDITION NO. 1, BEING A PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 36, TOWN 2 NORTH, RANGE 10 EAST ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 3 OF PLATS, PAGE 8 OF OAKLAND COUNTY RECORDS, INCLUDING VACATED 20 FEET OF ANN STREET, ADJOINING THE WESTERLY SIDE OF LOT 12 AND VACATED 21 FEET OF ANN STREET ADJOINING THE WESTERLY SIDE OF LOT 15.

ADDRESS: 294 E. BROWN STREET, BIRMINGHAM, MI 48009

TAX ID NUMBER: 19-36-204-021

TITLE REPORT NOTES - PARCELS I & II

REFERENCE FIRST AMERICAN TITLE INSURANCE COMPANY FILE NUMBER: 915853, COMMITMENT DATE: DECEMBER 8, 2020.

SCHEDULE B, PART II, EXCEPTIONS:

EXCEPTIONS: 1, 4, 5, 6, 7, 8 AND 16 REFER TO THE OWNERSHIP OF THE PROPERTY AND/OR ARE NOT PLOTTABLE.

2. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY MAKING INQUIRY OF PERSONS IN POSSESSION THEREOF OF THE LAND.

3. EASEMENTS, ENCUMBRANCES, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS.

9. TERMS AND CONDITIONS CONTAINED IN RESOLUTION AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 8715, PAGE 137. (NO EASEMENTS OR RESTRICTIONS WITHIN SAID DOCUMENT, NOT PLOTTED)

10. TERMS AND CONDITIONS CONTAINED IN RESOLUTION AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 5224, PAGE 351. (SAID VACATED EASEMENT IS PLOTTED HEREON)

11. EASEMENT FOR UTILITIES OVER THAT PORTION OF LAND INCLUDED IN THE VACATED ANN STREET AS EVIDENCED BY INSTRUMENT RECORDED IN LIBER 4918, PAGE 461 (SAID VACATED ANN STREET & RETAINED EASEMENT ARE PLOTTED HEREON) AND LIBER 21398, PAGE 287 (SIZE AND LOCATION OF DETROIT EDISON EASEMENT IS UNKNOWN, NOT PLOTTED).

12. EASEMENT(S), RESTRICTIONS AND/OR SETBACK LINES, IF ANY, AS DISCLOSED BY THE RECORDED PLAT.

13. INTEREST OF OTHERS IN OIL, GAS AND MINERAL RIGHTS, IF ANY, WHETHER OR NOT RECORDED IN THE PUBLIC RECORDS.

14. 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.

15. RIGHTS OF TENANTS, IF ANY, UNDER ANY UNRECORDED LEASES.

NOTE: DOCUMENTATION FOR THE VACATION OF THE WEST 15 FEET AND EAST 15 FEET OF ANN STREET LYING WITHIN WILLIAMS BROWN'S ADDITION HAS NOT BEEN PROVIDED TO THE SURVEYOR. CLIENT TO CONFIRM THAT PORTION OF ANN STREET IS VACATED.

LEGEND

MANHOLE(MH)	EXISTING SANITARY SEWER
HYDRANT(HYD)	EXISTING SAN. CLEAN OUT
MANHOLE(MH)	EXISTING WATER MAIN
CBB	EXISTING STORM SEWER
EX. BEEHIVE CATCH BASIN	
EX. UNDERGROUND (UG) CABLE	
OVERHEAD (OH) LINES	
LIGHT POLE	
SIGN	
EXISTING GAS MAIN	
ASPH.	ASPHALT
CONC.	CONCRETE
FD. / FND.	FOUND
RET. WALL	RETAINING WALL
R.O.W.	RIGHT-OF-WAY
SPK	SET PK NAIL
(TYP)	TYPICAL
(R)	RECORD
(M)	MEASURED
C/L	CENTERLINE
P/L	PROPERTY LINE
GM	GAS METER
EM	ELECTRIC METER
PM	PARKING METER
AC	AIR CONDITIONING UNIT
LS	LANDSCAPE



NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257
WWW.NOWAKFRAUS.COM

SEAL

PROJECT

Restoration Hardware
Birmingham, MI

CLIENT

Saroki Architecture
430 N. Old Woodward Ave.
Birmingham, MI 48009

Contact: Victor Saroki
Phone: 248.258.5707

PROJECT LOCATION

Part of the NE 1/4
of Section 36
T.2N., R.10E.,
City of Birmingham,
Oakland County, Michigan

SHEET

ALTA/NSPS Land Title /
Topographic Survey



DATE ISSUED/REVISED

11-18-2022 FINAL SITE PLAN SUBMITTAL

DRAWN BY:

M. Carnaghi

DESIGNED BY:

APPROVED BY:

K. Navaroli

DATE:

November 18, 2022

SCALE: 1" = 20'

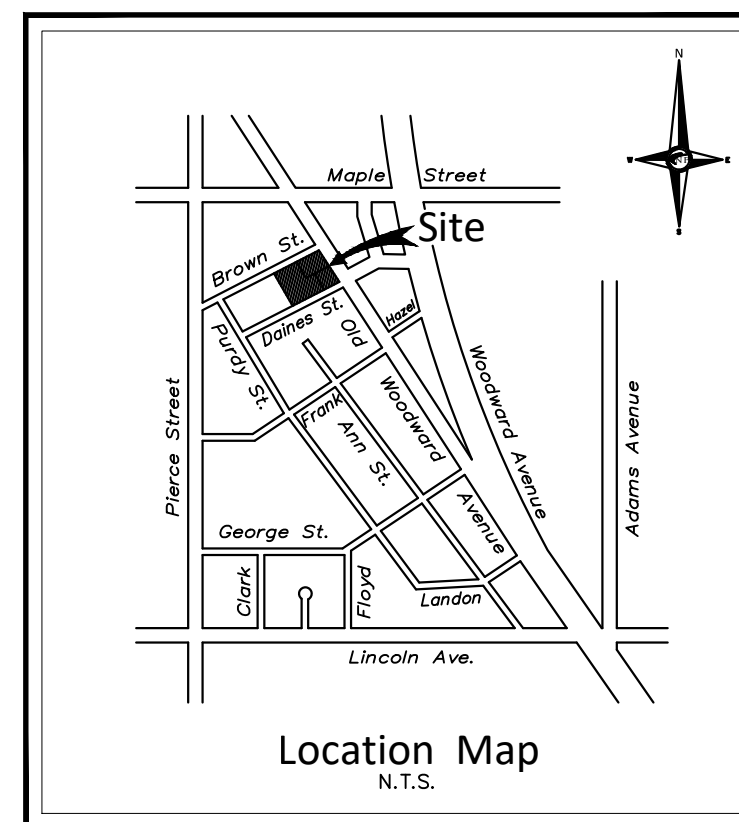
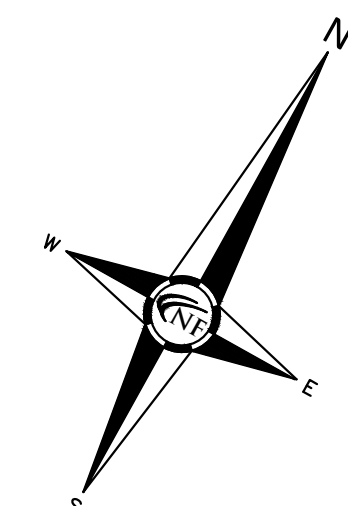
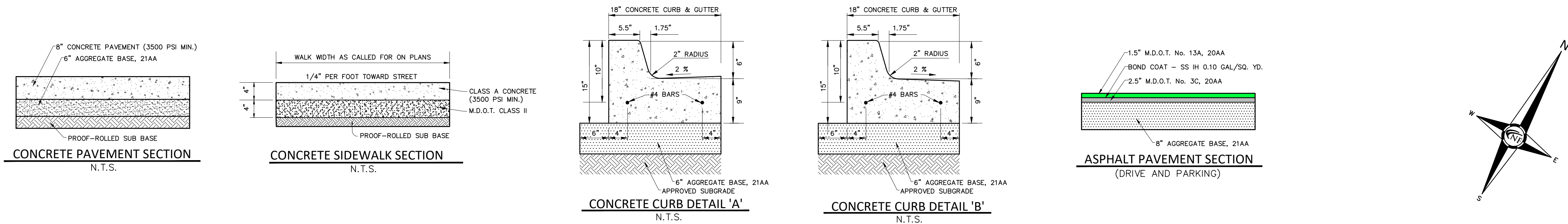
20 10 0 10 20 30

NFE JOB NO.

M106

SHEET NO.

SP-1



NF ENGINEERS
CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS

NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257
WWW.NOWAKFRAUS.COM

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-ENTAINED) 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.

ASPHALT: BASE COURSE - MODT BITUMINOUS MIXTURE NO. 1100L, 20AA; SURFACE COURSE - MODT BITUMINOUS MIXTURE NO. 1100T, 20AA; ASPHALT CEMENT PENETRATION GRADE 85-100, BOND COAT - MODT 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 DENSITY.

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-S16A.

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.

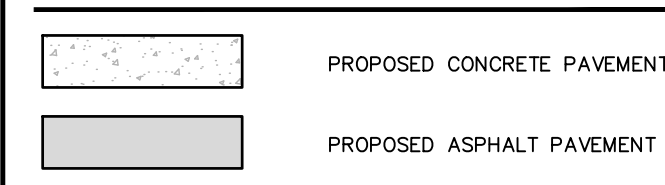
FILL AREAS SHALL BE MACHINE COMPACTED IN UNIFORM LIFTS NOT EXCEEDING 9 INCHES THICK TO 98% OF THE MAXIMUM DENSITY (MODIFIED PROCTOR) PRIOR TO PLACEMENT OF PROPOSED PAVEMENT.

COVID-19 PANDEMIC CONDITION

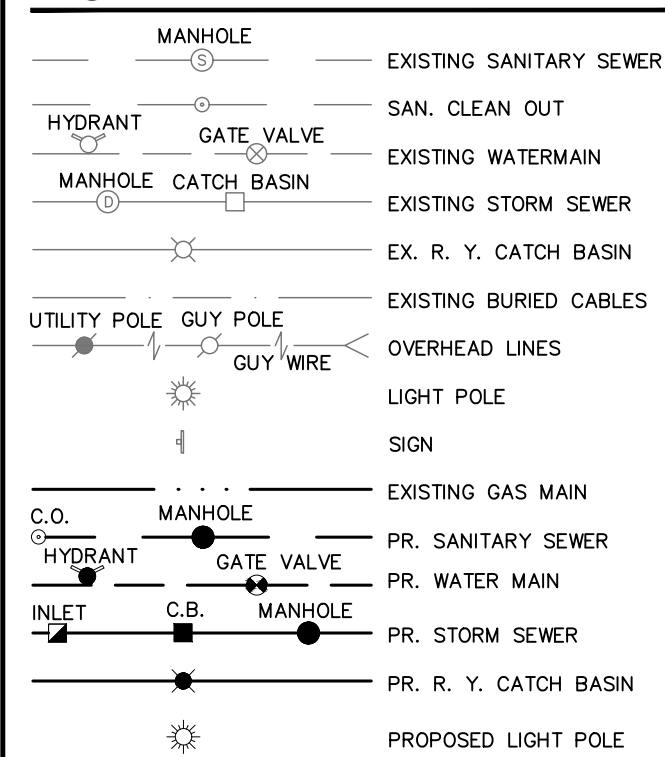
DUE TO THE UNPRECEDENTED COVID-19 PANDEMIC CONDITION AND RESTRICTIONS THE STANDARD DATA WHICH IS OBTAINED FROM MISS DIG / CALL 811 HAS BEEN RESTRICTED TO CRITICAL INFRASTRUCTURE ONLY. NFE WILL MAKE EVERY EFFORT TO OBTAIN CURRENT REFERENCE DATA FROM THE GOVERNING AGENCIES. HOWEVER, THIS DATA MAY BE PARTIAL 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 NFE OF ANY UTILITIES FLAGGED BY MISS DIG THAT WERE NOT SHOWN ON THE PLANS OR UTILITIES UNCOVERED DURING THEIR WORK.

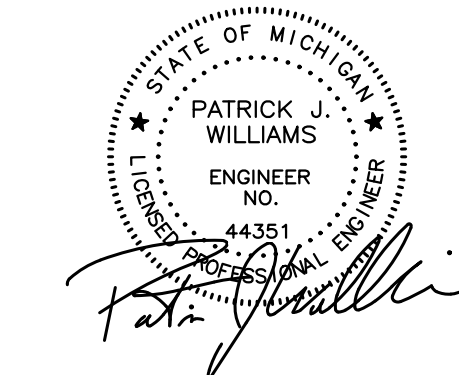
PAVING LEGEND



LEGEND



SEAL



PROJECT

Restoration Hardware
Birmingham, MI

CLIENT

Saroki Architecture
430 N. Old Woodward Ave.
Birmingham, MI 48009

Contact: Victor Saroki
Phone: 248.258.5707

PROJECT LOCATION

Part of the NE 1/4
of Section 36
T.2N., R.10E.,
City of Birmingham,
Oakland County, Michigan

SHEET

Engineering Site Plan



DATE ISSUED/REVISED

11-18-2022 FINAL SITE PLAN SUBMITTAL

DRAWN BY:

A. Eizember

DESIGNED BY:

A. Eizember

APPROVED BY:

P. Williams

DATE:

November 18, 2022

SCALE: 1" = 20'

20 10 0 10 20 30

NFE JOB NO.

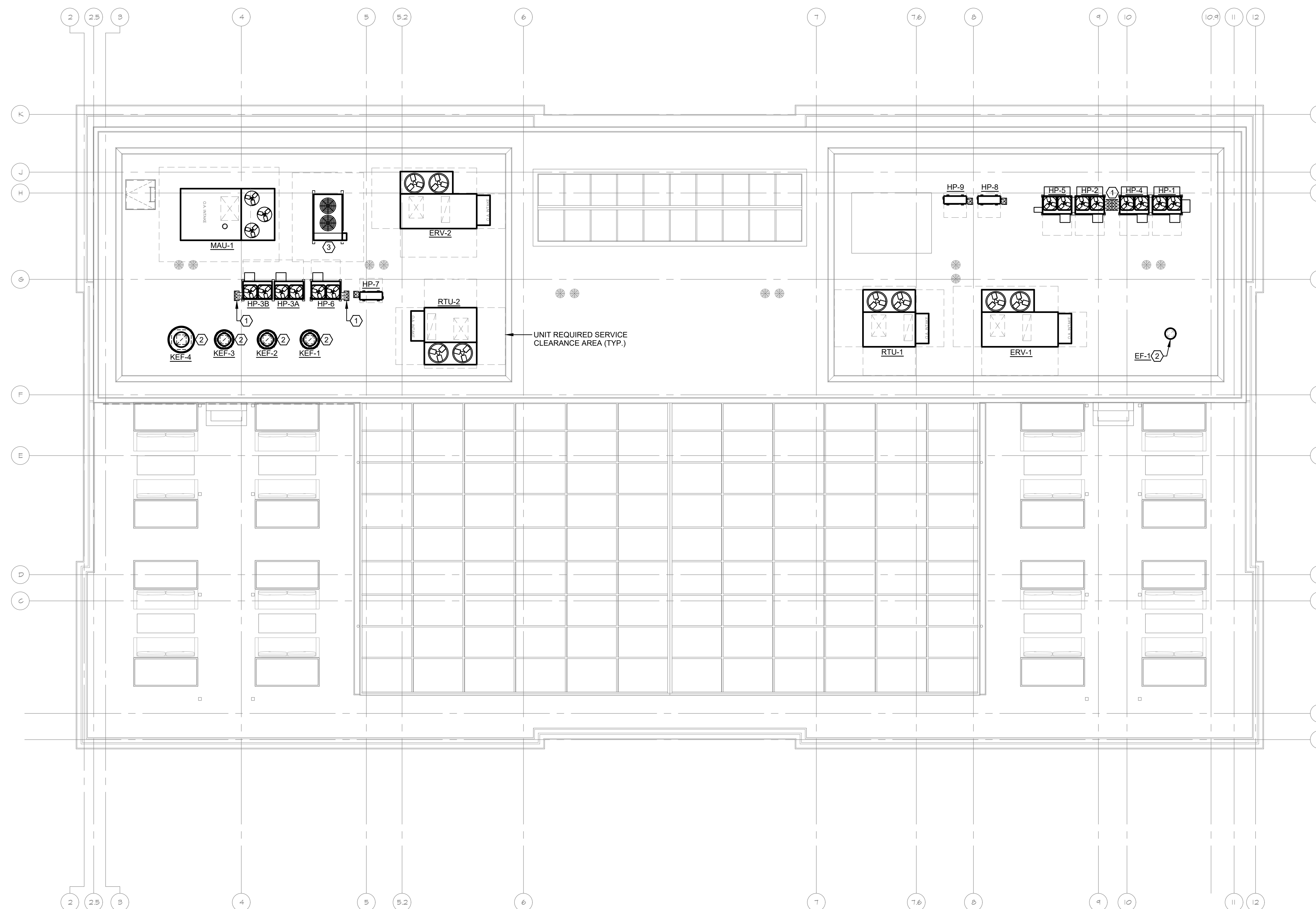
M106



SHEET NO.

SP-2

300 S OLD WOODWARD
BIRMINGHAM, MI 48009

RH Architecture & Design
15 Koch Road
Corte Madera, California 9492





Roof - Mechanical HVAC Plan
 SCALE: 1/8" = 1'-0"

KEYED NOTES:

1. ROUTE REFRIGERANT PIPING DOWN TROUGH ROOF.
2. INSTALL EXHAUST FAN A MINIMUM OF 10'-0" AWAY FROM ANY HVAC UNITS' OUTDOOR AIR INTAKE OPENING.
3. KITCHEN REFRIGERATION SYSTEM CONDENSING UNIT, UNIT PROVIDED BY KITCHEN EQUIPMENT CONTRACTOR AND INSTALLED BY THE MECHANICAL CONTRACTOR, MOUNT ON PATE EQUIPMENT RAILS A MINIMUM OF 12' ABOVE THE ROOF FIVE!



THIS DRAWING IS DIAGRAMMATIC AND SHOULD BE USED TO DETERMINE THE DESIGN INTENT. THE CONTRACTOR SHALL VERIFY ALL WORK AND SHALL NOTIFY THE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES IN THE DOCUMENT BEFORE PROCEEDING. FAILURE TO DO SO WILL RESULT IN THE CONTRACTOR TAKING FULL RESPONSIBILITY AND LIABILITY FOR ANY DISCREPANCIES. NOTICE: THIS DRAWING AND THE DESIGN ARE THE PROPERTY OF MECHANICAL ELECTRICAL ENGINEERING CONSULTANTS, P.C. AND NO ALTERATIONS OR TRANSFERS OF WORK ARE PERMITTED UNLESS WRITTEN APPROVAL IS OBTAINED FROM MECHANICAL ELECTRICAL ENGINEERING CONSULTANTS.

SAROKI
ARCHITECTURE

430 N. OLD WOODWARD
BIRMINGHAM, MI 48009

P. 248.258.5707
F. 248.258.5515

SarokiArchitecture.com

Project:
RH / Mixed-Use
300 S Old Woodward
Birmingham, MI 48009

Date: Issued For:

03-28-22 Core&Shell Building Permi

05-02-22 Bid / Construction

11-18-22 Final Site Plan Submittal

Sheet No.:

M115

ROOF - MECHANICAL HVAC PLANT

A

B

C

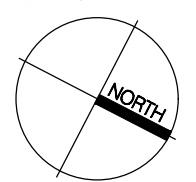
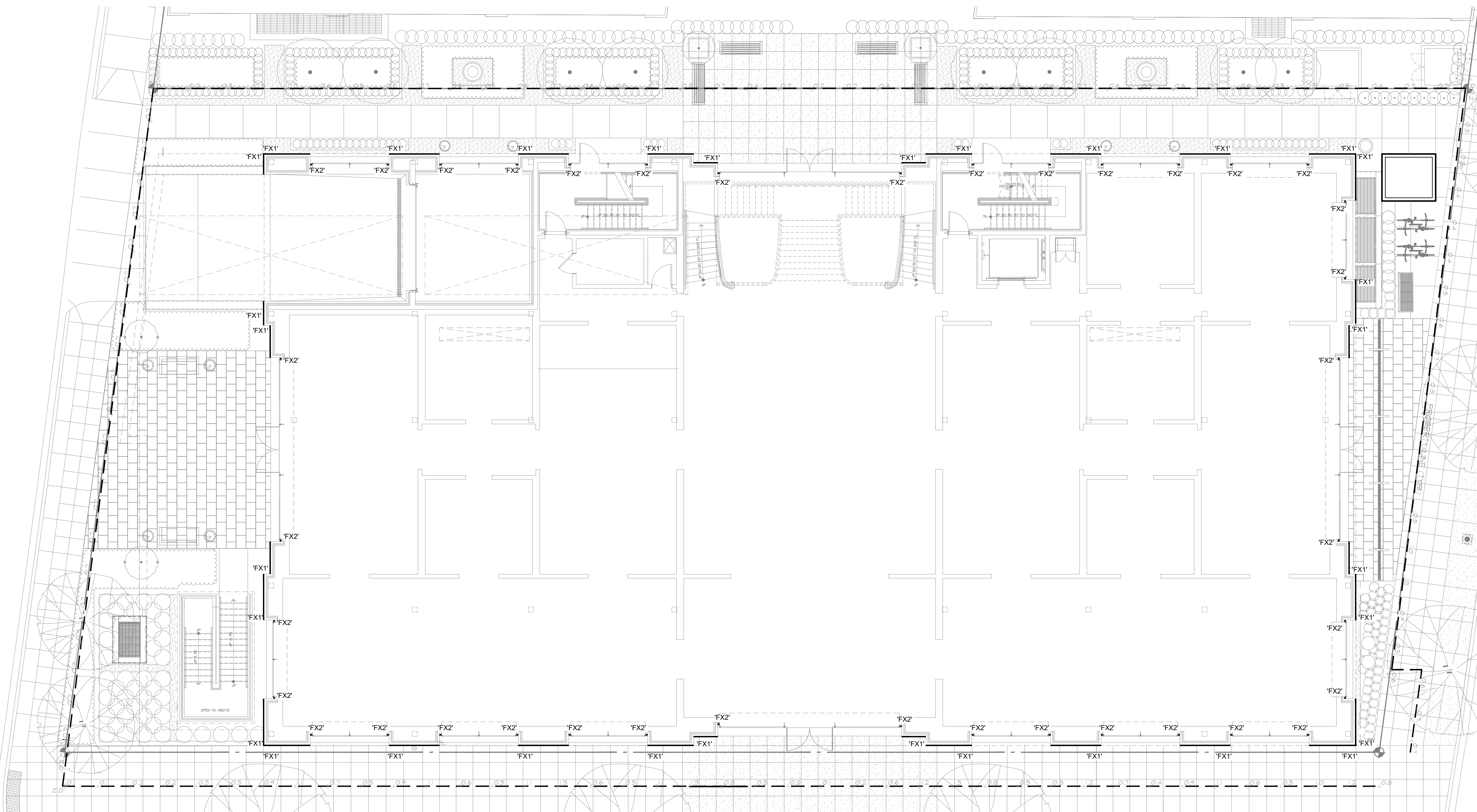
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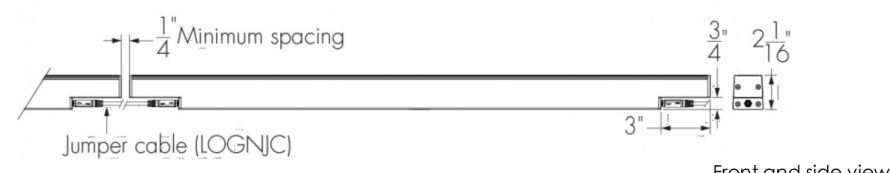
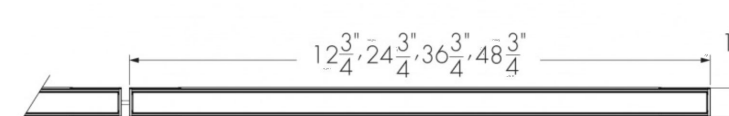

Exteriors - Electrical Site Lighting Photometric Plan

SCALE: 1/8" = 1'-0"

Specification Sheet

lumenfacade nano
LOGN
WHITE AND STATIC COLORS

Project Name _____ **Qty** _____
Type _____ **Catalog / Part Number** _____

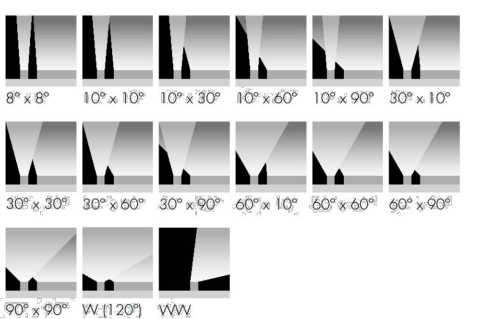


Photometric Summary (7 W/ft)

	Delivered output (lm)	Intensity (peak cd)
8"x8"	2,173	58,720
10"x10"	2,102	45,812
10"x30"	2,038	12,959
10"x60"	2,026	6,911
10"x90"	2,031	3,622
30"x10"	2,043	12,919
30"x30"	2,085	6,894
30"x60"	2,895	4,362
30"x90"	2,917	3,152
60"x10"	2,025	6,019
60"x60"	2,924	2,162
60"x90"	2,905	2,603
90"x90"	2,856	1,766
W (120")	1,225	602
WW	2,164	10,498

Based on 4000K CRI 80+, 90 (113) (90+), NO control.
Photometric performance is measured in compliance with ETL-UL 1599-2016.

Optics



Description

The Lumenfacade Nano White and Static Colors is a high-efficiency linear LED luminaire that goes where no facade lighting has gone before. Available in 12 in, 24 in, 36 in or 48 in sections, the Lumenfacade Nano is the right fit for general urban structures, historical buildings and those hardest to reach places. The Lumenfacade Nano packs all the bells and whistles of the larger members of the Lumenfacade family and can be configured with a wide number of options, including: optics for grating, floodlighting or wall washing; a choice of outputs; various color temperatures or static colors; various mounting options, finishes, accessories and controls. Now with 3G vibration-rating options, this little fixture can really go anywhere.

Features

Color and Color Temperature

2200K, 2700K, 3000K, 3500K, 4000K, Red, Green, Blue

Optics

8° x 8°, 10° x 10°, 10° x 30°, 10° x 60°, 10° x 90°, 30° x 10°, 30° x 30°, 30° x 60°, 30° x 90°, 60° x 10°, 60° x 30°, 60° x 60°, 60° x 90°, 90° x 10°, 90° x 30°, 90° x 60°, 90° x 90°, Wide 120°, Asymmetric Wallwash

Options

Corrosion-resistant coating for hostile environments, 3G ANSI C136.31-2010 Vibration Rating for bridge applications

Power Consumption

2 W/ft, 4 W/ft, 7 W/ft

Warranty

5-year limited warranty

Performance

Maximum Delivered Output

864 lm (2 W/ft, 48 in fixture, 4000K CRI 80+ 30° x 30°, NO control), 1,767 lm (4 W/ft, 48 in fixture, 4000K CRI 80+ 30° x 30°, NO control), 2,986 lm (7 W/ft, 48 in fixture, 4000K CRI 80+ 30° x 30°, NO control)

Maximum Delivered Intensity

20,476 cd at node (2 W/ft, 48 in fixture, 4000K CRI 80+ 8° x 8°, NO control), 41,352 cd at node (4 W/ft, 48 in fixture, 4000K CRI 80+ 8° x 8°, NO control), 58,720 cd at node (7 W/ft, 48 in fixture, 4000K CRI 80+ 8° x 8°, NO control)

lumenpulse

1220 Mark-Victoria Blvd., Longueville, QC, J4G 2H9, CA
info@lumenpulse.com
www.lumenpulse.com

United States: 617-307-3700 | Canada: 1-877-937-3003 | 514-937-3003
www.lumenpulse.com/canada/usa/2016

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041-813

2 FIXTURE TYPE 'FX1' CUTSHEET
ESLP111 SCALE: N.T.S.

lumilum 120V LED STRIP LIGHT
STANDARD (BEST SELLER) SERIES - HIGH VOLTAGE - DIMMABLE



MODEL: LUM-120505-XXXXX



Lumilum® Standard Series Line Voltage (120V) Single Color LED Strip Light requires no power adapters or drivers, instead it uses a power plug rectifier that converts AC into DC current. The light source in the LED strip consists of 3,300 equally distributed high brightness SMD 5050 chips per reel, which comes in 164ft. with cut marks every 12 inches (1ft.). The light output is incredibly bright with a CRI > 90 (Color Rendering Index) and available in multiple color temperatures. This Single Color LED Strip Light is ETL Listed and dimmable, using conventional dimmers. The entire 164ft. of high voltage strip can be used without the risk of voltage drop. This product is IP65 rated for indoor and outdoor use. This strip can be installed using various methods.



3 FIXTURE TYPE 'FX2' CUTSHEET
ESLP111 SCALE: N.T.S.

GENERAL NOTES:

1. THE INTENSITY OF LIGHT ON THE SITE DOES NOT EXCEED ONE AND ONE HALF (1.5) MAINTAINED FOOT-CANDLES AT ANY PROPERTY LINE FOR ANY NON-RESIDENTIAL ZONED PROPERTY. THE LIGHT INTENSITY IS MEASURED AT 6FT ABOVE THE GROUND LEVEL ON A VERTICAL PLANE, NOTED ALONG THE BOLD DASHED LINE.
2. THE INTENSITY OF LIGHT ON A SITE WHICH PROVIDES A FRONT SETBACK OF LESS THAN 5FT SHALL BE MEASURED FROM 5FT BEYOND THE FRONT PROPERTY LINE, NOTED ALONG THE BOLD DASHED LINE.
3. THE PROPOSED FX1 FIXTURES HAVE BEEN CALCULATED AT A DIMMED LUMEN INTENSITY OF 50% WITH A LIGHT LOSS FACTOR OF 0.85.
4. THE PROPOSED FX2 FIXTURE INTENT IS TO PROVIDE A DECORATIVE GLOW EFFECT AROUND THE WINDOWS WITH NO LUMEN OUTPUT EXTENDING BEYOND THE WINDOWS AND THEREFORE DO NOT PROVIDE A PHOTOMETRIC CONTRIBUTION TO THE PROPERTY LINE.

RH

RH DETROIT

300 S OLD WOODWARD
BIRMINGHAM, MI 48009RH Architecture & Design
15 Koch Road
Corte Madera, California 94505

MEEC
MECHANICAL ELECTRICAL ENGINEERING CONSULTANTS

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SarokiArchitecture.com

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Birmingham, MI 48009

Date: Issued For:

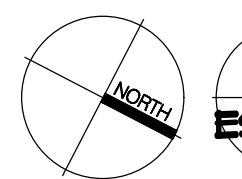
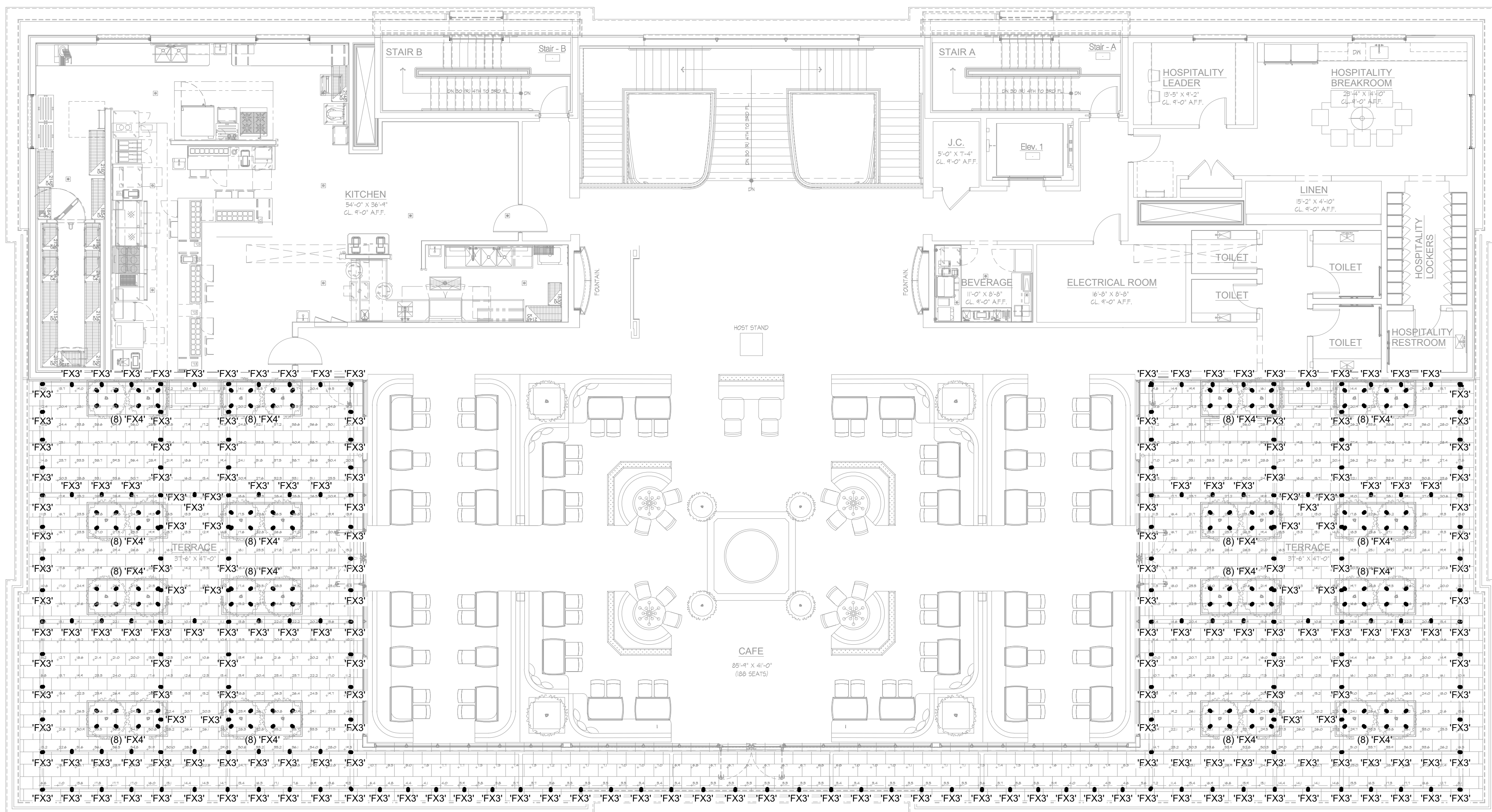
11-18-2022 Final Site Plan Submittal

Sheet No.:

ESLP111
ELECTRICAL SITE LIGHTING
PHOTOMETRIC PLAN

GENERAL NOTES:

1. THE PROPOSED PHOTOMETRICS ARE BASED ON LIGHT FIXTURE FX3 TO BE MOUNTED AT THE UNDERSIDE OF THE PROPOSED PERGOLA AIMING TOWARDS THE GROUND AND FX4. TREE LIGHTING, THAT IS TO BE STAKE MOUNTED WITH GLARE SHIELD AT EACH PLANTER. THESE FIXTURES DOES NOT EXPEL UNDUE AMBIENT LIGHT INTO THE NIGHTTIME ENVIRONMENT.
2. THE AVERAGE FOOTCANDLE, AT 0 FEET, FOR THE EXTERIOR TERRACE IS 20.1FC. THE MAXIMUM FOOTCANDLE IS 41.7FC.
3. THE PROPOSED FX3 FIXTURES HAVE BEEN CALCULATED AT A DIMMED LUMEN INTENSITY OF 80% WITH A LIGHT LOSS FACTOR OF 0.9.
4. THE PROPOSED FX4 FIXTURES HAVE BEEN CALCULATED AT A DIMMED LUMEN INTENSITY OF 80% WITH A LIGHT LOSS FACTOR OF 0.9.



Exteriors - Electrical 4th Level Lighting Photometric Plan

SCALE: 1/8" = 1'-0"

ARTISTAR LED (REMOTE DRIVER)

IP66 RATED

DATE: PROJECT: TYPE:

CATALOG NUMBER LOGIC:



*Base height limited to 6" max. with Brass and Stainless Steel Canopy

CATALOG NUMBER LOGIC

Example: B - AR - LED - RM - x54 - FL - POL - 12 - 11 - B - 6 - WM

MATERIAL

(Blank) - Aluminum B - Brass S - Stainless Steel

SERIES

AR - Artistar

SOURCE

LED - Chip on Board Technology

HOUSING

RM - Remote Driver

LED TYPE

x52 - 10W LED/2700K x54 - 10W LED/4000K x53 - 10W LED/3000K

OPTICS

SP - Spot (20°) FL - Flood (40°) WFL - Wide Flood (60°)

FINISH (See page 2 for full-color swatches)

Standard Finishes (BZP, BZW, BLU, BLW, WHI, WHW, SAP, VER)

Premium Finish (ABP, AMG, ACW, BCM, BOE, BPP, CAP, CMG, CR, CRM, HUG, MDS, NBP, OCP, RMG, SDS, SMG, TYP, WCP, WRB)

Also available in RAL Finishes

Brass Finishes (MAC, POL, MIT)

Stainless Steel Finishes (MAC, POL)

LENS TYPE

9 - Clear (Standard) 12 - Soft Focus 13 - Rectilinear

SHIELDING

11 - Honeycomb Baffle

CAP STYLE

A - 45°

B - 90°

C - Flush

D - 40° Lens Weephole (Interior use only)

E - 90° Lens Weephole (Interior use only)

F - 90° with Flush Lens

BASE HEIGHT

3" (Standard), 6", 12", 18", & 24" with Anchor Base

MOUNTING OPTIONS

PP - 18" Power Pipe Stake Mount

SF - Stability Flange (For use with Power Pipe)

WM - Wall or Ceiling Mount with 5" dia. Machined Canopy**

B-K LIGHTING

MADE IN THE USA

559.438.5800 | INFO@BKLIGHTING.COM | BKLIGHTING.COM

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MICRO NITE STAR LED

IP66 RATED

DATE: PROJECT: TYPE:

CATALOG NUMBER LOGIC:

*Designed for use with LED transformer. Requires magnetic low-voltage driver.
**The 360SL cost is already included in the price of UPK, UPK dual, and Power Canopy.

CATALOG NUMBER LOGIC

Example: B - MN - LED - e68 - SP - WHIP - 12 - 11 - A - 360SL

MATERIAL

(Blank) - Aluminum B - Brass

SERIES

MN - Micro Nite Star

SOURCE

LED - with Integral Dimming Driver (25W min. load when dimmed)*

LED TYPE

e67 - 7W LED/2700K e69 - 7W LED/4000K

e68 - 7W LED/3000K e76 - 7W LED/Amber

OPTICS

SP - Spot (17°) MFL - Medium Flood (25°) FL - Flood (30°)

FINISH (See page 2 for full-color swatches)

Standard Finishes (BZP, BZW, BLU, BLW, WHI, WHW, SAP, VER)

Premium Finish (ABP, AMG, ACW, BCM, BOE, BPP, CAP, CMG, CR, CRM, HUG, MDS, NBP, OCP, RMG, SDS, SMG, TYP, WCP, WRB)

Also available in RAL Finishes

Brass Finishes (MAC, POL, MIT)

LENS TYPE

12 - Soft Focus 13 - Rectilinear

SHIELDING

11 - Honeycomb Baffle

CAP STYLE

A - 45°

B - 90°

C - Flush Lens

D - 40° Lens Weephole (Interior use only)

E - 90° Lens Weephole (Interior use only)

OPTIONS

360SL - Knuckle Mounting System**

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2

FIXTURE TYPE 'FX3' CUTSHEET

ESLP114 SCALE: N.T.S.

3

FIXTURE TYPE 'FX4' CUTSHEET

ESLP114 SCALE: N.T.S.

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Date: Issued For:

11-18-2022 Final Site Plan Submittal

Sheet No.:

ESLP114

ELECTRICAL EXTERIOR 4TH LEVEL
PHOTOMETRIC PLAN



MEMORANDUM

Planning Division

DATE: December 14, 2022

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: 300 S. Old Woodward – Revised Special Land Use Permit, Final Site Plan & Design Review

The applicant has submitted an application for Revised Special Land Use Permit, Final Site Plan and Design Review for the construction of a new 4-story commercial building in the B2 (General Business) and D4 (Downtown Overlay) zoning districts. The proposed development is located On S. Old Woodward between Brown and Daines. The subject site is currently under construction, which was paused to accommodate the change in design that will be presented herein. The new, revised development would introduce a new 4-story commercial building oriented towards Old Woodward, internal parking, and landscaping improvements to the site.

As for prior approvals, on July 14, 2021 ([Agenda](#) – [Minutes](#)), the Planning Board moved to recommend approval to the City Commission a Special Land Use, Final Site Plan and Design Review application for the original proposal, which was subsequently approved by the City Commission on August 9, 2021 ([Agenda](#) – [Minutes](#)).

Prior to the site plan approval process, the applicant had also applied and was approved for a rezoning from D3 (Downtown Overlay) to D4 (Downtown Overlay). The Planning Board recommended approval to the City Commission on April 28, 2021 ([Agenda](#) – [Minutes](#)), and the City Commission formally approved the rezoning on July 12, 2021 ([Agenda](#) – [Minutes](#)). Importantly, the motion from the City Commission was as follows:

“To approve the rezoning of the new parcel encompassing 300 – 394 S. Old Woodward and portions of 294 E. Brown from B-2 (General Business) and D-3 (Downtown Overlay) to B-2 (General Business) and D-4 (Downtown Overlay) conditional upon the building being done pursuant to the site plan, as voluntarily given by the applicant, pursuant to a letter dated and accepted July 12, 2021 by attorney Richard Rattner.”

The Planning Division is reviewing the motion with the City Attorney to determine the next steps in regards to the rezoning and its approval, and will report the determination to the Planning Board.

Overall, the plans submitted for the proposed Revised Special Land Use Permit, Final Site Plan and Design Review application demonstrate minor changes to the site. In general, the site circulation, bulk, area and height considerations, and parking is not proposed to change. The bulk of the changes are in the layout of the floor plans and the exterior of the building (materials/design). In the forthcoming report, the Planning Division will provide general summaries for those items that are not proposed to change, and will follow those summaries with “**(No changes proposed)**” for emphasis. For all new elements, the Planning Division has provided a full review.

1.0 Land Use & Zoning

- 1.1 **Existing Land Use** – The existing land use on the site was commercial. The site is currently under construction, which has been paused to accommodate a redesign of the building.
- 1.2 **Zoning** – The subject site is zoned B2 (General Business) and D4 (Downtown Overlay).
- 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	Mixed-Use	Mixed-Use	Commercial	Commercial
Existing Zoning District	B4	B2B	B3	B2
Overlay Zoning District	D4	D2	D3 & D5	D3

2.0 Setback & Height 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 meet the bulk, area and placement requirements of the B2 and D4 zones. **(No changes proposed)**

In addition to the general placement and height standards, the applicant is also subject to the encroachment into right-of-way standards outlined in Article 4, Section 4.74 (D)(4)(c)(i), which states that removable architectural elements such as awnings, canopies, marquees may be approved by the Planning Board to project into the right of way provided that they are constructed to support applicable loads without any ground mounted supports on public property. Encroachments with less than 15 ft. of clearance above the sidewalk shall not extend into or occupy more than two-thirds of the width of the sidewalk or 5 ft., whichever is less, and must not interfere with any existing or planned

streetscape elements or infrastructure. The applicant is proposing a canopy at the entrance along S. Old Woodward which projects 4 ft. 10.5 in. into the right-of-way, and measures 13 ft. 8 in. above grade. The proposed meets the requirements of Article 4, Section 4.74 and may be approved by the Planning Board.

3.0 Screening & Landscaping

3.1 Dumpster Screening – Although the placement of the trash area has changed with the reconfiguration of the floor layout, the trash receptacles are within the building envelope and are fully screened by the building façade. The applicant had previously proposed a trash area on the first floor, but has revised the plans to include a larger trash area in the lower level. **The applicant must still adhere to the principles accepted by the Planning Board in the Community Impact Study review and provide ample space for the separation of recycling in this area.**

3.2 Parking Lot Screening – The entirety of the parking proposed on site will be in the lower level, thus fully screened by the building. **(No changes proposed)**

3.3 Mechanical Equipment Screening – There are several mechanical units proposed on the roof of the development, which will be screened by a 6 ft. brick screen wall. The proposed units are located in enclosures that flank the greenhouse roof, as was approved in the previous design. The RTU's proposed consist of exhaust fans, heat pumps, make up air, and other units that all measure within the extent of the 6 ft. screen wall.

In addition to the units on the rooftop, there are three pieces of ground-mounted electrical equipment proposed at the northwest corner of the site. The pieces of equipment are labeled as DTE transformers and a DTE primary switch box. One smaller transformer and the primary switch box are proposed to be screened by 6 ft. arborvitae, while the larger transformer is proposed to be screened by a 5 ft. 2 in. capped masonry screen wall with metal gates. Article 4, Section 4.54 of the Zoning Ordinance requires ground-mounted mechanical or electrical equipment to be screened by a masonry screen wall with wood gates. The screen wall shall match the material of the principal building.

However, the same section states that flexibility in the materials, size, height and placement of walls is permitted in order to allow architectural harmony and usable open space and to accomplish a unified design. **The Planning Board should discuss the proposed arborvitae screening and metal gate and determine if the materials provide an appropriate screen wall.**

3.4 Landscaping – The proposed landscaping plan shows landscaping in the same general areas as was approved in 2021. However, the planting materials and quantities have changed. The following plantings are proposed:

Planting Type	Location
Green Vase Japanese Zelkovia	Southeast corner, near egress stairs
Green Velvet Boxwood	North side of building, southeast planting area
Franz Fontaine Hornbeam	West side along pedestrian passage
Hatfield or Moon Yew	West side along pedestrian passage
Emerald Green Arborvitae	Northwest corner adjacent to ground units
Green Carpet Pachysandra	Planter boxes along pedestrian passage
Pleached Little Leaf Linden	4 th floor planters
Green Velvet Boxwood	4 th floor planters

Although the applicant is proposing the above plantings, the Zoning Ordinance does not require the proposed planting materials on the site. It is worth noting that the proposed plantings do not appear to contain many native species, nor is there much in terms of variety (colors or species). The proposed plantings will provide some benefits, but do not offer much for pollinators, storm water retention, or aesthetics.

- 3.5 Streetscape Elements – The applicant is proposing to build the streetscape as agreed to in the streetscape agreement approved by the City Commission on April 25, 2022 ([Agenda](#) – [Minutes](#)). The streetscape consists of 6 street trees, planter boxes, bike racks, and street lights.

4.0 Parking, Loading & Circulation

- 4.1 Parking – The subject site is located within the former Parking Assessment District, thus no parking is required for the commercial use proposed. The lower level plan demonstrates a proposed 26 off-street parking spaces, including 2 accessible spaces, which is an increase from the 24 that were approved in 2021.
- 4.2 Loading – The applicant is proposing two loading zones as required for commercial uses in between 20,001 and 50,000 sq. ft. The loading spaces measure the minimum 40 x 12 x 14, and are located along the entry ramp to the lower level parking facility. **(No changes proposed)**
- 4.3 Vehicle Circulation & Access – The primary entrance for vehicles remains on the southwest corner of the property along Daines. Access will be provided through an overhead garage door, and will be used by valet and public alike. **(No changes proposed)**
- 4.4 Pedestrian Circulation & Access – Pedestrian circulation and access will remain on all four sides of the building with entry doors centered on each façade. In addition, the pedestrian passage behind the building is maintained. **(No changes proposed)**

It is worth noting that the area on the south side of the building that was formerly a pedestrian plaza with seating and other amenities has been changed to an exterior staircase to accommodate an additional means of egress for the lower level parking facility. This does not dramatically change the pedestrian circulation

on the site however, as the previous form of egress from the lower level was also stairs, which were located inside of the building.

5.0 Lighting

The applicant is proposing to install several in-ground LED fixtures around the entire building that are intended to wash the brick with soft lighting to accentuate the buildings vertical elements. These LED strips were approved to be placed in the public right-of-way along S. Old Woodward through the same streetscape agreement noted above. Because these fixtures are not cutoff, the Planning Board would need to grant an exception to Article 4, Section 4.21 (D) based on any of the following criteria:

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

In addition to the in-ground LED fixtures, the applicant is proposing LED strip lighting located within a channel system around the windows to provide accent lighting along the edges of the window openings. The location of these LED strips in channels at the sides of the windows appears to render them fully cutoff.

On the 4th floor, the applicant is proposing a significant number (hundreds) of small LED spotlights that are placed in the planting beds and the perimeter of the outdoor seating areas on the 4th floor. It is somewhat unclear as to where these fixtures will be placed (on the pergola, on the ground, a combination of both?). These fixtures are also not considered cutoff, and the Planning Board would have to grant exceptions to the same zoning ordinance regulation as quoted above. Although the lights are small, and are beneath a louvered pergola structure, **the Planning Board may wish to consider requiring the applicant to reduce the sheer number of fixtures proposed to promote the purpose and intent of the Lighting Standards and to promote a dark sky approach to lighting.**

A photometric plan was submitted for the site that demonstrates a light intensity that does not exceed 1.5 maintained foot candles at the property line, or 5 ft. beyond the front façade, meeting the requirements of the Zoning Ordinance.

6.0 Departmental Reports

- 6.1 Engineering Department – Please see the attached Engineering Department Comments dated December 6, 2022.
- 6.2 Department of Public Services – The Department of Public Services has no concerns at this time.
- 6.3 Fire Department – Please see the attached Fire Department comments.
- 6.4 Police Department – The Police Department has no concerns at this time.
- 6.5 Building Department – Please see the attached Building Department comments dated December 6, 2022.
- 6.6 Parking Manager – The Parking Manager has no concerns at this time.

7.0 Design Review

As noted above, the majority of the changes proposed to the building are in regards to the exterior and its material composition. The former building was approved with a palette that consisted of grey architectural brick, modeled stucco, dark window frames and clear glass. This building met all of the architectural requirements outlined in Article 3, Section 3.04 of the Zoning Ordinance including all of the glazing requirements for each floor. The new proposal is similar in that the bulk of the building will be comprised of a tan architectural brick and clear glazing. There are additional elements proposed as well including steel canopies and a metal pergola system on the 4th floor.

In terms of the architectural standards noted above, the applicant still meets all of the requirements with the exception of first floor glazing. As noted in this section, ground floor facades in between 1 ft. and 8 ft. must be comprised of a minimum of 70% clear glazing. Due to the redesigned facades and the focus on symmetry, the first floor glazing was calculated to be 62% on the south (Daines) façade, 60% on the east (S. Old Woodward) façade, and 58% on the north (Brown) façade. It is worth noting that the west façade along the pedestrian passage is also proposed with a significant amount of glazing, but is not required to be 70%. In addition, the applicant has not submitted specification sheets demonstrating the Visual Light Transmittance (VLT) or reflectance figures to ensure the glass meets the City's definition of Clear Glazing. Thus, **the applicant must submit revised plans demonstrating 70% clear glazing on the storefront facades or obtain a variance from the Board of Zoning Appeals.**

In regards to the rooftop restaurant, the seating located under the pergola would be considered outdoor dining and is subject to the Outdoor Dining Standards outlined in Article 4, Section 4.44 of the Zoning Ordinance. Because the outdoor dining is located on

private property on the 4th floor, only the following standards apply to the proposed outdoor dining facility:

1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.
2. All outdoor activity must cease at the close of business.
3. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.

The site plans indicate trash receptacles on both sides of the outdoor dining facility, and the applicant has submitted examples of the furniture RH utilizes in their restaurants, which is constructed of a high quality material that may be accepted by the Planning Board.

Finally, the applicant is proposing several signs as a part of the redesigned building. A total of 4 signs are proposed, one on each façade of the building. The signs are centered on each façade and read "RH", one of which is illuminated. There are no dimensions or details provided for the proposed signs. In addition, the location of these signs would render them Building Identification signs. Article 1, Section 1.05 of the Sign Ordinance permits *non-illuminated* signs identifying the entire structure by a building name (Building Identification Signs) to be placed above the first floor. Although the principal building frontage is not labeled on the plans, it is apparent that the building has a large available combined sign area to work with. In summation, **the applicant must submit detailed and dimensioned sign plans that meet the requirements of the Sign Ordinance, or obtain a variance from the Board of Zoning Appeals.**

8.0 Required Attachments

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

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 and not 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 of the Zoning Ordinance estates that the City Commission shall not approve of any requests for a special land use permit unless it determines that the following standards are met:

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, Sections 7.27 and 7.36 of the Zoning Ordinance, the Planning Division recommends that the Planning Board **APPROVE** the Revised Special Land Use Permit, Final Site Plan and Design Review for 300 S. Old Woodward – RH – with the following conditions:

1. The Planning Board approves the projection of the canopy into the right-of-way;
2. The applicant must still adhere to the principles accepted by the Planning Board in the Community Impact Study review and provide ample space for the separation of recycling in this area;
3. The Planning Board approves the use of arborvitae and masonry screen wall with metal gates to screen the proposed electrical equipment;
4. The applicant must submit revised plans demonstrating 70% clear glazing on the storefront facades or obtain a variance from the Board of Zoning Appeals;
5. The applicant must submit detailed and dimensioned sign plans that meet the requirements of the Sign Ordinance, or obtain a variance from the Board of Zoning Appeals; and
6. The applicant must comply with the requests of all City Departments.

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

Motion to recommend to the City Commission **APPROVAL** of the Special Land Use Permit for 300 S. Old Woodward – RH – with the following conditions:

1. The Planning Board approves the projection of the canopy into the right-of-way;
2. The applicant must still adhere to the principles accepted by the Planning Board in the Community Impact Study review and provide ample space for the separation of recycling in this area;
3. The Planning Board approves the use of arborvitae and masonry screen wall with metal gates to screen the proposed electrical equipment;
4. The applicant must submit revised plans demonstrating 70% clear glazing on the storefront facades or obtain a variance from the Board of Zoning Appeals;
5. The applicant must submit detailed and dimensioned sign plans that meet the requirements of the Sign Ordinance, or obtain a variance from the Board of Zoning Appeals; and
6. The applicant must comply with the requests of all City Departments.

OR

Motion to **POSTPONE** the Special Land Use Permit for 300 S. Old Woodward – RH – pending receipt of the following:

1. _____
2. _____
3. _____

OR

Motion to recommend to the City Commission **DENIAL** of the Special Land Use Permit for 300 S. Old Woodward – RH – for the following reasons:

1. _____
2. _____
3. _____

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

Motion to recommend to the City Commission **APPROVAL** of the Final Site Plan and Design Review for 300 S. Old Woodward – RH – with the following conditions:

1. The Planning Board approves the projection of the canopy into the right-of-way;
2. The applicant must still adhere to the principles accepted by the Planning Board in the Community Impact Study review and provide ample space for the separation of recycling in this area;

3. The Planning Board approves the use of arborvitae and masonry screen wall with metal gates to screen the proposed electrical equipment;
4. The applicant must submit revised plans demonstrating 70% clear glazing on the storefront facades or obtain a variance from the Board of Zoning Appeals;
5. The applicant must submit detailed and dimensioned sign plans that meet the requirements of the Sign Ordinance, or obtain a variance from the Board of Zoning Appeals; and
6. The applicant must comply with the requests of all City Departments.

OR

Motion to **POSTPONE** the Final Site Plan and Design Review for 300 S. Old Woodward – RH – pending receipt of the following:

1. _____
2. _____
3. _____

OR

Motion to recommend to the City Commission **DENIAL** of the Final Site Plan and Design Review for 300 S. Old Woodward – RH – for the following reasons:

1. _____
2. _____
3. _____

Zoning Compliance Summary Sheet
Revised Special Land Use Permit, Final Site Plan & Design Review
300 S. Old Woodward - RH

Existing Site: Vacant site under construction

Zoning: B2 (General Business) and D4 (Downtown Overlay)

Land Use: Commercial

Existing Land Use and Zoning of Adjacent Properties:

	North	South	East	West
Existing Land Use	Mixed-Use	Mixed-Use	Commercial	Commercial
Existing Zoning District	B4	B2B	B3	B2
Overlay Zoning District	D4	D2	D3 & D5	D3

Land Area:	Existing:	0.46 ac.
	Proposed:	0.46 ac.
Dwelling Units:	Existing:	0 units
	Proposed:	0 units
Minimum Lot Area/Unit:	Required:	1,000 sq ft (single story hotel or motel) 500 sq ft (two/three-story hotel or motel) 1,280 sq ft (multiple-family)
	Proposed:	N/A
Min. Floor Area /Unit:	Required:	300 sq ft (single story hotel or motel) 600 sq ft (efficiency and one bedroom) 800 sq ft (two or more bedroom)
	Proposed:	N/A
Max. Total Floor Area:	Required:	N/A
	Proposed:	N/A
Min. Open Space:	Required:	N/A
	Proposed:	N/A
Max. Lot Coverage:	Required:	N/A

	Proposed:	N/A
Front Setback:	Required:	0 ft.
	Proposed:	0 ft.
Side Setbacks	Required:	N/A
	Proposed:	
Rear Setback:	Required:	10 ft.
	Proposed:	10 ft.
Min. Front+Rear Setback	Required:	N/A
	Proposed:	N/A
Max. Bldg. Height:	Permitted:	70 ft., 4 stories (based on rezoning requirements)
	Proposed:	69 ft., 4 stories
Min. Eave Height:	Required:	N/A
	Proposed:	N/A
Floor-Celing Height:	Required:	N/A
	Proposed:	N/A
Front Entry:	Required:	On frontage line
	Proposed:	On frontage line
Absence of Bldg. Façade:	Required:	N/A
	Proposed:	N/A
Opening Width:	Required:	N/A
	Proposed:	N/A
Parking:	Required:	N/A
	Proposed:	26 spaces
Min. Parking Space Size:	Required:	180 sq. ft.
	Proposed:	180 sq. ft.
Parking in Frontage:	Required:	Not permitted
	Proposed:	None proposed
Loading Area:	Required:	2 spaces, 40 x 12 x 14
	Proposed:	2 spaces, 4- x 12 x 14

Screening:

<u>Parking:</u>	Required:	32 in. capped masonry
	Proposed:	Fully screened by building façade
<u>Loading:</u>	Required:	6 ft. minimum
	Proposed:	Screened by building
<u>Rooftop Mechanical:</u>	Required:	Obscured from public view
	Proposed:	6 ft. brick screen wall
<u>Elect. Transformer:</u>	Required:	Masonry screen wall with wood gates
	Proposed:	Masonry and arborvitae
<u>Dumpster:</u>	Required:	6 ft. masonry screen wall
	Proposed:	Within building envelope



MEMORANDUM

Planning Division

DATE: January 9, 2023

TO: Thomas M. Markus, City Manager

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Set Public Hearing to amend Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards

INTRODUCTION:

As a result of the temporary COVID-19 outdoor dining expansion resolution and continuing issues with outdoor dining patios encroaching onto required clear paths, and adding unapproved equipment/fixtures, heaters, and structures, the City Commission directed a review of outdoor dining requirements to evaluate potential changes that may clarify and/or enhance the outdoor dining environment within the City. At this time, the Planning Board has drafted revised regulations that are consistent, enforceable, and offer more clarity to outdoor dining establishments.

BACKGROUND:

On December 14, 2023 ([Agenda](#)), the Planning Board held a public hearing to review the proposed ordinance amendments and moved to recommend approval to the City Commission amendments to Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards.

A complete background of the outdoor dining ordinance study including dates, summaries, and links to previous agendas can be found in the attached Planning Board report.

Two items of note were discussed heavily at the Planning Board. One such item was the placement of outdoor dining facilities and whether or not an operator would be permitted to have outdoor dining on the sidewalk and the furnishing zone or whether only one placement would be permitted. Ultimately, the Planning Board settled on language that permits outdoor dining on a sidewalk or furnishing zone, and both in limited exceptions made by the Planning Board where the streetscape conditions demonstrate sufficient space to permit adequate pedestrian passage.

Secondly, the Planning Board moved the proposed language forward without a sunset or amortization clause.

LEGAL REVIEW:

The City Attorney has reviewed the documentation as to form and substance and has no objections.

FISCAL IMPACT:

There are no fiscal impacts for this agenda item.

PUBLIC COMMUNICATIONS:

As required for proposed Zoning Ordinance amendments, a legal ad will be placed in a newspaper of local circulation to advertise the public hearing at the City Commission meeting on February 13, 2023.

SUMMARY:

The Planning Division requests that the City Commission set a public hearing date of February 13, 2023 to consider ordinance amendments to Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards.

ATTACHMENTS:

Please see the following attached documents:

- Proposed Ordinance Language
- Final Planning Board Report

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to set a public hearing date of February 13, 2023 to consider ordinance amendments to Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards.

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 4, SECTION 4.44, OUTDOOR DINING STANDARDS, TO SUPPORT PUBLIC HEALTH, ACTIVATE PUBLIC SPACE, FOSTER ECONOMIC DEVELOPMENT, SAFEGUARD THE USE OF PUBLIC PROPERTY, AND PROVIDE FLEXIBILITY FOR CURRENT TRENDS AND FUTURE DEMANDS FOR OUTDOOR DINING.

Article 4, Section 4.44 – Outdoor Dining Standards

This Outdoor Dining Standards section applies to the following districts:



The following outdoor dining standards apply:

A. ~~Outdoor Dining:~~ Outdoor dining is permitted immediately next to the [principal use](#), subject to Site Plan Review, and the following conditions:

- ~~1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.~~
- ~~2. All outdoor activity must cease at the close of business or as noted in subsection 3 below.~~
- ~~3. When an outdoor dining area is immediately adjacent to any single family or multiple family residential district, all outdoor activity must cease at the close of business or 10:00 p.m., whichever is earlier.~~
- ~~4. Outdoor dining may be permitted on the sidewalk throughout the year with a valid Outdoor Dining License.~~
- ~~5. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.~~
- ~~6. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.~~
- ~~7. For outdoor dining located in the public right-of-way:~~

- ~~a. All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.~~
- ~~b. In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.~~
- ~~c. Outdoor dining is permitted to extend in the right-of-way in front of neighboring properties, with the written permission of the property owner(s) and with Planning Board approval, if such property is vacant or the first floor storefront(s) is/are vacant. Outdoor dining areas may extend up to 50% of the width of the neighboring lot(s) storefront(s), or up to 50% of the lot(s) frontage, if such lot is vacant.~~
- ~~d. City Commission approval is also required for outdoor dining extensions onto neighboring property if the establishment making such a request holds a bistro license.~~
- ~~e. An elevated, ADA compliant platform may be erected on the street in front of an eating establishment to create an outdoor dining area only if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.~~
- ~~f. No such facility shall erect or install permanent fixtures in the public right-of-way.~~

~~8. Outdoor dining is permitted in a B1 District at a rate of 4 seats for every 12 linear feet of store frontage, with no more than 12 seats total per [building](#); no elevated enclosed platforms on the street are permitted in a B1 District.~~

The following outdoor dining standards apply:

- A. Purpose and Intent: The purpose of this section is to provide harmonious outdoor dining design in order to support public health, activate public space, foster economic development, safeguard the use of public property, and provide flexibility for current trends and future demands for outdoor dining.**
- B. Outdoor Dining – General: Outdoor dining is permitted immediately adjacent to and abutting the principal use, subject to review by the Planning Board, or by the Planning Division at the discretion of the Planning Board, and the conditions below. For the purposes of this section, outdoor dining facility shall include outdoor dining patios and/or outdoor dining platforms.**

- 1. All outdoor activity including cleaning, maintenance and closing procedures must cease at the close of business or as noted in subsection 2.**
- 2. When an outdoor dining facility is immediately adjacent to and abutting any single-family or multiple-family zoned residential district, all outdoor activity must cease at the close of business or 10:00 p.m., whichever is earlier.**
- 3. Reviews of outdoor dining facilities shall include, but are not limited to, the following elements: tables, chairs, umbrellas, portable heating elements, barriers, service stations, landscaping/plantings, awnings, canopies, lighting, host/hostess stands, entertainment, valet operations, and any other adjacent neighboring outdoor dining facilities.**
- 4. Outdoor dining facilities may be permitted to extend in front of neighboring properties or tenant spaces with the written permission of the property owners(s) affected and with Planning Board approval. Written permission must be renewed annually and submitted with the Outdoor Dining Permit application(s) for each outdoor dining facility affected.**
- 5. Outdoor dining facilities may be permitted on public property only with a valid annual Outdoor Dining License, provided that the following conditions are met:**
 - i. Approval of an Outdoor Dining License shall be contingent upon compliance with all current city codes and ordinances, including any conditions required by the City or the Planning Board in conjunction with Site Plan approval.**
 - ii. Operators of outdoor dining facilities shall be responsible for snow and ice removal, and shall remove snow and ice in a manner consistent with the regulations of the Department of Public Services.**
 - iii. All outdoor dining facility elements such as railings, planters, tables, chairs, heaters, umbrellas, and the like must be stored indoors each night between January 1 and March 31 to allow for complete snow and ice removal.**
 - iv. Outdoor dining patios located in an alley or passage that has vehicular traffic are only permitted April 1 through December 31.**
 - v. An ADA compliant platform may be erected in the on-street parking space(s) immediately in front of a food or drink establishment to create an outdoor dining facility from April 1 through December 31, subject to an additional review by the Advisory Parking Committee.**

6. **All outdoor facilities shall be designed to meet the requirements of this section, as well as all applicable building and fire codes.**

C. Outdoor Dining – Design: All outdoor dining facilities are subject to the following design standards:

1. **All outdoor dining elements, fixtures and furnishings must be constructed of high quality and durable materials that are compatible with the establishment and the environment in which the outdoor dining facility is located.**
2. **Outdoor dining facilities shall provide and service refuse containers within the outdoor dining facility and maintain the area in good order. Public trash receptacles are not permitted to be utilized by outdoor dining facilities.**
3. **Outdoor dining facilities shall not contain enclosures as defined in Article 9, Section 9.02 of the Zoning Ordinance.**
4. **In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 ft.**
5. **Placement of outdoor dining patios shall be limited to either the area immediately adjacent to the building in which an establishment resides, or in the furnishing zone, but not both. Limited exceptions to the placement of outdoor dining patios as noted in this subsection may be made by the Planning Board where the streetscape conditions demonstrate sufficient space to permit adequate pedestrian passage, and as permitted in Article 4, Section 4.44(B)(4).**
6. **Outdoor dining platforms within the adjacent street or parking space(s) shall be designed to be flush with the curb, and may not extend beyond the curb into the furnishing zone except to accommodate accessibility requirements.**
7. **No such establishment shall erect or install permanent fixtures in the public right-of-way.**
8. **Overhead weather protection such as umbrellas, awnings or canopies are subject to the following conditions:**
 - i. **Overhead weather protection shall not impede sight lines into a retail establishment, obstruct pedestrian flow within the outdoor dining facility, obstruct pedestrian or vehicular traffic flow outside the outdoor dining facility, or contain signage or advertising.**

- ii. **Overhead weather protection on outdoor dining platforms must measure a minimum of 8 ft. from the finished floor of an outdoor dining platform, and shall not exceed 10 ft. in overall height;**
- 9. **Barriers defining outdoor dining facilities shall be constructed of quality and durable materials, and shall be maintained and placed in a consistent and organized fashion. Barriers may not exceed 42 inches in height measured from grade or the finished floor of an outdoor dining platform.**
- 10. **Windbreaks are permitted within outdoor dining facilities and shall be affixed to, or integrally designed within a barrier. The total combined height of a barrier and windbreak shall not exceed 42 inches as measured from grade or the finished floor of an outdoor dining platform. Windbreaks must be constructed of a clear, rigid and durable material such as Plexiglas, glass or acrylic. Eisenglass and other vinyl-based materials are prohibited.**
- 11. **Portable heating elements must be maintained and kept in an orderly fashion and in accordance with all applicable fire codes. Propane or other fuels may not be stored on public property, and are subject to the Storage and Display Standards outlined in Article 4, Section 4.67 of the Zoning Ordinance.**
- 12. **All service functions and ancillary elements including, but not limited to, trash receptacles, service stations or host/hostess stands must be located within the approved outdoor dining facility, contained, and kept in a neat and orderly fashion. Service stations and host/hostess stands may not exceed 4 feet in height. The storage of dirty dishware is prohibited.**

D. Nonconforming Outdoor Dining Facilities: Any outdoor dining facility existing at the time of the enactment of this ordinance, or any amendments thereto, that does not conform to the requirements of the district in which it is located may be continued or maintained subject to the following provisions, provided the facilities remain in compliance with the approved site plan and maintain a valid annual Outdoor Dining License:

- 1. **If a nonconforming outdoor dining facility is destroyed, it shall be repaired, reconstructed or replaced, in conformity with all the provisions of the current applicable codes and ordinances, and any remnants of the former outdoor dining facility shall be removed from the property.**
- 2. **At the time that a non-conforming outdoor dining facility is replaced, renovated, or otherwise changed, the facility must be brought into compliance with the requirements of the current applicable codes and**

ordinances. Routine maintenance, including changing chairs and tables, umbrellas, waste receptacles, or other non-integral features is permitted for all existing outdoor dining facilities.

ORDAINED this _____ day of _____, 2023 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 3, SECTION 3.04 (C), SPECIFIC STANDARDS, TO REDUCE REDUNANCY AND PROVIDE CONSISTENT OUTDOOR DINING REGULATIONS.

Article 3, Section 3.04 – Specific Standards (Downtown Overlay District)

C. Building Use: Buildings shall accommodate the following range of uses for the various designations on the Regulating Plan of the Downtown Birmingham Overlay District:

1. ...
2. ...
3. ...
4. ...
5. ...
6. ...
7. ...
8. ...
9. ...

10. Bistros are permitted with a valid Special Land Use Permit with the following conditions:

- a. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
- b. Alcohol is served only to seated patrons, except those standing in a defined bar area;
- c. No dance area is provided;
- d. Only low key entertainment is permitted;
- e. Bistros must have tables located ~~in~~ **within** the storefront space lining any street, or pedestrian passage;
- f. All outdoor dining facilities are subject to the requirements located in Article 4, Section 4.44 of this Ordinance;**
- g. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
- h. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and

- ~~i.~~ Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. **If there is not sufficient space to permit such dining on the street or passage adjacent to the bistro, alternative outdoor dining facility placement may be considered by the Planning Board.** ~~an elevated, ADA compliant, defined platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.~~
- ~~j.~~ Enclosures facilitating year round dining outdoors are not permitted.
- ~~k.~~ Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.
- ~~l.~~ Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.

ORDAINED this _____ day of _____, 2023 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 3, SECTION 3.16, SPECIFIC STANDARDS, TO REDUCE REDUNANCY AND PROVIDE CONSISTENT OUTDOOR DINING REGULATIONS, AND TO PERMIT OUTDOOR DINING IN ACTIVE VIAS.

Article 3, Section 3.16 – Specific Standards (Via Activation Overlay District

- A. Permitted and Prohibited Uses: To enhance the amenity and character of vias, **and** to enhance visual interest and encourage surveillance of urban spaces, active uses should be provided at the ground floor level along the majority of the edges of buildings located adjacent to vias. While buildings should accommodate these uses, care must be taken to avoid conflict with pedestrian movement in the via. To specifically encourage the activation of vias, the following uses are permitted within Active, Connecting, and Destination Vias:

1. Retail sales and display;
2. Public plazas and informal gathering spaces;
- 3. Outdoor Dining;**
4. Art display; and
5. Community Gardens.

In addition, the following ~~uses are~~ **use is** also permitted within Connecting and Destination Vias:

- ~~1. Outdoor dining; and~~
2. Special Events.

The following are specifically prohibited in all vias:

1. Automatic food and drink vending machines outdoors;
2. Drive-in facilities or any commercial use that encourages patrons to remain in their automobiles while receiving goods or services;
3. Unscreened trash receptacles; and
4. Unscreened outdoor storage.

B. ...

C. ...

ORDAINED this _____ day of _____, 2023 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO ADD DEFINITIONS FOR ENCLOSURE, OUTDOOR DINING PATIO, AND PERMANENT FIXTURE.

Article 9, Section 9.02 – Definitions

Enclosure (outdoor dining): A vertical wall, panel, or other material that extends above 42 in. in height which provides extended relief from weather and impedes physical and/or visual access to the outdoor dining space. For the purposes of this definition, enclosure does not include exterior building walls.

Furnishing Zone: The area between the sidewalk and the curb where streetscape amenities such as planter boxes, streetlights, and tree wells are typically located.

~~**Outdoor Café:** An outdoor area accessory to an existing restaurant operation designated for consumption of food prepared within the restaurant and subject to the provisions of this ordinance.~~

Outdoor Dining Patio: A defined outdoor area accessory to an existing food and drink establishment designated for consumption of food and/or drink prepared within the establishment and subject to the provisions of this ordinance.

Outdoor Dining Platform: A defined outdoor area accessory to an existing food and drink establishment designated for consumption of food and/or drink prepared within the establishment that is located in a parking space and/or street and subject to the provisions of this ordinance.

Permanent Fixture (outdoor dining): Any element within an outdoor dining patio containing a foundation or other rigid attachment that prevents removal or that which requires extensive modifications to the public right-of-way.

Windbreaks: Temporary, seasonal elements in an outdoor dining facility provided to reduce the effect of harsh weather conditions for seated patrons.

ORDAINED this _____ day of _____, 2023 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk



MEMORANDUM

Planning Division

DATE: December 14, 2022

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Outdoor Dining Ordinance – Public Hearing #2

On December 7, 2020 ([Agenda](#) – [Minutes](#)), the City Commission discussed amending the Zoning Ordinance to consider allowing the enclosure of outdoor dining areas during the winter months. The City Commission asked the Planning Board to consider this issue, and any regulations they may recommend should outdoor dining enclosures be permitted.

On June 21, 2021 ([Agenda](#) – [Minutes](#)), the City Commission and Planning Board met at a joint meeting to further discuss outdoor dining, and to get a clear direction as to what elements of outdoor dining should be addressed. In general, the City Commission and Planning Board discussed several topics spanning from enclosures to private vs. public space, but ultimately asked the Planning Board to take a comprehensive look at the entire outdoor dining ordinance.

On June 23, 2021 ([Agenda](#) – [Minutes](#)), the Planning Board discussed outdoor dining in further detail based on the joint meeting two days prior. The Planning Board settled on a list of goals that they would like to focus on in the ordinance review process, which includes the following:

- Incentivize outdoor off-season dining;
- Review the placement of decks and enclosures;
- Ensure that additional outdoor off-season dining does not become an extension of the indoor space;
- Solicit feedback from restaurateurs of all types in the City;
- Seek possible ideas from local, national and international examples;
- Review the current ordinance for issues;
- Review tickets that were given out to temporary outdoor dining operations;
- Review photos of the variety of temporary outdoor dining structures that were used around the City;

- Explore options for maintaining permanent aspects of outdoor dining structures even if the parts of the structures come down in different seasons;
- Discuss potential differences in policy for outdoor dining on public versus private property;
- Solicit feedback from Public Services and the BSD;
- Review agreements from temporary outdoor dining to see if any of the temporary policies might be worth integrating;
- Consider aspects like sidewalk widths and snow clearing in writing the policy;
- Maintain the current seating allowances for differently-sized establishments and maintain the differences for establishments holding different kinds of licenses for alcoholic beverage service; and,
- Recommend a permanent solution so that restaurateurs do not have to continue to adapt to changing policies.

Study Session #1 Summary

On July 14, 2021 ([Agenda](#) – [Minutes](#)), the Planning Board reviewed a high-level report on outdoor dining to guide future discussion. The topics included observations as to what constitutes “good” outdoor dining with national and local examples, as well as a local ordinance review for outdoor dining. The Planning Board discussed next steps and emphasized the need to (1) hear from different City Departments (code issues, retail neighbor conflicts, streetscape), (2) review available codes and ordinances from other areas of the country (enclosures, public vs. private, year-round), and (3) analyze information from national downtown associations or other related organizations (trends, social districts, success stories).

Study Session #2 Summary

On August 11, 2021 ([Agenda](#) – [Minutes](#)), the Planning Board reviewed another high-level report in which the Planning Division presented various departmental comments on outdoor dining, a national outdoor dining ordinance review, conversations with local cities, and a study of national organization input and trends. The Planning Division also provided some public feedback from Engage Birmingham, which surveyed the public for their opinion of the COVID-19 temporary outdoor dining expansions, which were overwhelmingly positive. Moving forward, the Planning Board expressed interest in getting into more detail on seasonal/year round dining and its effect on street activation, public versus public space, the potential for regulating different restaurants/licenses differently, and defining and establishing a purpose of outdoor dining in the City.

Study Session #3 Summary

On September 9, 2021 ([Agenda](#) – [Minutes](#)), the Planning Board discussed a report which contained comments from the Advisory Parking Committee, common issues with outdoor dining patios, information on the temporary COVID-19 patios, and also discussed the purpose of outdoor dining. In addition, the Planning Board was able to review an example of how the outdoor dining ordinance could look based on comments up to that point. Ultimately, the conversation started to get more granular with specific ordinance-related ideas ranging from an official stance on

enclosures to material guidelines to patio placement. There were several other requests for information including a review of Michigan Liquor Control Commission guidelines for outdoor dining, a review of the concept of windbreak versus wall, and the possibility of regulating outdoor dining by zones.

Study Session #4 Summary

On September 23, 2021 ([Agenda](#) – [Minutes](#)), the Planning Board discussed the MLCC rules for outdoor dining patios, the concept of a windbreak and whether or not they should be permitted, and also explored the different zoning districts in which outdoor dining is permitted. These topics led to more conversation about how overhead weather protection will interact with said overhead coverings, and what typed of overhead protection the Planning Board should permit. The Planning Board expressed an interest in taking a deeper dive into overhead weather protection and reviewing different options.

Study Session #5 Summary

On October 27, 2021 ([Agenda](#) – [Minutes](#)), the Planning Board focused much their conversation on overhead weather protection and which types may be considered within the new ordinance language, and what different issues might arise with the different styles. In addition, the Birmingham Fire Chief Paul Wells gave a brief overview of the fire code as it relates to overhead weather protection, and offered some guidance to the Planning Board regarding fire suppression and other aspects of outdoor dining. In addition to overhead weather protection, the Planning Board provided some clear direction on the subjects of windbreaks, year-round dining, and the role of outdoor dining decks.

Study Session #6 Summary

On December 8, 2021 ([Agenda](#) – [Minutes](#)), the Planning Board reviewed comments regarding outdoor dining from the Birmingham Shopping District (BSD). In addition to the BSD comments, the Planning Board also reviewed some updated comments from the Fire Department based on their additional research into the Fire Code. To round out the meeting, the Planning Board outlined several items that they feel need further discussion/decision moving forward:

- Whether establishments with liquor licenses and establishments without liquor licenses should be handled differently;
- Whether there should be on-season and off-season dates for outdoor dining, and what should happen to furniture and other equipment on public property if there are different 'seasons';
- Whether establishments should be permitted outdoor dining on both a sidewalk and a deck if requested, and if not, what the City wants to incentivize instead;
- What types of coverings and equipment should be allowed, and how specific the standards should be in terms of material, location, and other considerations;
- Whether outdoor dining should be permitted to extend beyond the storefront of an establishment, and if so, what the limitations should be;

- Whether outdoor dining decks should be limited to a certain number per block; and,
- Whether outdoor dining in public space and outdoor dining in private space should be regulated differently.

Study Session #7 Summary

On January 12, 2022 ([Agenda](#) – [Minutes](#)), the Planning Board discussed the several questions posed in the previous study session and came to a conclusion on most of them. In general, the Planning Board decided on a short extension to the regular outdoor dining season, treating all outdoor dining establishments alike, enhanced material and appearance standards, and allowing expansion of patios with neighbor consent. During this study session, the Planning Board also reviewed seating data for the different outdoor dining establishments, and was provided a map of all outdoor dining in the City, which is heavily concentrated downtown. Ultimately, the Planning Board asked Staff to take their comments and work them into a new revised set of ordinance amendments to review on February 9, 2022.

Study Session #8 Summary

On February 9, 2022 ([Agenda](#) – [Minutes](#)), the Planning Board worked on fine-tuning a set of ordinance amendments to try to finalize a few of their discussion points, and make sure the intent of the original direction of the City Commission was met. The Planning Board made several revision requests that were aimed at clarifying different aspects of the proposed ordinance, but especially relating to the barriers and enclosure regulations. In addition, the Planning Board made some requests to review various site plans from approved outdoor dining patios in the City to help guide the final discussions on the placement of patios, and other design limitations.

Study Session #9 Summary

On March 9, 2022 ([Agenda](#) – [Minutes](#)), the Planning Board took another long look at the proposed ordinance language and offered several minor changes to the text in an attempt to offer further clarity and consistency throughout the ordinance. In addition, the Planning Board discussed the remaining issues that were in need of direction. In short, the Planning Board decided that they did not wish to restrict outdoor dining patios to one contiguous patio, but did express interest in restricting platform dining to the street with no impingement on the furniture zone. Additionally, the majority of the Planning Board did not feel as though fixed awnings were appropriate over outdoor dining platforms, and sought additional language to restrict overhead weather protection to umbrellas on platforms. Finally, the Planning Board did not feel as though the numbers of platforms per block should be restricted.

Public Hearing #1 Summary

On March 9, 2022, the Planning Board moved to set a public hearing date of April 13, 2022 for a final review and recommendation to be forwarded to the City Commission. Due to a noticing issue, the Planning Board reset the public hearing to May 11, 2022 ([Agenda](#) – [Minutes](#)). At the public hearing, the Planning Division provided finalized ordinance language based on Planning Board comments, but also re-circulated the language to each department, as well as the City

Attorney to ensure that the language addressed their concerns, and would provide consistent and enforceable regulation. Ultimately, a motion to recommend approval to the City Commission failed 3-4. The driving factors behind the failed vote were concerns over the impact of the amended ordinance language on existing establishments, and some lingering design questions

Joint Meeting Summary

On June 20, 2022 ([Agenda](#) – [Minutes](#)), the Planning Board and City Commission held a joint meeting to discuss a few remaining policy considerations related to the overall outdoor dining study, as well as give the Commission a progress report. Three main questions were posed to the group:

1. Does the Commission wish to engage in any additional public input on the outdoor dining ordinance?
2. Does the Commission wish to consider a cap on the number of outdoor dining platforms permitted in the public rights-of-way by block, by area, or overall?
3. Should the Planning Board require additional documents and plans regarding the integration of valet operations and outdoor dining?

During the meeting, there was consensus that the City should use its constant contact email service to help inform the public of the upcoming outdoor dining study session. In addition, the group was in agreement that a non-conformity or sunset provision would be appropriate based on the nature of some of the larger changes proposed. Finally, it was unanimously accepted that a valet operations plan be included wherever outdoor dining facilities and valet operations coexist.

Study Session #10 Summary

On July 13, 2022 ([Agenda](#) – [Minutes](#)), the Planning Board discussed at length the final major design considerations that were unresolved, which included outdoor dining facilities in the furnishing zone, overhead weather protection, and windbreaks.

Study Session #11 Summary

On August 10, 2022 ([Agenda](#) – [Minutes](#)), the Planning reviewed revised ordinance language to reflect an adjustment to outdoor dining facility placement, the allowance of canopies and awnings on platforms, and other minor improvements.

Study Session #12 Summary

On September 14, 2022 ([Agenda](#) – [Minutes](#)), the Planning Division provided the minor revisions requested from the Planning Board from the previous meeting. The Planning Board discussed each section and provided staff with comments and requests for minor changes. At that time, the Planning Board indicated that the nonconforming section of the ordinance is the final hurdle, and provided commentary on what type of language best suited the outdoor dining ordinance based on the number of outdoor dining facilities and the time horizon for changes.

Study Session #13 Summary

On November 9, 2022 ([Agenda](#)) the Planning Board reviewed a document that contained all of the requested changes from the Planning Board, which was also reviewed by the City Attorney. The Planning Board fielded a large amount of public comment regarding the proposed “sunset” language in the nonconformity section, which the Planning board agreed to remove for the public hearing.

Public Hearing #2

The Planning Division has provided final ordinance language that considered the feedback received from the Planning Board at the last study session, as well as sample motion language below.

Sample Motion Language:

Motion to recommend to the City Commission APPROVAL of the amendments to Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide more clear and enforceable outdoor dining ordinances.

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 4, SECTION 4.44, OUTDOOR DINING STANDARDS, TO SUPPORT PUBLIC HEALTH, ACTIVATE PUBLIC SPACE, FOSTER ECONOMIC DEVELOPMENT, SAFEGUARD THE USE OF PUBLIC PROPERTY, AND PROVIDE FLEXIBILITY FOR CURRENT TRENDS AND FUTURE DEMANDS FOR OUTDOOR DINING.

Article 4, Section 4.44 – Outdoor Dining Standards

This Outdoor Dining Standards section applies to the following districts:

B1 B2 B2B B2C B3 B4 MX 01 02 TZ3

The following outdoor dining standards apply:

~~A. **Outdoor Dining:** Outdoor dining is permitted immediately next to the principal use, subject to Site Plan Review, and the following conditions:~~

- ~~1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.~~
- ~~2. All outdoor activity must cease at the close of business or as noted in subsection 3 below.~~
- ~~3. When an outdoor dining area is immediately adjacent to any single family or multiple family residential district, all outdoor activity must cease at the close of business or 10:00 p.m., whichever is earlier.~~
- ~~4. Outdoor dining may be permitted on the sidewalk throughout the year with a valid Outdoor Dining License.~~
- ~~5. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.~~
- ~~6. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.~~
- ~~7. For outdoor dining located in the public right-of-way:~~

- ~~a. All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.~~
- ~~b. In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.~~
- ~~c. Outdoor dining is permitted to extend in the right-of-way in front of neighboring properties, with the written permission of the property owner(s) and with Planning Board approval, if such property is vacant or the first floor storefront(s) is/are vacant. Outdoor dining areas may extend up to 50% of the width of the neighboring lot(s) storefront(s), or up to 50% of the lot(s) frontage, if such lot is vacant.~~
- ~~d. City Commission approval is also required for outdoor dining extensions onto neighboring property if the establishment making such a request holds a bistro license.~~
- ~~e. An elevated, ADA compliant platform may be erected on the street in front of an eating establishment to create an outdoor dining area only if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.~~
- ~~f. No such facility shall erect or install permanent fixtures in the public right-of-way.~~

~~8. Outdoor dining is permitted in a B1 District at a rate of 4 seats for every 12 linear feet of store frontage, with no more than 12 seats total per building; no elevated enclosed platforms on the street are permitted in a B1 District.~~

The following outdoor dining standards apply:

- A. Purpose and Intent: The purpose of this section is to provide harmonious outdoor dining design in order to support public health, activate public space, foster economic development, safeguard the use of public property, and provide flexibility for current trends and future demands for outdoor dining.
- B. Outdoor Dining – General: Outdoor dining is permitted immediately adjacent to and abutting the principal use, subject to review by the Planning Board, or by the Planning Division at the discretion of the Planning Board, and the conditions below. For the purposes of this section, outdoor dining facility shall mean patios and/or platforms.
 - 1. All outdoor activity including cleaning, maintenance and closing procedures must cease at the close of business or as noted in subsection 2.

2. When an outdoor dining facility is immediately adjacent to and abutting any single-family or multiple-family zoned residential district, all outdoor activity must cease at the close of business or 10:00 p.m., whichever is earlier.
3. Reviews of outdoor dining facilities shall include, but are not limited to, the following elements: tables, chairs, umbrellas, portable heating elements, barriers, service stations, landscaping/plantings, awnings, canopies, lighting, host/hostess stands, entertainment, valet operations, and any other adjacent neighboring outdoor dining facilities.
4. Outdoor dining facilities may be permitted to extend in front of neighboring properties or tenant spaces with the written permission of the property owners(s) affected and with Planning Board approval. Written permission must be renewed annually and submitted with the Outdoor Dining Permit application(s) for each outdoor dining facility affected.
5. Outdoor dining facilities may be permitted on public property only with a valid annual Outdoor Dining License, provided that the following conditions are met:
 - i. Approval of an Outdoor Dining License shall be contingent upon compliance with all current city codes and ordinances, including any conditions required by the City or the Planning Board in conjunction with Site Plan approval.
 - ii. Operators of outdoor dining facilities shall be responsible for snow and ice removal, and shall remove snow and ice in a manner consistent with the regulations of the Department of Public Services.
 - iii. All outdoor dining facility elements such as railings, planters, tables, chairs, heaters, umbrellas, and the like must be stored indoors each night between January 1 and March 31 to allow for complete snow and ice removal.
 - iv. Outdoor dining patios located in an alley or passage that has vehicular traffic are only permitted April 1 through December 31.
 - v. An ADA compliant platform may be erected in the on-street parking space(s) immediately in front of a food or drink establishment to create an outdoor dining facility from April 1 through December 31, subject to an additional review by the Advisory Parking Committee.
6. All outdoor facilities shall be designed to meet the requirements of this section, as well as all applicable building and fire codes.

C. Outdoor Dining – Design: All outdoor dining facilities are subject to the following design standards:

1. All outdoor dining elements, fixtures and furnishings must be constructed of high quality and durable materials that are compatible with the establishment and the environment in which the outdoor dining facility is located.

2. Outdoor dining facilities shall provide and service refuse containers within the outdoor dining facility and maintain the area in good order. Public trash receptacles are not permitted to be utilized by outdoor dining facilities.
3. Outdoor dining facilities shall not contain enclosures as defined in Article 9, Section 9.02 of the Zoning Ordinance.
4. In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 ft.
5. Placement of outdoor dining patios shall be limited to either the area immediately adjacent to the building in which an establishment resides, or in the furnishing zone, but not both. Limited exceptions to the placement of outdoor dining patios as noted in this subsection may be made by the Planning Board where the streetscape conditions demonstrate sufficient space to permit adequate pedestrian passage, and as permitted in Article 4, Section 4.44(B)(4).
6. Outdoor dining platforms within the adjacent street or parking space(s) shall be designed to be flush with the curb, and may not extend beyond the curb into the furnishing zone except to accommodate accessibility requirements.
7. No such establishment shall erect or install permanent fixtures in the public right-of-way.
8. Overhead weather protection such as umbrellas, awnings or canopies are subject to the following conditions:
 - i. Overhead weather protection shall not impede sight lines into a retail establishment, obstruct pedestrian flow within the outdoor dining facility, obstruct pedestrian or vehicular traffic flow outside the outdoor dining facility, or contain signage or advertising.
 - ii. Overhead weather protection on outdoor dining platforms must measure a minimum of 8 ft. from the finished floor of an outdoor dining platform, and shall not exceed 10 ft. in overall height;
9. Barriers defining outdoor dining facilities shall be constructed of a quality and durable material, and shall be maintained and placed in a consistent and organized fashion. Barriers may not exceed 42 inches in height measured from grade or the finished floor of an outdoor dining platform.
10. Windbreaks are permitted within outdoor dining facilities and shall be affixed to, or integrally designed within a barrier. The total combined height of a barrier and windbreak shall not exceed 42 inches as measured from grade or the finished floor of an outdoor dining platform. Windbreaks must be constructed of a clear, rigid and durable material such as Plexiglas, glass or acrylic. Eisenglass and other vinyl-based materials are prohibited.
11. Portable heating elements must be maintained and kept in an orderly fashion and in accordance with all applicable fire codes. Propane or other fuels may not be

stored on public property, and are subject to the Storage and Display Standards outlined in Article 4, Section 4.67 of the Zoning Ordinance.

12. All service functions and ancillary elements including, but not limited to, trash receptacles, service stations or host/hostess stands must be located within the approved outdoor dining facility, contained, and kept in a neat and orderly fashion. Service stations and host/hostess stands may not exceed 4 feet in height. The storage of dirty dishware is prohibited.

D. Nonconforming Outdoor Dining Facilities: Any outdoor dining facility existing at the time of the enactment of this ordinance, or any amendments thereto, that does not conform to the requirements of the district in which it is located may be continued or maintained subject to the following provisions, provided the facilities remain in compliance with the approved site plan and maintain a valid annual Outdoor Dining License:

1. If a nonconforming outdoor dining facility is destroyed, it shall be repaired, reconstructed or replaced, in conformity with all the provisions of the current applicable codes and ordinances, and any remnants of the former outdoor dining facility shall be removed from the property.
2. At the time that a non-conforming outdoor dining facility is replaced, moved, renovated, or otherwise changed, the facility must be brought into compliance with the requirements of the current applicable codes and ordinances. Routine maintenance, including changing chairs and tables, umbrellas, waste receptacles, or other non-integral features is permitted for all existing outdoor dining facilities.

ORDAINED this _____ day of _____, 2023 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 3, SECTION 3.04 (C), SPECIFIC STANDARDS, TO REDUCE REDUNANCY AND PROVIDE CONSISTENT OUTDOOR DINING REGULATIONS.

Article 3, Section 3.04 – Specific Standards (Downtown Overlay District)

C. Building Use: Buildings shall accommodate the following range of uses for the various designations on the Regulating Plan of the Downtown Birmingham Overlay District:

1. ...
2. ...
3. ...
4. ...
5. ...
6. ...
7. ...
8. ...
9. ...

10. Bistros are permitted with a valid Special Land Use Permit with the following conditions:

- a. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
- b. Alcohol is served only to seated patrons, except those standing in a defined bar area;
- c. No dance area is provided;
- d. Only low key entertainment is permitted;
- e. Bistros must have tables located in the storefront space lining any street, or pedestrian passage. **If the storefront area is not feasible for outdoor dining, alternative outdoor dining facility placement may be considered by the Planning Board;**
- f. **All outdoor dining facilities are subject to the requirements located in Article 4, Section 4.44 of this Ordinance;**
- g. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height; **and**
- h. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro. ~~and~~

- ~~i. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, defined platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.~~
- ~~j. Enclosures facilitating year round dining outdoors are not permitted.~~
- ~~k. Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.~~
- ~~l. Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.~~

ORDAINED this _____ day of _____, 2023 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 3, SECTION 3.16, SPECIFIC STANDARDS, TO REDUCE REDUNANCY AND PROVIDE CONSISTENT OUTDOOR DINING REGULATIONS, AND TO PERMIT OUTDOOR DINING IN ACTIVE VIAS.

Article 3, Section 3.16 – Specific Standards (Via Activation Overlay District

- A. Permitted and Prohibited Uses: To enhance the amenity and character of vias, **and** to enhance visual interest and encourage surveillance of urban spaces, active uses should be provided at the ground floor level along the majority of the edges of buildings located adjacent to vias. While buildings should accommodate these uses, care must be taken to avoid conflict with pedestrian movement in the via. To specifically encourage the activation of vias, the following uses are permitted within Active, Connecting, and Destination Vias:

1. Retail sales and display;
2. Public plazas and informal gathering spaces;
- 3. Outdoor Dining;**
4. Art display; and
5. Community Gardens.

In addition, the following ~~uses are~~ **use is** also permitted within Connecting and Destination Vias:

- ~~1. Outdoor dining; and~~
2. Special Events.

The following are specifically prohibited in all vias:

1. Automatic food and drink vending machines outdoors;
2. Drive-in facilities or any commercial use that encourages patrons to remain in their automobiles while receiving goods or services;
3. Unscreened trash receptacles; and
4. Unscreened outdoor storage.

B. ...

C. ...

ORDAINED this _____ day of _____, 2023 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO ADD DEFINITIONS FOR ENCLOSURE, OUTDOOR DINING PATIO, AND PERMANENT FIXTURE.

Article 9, Section 9.02 – Definitions

Enclosure (outdoor dining): A vertical wall, panel, or other material that extends above 60 in. in height which provides extended relief from weather and impedes physical and/or visual access to the outdoor dining space. For the purposes of this definition, enclosure does not include exterior building walls.

Furnishing Zone: The area between the sidewalk and the curb where streetscape amenities such as planter boxes, streetlights, and tree wells are typically located.

~~**Outdoor Café:** An outdoor area accessory to an existing restaurant operation designated for consumption of food prepared within the restaurant and subject to the provisions of this ordinance.~~

Outdoor Dining Patio: A defined outdoor area accessory to an existing food and drink establishment designated for consumption of food and/or drink prepared within the establishment and subject to the provisions of this ordinance.

Outdoor Dining Platform: A defined outdoor area accessory to an existing food and drink establishment designated for consumption of food and/or drink prepared within the establishment that is located in a parking space and/or street and subject to the provisions of this ordinance.

Permanent Fixture (outdoor dining): Any element within an outdoor dining patio containing a foundation or other rigid attachment that prevents removal or that which requires extensive modifications to the public right-of-way.

Windbreaks: Temporary, seasonal elements in an outdoor dining facility provided to reduce the effect of harsh weather conditions for seated patrons.

ORDAINED this _____ day of _____, 2023 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk



MEMORANDUM

Human Resources Department

DATE: January 5, 2022
TO: Thomas M. Markus, City Manager
FROM: Joseph Lambert, HR Manager
SUBJECT: City Manager Recruitment Update

INTRODUCTION:

This is an update on the City Manager recruitment effort.

BACKGROUND:

After the closure of the City Manager job posting, a review of applicants was conducted, with qualified candidates prepared for distribution to the City Commission. The City Commission is requested to provide a date and time range in which remote interviews could be held.

LEGAL REVIEW:

The City Attorney has no concerns with the suggested commission action.

FISCAL IMPACT:

No fiscal impact anticipated beyond the standard costs for a broad recruitment.

PUBLIC COMMUNICATIONS:

After initial interviews, the public will be invited to participate in an upcoming "Meet-and-Greet" with the selected candidates, as well as view the second round interviews.

SUMMARY:

Dates and times are needed in order to schedule the next step in the City Manager recruitment search.

ATTACHMENTS:

- City Manager Job Posting

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to approve a time frame of _____ (estimated time needed for all interviews would be 8 hours), in which City Manager candidates will be interviewed remotely by the City Commission.



CITY MANAGER EXECUTIVE RECRUITMENT



"On behalf of the City of Birmingham and City Commission, we welcome your interest in joining our team. Birmingham is a vibrant community with a historic and prosperous downtown. The city is unique and affluent, with charming tree-lined neighborhoods. Our walkable downtown boasts a diverse assortment of retailers and restaurants, with movie theatres and a centrally located park completing the city center. With so much to offer, Birmingham is an ideal place to live, work and play."

Mayor Therese Longe



THE COMMUNITY

The City of Birmingham is located roughly halfway between the cities of Detroit and Pontiac, in Southeast Michigan. Birmingham is a vibrant community with a historic downtown dating back to the 1830's. The city is rated as one of the "Top 20 Most Walkable Communities" with a downtown featuring shops, restaurants, salons, spas, art galleries, home furnishings, antique dealers and clothiers.

Birmingham maintains the feel of a small town, while experiencing the benefits of an affluent urban area. The city is home to two top-rated municipal nine-hole golf courses, a picturesque trail system, a dog park, a newly renovated indoor ice arena and beautiful award-winning parks. Housing is primarily single-family homes of exceptional value with condos, townhomes and lofts throughout the downtown and rail district areas.

Education is highly valued. The schools, both public and private, offer a tradition of academic excellence that consistently rank them as some of the finest schools in the country.



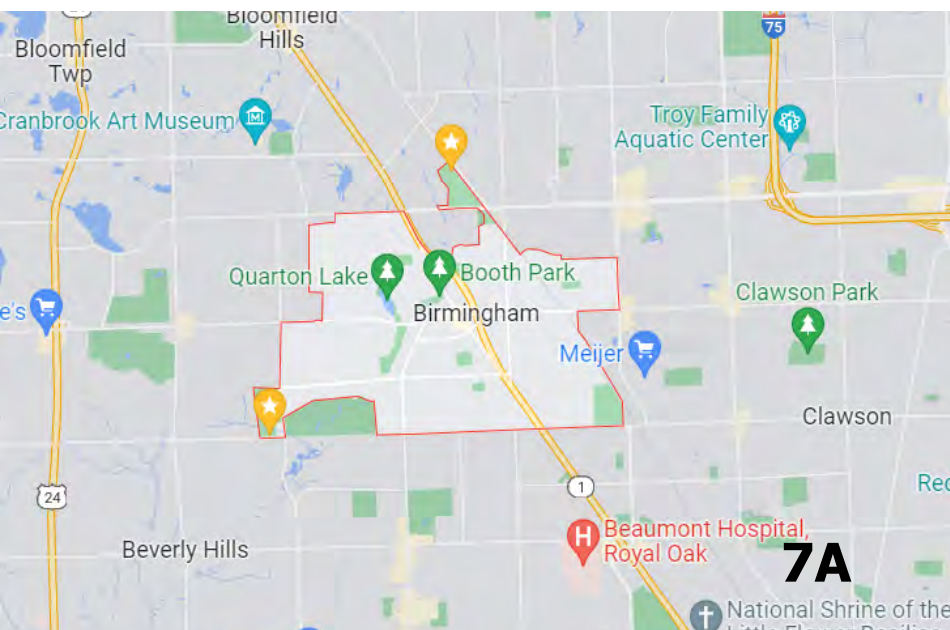
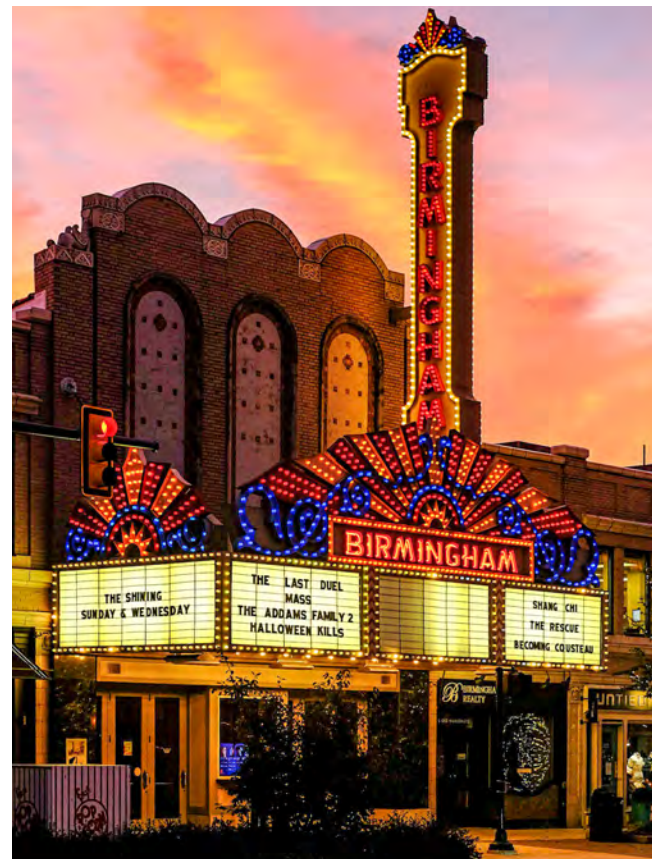


QUICK FACTS

Population: 21,813
 Square Miles: 4.73
 Median Home Value: \$538,900
 Median Household Income: \$126,601

Birmingham City Hall
 151 Martin Street
 Birmingham, MI 48009
www.bhamgov.org

Staffing
 175+ Full-Time Employees
 100+ Part-Time Employees





WELCOME

About the Department

Following the traditional Council/Manager form of government, the City Manager is appointed by and reports directly to the City Commission. Acting as the chief administrative officer, the City Manager supervises all aspects of City operations on a day to day basis.

The current City Manager is planning for a phased transition into retirement. Depending on the selected candidate's start date, a period of overlap should provide an opportunity for the current City Manager to share his institutional knowledge of the City Government.

Opportunities

The future City Manager of Birmingham will have an opportunity to work on downtown infrastructure projects, strategic planning, unimproved streets, senior services, sustainability initiatives and more.

The City is currently developing a Strategic Plan which will help guide the new City Manager in project priorities.





THE IDEAL CANDIDATE

The City of Birmingham's ideal candidate for City Manager will embody a fully qualified professional with a dedicated alignment toward public service, as well as demonstrate a strong ability to:

- Regularly correspond with elected officials
- Positively represent Birmingham and its interests
- Adhere to a very high standard of ethics and integrity
- Utilize strong and concise communication skills
- Act flexibly and adaptively to multiple responsibilities
- Maintain up-to-date knowledge of municipal legislation
- Guide staff on all matters related to public service
- Remain politically unbiased but firm on City positions
- Motivate staff while guiding future development
- Consistently drive well-planned results on projects
- Obtain a top-down understanding of all City functions





- Possession of a Bachelor's Degree in Public or Business Administration, or a closely related field.
- Possession of a Master's Degree is preferred.
- Minimum of 8 years of progressively responsible executive management experience, with at least 5 years of responsible experience as a municipal Department Director.
- Experience as an Assistant City Manager preferred.
- Knowledge of various municipal government functions including public safety, financial management, community development, engineering, municipal parking, public works, economic development, civic engagement, etc.
- Ability to work evening and weekend hours as City activities require.

The City of Birmingham is an Equal Opportunity Employer seeking qualified applicants, without regard to race or other protected status.

The City expects that both internal and external candidates will compete for the City Manager position.





SALARY & BENEFITS

Salary range of \$140,000 - \$160,000 DOQ, with an attractive benefits package, including:

- o Medical, dental, vision, and life insurance
- o Paid time off
- o 401(a) defined contribution retirement package
- o Retiree Health Savings plan
- o Voluntary 457 Retirement plan
- o Short/Long-Term disability
- o College tuition reimbursement
- o Flexible Spending Account

APPLY

Applications for the Birmingham City Manager position are due by 4:00 p.m. on December 2, 2022. Submit your application at www.bhamgov.org/jobs. Candidates selected for an interview will be required to appear in person or via Zoom before the Birmingham City Commission.



SEASONS OF BIRMINGHAM





APPLY TODAY!

Submit your application at:

www.bhamgov.org/jobs





MEMORANDUM

City Manager's Office

DATE: January 4, 2023

TO: City Commission

FROM: Thomas M. Markus, City Manager

SUBJECT: Request for Closed Session to discuss a periodic personnel evaluation of the City Manager

It is requested that the City Commission meet in closed session to:

Consider the periodic personnel evaluation of the City Manager if the named individual requests a closed hearing. I hereby request a closed hearing pursuant to the Open Meetings Act.

SUGGESTED COMMISSION ACTION:

Make a motion to meet in closed session to discuss the personnel evaluation of the City Manager pursuant to Section 8(a) of the Open Meetings Act.

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

OPEN MEETINGS ACT (EXCERPT)
Act 267 of 1976

15.268 Closed sessions; permissible purposes; applicability to independent citizens redistricting commission.

Sec. 8. (1) Except as otherwise provided in subsection (2), a public body may meet in a closed session only for the following purposes:

(a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named individual requests a closed hearing. An individual requesting a closed hearing may rescind the request at any time, in which case the matter at issue must be considered after the rescission only in open sessions.

(b) To consider the dismissal, suspension, or disciplining of a student if the public body is part of the school district, intermediate school district, or institution of higher education that the student is attending, and if the student or the student's parent or guardian requests a closed hearing.

(c) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.

(d) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.

(e) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.

(f) To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, except as otherwise provided in this subdivision, all interviews by a public body for employment or appointment to a public office must be held in an open meeting pursuant to this act. This subdivision does not apply to a public office described in subdivision (j).

(g) Partisan caucuses of members of the state legislature.

(h) To consider material exempt from discussion or disclosure by state or federal statute.

(i) For a compliance conference conducted under section 16231 of the public health code, 1978 PA 368, MCL 333.16231, before a complaint is issued.

(j) In the process of searching for and selecting a president of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963, to review the specific contents of an application, to conduct an interview with a candidate, or to discuss the specific qualifications of a candidate if the particular process of searching for and selecting a president of an institution of higher education meets all of the following requirements:

(i) The search committee in the process, appointed by the governing board, consists of at least 1 student of the institution, 1 faculty member of the institution, 1 administrator of the institution, 1 alumnus of the institution, and 1 representative of the general public. The search committee also may include 1 or more members of the governing board of the institution, but the number does not constitute a quorum of the governing board. However, the search committee must not be constituted in such a way that any 1 of the groups described in this subparagraph constitutes a majority of the search committee.

(ii) After the search committee recommends the 5 final candidates, the governing board does not take a vote on a final selection for the president until at least 30 days after the 5 final candidates have been publicly identified by the search committee.

(iii) The deliberations and vote of the governing board of the institution on selecting the president take place in an open session of the governing board.

(k) For a school board to consider security planning to address existing threats or prevent potential threats to the safety of the students and staff. As used in this subdivision, "school board" means any of the following:

(i) That term as defined in section 3 of the revised school code, 1976 PA 451, MCL 380.3.

(ii) An intermediate school board as that term is defined in section 4 of the revised school code, 1976 PA 451, MCL 380.4.

(iii) A board of directors of a public school academy as described in section 502 of the revised school code, 1976 PA 451, MCL 380.502.

(iv) The local governing board of a public community or junior college as described in section 7 of article VIII of the state constitution of 1963.

(l) For a county veteran services committee to interview a veteran or a veteran's spouse or dependent regarding that individual's application for benefits or financial assistance and discuss that individual's

application for benefits or financial assistance, if the applicant requests a closed hearing. This subdivision does not apply to a county veteran services committee voting on whether to grant or deny an individual's application for benefits or financial assistance. As used in this subdivision, "county veteran services committee" means a committee created by a county board of commissioners under section 1 of 1953 PA 192, MCL 35.621, or a soldiers' relief commission created under section 2 of 1899 PA 214, MCL 35.22.

(2) This act does not permit the independent citizens redistricting commission to meet in closed session for any purpose. As used in this subsection, "independent citizens redistricting commission" means the independent citizens redistricting commission for state legislative and congressional districts created in section 6 of article IV of the state constitution of 1963.

History: 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1984, Act 202, Imd. Eff. July 3, 1984;—Am. 1993, Act 81, Eff. Apr. 1, 1994;—Am. 1996, Act 464, Imd. Eff. Dec. 26, 1996;—Am. 2018, Act 467, Eff. Mar. 27, 2019;—Am. 2021, Act 31, Imd. Eff. June 24, 2021;—Am. 2021, Act 166, Imd. Eff. Dec. 27, 2021.

Compiler's note: Enacting section 1 of Act 166 of 2021 provides:

"Enacting section 1. This amendatory act is intended to clarify that the independent citizens redistricting commission for state legislative and congressional districts, since its establishment under section 6 of article IV of the state constitution of 1963, has been required to conduct all of its business at open meetings, without exception and in a manner that invites wide public participation throughout this state, as provided in section 6(10) of article IV of the state constitution of 1963, and that the commission continues to be subject to this unqualified open meetings requirement."



MEMORANDUM

City Manager's Office

DATE: January 4, 2023
TO: City Commission
FROM: Thomas M. Markus, City Manager
SUBJECT: Two Year Performance Update

Throughout the past year, in addition to the day-to-day activities associated with managing the city, we have accomplished the items listed below. I am pleased with the progress made thus far and look forward to continued accomplishments in my final six months.

- Hired or promoted highly skilled professionals for key roles in the City. To date, the following department head and deputy level roles have been successfully filled:
 - City Engineer (outside hire)
 - Assistant City Engineer (internal promotion)
 - Executive Director of the Birmingham Shopping District (outside hire)
 - IT Manager (brought contractor in-house)
 - Deputy Clerk (outside hire)
 - Planning Director (internal promotion)
 - Assistant City Manager (internal promotion)
 - Human Resources Manager (internal promotion)
 - Chief of Police (internal promotion)
 - Police Captain (internal promotion)
 - Deputy Treasurer (outside hire)
 - Parking Systems Manager (outside hire)
 - Department of Public Services Director (internal promotion)
 - DPS Public Services Manager (outside hire)
- Oversaw the adoption of a strategic plan to guide the City's overarching goals for the next 3-5 years and created suggested actions for their implementation.
- Transitioned to a new healthcare consultant firm, taking the city's consultant expenses from \$195,000 (originally believed to be \$108,414) to \$49,000.
- Transferred all active staff and retirees to Blue Cross Blue Shield of Michigan, which lowered medical insurance costs by \$1,127,639.
- Received \$260,000 in federal funds from the Substance Abuse and Mental Health Services Administration (SAMHSA) and \$75,000 from the Southeast Michigan Community

Foundation for the Police Department's Co-response Community Outreach (CoRe) initiative. The CoRe program contracts with Oakland Community Health Network for a clinician to work with the PD when responding to calls for crisis intervention with people experiencing a mental health crisis.

- Introduced the GovAlert app to provide residents with a simple and streamlined method to report non-emergent concerns to the City. More than 450 concerns have been reported in the nine months that the City has used the GovAlert app.
- Received federal grants for COVID-19 related expenses totaling over \$4 million.
- Completed the Adams Park development project with funds from the Parks and Recreation bond and a grant of \$100,000 from the Oakland County Parks and Recreation Commission.
- Adopted a new city logo and created the Ad Hoc Wayfinding and Branding Committee to standardize the logo's usage.
- Selected a vendor for new parking equipment to improve the experience of residents and visitors in the City's structures. The new equipment will be installed in January 2023.
- Completed the South Old Woodward reconstruction project that included new underground infrastructure and a new streetscape with improved pedestrian crosswalks and on-street accessible parking spaces.
- Greenwood Cemetery was recognized by the National Park Service for its addition to the Underground Railroad Network to Freedom.
- Reintroduced beloved community events including the Department of Public Services Open House, the Celebrate Birmingham Hometown Parade, and the Fire Department Open House.
- Launched an interactive virtual tour of the City that features 360-degree aerial and ground-level imagery.

ATTACHMENTS

- Six Month City Manager Performance Update, June 10, 2021
- Second Six Months City Manager Performance Update, March 8, 2022

DATE: June 10, 2021

TO: City Commission

FROM: Thomas M. Markus, City Manager

SUBJECT: Six Month City Manager Performance Update

Throughout the past six months, in addition to the day-to-day activities associated with managing the city, we have accomplished the items listed below. I am pleased with progress made thus far and look forward to continued achievements.

- Instituted the Manager's Report to provide Commissioners with a greater level of insight into the daily operations of the city.
- Established workshop sessions to provide Commissioners with time to deeply discuss and understand issues and projects they vote on.
- Moved Parks & Recreation Bond projects forward, such as the Ice Sports Arena renovation/addition project.
- Improved morale among city staff members and fostered a positive working environment.
- Advertised for the Assistant City Manager and Parking System Manager positions. Filled numerous roles including: Human Resources Manager, Human Resources Generalist, Deputy City Clerk, two police officers, part-time clerical assistant, and seasonal laborers.
- Developed a Request for Qualifications for legal services.
- Guided a special review of unimproved streets at a City Commission Workshop. Directed staff to study Commissioner comments and recommendations by the Ad Hoc Unimproved Street Study Committee, and to create a recommended policy.
- Reviewed the Parking Assessment Districts and Triangle District. Directed staff to prepare a report on possible changes to special assessment policies and ordinances, and resume meetings regarding the Triangle District.
- Guided staff through the extension of COVID-19 relief initiatives that benefited residents, visitors and businesses.
- Transitioned City facilities and operations from the COVID-19 restrictions to a more open environment.
- The City and other control units of the 48th District Court agreed that Birmingham would serve as the primary contact for indigent defense counsel pursuant to MCL 780.985.
- Made recommendations regarding the City's use of American Rescue Plan Act funds.
- Guided staff in preparation for the second draft of the Citywide Master Plan for 2040.
- Started the review and preliminary design phase for the South Old Woodward project.
- Entered into Mental Health Co-Response Team interlocal agreement with the Auburn Hills Police Department, Bloomfield Township Police Department and the Oakland County Health Network.
- Contract negotiations with BFFA and AFSCME approved by the Commission.
- Transformed Code Enforcement into Code Assistance to signify that they help individuals understand how to comply with the City's rules and regulations.

- Launched Engage Birmingham as a public engagement tool to better connect residents with their city.
- Guided the review and approval of the 2021-2022 city budget.
- Birmingham rated AAA by the S&P Global Ratings for the nineteenth consecutive year.

DATE: March 8, 2022

TO: City Commission

FROM: Thomas M. Markus, City Manager

SUBJECT: Second Six Months City Manager Performance Update

Throughout the past six months, in addition to the day-to-day activities associated with managing the city, we have accomplished the items listed below. I am pleased with progress made thus far and look forward to continued achievements.

- Selected an Assistant City Manager and created a succession and mentorship plan for the future City Manager.
- Created and hired for the position of Parking Services Manager to holistically address the needs of the City's parking system.
- Hired staff for key positions including Construction Engineer, City Planner, Public Services Manager, Deputy City Clerk, and six first responders.
- Created a contract agreement with Beier Howlett for legal services following a comprehensive RFQ process.
- Created an improved system to ensure that all City contracts have been properly executed and filed.
- Completed a comprehensive review of the City's accounts receivable process and created an improved workflow and approval process for two particular billing areas, outdoor dining and special assessments.
- Negotiated a new healthcare broker contract, saving the City \$110,000 annually over its prior firm.
- Launched the City's new, more accessible website.
- Initiated the creation of a comprehensive City Commission code of conduct.
- Completed the Ice Arena renovation project that included remodeled and expanded locker rooms, a new observation area and meeting room space, and an upgraded concession area.
- Collaborated with MDOT to make pedestrian safety upgrades on Woodward Avenue a priority.
- Encouraged proactive enforcement of the City's snow emergency and snow removal ordinances.
- Supported the Clerk's Office efforts in running the November 2021 City Commission election.
- Introduced the GovPilot citizen request app to streamline resident requests for service
- Implemented employee trainings including citywide sensitivity training and a COVID vaccination information session with an emergency room physician.
- Recouped over \$1.2 million dollars in state and federal reimbursements and grants for the City's Emergency Management response throughout the COVID-19 pandemic.

- Conducted the Long Range Planning meeting featuring 33 presentations from 16 City departments.
- Introduced the process for a strategic planning effort.

As my employment agreement states, "the Commission agrees that it shall establish certain goals and objectives upon which the Employee's performance may be evaluated." At the June 28, 2021 meeting, the Commission evaluated my performance over my first six months as City Manager. I request a closed session performance review for the second sixth period in my role as City Manager pursuant to the OMA at MCL §15.268(a) which states that public bodies such as the City Commission are permitted to meet in closed session "to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named individual requests a closed hearing."

The Commission is requested to determine a date and format to be used for the next City Manager performance review. Examples of City Manager evaluation instruments are included for the Commission's consideration.

ATTACHMENTS

- Six Month City Manager Performance Update memo, June 10, 2021
- City Manager's Employment Agreement, January 20, 2021
- Examples of City Manager evaluation instruments from Bristol, Tennessee; Columbia, Tennessee; ICMA; Klamath Falls, Oregon; MTAS; San Carlos, California; and Dover, New Hampshire



NOTICE OF INTENTION TO APPOINT TO THE CABLECASTING BOARD

At the regular meeting of Monday, February 13, 2023, the Birmingham City Commission intends to appoint three members to the Cablecasting Board to serve three-year terms expiring March 30, 2026, one regular member to serve the remainder of a three-year term expiring March 30, 2024, and one alternate member to serve the remainder of a three-year term expiring March 30, 2025. Applicants must be residents of the City of Birmingham.

Interested citizens may submit an application available at the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, February 8, 2023. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

Duties of the Cablecasting Board

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

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
Member must be resident of the City of Birmingham.	2/8/2023	2/13/2023

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



**NOTICE OF INTENTION TO APPOINT TO THE
PARKS & RECREATION BOARD**

At the regular meeting of Monday, February 27, 2023, the Birmingham City Commission intends to appoint to the Parks and Recreation Board three regular members and one alternate member with terms to expire March 13, 2026.

Interested citizens may submit an application available at the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, February 22, 2023. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

Responsibilities

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

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

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
Members must be electors (registered voters) of the City of Birmingham.	2/22/2023	2/27/2023

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



NOTICE OF INTENTION TO APPOINT STORM WATER UTILITY APPEALS BOARD

At the regular meeting of Monday, February 13, 2023, the Birmingham City Commission intends to appoint 3 regular members to serve a three-year term to expire January 31, 2026 and two alternate board members to serve the remainder of three-year terms to expire January 31, 2025.

Members and alternates shall serve at the will of the commission. Members and alternates shall hold office until their successors are appointed. The City Commission shall fill a vacancy by an appointment only.

2 of the 3 regular members appointed shall be licensed professional engineers not employed by the local unit of government. 1 of the 2 alternate members shall also be a licensed professional engineer not employed by the local unit of government. The board members shall serve without compensation. Members are not required to be city residents.

The Appeals Board shall be responsible for hearing disputes to a fee or bill that a property owner or resident of the city shall receive pursuant to the Storm Water Utility ordinance Section 114-402(c). The board members shall schedule periodic meetings for appeals as needed.

Interested citizens may submit a form available from the City Clerk's office on or before noon on Wednesday, February 8, 2023. 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 the appointments.

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.

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
2 of the 3 regular members appointed shall be licensed professional engineers not employed by the local unit of government. 1 of the 2 alternate members shall also be a licensed professional engineer not employed by the local unit of government. The board members shall serve without compensation. Members are not required to be city residents.	2/8/2023	2/13/2023



NOTICE OF INTENTION TO APPOINT TO BOARD OF ZONING APPEALS

At the regular meeting of February 13, 2023, the Birmingham City Commission intends to appoint 2 alternate members to the Board of Zoning Appeals to serve three-year terms to expire February 18, 2026.

Interested parties may recommend others or themselves for these positions by submitting a form available from the City Clerk's office. Applications must be submitted to the City Clerk's office on or before noon on Wednesday February 8, 2023. Applications will appear in the public agenda at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

Duties of Board

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

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
Members shall be property owners of record and registered voters.	2/8/2023	2/13/2023

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



MEMORANDUM

City Manager's Office

DATE: January 4, 2023

TO: Thomas M. Markus, City Manager

FROM: Jana L. Ecker, Assistant City Manager

SUBJECT: Update on the 48th District Court Discussions

On November 14, 2022, a City Commission Workshop was conducted on the topic of the 48th District Court, and the current funding agreement in place. During the discussion, City staff advised that Birmingham had previously requested clarification on the financial information provided by the court, but had not received a response, and that the group of 7 communities has been attempting to have Judge Barron come to a meeting of the 48th District Court communities and discuss the court's proposed budget for 2023. After attempting to arrange such a meeting for the past several months, a date was finally scheduled with Judge Barron for November 30, 2022. However, Judge Barron spoke at the workshop as a Birmingham resident, and stated that he has received no such meeting requests, and has an open door policy. He specifically stated he would meet tomorrow if a community so requested.

After the November 14, 2022 City Commission meeting, City staff reached out to Judge Barron to set up a meeting to review the court's financial information, and to obtain responses to previous clarification requests, as well as a detailed breakdown on the revenues and expenses allocated to each of the 7 communities of the 48th District Court. Judge Barron returned the phone call and indicated his availability in December. City staff reminded Judge Barron of his open door policy to meet with communities, and requested a meeting for the next day. After much discussion, Judge Barron agreed to speak with Court Administrator Dunn and Ms. Sriram, and later that day called to verify that a meeting had been set for Monday, November 21, 2022 at noon with Mr. Dunn, Ms. Sriram and himself to address our request for clarification on the breakdown and allocation of revenues and expenses of the court. Judge Barron requested City staff submit specific questions on the financial details in advance of the meeting.

At the November 14, 2022 City Commission workshop, commissioners requested a breakdown of court usage based on the percentage of caseloads for each of the 7 communities. The breakdown is as follows (using 2018, 2019 and 2021 for a 3 year average, excluding 2020):

Jurisdiction	Average % of Case Load (last 3 years, excluding 2020, draft 2021)
Birmingham	24%
Bloomfield Hills	10%
Bloomfield Township	34%
Keego Harbor	3.5%
Orchard Lake	6%
Sylvan Lake	2%
W. Bloomfield	20.5%

On November 18, 2022, City staff forwarded the financial questions as requested. On November 21, 2022, City staff arrived at the 48th District Court. Mr. Dunn appeared and advised that the meeting had been cancelled and that he had just called the City offices to cancel. City staff was told that Judge Barron was unavailable and that Ms. Sriram was working on providing the answers to the City's questions. City staff advised that Judge Barron had confirmed the meeting and the availability of court staff the prior week, and proceeded to discuss finances. Mr. Dunn was unable to provide any responses to the questions. City staff was advised that Ms. Sriram would provide answers to our written requests at a later date. City staff set another meeting with Judge Barron, Mr. Dunn and Ms. Sriram for November 29, 2022, to once again attempt to gain clarification on the breakdown and allocation of revenues and expenses of the court.

On November 29, 2022, City staff arrived at the 48th District Court and met with Ms. Sriram and Mr. Dunn. All of the requested financial information was provided by the court, and Ms. Sriram reviewed all financial details with City staff and answered any questions that arose. City staff advised that the 48th District Court's budget would be placed on the December 5, 2022 meeting of the Birmingham City Commission for review and discussion.

On November 30, 2022, representatives from all seven jurisdictions that make up the 48th District Court met at the courthouse. Mr. Dunn, Judge D'Agostini and Judge Barron presented the details of the court's budget request for the upcoming year. There was much discussion regarding the expenditures proposed, cost increases, sources of funding and related issues. Representatives from the seven jurisdictions questioned court staff on the proposed expenditures, and once again the issue came up regarding the long term funding of the 48th District Court. After approximately one and half hours of heated discussion, a verbal agreement was reached, in concept only. The conceptual agreement was that the four political subdivisions of Bloomfield Hills, Keego Harbor, Orchard Lake, and Sylvan Lake would agree to contribute their statutory revenues to the funding of the court in years where the court's expenditures exceed revenues, to offset the additional costs to the current funding units of Birmingham, Bloomfield Township and W. Bloomfield Township. Given that the meeting was attended by the management staff and some elected officials for many of the jurisdictions, it was agreed in concept that Birmingham would prepare a draft memorandum of understanding (MOU) for consideration by the four non-funding political subdivisions based on the conceptual agreement. It was then discussed that this MOU could be executed by the political subdivisions and attached as an Exhibit to an updated Funding Agreement between Birmingham, Bloomfield Township and W. Bloomfield Township, to ensure funding for the court would remain in place without the need for costly litigation.

On December 5, 2022, Court Administrator Dunn appeared before the City Commission and presented the 48th District Court's proposed budget for 2023. The City Commission requested additional information from Mr. Dunn, and requested that the matter return to the City Commission at their December 19, 2022 meeting.

On December 19, 2022, Mr. Dunn again appeared before the City Commission to discuss the court's proposed budget, and provided some additional information. Ultimately, the City Commission voted to approve the court's proposed budget, reserving the right to further discuss the funding of the court in January 2023.

Since that time, City staff has prepared draft language consistent with the verbal agreement reached on November 30, 2022 at the courthouse meeting of all jurisdictions. The draft language that was distributed to representatives for all seven jurisdictions in December 2022 is as follows:

THIS MEMORANDUM OF UNDERSTANDING (hereinafter "MOU") is entered into and effective as of the ____ day of _____ 2022, by and among the City of Bloomfield Hills, City of Keego Harbor, City of Orchard Lake and City of Sylvan Lake, all of said parties being referred to collectively hereinafter as the "**POLITICAL SUBDIVISIONS**" of the 48th District Court, and is executed for the purpose of being attached as Exhibit A to the existing Court Funding Agreement, dated _____ between Bloomfield Township, the City of Birmingham and West Bloomfield Township (collectively hereinafter as the "**FUNDING UNITS**").

NOW THEREFORE, BE IT RESOLVED that the POLITICAL SUBDIVISIONS agree to the following:

1. In the event that the total of all 48th DC court revenues from all seven jurisdictions does exceed the total of all 48th DC expenditures, the POLITICAL SUBDIVISIONS agree to receive the one-third statutory split of revenues as a result of fines and costs assessed for the violation of laws within their respective jurisdiction, to pay the statutory fees required, and to keep any revenues in excess of the statutory fees allocated to their respective jurisdiction, as established in Michigan PA 236;
2. In the event that the total of all 48th DC court revenues from all seven jurisdictions does not exceed the total of all 48th DC expenditures, the POLITICAL SUBDIVISIONS agree to contribute any end of year distributions that would have resulted from each POLITICAL SUBDIVISION'S share of receipts, after subtracting the statutory fees for operating costs, to the FUNDING UNITS to assist in reducing the loss exposure of the FUNDING UNITS for that fiscal year;
3. All POLITICAL SUBDIVISIONS agree to be bound to the terms of this MOU until _____ or _____, whichever occurs first;

The understanding was that once all four political subdivisions respond that this is, in concept at least, what the jurisdictions coalesced around in November, Birmingham would prepare a complete DRAFT MOU for legal review and potential approval from the elected bodies of Bloomfield Hills, Keego Harbor, Orchard Lake and Sylvan Lake.

At this time, representatives from Bloomfield Hills, Keego Harbor and Orchard Lake have all agreed that the above language is consistent with the conceptual agreement discussed in November, and have advised that upon receipt of a complete draft MOU, they will send it through their process for legal review and council/commission review.



MEMORANDUM

City Manager's Office

DATE: January 4, 2023

TO: Thomas M. Markus, City Manager

FROM: Melissa Fairbairn, Assistant City Manager

SUBJECT: Communication regarding Board and Committee Activities

At the December 19, 2022 City Commission meeting, Commissioner Haig suggested that blockages of information were the cause of a fellow Commissioner creating social media videos in which he made incorrect assertions about the 2040 Master Plan. Commissioner Haig requested that more information from board and committee meetings be shared with the Commission. City Manager Markus requested further clarification about this request from Commissioner Haig but, to date, has not received such clarification.

The Commission has previously been advised on methods for receiving information from City boards and committees. The December 6, 2021 Commission agenda packet included a report from City Attorney Mary Kucharek that advised that Commissioners should not attend meetings of boards and committees "to avoid even the appearance of an opportunity to violate the OMA." It was recommended that Commissioners who wished to learn detailed information from boards and committees watch the meetings anonymously or review the agenda packets.

ATTACHMENT:

- Commissioners Attendance at Various Advisory Boards and Committees, December 6, 2021

REPORT

DATE: December 6, 2021

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

FROM: Mary M. Kucharek

SUBJECT: Commissioners Attendance at Various Advisory Boards and Committees

The question has been posed, whether it is advisable for City commissioners to personally attend various advisory boards and committees of the City.

In order to analyze this issue, we must be cognizant of not only impressions and unattended consequences of the presence of commissioners, but the Open Meetings Act as well. Keeping in mind that the basic intent of the Open Meetings Act is to require commissioners to be transparent while conducting business at open meetings of the City Commission. A meeting means the convening of the Commission when there is a quorum present for the purpose of deliberating or rendering a decision on public policy, and all meetings must be considered open to the public with proper notice given to the public stating the date, time and place of all commission meetings. If a commissioner were to address one of the boards or committees while a quorum of the Commission was present, it could be argued that a meeting occurred if the commissioners had an exchange between two (2) members. An exchange between commissioners could be deemed to be deliberation towards a decision, even if that decision was not being made at the committee level but at a future Commission meeting.

Courts have examined these issues in the past and, likewise, the Office of the Michigan Attorney General. In 1981 the Attorney General made the determination that it would be improper for commissioners that possess appointment powers over members of boards and committees to appear before boards of committees regarding the business of that board, particularly if they have a personal interest. Also, courts have determined that when the appointers of those serving on committees and boards are conducting their business, the presence of those appointers causes an imposition of duress on the members of the board not as a matter of law, but in matters of potential consequence. The courts have stated that "the presence of a city commissioner before boards bring with it the presence and powers of his office."

While the intended purpose of commissioners to attend the various boards and committees of the City is to observe, to be aware of, as well as to learn what is happening in the community, those purposes and intents can easily be achieved by either watching the proceedings anonymously on zoom or watching at a later date as all open meetings are recorded. Therefore, to avoid even the appearance of an opportunity of potential influence or duress upon appointees, and to avoid the remote opportunity to violate the OMA, it is my recommendation that commissioners refrain from appearing at the various boards and committee meetings in person or if on zoom with their names.

~~10E3~~

10E2

Date	Meeting Type	Action Needed
<i>Required 63-Day Public Notice Period</i>		
January 11, 2023	Planning Board	<ul style="list-style-type: none"> • Review final draft and present / discuss comments received during the distribution period. • Set public hearing date.
February 8, 2023	Planning Board	<ul style="list-style-type: none"> • Present the final Plan and hold a public hearing. Further discuss comments received during the distribution period as needed. • Adopt plan; recommend to the City Commission for adoption.
March 2023 (Exact Date TBD)	City Commission	<ul style="list-style-type: none"> • Present the final Plan and hold a public hearing. • If prepared to do so, the City Commission may adopt the Plan by resolution.

January 2, 2023

Dear Birmingham Neighbors,

A wish for you and yours to have a Happy New Year! We can all hope for a better 2023!

You should be interested to know The Birmingham Planning Board is in the final stages of reviewing the 2040 Master Plan for the City. Chapter 2, *Embrace Managed Growth*, identifies the three single-family homes on the Southeast corner of Eton and Lincoln and states:

"...While there are not many properties available for infill.... those areas able to accommodate infill should be zoned to encourage it...Create a new zoning district or modify the transition zone districts to enable infill development of small homes, townhouses, duplexes, and small multi-family buildings..."

The Planning Board will hear your comments in person 7:30PM Wednesday, January 11, 2023. Or you can **go online to send your comments** at <https://thebirminghamplan.com/comment>

Again, best wishes for 2023.



Always welcoming your emails and calls.

Brad Host

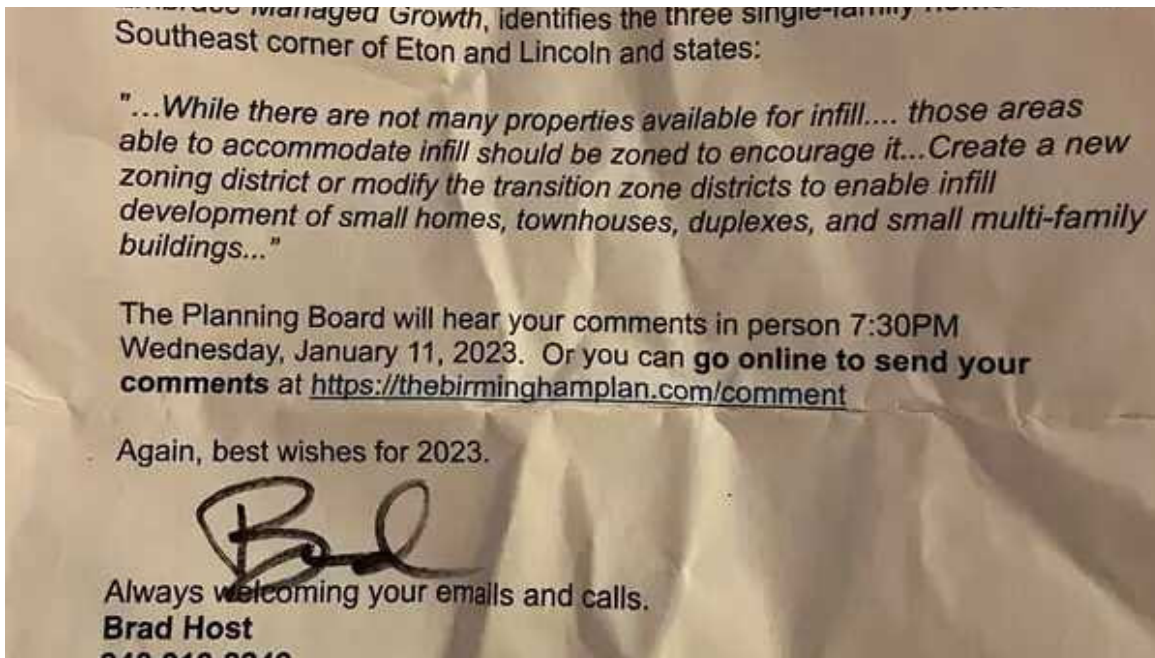
248.219.2249

BraddHost@gmail.com



Josh Greenwald

Torry Community Assoc • 13 hr ago •



Apparently a new development (likely townhouses) is being planned for the SE corner of Eton and Lincoln. First three houses would be demolished. City Planning Board meets on Wednesday, January 11 at 7:30pm if you're interested in sharing your thoughts on this rezoning. You can also submit your comments (see above).

1160-1170 South Eton Street, Birmingham, MI

4 Like 4 Comments Share



Meli Zikakis • Torry Community Assoc

The residents of said houses would have to decide to sell to a developer. The "plan" is not talking about eminent domain. My suggestion is to actually read the plan - not just the "Cliff notes" being provided by Mr Host
Care to comment Commissioner
@Andrew Haig ?

10 hr ago Like Reply Share



Mary Carleton-Smith • Torry Community Assoc

My first impression...Only the first 3 houses? Huh 😞.. Sounds like that big ol cat that sneaks into your bed intending to “share” your pillow.
Developers gonna develop

9 hr ago

Like

Reply

Share



Mary Carleton-Smith • Torry Community Assoc

I spent a night with my daughter in downtown Rochester last week. Their holiday lights gained international attention, highlighting all the unique small business' that already occupy those spaces ... no major developments, no multipurpose zoning, just small Michigan business' and community spirit. I keep searching for that in this master plan. 35 years ago, when I moved to Birmingham, that type of community existed.

9 hr ago

Like

Reply

Share



2



Douglas Fehan • Triangle District

I have not seen any plans for a development on that corner. What developer is doing the project?

PROTECT YOURSELF WITH A FLU VACCINE



Rendering: Courtesy of the Office of the Mayor of NYC

Fifth Avenue is set to become a permanent pedestrian-centered boulevard

This is huge news.



Written by [Anna Rahmanan](#) Monday December 19 2022



ADVERTISING

Just a month after news of [Fifth Avenue closing to car traffic for a few weeks in December](#) caused an excited ruckus among New Yorkers, Mayor Eric Adam announced an entirely updated vision for the popular area that focuses on transforming it into a pedestrian-centered boulevard.

Based on the success of the above-mentioned holiday Open Streets program and the city's new "New New York: Making New York Work for Everyone" plan, project zeroes in on Fifth Avenue from Bryant Park at 42nd Street to Central Park at 59th Street to make it a less congested and safer destination that prioritizes cyclists and mass transit options.

Discover Time Out original video

Chris Daze Ellis

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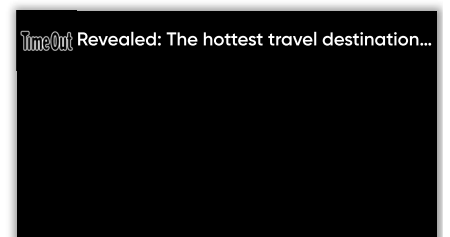
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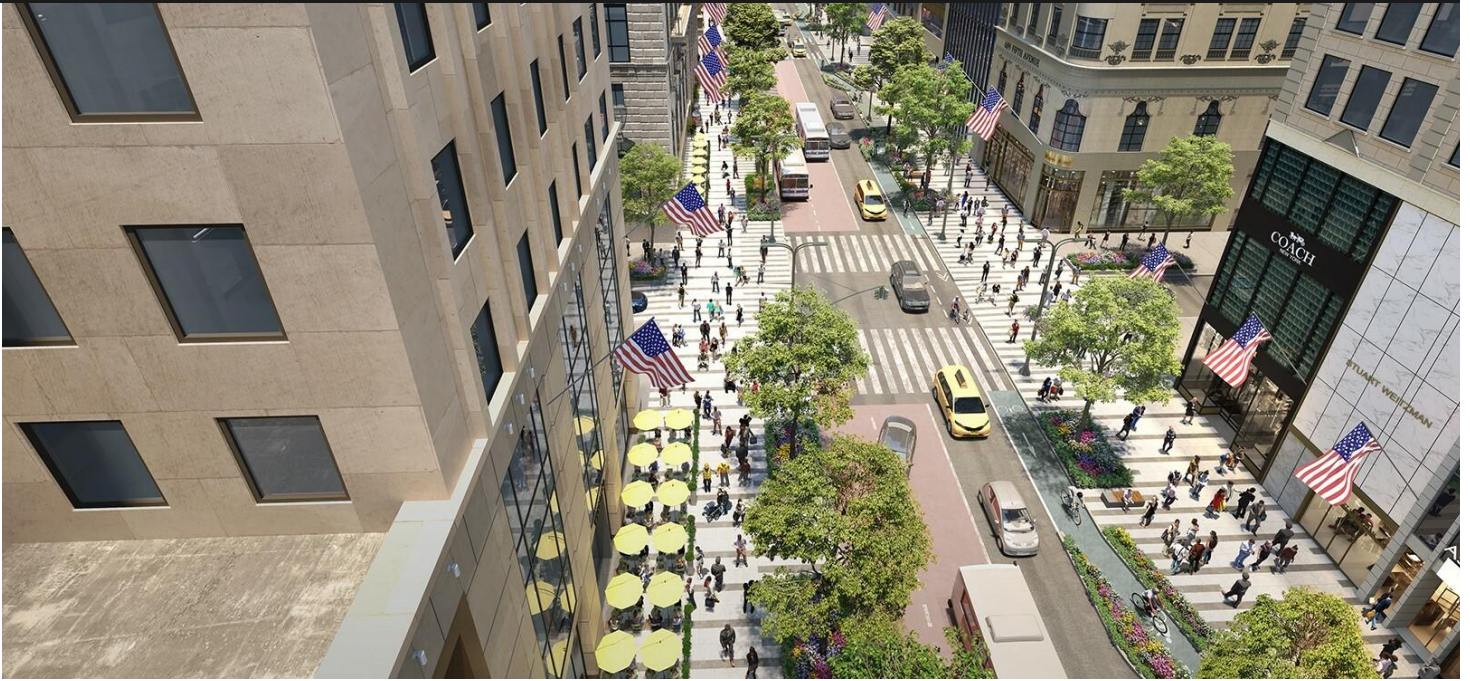
"Fifth Avenue is an iconic corridor and an engine of our midtown economy. But it is also an unmissable opportunity to show the city and the country how world-class public space can help create vibrant central business districts," the politician said in a statement. "New York isn't coming back, New York is bac But New Yorkers don't sit on our hands—we will continue to bring everyone to the table, come up with innovative ideas together, and make our city safer, fair and more prosperous."

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Rendering: Courtesy of the Office of the Mayor of NYC

Mayor Adams set the following goals as part of the overall vision based on a range of data that includes commuting trends, work and traffic patterns and congestion pricing:

- Transform Fifth Avenue between Bryant Park and Central Park into an innovative pedestrian-focused space for the public to enjoy, with public realm improvements like expanded green space, new tree plantings and enhanced lighting.
- Prioritize sustainable modes of transportation and mass transit, including speeding up bus travel.
- Significantly increase pedestrian space across the avenue—expanding sidewalks and prioritizing accessibility and pedestrian mobility.
- Improve street safety, including for cycling.

Details about the plan are still being ironed out, but you can expect a series of improvements to be implemented by early 2023, when the New York City Economic Development Corporation (NYCEDC) and the Department of Transportation (DOT) will reach out and contract a design firm to start the planning process.

The entire vision is scheduled to be executed in a total of two years.

Funding-wise, the city and the state will provide the majority of the capital for the project but a number of private partners (including the Bryant Park Association, the Central Park Conservancy, the Fifth Avenue Association and the Grand Central Partnership) will be involved financially as well.

It is the dawn of a new era within one of the most visited neighborhoods in the entire world.

[Anna Rahmanan](#)

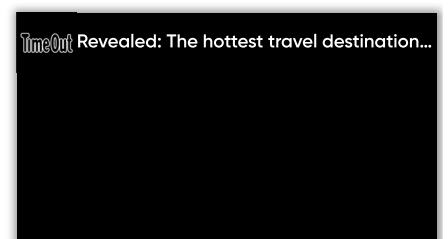
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US news

Shifting gears: why US cities are falling out of love with the parking lot

Cities are loosening rules on building parking spots with new buildings: 'It's about the climate, it's about walkability'



Oliver Milman

🐦 @olliemilman

Mon 26 Dec 2022 05:00 EST

T

hey are grey, rectangular and if you lumped their population of up to 2bn together they would cover roughly the same area as Connecticut, about 5,500 sq miles. Car parking spaces have a monotonous ubiquity in US life,

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but a growing band of cities and states are now refusing to force more upon people, arguing they harm communities and inflame the climate crisis.

These measures, along with expansive highways that cut through largely minority neighborhoods and endless suburban sprawl, have cemented cars as the default option for transportation for most Americans.

From January, though, California will become the first state to enact a ban on parking minimums, **halting their use** in areas with public transport in a move that governor Gavin Newsom called a “win-win” for reducing planet-heating emissions from cars, as well as helping alleviate the lack of affordable housing in a state that has lagged in building new dwellings.

Several cities across the country are now rushing doing the same, with **Anchorage**, Alaska, **Cambridge**, Massachusetts, and **Nashville**, Tennessee, all recently loosening or scrapping requirements for developers to build new parking lots. “These parking minimums have helped kill cities,” said Gernot Wagner, a climate economist at Columbia Business School who accused political leaders of making downtowns “look like bombs hit them” by filling them with parking lots.

“Getting rid of parking minimums is an amazing step, it’s a piece in the puzzle of climate policy,” said Wagner, who pointed out that transportation is the largest source of planet-heating emissions in the US. “There’s a major rethink going on now which is good for cities and for families.”

How much land does off-street parking take up in the US?

Higher estimate

Based on six parking spots per motor vehicle

All off-street parking in the US

Connecticut

~5,250
sq. miles

4,842
sq. miles of land

Lower estimate

Based on three parking spots per motor vehicle

All off-street parking in the US

Delaware

Rhode Island

+

~2,625
sq. miles

2,983
sq. miles of land

Guardian graphic. Source: Virginia Transport Policy Institute, US Census. Note: State figures represent land area, not including water.

Climate campaigners and public transport advocates have seized upon the previously esoteric issue of parking minimums, posting [aerial pictures](#) on social media demonstrating the vast swathes of prime urban land given over to parking lots and pushing city councils to foster denser communities with more opportunities to walk, cycle or catch buses and trains rather than simply drive.

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Cities such as Buffalo, New York, and Fayetteville, Arkansas, scaled back parking minimums a few years ago and [have reported](#) a surge in activity to transform previously derelict buildings into shops, apartments and restaurant. Developers previously saw such work as unviable due to the requirement to build plots of car parking, in many cases several times larger than the building itself.

Nashville is among a new wave of cities hoping to do the same. “It’s about the climate, it’s about walkability, it’s reducing traffic and the need for everyone to have a car,” said Angie Henderson, a member of the Nashville metro council who proposed the parking change for the city’s core area.

Henderson said she was struck by how a dental practice in her district was forced to construct a parking lot for 45 cars, requiring the clearing of trees from a nearby hillside, despite only having space for a handful of patients.

“Nashville is very much auto-orientated and making that shift is challenging,” added Henderson, who admitted that some residents complain about a lack of parking and have been unnerved by the changes. “We aren’t doing away with cars, this isn’t some sort of parking armageddon, but it will start to shift the market.”

“Land use policy is inextricably linked to climate policy and I think at a local level this is the primary way we can to help on that,” she said. “So much good work on climate is being done in cities, which is exciting. There’s real momentum around parking policy now.”

Mandating the building of car parking can seem an innocuous, and even commonsense, way to accommodate the [roughly 280m cars](#) driven around by Americans. Faced with a public used to navigating car-centric cities with ample parking at amenities from strip malls to concert halls, cities [typically](#) have zoning laws demanding at least one parking space per apartment built, one per 300sq ft of commercial development and one per 100sq ft for restaurants.

These stipulations have helped concrete over huge chunks of America - there are between three and six car parking spaces per car in the US, numbering up to two billion in total according to some estimates. In much of the US, more space is devoted to parking than housing - in Jackson, Wyoming, for example, parking spaces outnumber homes 27 to one, [research has found](#).

The ratio of parking spots to homes in five US cities

For every home in there are this many parking spots

New York, New York	0.6
Philadelphia, Pennsylvania	3.7
Seattle, Washington	5.2
Des Moines, Iowa	19.4
Jackson, Wyoming	27.1

Guardian graphic. Source: Research Intistitue for Housing America. Icons: Jens Tärning / Noun Project.

That ratio is much lower in places such as New York City, but the US's largest and most transit-friendly metropolis still allows vast swathes of public road space to be free storage for cars - there are nearly 4m car parking spots in New York and drivers only have to pay to park in 3% of them.

In California, site of the first statewide curbs on parking minimums, the amount of land earmarked for the use of cars is even more striking. In the San Francisco bay area, which has become increasingly expensive to live in amid a shortage of new housing, there are about 15m parking spots, with a fifth of the region's incorporated land area given over to parking and roads. In Los Angeles county, around 40% of the land is devoted to the movement and storage of cars, with parking alone taking up the space equivalent to nine Mannhattans.

“There’s been this decades-long process of hollowing out cities essentially to favor the rich and those in the suburbs who drive everywhere,” said Wagner.

“Driving has been subsidized with this negative regulatory intervention into the market through parking minimums, which has helped make housing less affordable and is killing the climate. It’s mind-boggling to think about how long it took for the tide to change, but it is changing.”

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The primacy of the car - or more accurately, SUVs - is still mostly unchallenged in the US. Vehicle sales leapt last year and while Joe Biden's administration has proposed the removal of some highways to reconnect severed, previously walkable communities, the federal government is still funneling more than \$300bn into the construction of new highways and is not involved in the hyper-local issue of parking spaces.

Some cities still reject the idea of easing parking minimums, too. In March, city commissioners in Miami reinstated parking minimums, with Manolo Reyes, one of the commissioners stating: "This is not a pedestrian and bicycle city." Reyes also complained that people were parking outside his home because of a lack of available parking spots.

Even in California there is still resistance to change, with restaurants near beaches in San Diego recently told they will need to replace any 'lost' parking spots if they set up outdoor dining on street.

But the growing backlash against entrenched parking minimums is providing a sense of vindication for long-time advocates such as Donald Shoup, a professor of urban planning at University of California who wrote a seminal 2005 book on how free parking is destroying the fabric of urban life by deterring developers from building large blocks of affordable homes while also encouraging snarls of traffic.

"What's finally sunk in with many people is that we have parking minimums and yet housing maximums, which means we have too many cars and too little housing. We have things the wrong way around," said Shoup.

"Why should people pay high prices for housing but cars pay nothing for some of the most valuable land on Earth? Do you think McDonalds would build a lot three times as large as its restaurant if it wasn't forced to?

"It's such a house of cards, a pseudoscience," Shoup said of the parking minimums. "The more you look at parking minimums, the more you realize they are ridiculous. People are finally listening and waking up to this."

The year is 2033. Elon Musk is no longer one of the richest people in the world, having haemorrhaged away his fortune trying to make Twitter profitable. Which, alas, hasn't worked out too well: only 420 people are left on the platform. Everyone else was banned for not laughing at Musk's increasingly desperate jokes.

In other news, Pete Davidson is now dating Martha Stewart. An 86-year-old Donald Trump is still threatening to run for president. And British tabloids are still churning out 100 articles a day about whether Meghan Markle eating lunch is an outrageous snub to the royal family.

Obviously I have no idea what the world is going to look like in a decade. But here's one prediction I feel very confident making: without a free and fearless press the future will be bleak. Without independent journalism, democracy is doomed. Without journalists who hold power to account, the future will be entirely shaped by the whims and wants of the 1%.

A lot of the 1% are not big fans of the Guardian, by the way. Donald Trump once praised a Montana congressman who body-slammed a Guardian reporter. Musk, meanwhile, has described the Guardian, as "the most insufferable newspaper on planet Earth." I'm not sure there is any greater compliment.

I am proud to write for the Guardian. But ethics can be expensive. Not having a paywall means that the Guardian has to regularly ask our readers to chip in. **If you are able, please do consider supporting us.** Only with your help can we continue to get on Elon Musk's nerves.

Arwa Mahdawi

Columnist, Guardian US



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CLINTON RIVER WATERSHED COUNCIL

Your generous contribution will support programming to protect, enhance and celebrate the Clinton River watershed and Lake St. Clair. Thank you!

Adopt-A-Stream gives volunteers the opportunity, training, and equipment to protect their local streams and lakes by monitoring water quality and undertaking stewardship projects.

The **Clinton River Coldwater Conservation Program** seeks to generate public support for the Clinton River watershed as a valued recreational resource through efforts to improve water quality.

Keeping-It-Clean engages citizens of all ages in trash cleanups throughout the watershed and along the Lake St. Clair shoreline.

The **Stormwater Education Program** educates residents in the watershed about their role in protecting our local waterways.

Stream Leaders connects students from elementary to college aged to their local water resources by getting them suited up into waders and out in the river to collect water quality data.

WaterTowns® is a community-based initiative designed to connect people to their waterways.



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The Clinton River Watershed Council (CRWC) celebrated our 50th anniversary of protecting, enhancing and celebrating the Clinton River, its watershed and Lake St. Clair in 2022. The work we have accomplished in over half a century could not have been done without the support from people, businesses and organizations like you – who understand the need to protect water resources for current and future generations to experience and enjoy.

As we look toward our next 50 years, we have welcomed a new executive director in December, Jennifer Hill. Jennifer comes to us with 17 years of water policy, organizational management and partnership building experience and is poised to lead CRWC into 2023 and the future utilizing all the experience she brings.

2022 has been a year of transition as well as a continuation of solid programs that stand the test of time and are producing a more connected watershed to communities. We have also embraced technical & event driven innovations, including hosting CRWC's first annual winter hike! CRWC is dedicated to providing opportunities to connect with the watershed throughout the year – trekking along the river in the dark, experiencing winter plant identification, and breathing in the crisp winter air are the types of connections to the outdoors that bring people joy - and CRWC will continue to lead the way in providing these unique experiences throughout the Clinton River watershed.

In 2022, CRWC made exceptional strides to enhance & restore the watershed, including:

- Procured a new drone with multi-spectral cameras and have begun to use it to survey woody debris, river bank conditions, vegetation, and much more.
- Continuing to grow our macroinvertebrate field studies to allow us to grade the health of the river system. The increases in the Adopt-A-Stream program have led to more people being trained on techniques like bug identification, which are a critical component to measuring river health.
- Welcoming two new communities, Pontiac and Oakland County, to the WaterTowns® Program. The program provided green infrastructure consultations to residents and municipal leaders, launched the Clinton River Water Trail mobile app, created a new mixed-media communications plan focused on highlighting community successes with green infrastructure, and acquired funding to increase paddling safety along the Clinton River corridor.
- CRWC education programs reached over 2,000 students and adults in 2022, which includes Stream Leaders and our community stormwater education program. Through this critical programming, CRWC connects kids to their environment and educates them about the importance of water quality. To watch children light up when they can see and feel science in their hands is priceless.
- Staff and many volunteers achieved the goal of removing 100,000 pounds of debris from the river and its banks in the last 10 years through the Weekly Clean program alone.

When you take in the beauty of the Clinton River, it wasn't too long ago that you would have been looking at trash, tires, and dumped cars as part of your experience. Through our partnerships, and in conjunction with communities, the Clinton River Watershed Council has changed how people experience the river and we continue to work tirelessly to improve the river and its watershed, now and into the future.

Thanks to the amazing support of donors like you, we are able to do the work needed to ensure that our freshwater resources are clean and accessible to all. Please give as generously as you can so we can continue to protect, enhance and celebrate the Clinton – a precious natural resource we all cherish.

With gratitude,

Susan D. Kelsey
Interim Executive Director

Jennifer Hill
Executive Director

**THANK YOU FOR YOUR
GENEROUS SUPPORT!**

www.crwc.org/join-us/donate

*Clinton River Watershed Council
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THE WORLD IN 2023 | DEC. 29, 2022

Remote Work Is Poised to Devastate America's Cities

In order to survive, cities must let developers convert office buildings into housing.



By Eric Levitz, senior writer for Intelligencer who covers politics and economics



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ccines became

~~widely available in spring 2021. But they're still far less populated than they were in 2019.~~ A ~~recent analysis~~ of Census Bureau data from the financial site Lending Tree found that 29 percent of Americans were working from home in October 2022. In New York City, financial firms reported that only 56 percent of their employees were in the office on a typical day in September.

Full-time remote work has grown less prevalent since the worst days of the pandemic. But flexible work arrangements — in which employees report to the office a couple times a week — are proving stickier. A recent paper from the National Bureau of Economic Research estimated that 30 percent of all full-time workdays would be performed remotely by the end of 2022.



As Insider's Emil Skandul illustrates in an excellent piece, these surveys and projections are buttressed by mobile phone data showing that, in virtually all major U.S. cities, foot traffic in central business districts is down substantially from 2019.

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And collapsing office attendance rates are taking cities' tax revenues down with them.

When only 50 percent of a company's staff leave their homes in the morning, that firm's desire for floorspace plummets. If storm-clouds appear on the economic horizon — like, say, a central bank dead set on slowing the economy to kill inflation — downsizing your office becomes the easiest way to cut expenses. Thus, as rising rates have laid tech low, San Francisco's signature office towers have emptied out. In New York, meanwhile, Meta has ditched 450,000 square feet of office space. Across the nation as a whole, only about 47 percent of offices are occupied.

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All this translates into plummeting demand for commercial real-estate, which translates into plummeting property values, which translates into plummeting tax receipts. A recent study from New York University's Stern School of Business found that office values fell 45 percent in 2020, and are likely to remain 39 percent below pre-pandemic levels for the foreseeable future. If that projection proves true, it would wipe \$453 billion in property values off American cities, thereby slashing a critical source of municipal revenues.

In New York City, property taxes are the single largest source of public funds, supplying one-third of the city's tax revenue. Office buildings account for one-fifth of that sum. The declining market value of Manhattan's major office districts alone cost the city \$5.24 billion in revenue.

Remote work's toll on cities does not end with its implications for property tax revenue. Enable suburban commuters to work from their dens several days a week, and you transfer all manner of smalltime commerce — lunch orders, after-work drinks, etc. — from the urban core to its periphery. And lost transactions mean lost sales taxes. U.S. cities expect their sales tax revenues to decline by an average of 2.5 percent in 2022, according to a survey from the National League of Cities. Last year, New York City Comptroller Scott Stringer estimated that remote work would cost the city \$111 million in sales tax receipts annually.

Meanwhile, emptier office towers also mean emptier subways and buses. Although mass transit ridership has recovered from its COVID-era lows, it's plateaued at roughly 70 percent of pre-pandemic levels. That poses an existential threat to municipal transit systems, many of which were struggling to operate on budget even before the COVID crisis. In New York, the Metropolitan Transit Authority is poised to see a widening gap between its revenues and operating expenses as this decade progresses.

The great danger for cities is that these trends could become self-reinforcing. Falling revenues could translate into lower-quality public services (e.g. less reliable subways, less well-maintained infrastructure, lower performing public schools, stingier safety nets), which render cities less attractive to high earners, who then decamp for the suburbs in greater numbers, thereby depressing revenues further. Meanwhile, underpopulated downtowns are less conducive to successful small businesses and more conducive to crime. As central business

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districts become home to fewer restaurants and more criminal activity, more firms will flee them, leading to even more underpopulated office towers.

For now, the American Rescue Plan's copious aid to states and municipalities are keeping cities out of this vicious cycle. But those funds will dwindle in the coming years. In the National League of Cities recent survey, nearly one-third of cities said that they will confront financial challenges next year, as relief funds grow thin.

It is possible that work from home will simply fall out of fashion as the pandemic recedes into history. But given the myriad advantages that flexible work arrangements have for both employees and firms, cities shouldn't count on it. Instead, major U.S. cities should capitalize on the one benefit of commercial real-estate's collapse: The newfound potential to create a ton of new housing in already constructed, centrally located buildings.

America's most successful cities have long failed to expand their stocks of housing in line with demand. The result has been a perennial crisis of affordability that constrains urban growth, transfers vast sums of money from workers to landlords, and displaces longtime residents. Restrictive zoning codes — and community opposition to new construction that threatens to bring more noise, traffic, and competition for parking spots — have helped entrench this sorry state of affairs.

But vacated office towers typically reside in districts already zoned for both residential and commercial activities. And since the buildings are already built, they tend to attract less community opposition. Their centrality, meanwhile, makes them potentially attractive residences for urbanites who wish to walk to work, and/or have virtually every good or service one could ever want within a hop, skip, and a jump.

Alas, converting office buildings into housing is easier said than done. Commercial buildings tend to have far fewer bathrooms and kitchens than residential ones require. Which means that any conversion demands reconstructing a tower's plumbing and electrical systems. Expenses add up quickly, especially at a time of elevated construction costs.

Meanwhile, many office buildings do not meet all of the standards that municipal zoning codes require of residential buildings. Offices tend to have much more interior space between windows, leaving much of their floor plans without external light. Additionally, in New York City, residential buildings are generally required to have 30-foot rear yards, in order to ensure a modicum of light and air. Commercial buildings often have smaller rear yards, while also running afoul of the parking minimums that many cities impose on residential towers.

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Faced with the high costs and regulatory headaches of attempting a conversion, many real-estate developers have resigned themselves to lower revenues from their commercial properties, while nursing hopes that remote work will prove to be a mere fad.

If conversions don't pencil out for private developers, however, they promise profound benefits for cities as a whole. Turning thinly populated office towers into apartment buildings would ease cities' housing shortages, while boosting both downtown commerce and property values and, therefore, tax revenues.

Thus, city and state policymakers would be wise to help lower both the funding and regulatory hurdles to mass office-to-residential conversions.

Cities have often sought to promote development by giving tax credits and abatements to new projects. Yet one of the main objectives of promoting office-to-residential conversions is to increase property tax receipts. So, trying to spur such developments by doling out property tax breaks seems less than ideal.

Instead, cities should help finance new projects with revolving funds that secure the public sector a cut of the ultimate proceeds. Montgomery County's Housing Production Fund in Maryland offers one model for this form of public-private development. In simple terms, the county's fund encourages private investment in housing by providing partial funding for new projects, thereby reducing the financial risk that developers must assume when pursuing new construction. In exchange, developers agree to place income restrictions on 30 percent of the units in a given building, and to share a portion of their ultimate profits with the government. Through this mechanism, Montgomery County has managed to catalyze the construction of new affordable housing, at a negligible net-cost to the public sector.

While providing capital for office-to-residential conversions, cities should also exempt such projects from their most burdensome zoning requirements. Residential towers in central business districts replete with transit options should not have to comply with parking minimums. And they probably don't all need 30-foot yards either. Relaxing such standards will necessarily mean that some new housing developments will offer residences with unusually poor light and limited windows. But they will also offer renters and buyers the myriad amenities of a city center and benefits of new construction. Having poorly-lit new housing is not ideal. But having an acute shortage of affordable housing — and a superabundance of downtown office space — is even worse. New York, Los Angeles, and myriad other cities have offered regulatory exemptions to conversion projects in the past, and have rarely regretted trading stringent standards for more housing units.

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Indeed, the benefits of office-to-residential conversions are so significant, cities should consider exempting them even from the requirement that all legal bedrooms have windows.

Given the massive core-to-window depths of contemporary office buildings, converting many such towers to residences will require tolerating some deeply weird floor plans. The real estate developer Bobby Fijan recently tweeted this example of how a typical modern office could be refashioned into a spacious yet bizarre home:

Photo: Slow Boring

Not everyone is going to want to live in a 2,500 square-foot apartment with a massive common area and 4 windowless bedrooms. But as Matt Yglesias argues, some people probably would. Personally, I'm a very light sleeper who is routinely awakened by city noise and morning light. So the idea of having a bedroom insulated from both by solid walls has some appeal. If cities are faced with a choice between letting office towers sit vacant, or letting photophobic bargain hunters live in windowless bedrooms, they should opt for the latter.

The liberation of America's white-collar homebodies need not come at cities' expense. The remote work revolution could devastate municipalities' downtowns and finances, or it could help resolve their housing crises. If they can summon the requisite policy imagination and flexibility, city officials can make "work from home" work for everyone.

TAGS: [WORK FROM HOME](#) [REAL ESTATE](#) [POLITICS](#) [THE WORLD IN 2023](#)

80 COMMENTS

: • Dec 28, 2022

Take commissioner Host to the ethics board

City commissioners have a tall order – for a basically volunteer position (\$5 a meeting). Each of them are tasked with representing everyone in the city, whether they're a resident, a visitor, a merchant or a commercial business owner or worker, every single day they are in office of their four-year terms. Regardless of their personal backgrounds, they must learn planning, zoning, development, infrastructure needs, engineering, parking, relationship building, all while remaining neutral on issues until the moment it is time to vote on an agenda item. And their vote must be reflective of what is best for the city as a whole, not necessarily their personal point of view.

It's not unusual to discover a commission candidate with a preconceived notion of what the city “needs,” and of what they are going to achieve once they're in office, only to re-evaluate everything they previously thought once they are sworn in and attend “commission school.” Yes, commissioners attend a state program which helps them learn the appropriate and legally suitable way to best represent the city and to do their job.

For some, there is more of a learning curve than others. And for a couple in recent memory, there is an obstinate refusal to cooperate with normative rules of government business, choosing to go rogue, at times referring to it as their instruction from those who elected them. But actually is an act against the local government they have been elected to serve, an act of civil disobedience which is intolerable for a member of the government they represent.

Early in his term, Birmingham Commissioner Clinton Baller was brought before the Birmingham Ethics Board after a resident asserted he had libeled her on the social media site NextDoor and via a newsletter he disseminated which he said he sent as both a city commissioner and a resident. While Baller rebutted the claims, asserting he “was posting the facts as I saw them,” and the ethics board came back with a split decision, Birmingham City Manager Tom Markus cautioned him that as an elected official he always wears his commissioner hat.

Baller seems to have learned his lesson, effectively voicing his opinion now only in his official capacity.

Yet fellow Birmingham commissioner Brad Host, who was elected in 2019 with Baller, and is already unofficially running for re-election next year, holding small fundraisers, seems to have failed Commissioner 101 class.

The city of Birmingham has been involved in creating a new citywide master plan, called the 2040 Master Plan, since 2018. It's all about managed growth for the city for the next generation. A master plan does not dictate what will occur nor determine zoning, as zoning itself is not included in the document, but provides guidance for development and ordinances. Once approved by the city commission after numerous public hearings and planning board meetings, it will provide the framework to help the community, their elected leaders and staff create a long-term vision of what everyone wants Birmingham to look like in the future.

Markus and city attorney Mary Kucharek warned commissioners early on that they should not attend any planning board or public meetings – much less any committee meetings of any kind – because the results

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ultimately come before the commissioners for their decision, and it is imperative for commissioners to view items with an open mind. However, Host has repeatedly attended meetings, earning scoldings. Worse, Host has continued to posted on social media, including two recent videos he shot with a fellow city resident, espousing false information on the master plan.

He has repeatedly been corrected by city officials about the inaccuracies he is perpetuating.

"It's important – especially as representatives of the city – to be as accurate as possible," said Markus, who noted he has tried to point out when information is not accurate, "and I do it on a regular basis. It is important for him as a commissioner to be as seamlessly accurate as possible. Commissioners are the final arbiters of the decision making process."

Markus also pointed out, "It's confusing to the public... planning board members are getting really concerned about how this is agitating the public and how this is going to play out at (upcoming) public hearings, where they're asking for law enforcement to be there."

Misleading information on social media platforms. Permitting and tolerating threats to other city board members. Riling up a "neighborhood v. business" climate, which ultimately could hurt the city coffers, endangering Birmingham as a whole. Brad Host has chosen to not listen and learn what appropriate commissioner behavior constitutes, which is a matter for the Birmingham Ethics Board.

It is in everyone's best interest to file formal charges immediately.